

Camila Andrea Sánchez Sandoval

Religious Freedom in Mexico and Colombia

An Approach to Broadening Categories
and Public Policy Actions from a
Comparative Public Policy Approach



Camila Andrea Sánchez Sandoval

Religious Freedom in Mexico and Colombia

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Summary

Religious plurality and diversity have caused religious freedom to emerge as a human right that requires a deep understanding and a solid public policy basis for its guarantee. Much has been written about religious plurality and diversity, but there is a gap in terms of current public policies to encourage the expansion of religious freedom. In this dissertation I analyze the categories (triggers) that drive the expansion of religious freedom in Mexico and Colombia from 1800 to 2023 and explore how these categories translate into concrete public policy actions. Using a qualitative methodology and a comparative public policy approach, I analyze 34 public policy documents. In my analysis I find that, in the two countries in certain time periods, the categories of expansion do translate into public policy actions, while in other periods the expansion of religious freedom is made possible by the adherence of the rulers to a rights agenda and mainly by an interest of electoral support by religious communities. This book contributes to religious freedom studies from a comparative public policy perspective and provides a first approach to the elements of policy change and policy transfer.

Keywords: religious freedom, comparative public policy, broadening, triggers, normative development.

Dedication

To the one who is all-powerful and has given me this opportunity! God.

*To my life partner, for being my encouragement, my safe place,
And my biggest support, to my Husband for always urging me to keep going.*

*To my parents and sisters, for being my biggest fans,
For giving me the most valuable thing, his love and urging me to study tirelessly.*

*To my greatest loves,
Raquel, Rebeca, Jacobo, Emma and Luna.*

*To all those who have been my rest, refuge and calm,
in the midst of this investigation.*

To those with whom life has crossed my path and have been sources of inspiration.

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have a part in this discussion. Thank you for your accompaniment and for your valuable comments.

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I am culminating this process to and for my family, to my parents for always urging me to study and for pushing me forward even when the social and economic context made my learning process difficult. Thanks to my dad, Aldemar Sánchez, for always calling me and telling me that *studying is for the brave*, however, you are the brave one who with your effort pulled me through and supported me in my academic decisions without judging me. To my mom, Alba Sandoval, my greatest inspiration, the most tireless person to study that I have ever known, with her example, dedication and love she always managed to fill me with encouragement to say, “*if my mom can continue to excel academically, with so many limitations she has, why can't I?*”. I love them deeply. To my little sisters, Estefi and Jeni, for believing in me and supporting me from the moment I ventured to do a master's degree abroad, far from them, alone and 20 years old. Thank you because without you I would not be, 7 years later, finishing a PhD.

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After all, I am grateful to myself, because despite the tears, the frustration, the despair, the confusion, despite that I never gave up, this is a reminder to know in the future that, despite the adversity, the trial, the dif-

ficulty, the bad luck, I will always, always, achieve what you set out to do with humility and recognition that there is someone greater than you, who can do unimaginable things.

To my loves Maka and Lomito for being my greatest companions in the long days and nights that did not end, their purrs and licks were fundamental for my mental health.

*It is necessary to spin and keep spinning and draw paths.
Until we find new ways to understand this little giant.
So big, so complex, so problematic, but so essential
- Religious freedom-
This is not the beginning, nor the end, it is only one of the paths.*

Camila S.

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Introduction

Religious freedom understood as the human right to freely exercise and profess the religion of choice has gained substantial importance in recent years. However, it is clear that we do not have a conceptual or analytical map on the possible conditions that give rise to the expansion of religious freedom from a public policy perspective. In this book I contribute to closing the analytical and conceptual gap on the public policies implemented to expand and broaden religious freedom. Using a comparative case study strategy and grounded theory analysis, I develop a comparative public policy analytical framework that allows me to examine whether and which public policies are used for the expansion of religious freedom. In the book I combine theoretical elements of policy transfer and policy change to discern the variation in presence, effect and actions of public policies for the expansion of religious freedom in Colombia and Mexico.

What I present below is the result of months of work and a couple of years in which I have devoted my attention to the extensive knowledge and approach to religious freedom, a rather recent topic that encompasses a number of issues, problems, practices and behaviors that can be seen from multiple perspectives and approaches. I have come to this topic mainly because of my closeness to the religious sector, but also because of my biographical context, a country where one day, as a result of violations of this right, the government decided to include it in the political agenda and enacted a public policy document on religious freedom. Just as religious freedom for me has become a path not only of analysis and research, but also my greatest passion and a challenge to understand and systematize it, I hope that this research generates in readers and promoters of human rights, a path –still early– to understand and continue working on religious freedom around the world.

I am aware that, as a researcher, this document is only the beginning or the opening to promote other investigations that delve deeper into the topic, therefore, I am positive in supposing that this investigation will be the beginning of a topic that has been little explored in the studies of religious freedom, that of identifying those triggers or categories that lead to an expansion of religious freedom through public policy actions, or rather, to understand if the moments of expansion of religious freedom are effectively translated into public policy actions on the subject and if they allow us to appreciate the change of policies and the transfer or counter-transfer of policies. As can be seen, my intention is to unite two topics, on the one hand religious freedom

from a human rights perspective and from the principle of progressivity of the same, and on the other hand, to focus on how religious freedom is a niche little explored in public policy studies and their respective approaches or approximations such as policy change and policy transfer.

Regarding the categories or moments of expansion of religious freedom that can be materialized in public policy documents or actions, the literature is still incipient. A first approach is found in Gill (2008) who points out that religious freedom can be promoted by religious politicians who will act based on their interests and through a logic of rational choice. However, subjecting the expansion of religious freedom to a purely electoral aspect is reductionist, although in practice it is observed, in this research I look for other categories that can perhaps act as triggers to expand religious freedom through public policy actions.

In addition to the above, the literature has not yet been interested in analyzing religious freedom and the way in which public policies are developed in favor of this right. In this sense, one of the main contributions of this doctoral book will be to promote a new research agenda that positions the issue of religious freedom in the different approaches and approaches to public policy, which will bring this issue closer to both policy analysis and policy studies.

Given these mainly theoretical and empirical gaps, the objective of this book is **to identify the categories (triggers) of expansion of religious freedom that drive public policy actions in Mexico and Colombia from 1800 to 2022**; and as a research question I propose: what are the categories of expansion of religious freedom in Mexico and Colombia that impact the generation of public policy actions on religious freedom? I realize the problem that, despite the broad legal development of religious freedom in Mexico and Colombia, this development does not automatically translate into an expansion and full guarantee of religious rights, therefore, it is interesting to understand what role the triggers or categories of expansion have played in the issuance of religious public policies from a comparative public policy approach and from political science.

As a central argument of this research, I argue that the expansion of religious freedom will be made possible by the role played by the demands for the expansion of this right, as well as the episodes of violation that make evident a lack of guarantee of religious freedom. In addition, I take into account the contexts of constitutional change and the religious background of the country. Although the literature on these aspects is nonexistent in the area of religious freedom, I am interested in seeing how these processes of expansion have occurred in Mexico and Colombia and what signs the historical documents and public policies give me about this. Furthermore, I propose that

these categories of expansion that materialize in the institutionalization of the right through public policies allow me to see if there are moments of policy change, policy transfers and extraction of lessons for the mentioned cases.

Among the results that readers can find in this document are that, for both Mexico and Colombia, there are points of convergence in terms of the expansion of religious freedom, both countries with a strong normative development¹ of this right, but with insufficiencies in terms of concrete public policy actions. On the other hand, I find that the categories or moments of expansion play a very important role at the moment of promoting public policies that materialize an expansion of religious freedom in terms of public policy. Among the main categories that are considered to act in some moments as promoters of the expansion, I find mainly the demands for expansion, especially in the hands of religious sectors, as well as the political interests that act as promoters of the expansion by acting as an electoral strategy. My intention with this research is to generate a first approach to these aspects and to consider whether in the midst of these moments of enlargement I can observe processes of policy change and policy transfer. Initially, the results show that it is still early to obtain a broad argumentation on these processes of comparative public policy, that is, a more robust approach to these elements needs to be built and developed from *policy studies*.

The main contributions that this research has for the studies of religious freedom are the following: firstly, I present a classification of the existing literature (partially) on religious freedom and as a result of this classification I propose that the definitions of religious freedom be centered on considering this right as a neutral right from the moral point of view that is composed of an individual, transpersonal and collective dimension. In addition, I operationalize my category of analysis, which is the expansion of religious freedom, taking as a starting point the principle of progressivity of human rights, and at the same point I present the aspects that can lead to an expansion of religious freedom.

Another contribution of this research is the adoption of a comparative public policy approach based on policy studies, which focus not so much on a linear public policy cycle, but rather gives way to consider within the process of public policy formulation other actors, contexts, processes and interests that play a fundamental role in the expansion of religious freedom. In this way, the book does not aim to review the public policy cycle and

¹ By normative development I refer to the legal development through which laws, regulations and norms governing the right to religious freedom are designed, elaborated, established, modified and applied, considering the latter not only from a human rights approach but also as a public policy objective.

much less to see if these policies have had an impact or not, but rather I am interested in contributing to the knowledge of religious freedom from the recovery of other issues that may be present and be rescued through public policies such as the moments of change, extraction and transfer or, perhaps, counter-transfer of policies.

Therefore, the main contributions of the research to the public policy approach are: first, to compare two case studies and their respective public policies on religious freedom, an aspect that has not been carried out from this human right; second, I raise the discussion on policy change, transfer and counter-transfer of public policies on religious freedom and the importance of conducting more research reviewing these approaches, since to date it is an unexplored field from the perspective of religious freedom; third, I show that religious freedom from a human rights perspective does not follow a linear trajectory of policy change, but is characterized by moments of expansion, which in turn, are changes that take time and are not automatically translated; finally, I position religious freedom not only as a human right that must be guaranteed, but also as a public policy objective that should surround government decisions beyond moral discussions.

Finally, for practical purposes, I present the organization of this research. In the first part I focus on generating a broad spectrum to understand religious freedom from the theoretical point of view, mentioning the gaps, conflicts and main issues surrounding religious freedom, I also present the operationalization of the category of expansion of religious freedom, and I propose the categories or triggers that I took into account for the development of this document.

In the second part I give a very quick overview of the public policy approach, the perspectives of policy studies and explain the value of identifying *polity*, *politics* and *policy* processes. Finally, I briefly define policy change and policy transfer and counter-transfer to set up my theoretical-analytical framework.

In the third and fourth chapters, I focus on historically addressing the cases of Mexico and Colombia, respectively, to learn which categories of scaling up have been identified from approximately 1800 to 2015 and how they have promoted moments of scaling up through public policy actions.

The fifth chapter gathers the main findings for Mexico and Colombia that I obtained after analyzing 36 documents that allowed me to identify both the public policy actions and the triggers that at times were reflected in this expansion.

Finally, in the sixth chapter I highlight the similarities and differences between Mexico and Colombia and present the main comparative findings of the research.

Methodology

The methodology I chose for the realization of this doctoral book is qualitative with a descriptive analytical approach, applied to the comparison of two case studies: Mexico and Colombia. However, the comparison of the object of study (religious freedom) turns out to be novel by focusing on the comparison of public policy actions on religious freedom in both contexts for the years 1800 to 2023. I say it is novel because to date there are no studies that use a public policy approach to address the issue of religious freedom specifically in terms of state responses generated to address religious policies, much less are there works that address policy change and transfer concerning this issue. In this sense, in the spirit of managing readers' expectations, I will focus primarily on identifying what may be the political, social and historical categories that trigger an expansion of public policies on religious freedom. By way of clarification, I point out that it is not my interest to show whether or not the public policies of religious freedom promoted in both countries have been effective, that is, the aspect of implementation and evaluation of the policies, seen from a policy analysis perspective, escapes my research interest.

The selection of the cases, Mexico and Colombia, was chosen because both countries share economic, social, cultural, political and religious diversity characteristics, which allows us to compare their similarities and differences. In addition, they are countries that have usually been used in other binational comparisons of public policies because of their institutional architecture and social processes. For example, Pachón Bokelmann & Ramírez (2016) compare the case of Colombia and Mexico in terms of rural development public policies; for their part, Berry and Taylor (2013) compare these two countries to find recurrent practices in educational internationalization in the public and private sector; Gabino (2017) carries out an analysis on development and peace programs in Colombia and transfers them to the Mexican case with the aim of replicating (transferring) them; with Garay-Salamanca and Salcedo-Albarán (2012) there is an exploration of criminal networks involved in corruption and drug trafficking in democratic institutions in Mexico and Colombia, as well as other works that consider Mexico and Colombia as contexts that can be compared. In addition, in both countries I find that they have had similar processes of expansion of religious freedom, initially characterized by a strong attachment to the Catholic religion, which in its beginnings set the standard of what should be considered within the freedom of worship and

religious organizations that deserve to be recognized by the State, over time. In Colombia and Mexico there are different documents and public policy actions, which allows me to compare the contexts that trigger the expansion of this right and, in turn, the actions, programs and objectives behind the normative regulation of religious freedom.

On the other hand, the delimitation in time (1800–2023) was chosen because I wanted to show several aspects. Firstly, I wanted to research the beginnings of the guarantee of religious freedom by both countries at the time after independence and the beginnings of the Colombian and Mexican governments at this time. I found that, although there was an allusion to freedom of belief in the constitutions and laws, this was purely for the recognition of the Catholic religion, that is, they weren't thinking in religious freedom for all religious practices and organizations. Secondly, I wanted to contrast this first moment with the second point, the arrival of the 90's in Latin America brought with it contexts of constitutional change, changes in policies and the establishment of new public policies on religious freedom, this allowed me to compare the way in which Mexico and Colombia have new legislation on this right that makes visible an expansion of the recognition, guarantee and respect for religious freedom. Finally, there is a third justification, for during the period of time from 2000 to 2023, I observe moments of expansion promoted by political-electoral interests and violations of the rights. As a result, in that period of time, both in Colombia and Mexico a broad normative development can be observed, but with little effective guarantee to the right.

I decided to carry out qualitative research, after several unsuccessful attempts to run a database constructed from different indicators of religious freedom and political determinants, considering that the fixed or random effects control of the models was not applicable, given the inexistence of internal and between-country variability for the dependent variable "expansion of religious freedom" and the independent variable "demands for religious freedom". Therefore, after trying in every way to conduct a quantitative study to measure the determinants of the expansion of religious freedom, I learned that this topic is still very recent, and that the data acquired in different databases are not entirely reliable because of their low variability. However, in qualitative methods I find an area that can potentiate the study on the determinants of the expansion of religious freedom, recovering above all the context of the countries and the different historical events that characterize religious freedom today.

In this sense, I adopt strategies of the comparative method considering it in the words of Ryan (2018) as "the best tool when we cannot conduct an experiment because we cannot control an intervention, or we cannot

make use of inferential statistics because we do not have a sufficient sample of cases” (p. 4). Therefore, this research is a descriptive analytical proposal with which we intend to demonstrate the richness of taking up a public policy approach from the comparative perspective, rescuing the context, changes and agendas that are present in the public policies of religious freedom in Mexico and Colombia.

Another important aspect to mention is that the public policy approach is novel not only because it gives me the lens to address the problem of study, but also because it allows me to generate a first theoretical proposal regarding religious freedom in the framework of state responses concerning religious problems to be dealt with.

Although this research is part of a doctoral product, it is also the precursor of a new theoretical–methodological proposal regarding the study of religious freedom, whose motivation is that it can be replicated in different contexts and thus to understand what determines that a country is open to talk about religious freedom and what are the state responses from public policies to promote this right.

The present research, being circumscribed in the field of case studies, will be characterized by a constant comparative and iterative process. The reader will realize that, in presenting both cases, we are shipwrecked on a somewhat confusing path from the historical point of view, and that as we advance in the investigation, we will be able to discern with greater clarity those categories that make possible an expansion of religious freedom. I want to clarify that these categories are not intended to be generalizable in all contexts; hence the importance of subsequent studies to look at other historical, social, political and cultural phenomena, which can expand or generate a progressiveness when speaking of public policies of religious freedom.

Returning to the comparative method, I understand comparison as (Eckstein, 2023), in the sense that comparison allows juxtaposing actors, institutions, processes and contexts to identify similarities and differences. Through comparison I can develop theoretical arguments and explore possible areas of opportunity between the cases compared.

For the present research, I use the method of concomitant variations, understood as the variations that occur in the phenomena to be compared with the purpose of finding the causes present for their variation. Since comparative research has different objectives, this research aims to propose the development of a multidimensional theory of religious freedom, initially taking the two case studies as an exploration of the possible determinants that can enable an expansion of religious freedom through a public policy approach that is present in *Policy Studies*.

As for the methodological strategies applied for the analysis and systematization of the information, I made use of the coding process through the MAXQDA program, which allowed me to identify categories through codes that were present in the documents and thus identify patterns of analysis and repetition. Regarding the presentation of results, although I was able to generate more visual tools, the reality is that the diversity of public policy issues is so great that I chose to present the results in a narrative way and made some tables in which I was able to systematize the information more clearly. Regarding the process of coding and analyzing the results, the reader can find it in chapter 5.

CHAPTER I.

Theoretical Perspectives on Religious Freedom

The objective of this first chapter is to discuss the conceptual or theoretical elements of religious freedom, I also compile the literature identified, review the theoretical gaps and, finally, I present my contribution on how religious freedom and the expansion of this right could be understood from a public policy perspective.

While many might think and expect a long dissertation on religion as a starting point or key element of religious freedom, the reality is that my intention with this research deviates a bit from having to discuss what to understand or not to understand as religion, because already from the sociology of religion there is a list of authors who theorized and discussed issues concerning religion such as Durkheim (1982), Weber (2008), Berger (1999), Bourdieu (2009), Bellah (1980), Parker (1996) and Casanova (2000), among others. Therefore, although religious freedom aims to guarantee some kind of religion, belief, religious practice, ritual, custom and even religious syncretism, my interest is not to define each of these things, but rather, to think of religious freedom as a human right with many dimensions, and which needs to be addressed from a non-confessional perspective, but also a right that must be problematized by the fact that it is being addressed in different public policy documents. In this sense, I will now discuss with different authors who have undoubtedly contributed to the fact that today we speak of religious freedom from the intellectual sphere, not as an intellectual fashion, but as a phenomenon or a social fact that has impacted all States worldwide and that, therefore, has been the subject of discussion not only legal or normative, but also sociological, theological and, in this case, political.

Another clarification I consider important to make in order to moderate the reader's expectations, is that I am not interested in discussing the conceptual principles linked to secularism, secularization and similar concepts. I consider that the work of Gaytán (2013, 2018), Saldaña and Orrego (2009), Saldaña (2020), Panotto (2022), Casanova (2008, 2012), Copson (2019) among others, have faithfully discussed what concerns these topics that although at times may touch the terrain of religious freedom, I con-

sider that they have their conceptual independence. I do not want this clarification to confuse my research interest and make people think that I am in a position to consider religious freedom as a whole and separate it from other concepts that at times can nurture or complexify it, it is simply not my interest to dwell on clarifications of concepts that have already been addressed. Rather, I want to see how we can identify the moments of expansion of religious freedom and for this it is necessary to dwell on conceptual aspects of it but also on the aspects of public policy approach and how religious freedom becomes a public problem that needs to be addressed, conceptualized and debated in the fields of political science.

Before continuing with the classification of the literature proposed in this research, I present a compilation of the world normative on religious freedom in order to recognize the role that the international community has played in the treatment and positioning of this human right.

I.1 Religious freedom in the different declarations, a concept that has not yet been conceptualized

Regarding this point, most of the literature on religious freedom compiles the antecedents from which this right stem, and which, without a doubt, contributed to the fact that at the international level guarantees were given for the free exercise of religion and thus the different countries included this right in their political constitutions.

It must be remembered that referring to religious freedom is something new. In most public policy documents mention is made to freedom of worship and conscience, however, as Pinto (2011) points out, the term religious freedom has been used to synthesize the right to freedom of conscience, religion or convictions, and I would add the right to freedom of worship. In this sense religious freedom encompasses an accumulation of freedoms related to the “spiritual and material” practice of any belief, non-belief or religion. Gunner (2023) also discusses the different ways of understanding religious freedom from a human rights perspective, situating this discussion in the importance of defining what is understood by each conceptual approach involving religious freedom.

In contrast to the position of Pinto (2011), Duarte (2013) refers to the need to know the meaning of the different freedoms that are compared to religious freedom, such as freedom of conscience and freedom of worship. The first refers to the right to profess or not a religious belief, to change it and to manifest it; the second is relative and implies the right to publicly practice the acts and ceremonies of religions or beliefs through proselyt-

ism, meetings in public or private places, street expressions, in short, it is the external manifestation of freedom of conscience. Thus, one is subordinated to the individual level and the other involves the collective or public-private manifestation of religion.

Regarding international declarations in defense of religious freedom are:

- Universal Declaration of Human Rights, 1948
- Declaration of the Rights and Duties of Man, 1948
- Convention for the Protection of Human Rights and Fundamental Freedoms, 1950.
- International Covenant on Civil and Political Rights, 1966.
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion, 1981.
- Charter of Fundamental Rights of the European Union, 2000.

Undoubtedly the existence of these international treaties, declarations and covenants, are favorable for the international guarantee of religious freedom and mark a horizon for the defense of this right in every country in the world, in fact, as I will show later, the international context is a reference when talking about the categories of expansion that enable or encourage a country to generate public policies around this issue. However, a criticism that has spread among scholars of religious freedom, especially in Fox (2015), is that none of these declarations clearly mentions what is understood by religious freedom, much less what aspects it covers, thus generating a lack of clarity at the international and therefore national level on how this human right should be understood and the magnitude of it, simplifying this right to a guarantee of freedom of belief, thought or conscience and ignoring that religious freedom itself is a multidimensional term composed of social, cultural, historical, political and even ethnic aspects.

The previous criticism generates that within the States, the treatment of religious freedom is diffuse in the sense that there is no established definition in the actions of public policy on what this right implies and who can be its “holders”, in this sense, in spite of the fact that in the different normative documents the countries mention that there is a right that protects religious freedom, specifically freedom of worship and conscience. Since there is no clear definition of the aspects that make up religious freedom and since there is no explicit government regulation that specifies all the components, obligations, duties and freedoms that are immense in the

concept, there is a greater possibility that violations and infringements may occur because of a belief or non-belief.

In the following, I will briefly mention the different contributions to the definition of the concept along with proposing a grouping of the existing literature on religious freedom into two perspectives: on the one hand, the conventional perspective and, on the other hand, the skeptical perspective.

1.2 Opening of the curtain of religious freedom, two not-so-opposite sides: conventional and skeptics

Perhaps this subtitle reminds the reader of Erving Goffman's theatrical metaphor, however, it is totally distant from his theoretical approach. I want to represent religious freedom and its theoretical discussion as a curtain with two sides that progressively open towards the public, although both sides are opposed, they complement each other to achieve a total opening of the stage. By this I mean that the different theoretical positions that exist on religious freedom have been nurtured and complemented over time to such an extent that all the knowledge that exists today on religious freedom exists thanks to the set of theoretical approaches, some a little romantic (the conventional ones) and others a little more critical (the skeptics) that have allowed the lens of analysis of the concept to widen more and more. This happens since religious freedom is a term that encompasses a multiplicity of things, from religions in its obviousness, non-belief, religious practices, beliefs that are not submerged in a religious organization, to regulations, laws, different historical and cultural contexts, exemptions, the change that characterizes societies and of course the different public policies that each country establishes to guarantee this right. Therefore, it is not something static but a concept that becomes increasingly complex, depending on the particularities of the countries, that is to say, it is dynamic. Given that religious freedom as a concept is problematic, it is also problematic (and this is part of the evidence) at the time of formulating and implementing public policies on this issue, the lack of identification of the public problem surrounding this right and why it is necessary for States to implement public policies to guarantee it.

Continuing with the proposed classification, I interpret the conventional position as those contributions to religious freedom that are traditional and remain in explaining the term, its components and place their contributions in the importance of a country to promote and guarantee

this right. This position reflects mainly on the beliefs that already have a recognition or a historical background and do not deal with reviewing the role of those beliefs that are more given to the occult, Santeria, the indigenous, the Afro and the transpersonal. On the other hand, the skeptic refers to doubts or to not believing in certain things, therefore, I will consider the skeptical position as those contributions to the literature of religious freedom that controvert or are critical before the traditional views and place new topics of discussion, criticize the western vision of religious freedom and insert in the agenda of study topics that go beyond the historical religions and that become public problems of state intervention such as, the guarantee of religious freedom for non-traditional beliefs and more linked to occultism, indigenous religious minorities, Afro, the New Age movement that is accompanied by practices that promote more the belief in the personal self and therefore, is understood as transpersonal but also has a series of practices and rituals that reveal its spiritual component.

Both perspectives are part of and make up the curtain of religious freedom, they complement each other in some things, but are distant in others, therefore it is important not to see them as opposing traditions, much less to frame them in the disjunctive of good and bad, but to see them precisely as positions that enrich the discussion and make religious freedom even more complex as a conceptual category, as a human right and as a public problem.

The conceptual approach to the conventional and skeptical positions not only serves to classify the efforts to construct definitions of religious freedom, but also for the elaboration of public policies that take into account the breadth of this concept and the different problems that it can bring with it when transposing, for example, the field of religions historically recognized and located in the territories with those practices that morally are not considered as “good” by the population, the ministers of worship and the State, but that in due time they will claim their right to religious freedom and that this is a human right that must be guaranteed by the State.

1.2.1 The Conventional Position and Theoretical Contributions to the Definition of Religious Freedom

On the conventional literature side, we find texts by authors such as: Peces-Barba (1989), Pinto (2011), Romero (2012), Orrego (2019), Fox (2015, 2021), Grammy & Kasselstrand (2013), Gill (2008, 2019), Marshall (2000), Casanova (2000), Salinas and Palomino (2020).

In the first four there are discussions on how to define religious freedom, Peces-Barba (1989) places religious freedom as a radically individual right with which the person decides the course of his life and acts in coherence with it; for his part, Pinto (2011), mentions that religious freedom is the accumulation of many freedoms and therefore, lists eight elements that would make it up. Among them are: the freedom to have and keep religion or beliefs; the freedom to change religion or beliefs; the individual and collective manifestation in public or private of religion or beliefs; the freedom to hold religious meetings; the access to rest days, festivities and ceremonies according to their religious conviction or religion; the freedom to found educational, charitable or humanitarian institutions; the freedom to make, acquire and use the necessary materials for rites, customs or practices of a religion or conviction, as well as the freedom to write, publish and disseminate publications of the religion or religious identity, among others. Along the same lines as Pinto (2011), we find the contribution of Romero (2012) who takes up six of the eight elements mentioned by Pinto to define religious freedom.

On the other hand, the position of Orrego (2019) is shared with that of Salinas and Palomino (2020), given that both make a classification of the dimensions or planes of religious freedom, a contribution of more, important for the religious phenomenon. Ely Orrego mentions that religious freedom is made up of 3 dimensions: the personal, the community and the socio political. In the personal dimension are the individual beliefs chosen by an individual by his own decision; in the community dimension, the idea that every religious expression has a founding community, with its dogmatic, organizational, theological, hierarchical and leadership precepts; finally, in the socio-political dimension, the individual and the religious community are understood in a broader social context which not only interacts with other religious identities but also with social practices not necessarily religious with which they must coexist, reach consensus and mediate in the public space. Salinas and Palomino (2020) distinguish four levels involved in religious freedom: the internal individual level, which refers to conscience and in which the State cannot act; the external individual level, which is the external manifestation of one's own interiority; the social level *ad intra* of the community, which is understood as the right of religious communities to govern themselves internally by their own rules; finally, the social level *ad extra* refers to the dissemination of faith by the religious community and its public celebration.

In both dimensions and planes, I identify that it is necessary to allude to a dimension or conflictive plane opposite to those mentioned, in this would enter all the situations of religious intolerance, violation, persecu-

tion and censorship that people and communities face when they exercise their right to religious freedom in any of the dimensions or planes. Precisely, ignoring the presence of conflict in the midst of religious freedom makes it to be seen as a right or a civil freedom which is not so important to pay attention to and diverts the motivation of public policies in favor of it; what I mean is that, the research and practice of religious freedom should explicitly allude to its conflictive character both internally and in relation to other groups or religious identities, but also, when it interacts with other rights. This would allow states to foresee possible scenarios in which religious freedom is disturbed or scenarios in which religious freedom is the one that disturbs other rights or freedoms. Furthermore, this vision that I am proposing would allow us to stop seeing religious freedom as a right that, because of a preconception of “morality” or “good conduct”, States leave to its free guarantee and regulation, thinking that it is a human right and that it is enough to make a brief allusion to it in public policy documents.

Casanova (2008) shares his position somewhat among the conventionalists and skeptics, as he places on the table the tension between the principle of individual religious freedom with the right of indigenous peoples to protect their culture; but he also calls attention to consider religious freedom as the product of a continuous tension and balance between individual religious freedom and community religious pluralism.

Continuing with the account of the conventional positions I have described, Fox (2015) identifies two conceptual categories for understanding religious freedom: those that focus on the free exercise of religion, that is, the right to practice it and maintain religious institutions; and those that focus on a level playing field model. Fox points out that both categories or forms of religious freedom are common among democracies and those states with constitutional clauses protecting this right. However, the great contribution of Jonathan Fox in this text is that he detects a problem when speaking of religious freedom, since there is no agreement on how to define, understand or even name the concept of religious freedom, which is apparently simple. Fox shows that people speak indistinctly of religious freedom, religious rights, religious tolerance, religious equality, free exercise of religion and religious equality and it is thought that all these concepts allude to the same thing, but in reality, they all have different implications. On the other hand, what is found in Fox (2021) is a contribution to the literature from the impact of religious freedom to reduce conflicts, proposing a perspective of analysis from the range of political and economic restrictions, repression and persecution of religious groups, transferring this to a broader concept than the free exercise of religion.

Similar to Fox's position is that of Marshall (2002) who indicates that governments that respect religious freedom tend to respect other freedoms, arguing that there is a relationship between religious freedom and political, economic and prosperity freedom in countries. Perhaps a bit romantically, Marshall points out that where religious freedom is high, there tends to be less armed conflict, higher income levels and better educational opportunities for women, but this assertion is difficult to sustain from the first moment we ask ourselves what he means by high religious freedom and when the issue is transposed to specific contexts. Although there may be countries with guarantees of religious freedom, legislation and public policies in favor of this right, armed conflict is one of the components that most violates religious freedom according to Open Doors reports.

For their part, Grammy & Kasselstrand (2013), like Fox (2021), stop to investigate the role of government regulation of religion and point out that this regulation can be modified either by a change of regime or a constitutional reform. Depending on the government's position, religious freedom can be advocated or not. While this contribution to the literature has Muslim countries as its context, it is revealing to think of government regulation as a category of analysis of religious freedom.

In Gill (2005) I find a contribution to the literature on religious freedom from the perspective of religious pluralism, rational choice, interests and the actors that promote it. Gill points out that the interests in determining religious freedom come both from the side of religious actors (church leaders, clergy and parishioners) and secular rulers (legislators, presidents, monarchs and dictators). He also mentions that the degree of religious pluralism determines the degree of religious freedom. A religious market with a plurality of denominations and where religious minorities are gaining ground will be more favorable to the expansion of religious freedom, however, societies where there is hegemony or supremacy of one religion will tend to have a highly regulated environment that favors the dominant church. On the actor hand, Gill argues that:

Religious leaders and activists are not the only ones who determine the degree of religious freedom in society. The role of government officials is also essential. After all, these secular rulers – whether democrats or dictators – are the ones who put pen to paper and define the legal parameters under which churches and their members operate (2005, p. 11).

In this sense, knowing the motives and interests of those rulers is important to know how religious freedom is expanded, unfortunately this objective is beyond the intention of the research, but I leave it as future areas of research for the readers.

The literature mentioned so far intends to illustrate what I have identified as the conventional position, without intending this classification to seem pejorative. My intention is to show the future readers of this research that religious freedom has a lot to offer and it is important to situate conceptually the contributions that have been made so far. Although this conventional perspective leaves aside other discussions, the fact that it pays special attention to defining religious freedom and proposing other conceptual categories that deserve attention, as well as characterizing the components of religious freedom, is to be applauded. It is likely that at the time of writing this book I have left out much research, authors and perspectives, a task that I hope will be completed with further research.

1.2.2 The Skeptical Perspective on Religious Freedom and its Conflicting Nature

On this side of the perspective that I have called skeptical, we find authors such as Gill (2019), Brettschneider (2010), Petri (2018, 2021), Sullivan (2018), Neo (2020), Nickel (2005), Zellman & Fox (2022) and Shakman (2015). It should be remembered that in this classification the literature criticizes the way in which religious freedom has been understood from a merely Western perspective and questions the fact that religious freedom has been studied mostly for religions rooted in time, leaving aside positions that can be seen as contrary to religion, such as witchcraft, indigenous and Afro beliefs, occultism, Santeria, etc. In this sense, they seek to complement the understanding of religious freedom as something broader and extended to all religious beliefs, identities, practices and collectives. In addition, they situate this right as a conflictive right when it intersects with other human rights or civil liberties.

I begin by presenting the position of Nickel (2005) who points out that it is not necessary to allude to religious freedom as something enumerated separately. He proposes that it be a freedom derived from human rights and fundamental freedoms, however he alludes that it is not necessary to create as such a freedom of religion since it can be integrated in the other 9 civil liberties. From this position, Nickel makes religious freedom invisible, since it reaches the extreme of explicitly erasing the separate mention of this right without observing the consequences that it could bring, because if already today, having a separate mention of religious freedom, there are circumstances that overshadow the guarantee of this right, what would it be like if the right did not have this conceptual independence.

On the other hand, Brettschneider (2010), brings to the table a critical article on how to act in situations where religious freedom is conflicting

and presents an apparent paradox of religious freedom through the example of what he calls the “Lukumi principle”. He illustrates the court decision in the city of Hialeah, USA, with the Church of the Lukumi Babalu Aye case in which the practice of Santeria had been intentionally attacked for the sacrifice of live animals. In the course of the text, the author suggests that an explanation of religious freedom must be able to distinguish between two types of beliefs: those that are incompatible with the ideal of religious freedom (all those that seek to attack, to violate, the religious freedom of a group simply because they seem contrary to their ideal of religion or belief) and those that are compatible with the ideal of religious freedom (all those that no matter what type of belief or non-belief is guaranteed for all). The author makes a criticism that applies to today, mentioning that the defenders of religious freedom tend to adopt a static conception of religious freedom, assuming that the beliefs and practices of any religion deserve protection only because they are religious in nature, however, when this becomes of interest to the state, it can become a violation of the same right to religious freedom by being restrictive and following a subjective ideal of what should or should not be protected and guaranteed, thus generating religious inequality and favoritism on the part of those who do not share a broader ideal of religious freedom.

In line with Brettschneider, Shakman (2015) also adopts a critical stance on the way religious freedom has been understood from a Western point of view. She criticizes the traditional way of approaching religious freedom from the perspective of guaranteeing it through the norm, pointing out that what this does is to widen the gap of religious difference and inequality, since it only makes visible the strong religious groups and leaves aside other religious groups that are not recognized, and also excludes groups that, although they practice a belief, do not enjoy the normative framework of guaranteeing religious freedom because they are religious minorities. The author tries to visualize how the right to religious freedom is politicized and excludes groups that do not enter as religions with a historical legacy or that are not visible or legitimate in the light of society. Shakman points out that the current vision of religious freedom has prevented the recognition of the beliefs of indigenous communities given the variety and diversity of their beliefs and rituals. The problem is the difficulty in guaranteeing their religious rights and, therefore, the different violations, and violations suffered by religious communities in the exercise of their beliefs are made invisible.

With the above contribution, it would be important to think that a guarantee of religious freedom requires first of all a redefinition of what is understood by religious freedom and therefore of religion, since religious

freedom in itself privileges belief and usually overlooks non-belief and those beliefs that are not governed by a concept of church or religion, for example, the new religious movements or spirituality. Therefore, we are immersed at this time in a right to religious freedom that excludes that which it considers strange or threatens a doctrinal element, but which is disguised as inclusion to the interreligious. For his part, Sullivan (2015) sticks a little to Shakman's argument by mentioning that the defense of religious freedom is loaded with ideological prejudices and has become a tool of hegemonic control, especially on the part of the modern West.

Another of the arguments found in the skeptical position of religious freedom, has to do with the approach of Petri (2018) who proposes that religious freedom should be protected in the broadest possible way, alluding to religious minorities and indigenous communities. The author's emphasis is to alert about the phenomenon of religious violation to these communities, which go unnoticed by the territorial context in which they perform, in addition to warning about the importance of understanding the social and political conditions that restrict religious freedom and violate human dignity.

Jaclyn Neo (2020), for her part, strengthens the argument that religious pluralism must be regulated, because it is too valuable, but also too precarious to be left in the hands of the good will and good sense of individuals and groups (2020, p. 3). Therefore, religious pluralism as a fundamental aspect of religious freedom cannot thrive in an unregulated space, if so, the lack of regulation may favor those powerful or dominant groups and leave defenseless those minority religious communities that may see the actual practice of their belief or religion undermined.

Finally, Zellman & Fox (2022) enter this section, since they criticize the role of the *International Religious Freedom Act* (IRFA) and the *United States Commission on International Religious Freedom* (USCIRF) as guarantors of religious freedom at the international level. They point out that, since their creation, religious freedom has not increased, but rather, what has increased is religious discrimination. One of the results they find is that government discrimination against religious minorities is increasing worldwide, regardless of whether they are democracies or not. They highlight the position of Shakman (2009, 2015) who indicates:

Religious freedom is a Western construct, and promoting it constitutes an imposition of Western values on non-Westerners. For many believers, religious freedom therefore means the ability to impose their religion on others and restrict the freedoms of others. In this sense, the IRF office is understood as a proselytizing institution in disguise. It also argues that the IRF only pro-

motes freedom for certain types of religion, in effect repressing other (mostly non-Western) types of religion (cited by Zellman & Fox, 2022, p. 8).

With the approaches presented, it is appropriate to review that each one of them exhibits a form, element, dimension, problem and even, contribution, to understand religious freedom. The important thing is to see that possibly not all of them are visible in certain contexts and others are not even applicable in practice. My intention is to demonstrate that religious freedom is not only based on saying that it is a human right and that it is contemplated in the different constitutions, but to make evident that it is a problematic, complex and necessary concept for the development of societies, therefore, it is necessary to define it broadly and guarantee it through public policy documents that ideally can apply the guarantees to religious freedom in practice as long as there is an identified public problem.

In addition to this, I find that in both positions – conventional and skeptical – the authors have not been concerned with observing religious freedom from a public policy approach, much less have they situated it as a public problem. Although they recognize that the state area should regulate and guarantee this human right, religious freedom is ignored from this approach by means of which the actors, demands, promoting coalitions, policy learning, etc., that can further nurture the actions of defense and penalization of the violation of this right can be rescued. I point out that adhering to a public policy approach to address religious freedom will make it possible to problematize the formulation and execution of this right and, in turn, to focus on the sectors that demand, claim and transgress it.

In the following, I present my theoretical position on religious freedom and define the expansion of religious freedom as a relevant conceptual category for a public policy approach.

1.3 Opening the Curtain Fully: Expanding the Boundaries of Religious Freedom from a Conceptual Policy Approach

In the previous sections I have vaguely hinted at my position in understanding religious freedom, however, this section will serve as a canvas to draw how I understand religious freedom and in turn, propose a new category of analysis and operationalization, I refer to the broadening of religious freedom.

Taking as a guide the contributions of the different authors, I have mentioned, my concept of religious freedom includes the appreciation that it is a human right and as such must be guaranteed to all people, by the fact of being human beings, without distinction of ethnicity, sexual/gender identification, socioeconomic condition and territorial origin. Likewise, religious freedom is the right of individuals and groups to voluntarily believe or not believe in what is in line with their interests, practices and idiosyncrasy, in this sense it must be guaranteed regardless of the type of belief in question.

Moreover, for me religious freedom must be recognized on all individual and collective levels, that is:

Individual level: includes both the personal and the transpersonal. Understanding that both aspects are interconnected and can influence each other. That is, personal experiences and beliefs can shape the understanding of the transpersonal, while transpersonal perspectives can provide a broader context for personal experiences and beliefs, and thus both categories can complexify and nurture the understanding of religious freedom. In this sense, the personal encompasses the individual's relationship to his or her own spirituality and/or religious beliefs and how these engage or interact with his or her faith. On the other hand, the transpersonal is a deeper dimension that hints at states of being beyond the individual self, focusing on interconnectedness, higher states of consciousness, and the deeper quest for spirituality that need not necessarily be expressed in adherence to a religious organization. Heelas et al.'s (2004) book *"the spiritual revolution"* explores the emergence of spirituality as a distinct form of religious expression in contemporary society and draws attention to the contributions of spirituality to religious freedom as well as its challenges.

This individual category, which is composed of the personal and the transpersonal, allows us to explore the appropriation of the believer to the beliefs and religions that have been historically recognized, but also allows us to recognize the new religious practices that are more oriented to potentiate the transpersonal dimension through energetic and spiritual alternatives that are not precisely located within the boundaries of a church or a religion.

The individual also involves non-belief, the decision of the individual not to have any spiritual closeness to religious practices, churches or religions. This level must also be considered in public policies that guarantee religious freedom.

Collective level: I retake from this level the contributions of Orrego (2019) and Salinas (2020) when they mention what refers to the community dimensions and the social level *ad intra* and *ad extra*, respectively.

However, something I would like to add is that this collective plane has usually focused on recognizing the public records of religious organizations in the countries, but we must begin to dimension religious freedom in a broad manner, taking into account that there are many groups and collectivities that do not necessarily have a record in the institutionality and not for this reason their participation and guarantee in this right should not be denied, just to mention an example are the indigenous communities and their ancestral practices or beliefs, also those who practice Santería or beliefs of that style. Moreover, considering the emergence of religious movements and new spiritualities that have an understanding of the religious fact or spirituality beyond the normative or formal, religious freedom should also work on the recognition of these religious alternatives that escape the concept of church or religion. Considering the collective level of religious freedom implies visualizing the different beliefs, rituals, religious/spiritual practices that are carried out in society.

With the above, my objective in mentioning the individual and collective levels is that public policies in favor of religious freedom or with some emphasis on the religious phenomenon can generate an environment where all religious/spiritual beliefs and practices, religions and churches can coexist and recognize the contribution that each one of them makes both at the individual and collective levels, as well as examine the development of these practices, beliefs, religions or churches and their contribution to the development of human beings and society. States that promote religious freedom from the perspective of human rights and from a public policy approach, should not place its guarantee based on whether religious/spiritual beliefs or practices are in the sphere of morality or good or bad, but rather by guaranteeing this right in a broad manner, avoiding any type of discrimination or violation of the practice of religious freedom in its different dimensions. The only valid intervention must be when a belief, practice, religion, etc., infringes on other human rights for reasons of morality. Attacks on other human rights by reason of its doctrine.

The theoretical proposal that I am presenting does not exclude the guarantee of the rights that adhere to religious freedom in the individual and collective such as: rights of property, education, expression, publication and celebration of religious festivals, assembly, constitution of organizations based on faith, the rights of expansion and acquisition of land in the different territories. The freedom to participate in civil society and to exercise the rights of citizenship and social activism. Also, the right to conscientious objection based on the faith professed and the possibility of respecting the different decisions that a person may make on the basis of his or her belief or non-belief.

Having defined what I understand by religious freedom, I proceed to operationalize the conceptual category that I have proposed for the development of this research – extension of religious freedom – and that can be considered for subsequent studies on religious freedom from a political science perspective, a rights approach and a public policy approach.

1.3.1 Expansion of Religious Freedom, Definition

The term expansion has as its normative basis the principle of progressivity of human rights applied to the laws and regulations of all countries, this principle is understood as:

The principle of progressivity of human rights implies gradual progress to achieve their full compliance, i.e., that for the fulfillment of certain rights, short, medium and long term measures are required, but proceeding as expeditiously and effectively as possible. The principle of progressivity has been particularly related to economic, social and cultural rights, but it also applies to civil and political rights, seeking by all possible means their satisfaction at every moment (CNDH, 2016, p. 11).

Taking this principle of progressivity as a basis, I understand the expansion of religious freedom as any increase, extension or increment that is made in religious freedom from the normative (legal-juridical) side, that is, from the promulgation of any public policy document issued by state actors such as: constitutional courts, courts of justice, legislators, governors, etc. Without necessarily being binding for all individuals or groups. For example, an amparo decision by a court, although not binding for the entire population, can be an example of the expansion of this right if it takes into account new criteria for the understanding of religious freedom or if it expands the guarantee of this right for an individual. As can be seen, this definition of the expansion of religious freedom has per se a human rights and public policy approach and is clearly immersed in the institutional aspect, since I consider that this is the most effective way of observing the development and progress of this right in the different countries.

In general terms, the expansion of religious freedom, as with any right, has the purpose of increasing the application and protection of rights to a greater number of individuals, groups, contexts or territories; it implies expanding the scope of rights to guarantee that their enjoyment is ensured for more people, groups or collectivities. Expansion eliminates barriers of inequality and discrimination that may limit their full exercise and also proposes new routes and aspects that may be limiting some area of the right, in this case, religious freedom.

Now, since the objective of this research is fragmented and one of the approaches is to identify the categories of the expansion of religious freedom in order to later analyze the public policy actions that trigger this expansion, it is necessary to operationalize the aspects that can be considered as categories or triggers of expansion. Although what I present below is not yet generalizable given that for this research, I will only compare the categories for Mexico and Colombia, it can serve as a reference or as a road map for future research and in this way continue to build and expand this conceptual category that I am proposing for the understanding of religious freedom.

1.3.2 Operationalizing Religious Freedom Expansion: Proposed Categories

I will call categories of expansion all those causes, triggers or moments that can motivate an expansion of religious freedom through public policy actions. As I have mentioned before, the categories that I will present below cannot be generalized to all territorial contexts, it may be that in some countries some work and in other countries they do not, so what I present here is only a guide that can be improved with future research on this topic.

The interest in delving into the categories of the expansion of religious freedom arose at the moment when I recognized that a large part of the literature on religious freedom was based mainly on a legal perspective, and to a lesser extent on political science. At that moment I reflected that religious freedom as a human right has been recognized in almost all the constitutions of the world, however, I wondered about what motivates a country to continue to expand this right through the enactment of public policy documents. Therefore, I started digging and found that both Fox (2015, 2021) and Gill (2005, 2020) have come close in the aspects of measuring religious freedom and in the electoral political part promoting religious freedom. However, one cannot reduce the expansion of religious freedom purely to an aspect of electoral motivation, therefore, my proposal is to present both political, social and historical categories to generate a larger area of analysis depending on the contexts in which this proposal is put into practice.

To further exemplify the above, the category of expansion is like the context, the moment of expansion, the situation or the trigger that allows a translation to some public policy document. For example, a political category can be a context of constitutional reform that will promote the development of some actions to expand religious freedom from a public pol-

icy document. Another political category could be the use of religion in the discourse of a ruler to obtain approval in society, which in turn will generate an expectation of expansion of religious freedom in some missing issue. A social category can be a context of violation or infringement of religious freedom, which can materialize in an action for the extension of the right through some protection or exemption either in a group or individual manner.

Specifically, for this research the categories of extension to religious freedom that I propose are:

Political categories: at this point the discussion is more intermingled with studies on politics and religion. The aspects that I identify for the cases of Colombia and Mexico given that they may be present as antecedents at the time of expanding religious freedom are the contexts of constitutional change, and the religious adherence of the ruler. I take constitutional change from the contributions of Friedman (2018), Ackerman (1998) and Marshfield (2017). In brief, constitutional change is the process by which revisions, alterations, modifications, or amendments are made to the constitution. According to Friedman constitutional changes are alterations in the form or substance of the constitution, it can be given through formal or informal mechanisms. Ackerman points out that constitutional change occurs during critical historical junctures, where society reevaluates and reconstitutes itself in its political order. In Marshfield's case, he talks about state constitutional change and mentions that it is important because of the role played by state regulation in the lives of citizens, alluding to the responsibility of state officials in directing political decisions related to education, health, security, among others, and the way in which these amendments are generated either informally or formally.

On the side of presidential weakness or low presidential approval – both categories can be useful – we find situations in which the head of state for different reasons cannot govern effectively, implement his political agenda or maintain popular support because the population does not approve of his administration or has little favorability in society. Regarding religious freedom, I suggest that a ruler with low approval or with presidential weakness will use the discourse in favor of religious guarantees as a champion to increase approval. Although this hypothesis could be confirmed through statistical models, at this first stage I rely on the history of both countries to understand whether this is present or has been present in Mexico and Colombia.

The last aspect referring to the religious adherence of the ruler alludes to the identification of the ruler or political promoters of religious freedom with a particular religion or belief, it is more likely that “believing”

rulers are more interested in generating laws that guarantee this right. Here I can also transfer the discussion in terms of politics and religion, posed from the interests of the rulers to promote a specific religion. In this regard, Casanova (2000) and Esquivel (2000) make a first approach to the relationship between politics, religion and rulers.

Social categories: in this aspect I will only consider the issue of social demands for religious freedom and the events of religious violation as triggers for a greater extension of this right. I understand demands from Easton's (1979, 1990) systemic perspective as the very inputs that the political system processes. These demands are shaped by the interests, preferences, values and concerns of citizens and organizations that seek to influence the political process, shape public policy and generate an expansion of religious freedom.

Regarding religious violation, there are synonyms that the literature has addressed in this regard and that can be equated at times, religious discrimination, violation of religious freedom, religious persecution. I am aware that each term has its differences, the fact that any of these may occur at some point can be a trigger for the expansion of public policies on religious freedom, as it refers to an unwanted moment of violation of a human right. In this regard authors such as Petri (2018, 2020) and Grim & Finke (2008, 2011), delve into some of the proposed categories.

Historical categories: With reference to history, I identified that what I have called "historical adherence of the country to a certain religion" plays a very important role, this can generate that the rulers want to expand religious freedom, but in a segmented manner for a single belief or religion. This determinant can be seen to a greater extent in Latin America, where countries have normally had a historical context linked to the Catholic religion and have promoted public policies to defend or favor this belief.

Category of international influence: In this point I analyze that public policy actions on religious freedom in Mexico and Colombia can be influenced by the contexts of expansion or promotion of this right at the international level. Approximately since the 1970's in the Latin American region, an interest in generating laws on religious matters began to be seen. In this sense, the expansion of religious freedom can be promoted by these international contexts and also by the influence of international cooperation organizations in this area.

The expansion of religious freedom as a theoretical/conceptual category becomes a contribution not only to religious freedom studies, but also to human rights studies, since it is necessary to observe how different countries develop these moments of expansion and which are the factors

that most translate into an expansion through public policies. In this sense, the expansion of religious freedom, as I show in this book, is the result of the configuration of public policies in two broad processes: on the one hand, processes of transfer and counter-transfer, on the other hand, the change of public policies that are the result of considering religious freedom as a human right and as an objective to be pursued by state policies. It is this expansive vision that influences the configuration of a new paradigm of public policy construction to promote not only the expansion of religious freedom but also other human rights. This proposal allows me to formulate the urgency of working on religious freedom from a public policy and policy studies approach because only in this way will it be possible to rescue these moments of change, transfer and counter-transfer, and also to take into account the different actors, contexts, demands and interests that are present when examining the processes of expansion of the right.

So far, in this first chapter I have focused mainly on various theoretical aspects of religious freedom, proposing a typology to understand the existing literature on this right and presenting my own definition that contemplates the individual and collective levels. In addition, I presented what concerns the definition and operationalization of the expansion of religious freedom and the categories that can promote such expansion. Finally, I mentioned how the expansion of religious freedom is positioned in public policy studies through policy change and transfer. With all of the above, I propose a more integrated understanding of religious freedom and the theoretical/ conceptual category that emerges from this research.

Next, I will proceed to Chapter 2, in which I will dwell on some conceptual aspects of the public policy approach and its articulation with this first chapter.

CHAPTER II.

A Public Policy Approach to Religious Freedom from Policy Studies

This chapter, as its name indicates, offers the reader a brief and quick look at the public policy approach to religious freedom studies, framing it as a public problem to be solved. The structure that this section will follow is the following: first I define what public policy is and then I mention the two main currents for public policy: public policy analysis and policy studies, with the purpose of framing this research in policy studies but leaving for consideration that those who want to do it from an analytical perspective is also possible. In this first moment, I also dedicate a few short lines to talk about the classification of Polity, politics and policy in public policy in order to be able to interpret the timelines I elaborate for the two case studies.

Secondly, I will mention an important aspect within the public policy approach, and which is more related to comparative public policies, referring to policy change and policy transfer, this will serve as input for the fifth chapter of the research referring to the comparison of public policy actions after there have been moments of scaling up.

Finally, I offer a proposal for understanding the public problem of religious freedom and the different ways of approaching it from a public policy perspective.

Before continuing, I would like to point out that the public policy approach that I will adopt for this research is situated in Policy Studies, Policy Process. As I mentioned earlier, I am not interested in reviewing the public policy cycle, but rather in reviewing the categories of the expansion of religious freedom and how they impact on the development of public policy actions in this area.

In the following, I mention the definitions of public policy that are adapted to this research.

According to Subirats et al. (2008), public policy incorporates the decisions corresponding to each and every stage of public action and includes both general and abstract rules (laws, decrees, orders, etc.) and individual and concrete acts produced during the execution of these (administrative decisions, authorizations, subsidies, etc.) Every public policy aims at solv-

ing a public problem recognized as such in the governmental agenda; they are the responses of the political system to a situation judged as unacceptable. Moreover, public policies are a series of decisions or actions, intentionally coherent, taken by different public and sometimes non-public actors – whose resources, institutional links and interests vary – to solve in a timely manner a problem politically defined as collective. This set of decisions and actions gives rise to formal acts, with a variable degree of enforceability, aimed at modifying the behavior of social groups that are supposed to have originated the collective problem to be solved (target groups), in the interest of social groups that suffer the negative effects of the problem in question (final beneficiaries) (p. 36–39).

For Birkland (2015), policy is a statement by the government of what it intends to do in the face of a problem. These statements can be found in the constitution, statutes, regulations, case law, etc. A policy can be a law, or the set of all laws and regulations that regulate a problem. Public policy is also defined, according to this author, as what the government decides not to do, and may be evidence of an implicit policy. However, Birkland points out that to take public policy only as this would be to give an incomplete definition, therefore, he cites the work of Schneider & Ingram (1997) who point out that: policies are revealed through texts, practices, symbols and discourses that define and transmit values, including goods and services, as well as norms, income, status and other aspects valued as positive or negative. With this position of Birkland, I agree with what he textually mentions: “when studying politics, we look at the broader scope of politics, not only at the laws and written norms themselves” (p. 10).

The definitions of public policy both on the side of the analysis and the study are useful, however, my theoretical position is more oriented towards Birkland’s assumptions, given that religious freedom is not yet constituted as a field of study, I can observe that a great part of the public policies on this subject have not only been written in texts, but also in the symbols, discourses and demands that society adapts for itself and for its defense. That is why during the analysis of documents I adopt not only the normative documents, but also some discourses for the Mexican case and the development plans with the intention of reviewing the mention of religious freedom.

Although religious freedom has not gained ground in public policy studies and research, this does not mean that in Mexico and Colombia there is not a broad normative development, as I will show below, religious freedom has been gaining ground in the regulation of the right and in the formulation of policy documents that contain the actions and programs that the State commits to develop for the guarantee of this right. There-

fore, identifying how the moments of expansion translate into public policies is a first approach for subsequent studies that take up this approach; it is also a first approach to understand the processes of change and transfer of policies as a sign of the expansion of religious freedom.

2.1 Exploring Public Policy Perspectives: Contributions of Policy Studies and Policy Analysis

The field of study of public policy is rather recent, dating back to the 1950s with the publication of the article by Lasswell and Lerner (1951) entitled “*The policy orientation*”, but it was in the 1970s with one of Lasswell’s famous works (1971) that a new discipline, the policy sciences or the science of policy decisions, was initiated. This led to the identification of the phases and stages of the policy cycle. Later, in the 1980s, a differentiation between knowledge in policies and knowledge of policies was addressed, and a fundamental aspect was developed in this field of knowledge, namely the elements that constitute public policies or the 3Ps: Polity, politics and policy. Initially, this approach to public policies was situated as an orthodox approach, to give way in the 90’s to different more heterodox approaches located in policy studies.

Lasswell defined policy sciences as those disciplines that deal with explaining the processes of policy formulation and execution, he made planning and public problem solving the defining characteristic of policy analysis, he was also emphatic in mentioning that policy sciences were different from the subject of study of political scientists, the latter being circumscribed according to Lasswell in the *policy sciences of democracy* (1951).

For Lasswell (1971), policy sciences are concerned with knowledge of and in the decision-making process in the public and civil order. Knowledge of the decision-making process comprises systematic and empirical studies of how policies are elaborated and carried out; its simile is to speak of policy analysis. While *process* knowledge highlights the difference between policy science and other forms of intellectual activity (Lasswell, 2003); that is, it focuses more on the qualitative and the importance of context, the latter process approach has been recognized as a more heterodox approach called *policy studies*.

The process approach, also known as *Policy Analysis*, focuses primarily on the public policy cycle and focuses on studying and evaluating public policy from an external perspective. It emphasizes the use of evidence, data and rigorous analysis to inform policy decisions and is more inter-

ested in the outcomes generated around the public problem. One of its objectives is to provide information and recommendations to decision-makers by emphasizing policy effectiveness and efficiency. As an orthodox approach, according to Parsons (2007): “Public policy analysis is concerned with improving methods of identifying and defining problems, specifically goals, evaluating alternatives, selecting options, and measuring performance” (p.91).

The process approach, also known as *policy studies*, focuses on understanding the process as such, in a comprehensive and multidisciplinary manner. It studies not only the outcome of the policy, but rather, it is interested in studying the actors, institutions, factors and the context that characterizes the public problem and that, all these elements together shape the decisions and outcomes proposed for a public policy. In addition, policy studies also examine within the context, the political, social, economic, cultural and even historical dynamics that influence policy formulation. As I mentioned earlier, it therefore makes use of qualitative research methods, case studies, network analysis, among others to obtain information on the process of public policy making. It is in this approach of policy studies that this research is positioned, in the sense of highlighting the different contexts, political, social, historical and international dynamics that influence the formulation of public policy actions oriented towards religious freedom in the strict sense.

Although the policy analysis and studies I have mentioned so far are not mutually exclusive, I take them as ways of making and understanding public policy. Both approaches have considerable contributions, it is simply a matter of seeing which one is more in line with the objectives or purposes of the research and, above all, with the public problem.

From policy studies I also find contributions of its application and use, following Birkland (2011) and Sabatier (2007):

Understand the policy process: more comprehensively, policy studies provide information on the dynamics, complexities and nuances of the process, going beyond the policy cycle alone. It considers political, social, economic, cultural and historical factors.

Policy studies involve the analysis of stakeholders and the different actors involved in the process in a multidimensional manner, thus focusing on understanding the different perspectives, interests and preferences of the parties involved in the process. In this sense, it proposes a more inclusive and participatory approach to policy formulation.

One of the most important and characteristic contributions of the study of policies is the emphasis on the social, cultural and historical context within which policies are developed and implemented. It helps to un-

derstand how contextual factors influence policy outcomes and tailor policies to contexts.

Policy studies propose and make use of novel multidisciplinary approaches that allow a wide range of interests, contexts, actors, etc. to be covered.

In addition, there are the valuable contributions and developments in the field of policy studies developed by Gloria del Castillo, who mentions that:

One of the main qualities of the perspective offered by policy studies is that it is possible to simultaneously capture the interaction between the policy context, public policy and the actors as agents of change. The interaction between these three elements is a central part of what is commonly called the policy process, which can be captured for study through various analytical perspectives, from which it is possible to capture, record and conceptualize the complexity of this process (Del Castillo, 2014, p. 32).

From this perspective of policy studies, developing research focused on the factors that lead to an expansion of religious freedom in Mexico and Colombia and then seeing how these factors have translated into public policy actions in favor of religious freedom, will allow me to identify not only the public problems but also to review whether the actions have been put into practice or have remained on paper according to each context. In addition, as mentioned by Del Castillo (2020), with the policy studies I can see the dynamism and complexity with which the decisional processes, negotiations, relationships between intervening actors, contexts and products of the resulting public policy(ies) on the issue of religious freedom in Mexico and Colombia unfold, thus generating a broader picture of the efforts made by both countries to promote or not, this human right.

In addition, Del Castillo (2017) notes that policy studies are intended to:

to produce the best information and knowledge to know and understand the logic (sequence) that underlies and guides the decisional process of a government's policies under a specific economic, socio-political and socio-cultural context, in such a way that its attention is on the set of elements that intervene and interact with each other in the public policy decisional process in a given period or regarding a specific policy area or topic (p. 55).

Public policies in this sense are positioned as tools that play a crucial role in the promotion, protection and guarantee of this human right. Therefore, deciding on a public policy approach from policy studies implies that

I analyze governmental decisions in favor of this right, the context in which policy actions arise, the actors that promote the expansion of religious freedom, constitutional reforms and policy actions that have contributed to generate a recognition of religious diversity in Colombia and Mexico, but also to observe how many times it were the same religious organizations who paved the way and knocked on doors from the governmental level to achieve an expansion of this right.

In view of this quick overview of the two public policy approaches, I will continue by briefly mentioning one aspect of the public policy approach concerning the definition of the 3Ps: Policy, Politics and Polity.

2.1.1 The 3P's in Public Policy: Policy, Polity and Politics

Del Castillo (2020) rightly points out that, from a public policy perspective, the distinction between Polity, politics and policy is important to understand the complexity of the political process surrounding policy making. In this sense, *Polity* (Politics or State) refers to the structure, the rules of the game, the political system or the regime in which public policy processes are developed. This Polity with a capital p includes the constitution and governmental institutions.

Politics (politics with a lowercase p) refers to the political and social processes and dynamics that influence the formulation and decision making around public policies. It is a process in which society determines who gets what, when and how they get it. This aspect of politics focuses on carrying out an analysis of the actors, interests, conflicts, coalitions and strategies involved in governmental decision-making. Following Del Castillo (2020), this political dimension (politics):

It is understood as a process where the interaction and convergence of different actors aspire to influence technical governmental decisions under State configurations (Polity) where there is inevitably resistance to change, which produces situations characterized by the emergence of conflicts (2020, p. 16).

Finally, *policies* are public policies themselves, i.e., decisions, government actions, government statements that the government enacts to solve a specific public problem. This includes laws, regulations, norms, government decisions, orders, etc. But also, as Birkland (2015) points out, the absence of these statements can also be an implicit policy statement, in the sense that it establishes something that the government does not want to work on for different reasons.

With the definition of the 3Ps I can observe that in the midst of the process of expanding religious freedom and its scale to influence the gen-

eration of public policy actions, these processes play a very important role, since to speak of public policies is to speak not only of the State or the established regime, but also of its interrelation with those social processes that influence decision making and, in turn, it is to take into account that all this translates into policies that will reflect a series of political, social, cultural and historical interests in terms of solving a problem defined as public.

In chapters 3 and 4 I present a timeline constructed for each country in which I show the development of the 3Ps in public policy actions on religious freedom, in order to account for the dynamics surrounding the promotion and guarantee of this right from a public policy approach.

2.2 Two Perspectives on Comparative Public Policy: Policy Change and Policy Transfer

The objective of this section is to define two elements of analysis within policy studies, specifically from a comparative perspective, which will serve to outline the aspects that I will take into account in Chapter 5 to generate the comparison between public policy actions in the area of religious freedom for Colombia and Mexico. The two elements are: *Policy change (policy change)* and *policy transfer (policy transfer)*. What I want to see is, based on the information collected with respect to the categories of expansion of religious freedom and the public policy actions that materialize this expansion, which of these three elements I can identify empirically based on the data obtained and at what moments and how these processes of comparative public policy become evident.

Policy change: is a fundamental area in comparative public policy, as it offers a deep insight into how policies evolve in different contexts and with certain favorable conditions. According to Feldstein (1994) cited by Donnelly and Hogan (2012) policy change is a complex process that must be understood in the context of social and political changes.

For Peters et al. (2018), policy change is:

A multidimensional problem that raises many questions for policy analysis: Why does it occur (or not)? Where does it come from? How can it be measured? When does it become irreversible? How can it be predicted? The object of a policy change can be the definition of the problem in question, the structure and content of the agenda (Kingdon 2003/1995), the content of a policy program or its implementation (Hall 1993). Policy change can also be related to the pace, direction and scope of the policies studied through incrementalism (Lindblom 1959) or punctuated equilibrium (p. 135).

According to Del Castillo (2017):

from the perspective of Policy Change, it is assumed that when the process of implementing a policy does not trigger or generate the expected changes in the state of affairs that constitutes the public problem to be solved, it becomes necessary to determine whether changes within policy or a change of policy are required (p. 53).

Based on the above, the importance of policy change in the understanding of the expansion of religious freedom is such that it can be observed that in Colombia and Mexico there have been moments of policy change to include aspects of guaranteeing the right, although the programs and actions carried out are not so clear about the public problem.

In this sense, my interest in identifying policy changes regarding religious freedom in Mexico and Colombia is to analyze at what moments these policy changes occur, why the policy change occurs and whether they are abrupt changes or only calibrations to existing public policies. This will allow me to recognize in what contexts these changes have been possible and whether they have been complete changes of the entire policy or in the replacement documents aspects of the previous policies are maintained. In addition, I want to identify the actors through which these policy changes are promoted, whether it has been driven through legislative processes, or by processes from the executive, by civil society, or who have been the intervening actors to promote the change of public policies on religious freedom.

The fact that I propose to review policy changes in two different countries is configured as a contribution to the case studies on this element in comparative public policy, given that comparison is fundamental for the construction of theories even if they are of medium scope and also contributes to the development of knowledge, even more so when I am talking about religious freedom from a public policy approach, which becomes something novel not only for the approach per se, especially for the broader and more adapted understanding of religious freedom in different contexts from this perspective.

Policy transfer: this approach, as well as the extraction of lessons, is part of what is known as *policy learning* in public policy. According to Pal (2014) and Porto de Oliveira and Pal (2018), policy transfer is the process by which policies, practices and knowledge developed in another territory or context are adopted or adapted in others. This phenomenon is essential to understand how policy ideas and solutions cross borders and are adapted to diverse contexts.

One of the key aspects of policy transfer is the notion that it is not simply a matter of copying and pasting policies from one place to another. As Pal (2014) argues, it involves a dynamic process in which policies can undergo significant adaptations to fit local realities and political preferences. Moreover, Porto de Oliveira and Pal (2018) have highlighted the importance of considering the networks of actors involved in this process, as they play a crucial role in policy diffusion. In summary, policy transfer is an essential approach to analyze how ideas and policy solutions transcend state borders and how they are adapted to address specific challenges in diverse contexts.

According to Porto de Oliveira & Pal (2018).

When policies are transferred in time and space, they undergo changes and adaptations both in terms of material components (e.g., model, administrative arrangement, program, rules, etc.) and abstract dimension (idea, ideological or political content, causal belief, worldview, principles, etc.) (2018, p. 208) (2018, p. 208).

This means that policies are adjusted to the contexts in spite of the fact that they are transferred from one place to another. Another important aspect is what Pacheco-Vega (2021) mentions when he mentions that the country, city or region from which lessons are drawn to transfer them to other countries, cities or regions, should be considered a “leader” in the development, implementation and application of specific instruments, ideas, plans and strategies (p. 391).

With all the above, I want to mention that from the policies of religious freedom there are still no studies on these innovative approaches to public policies, therefore, I do not identify at the moment the leading country in policies of religious freedom, not to mention the United States that has established a large part of the international policy on the subject and has established itself as one of the guardians of this right, however, we must remember the criticism made by Zellman and Fox (2022) towards the ineffective policies that the United States was carrying out with the USCIRF and the United States Department of State through the reports. What I want to achieve is to show the relevance of this research being a pioneer in proposing from the studies of religious freedom policy the development of research on the different approaches that exist, not only the change, transfer and extraction of lessons, but also other aspects that can be relevant and important to consolidate a field of study from religious freedom with a comparative public policy approach.

Later, in Chapter 6 when I present the comparative synthesis between the broadening categories and the empirical evidence of policy actions on religious freedom implemented by Mexico and Colombia, I want to identify if there are notions of policy transfer or if instead, I observe a “counter-transference” to the development of public policies around religious freedom. I can define countertransference following Porte de Oliveira & Pal (2018) and Pacheco-Vega (2021) as resistance to policy transfer processes, which can be conflictive, challenging and contested. In other cases, it may be that the transfer process is blocked by different actors who do not find it convenient to adapt these policies in their contexts. In this sense, instead of observing moments in which countries adapt some public policy of another country, what may happen are moments in which there is no motivation to effectively expand religious freedom and countries do not go in tune with the demands of the international context. I will expand on this aspect in chapter 6.

In closing, I want to comment that the policy transfer perspective is essential when approaching the expansion of religious freedom from the field of public policy. Policy transfer allows me to examine how different jurisdictions have addressed and expanded religious freedom in their respective contexts and how these approaches may be relevant and applicable elsewhere. Given that religious freedom is a sensitive and complex issue that encompasses issues of human rights, cultural diversity, differences in beliefs, etc. analysis of successful policies from one country to another can provide valuable lessons and adaptive approaches.

I think one element that could be transferred through this perspective is the legal and constitutional framework that guarantees religious freedom. For example, a country that has developed strong laws and constitutional provisions to protect this freedom could serve as a model for other countries seeking to strengthen their own legal protections. In addition, inclusive practices and policies that promote religious diversity and peaceful coexistence could be transferable. This includes intercultural education strategies, awareness-raising programs that foster understanding and respect among different religious groups, interfaith dialogue actions, among others. It is also important to recognize that not all policies will be directly transferable, as each country has its own culture, history, political and social processes, as well as particular public problems. Therefore, the policy transfer approach should be used in a careful and thoughtful manner, considering the differences and particularities of each national context.

2.3 Defining the Public Problem of Religious Freedom: Unraveling its Complexities

Having mentioned the aspects of the public policy approach that I am interested in reviewing comparatively, as well as having offered the definitions of public policy, policy studies and Polity, politics and policy, I dedicate this last part to briefly discuss the complexity of the public problem surrounding religious freedom, thereby drawing attention to the lack of rigor in public policy on religious freedom to define the public problem in a coherent and specific way.

While my intention with the research is to know both the categories of the expansion of religious freedom in Colombia and Mexico, as well as the religious policy actions that arise after the expansion processes, I cannot overlook the construction of the public problem that surrounds religious freedom. To this end, I will organize this section in three moments: the first is to mention what I have identified after approaching various public policy documents on religious freedom in Colombia and Mexico; the second moment will be to offer different ways of defining the problem that surrounds religious freedom, that is, the multiplicity of public problems that religious freedom brings with it; finally, I will mention what is from my perspective the public problem that continues to be current in both latitudes.

After having approached the religious public policies proposed in Mexico and Colombia, I have identified by way of criticism, that they have not been sufficiently explicit in recognizing and identifying the public problem for which they have been elaborated. This generates that there is no north around the formulation of the different public policies, but rather, a sort of actions without a specific purpose that can go in favor of interreligious dialogue, the recognition of religious plurality, or perhaps the sanction of what is allowed or penalized for the religious sector, but nothing concrete or explicit. This has led me to think that the policies of religious freedom in these two territorial contexts have been a sort of supplement in favor of the guarantee of the human right to freedom of worship and conscience and as an obligation of the State to allude to it without observing the series of problems immersed in this right.

In this sense, I have identified a series of problems that have been immersed in society and that concern religious freedom as a subject of study and that I put forward for consideration so that subsequent research can work around them. The first problem refers to the preeminence of the Catholic Church in the religious field, understanding this as that space in

which all beliefs, religions, religious practices, religious alternatives, etc. are found. This problem generates not only a favoritism towards a historically dominant religion, but even goes beyond the boundaries of the discussion between the secular and the secular or the separation between religion and State.

The second public problem I have identified has been the lack of state capacity to generate policies that embrace and favor all beliefs, practices or religions, both individually and collectively, in the way I alluded to in the first chapter. Religious pluralism generally creates forms of symbolic violation among existing religions, and it is necessary that, in the face of this, States generate solutions not so much to regulate but rather to guarantee the different forms of belief existing in the system and the individual and collective enjoyment of religious freedom without moral considerations.

The third public problem surrounding religious freedom is the conflict that different religions are generating every day around the social approval of rights that are in conflict with religious freedom, such as sexual and reproductive rights and rights related to the constitution of different forms of family. In the discussion has entered the discussion concerning the weighting of rights, but no limit has been set so that religious freedom does not transgress to other boundaries, or simply does not enter into conflict with other rights.

Finally, regarding my position on the public problem that I have identified and that at least to date is current and has become visible, it is the one referring to the violation, violation or persecution for religious reasons. In spite of the existing public policies on religious freedom, the religious fact, or related issues, the religious violation has not ceased in Colombia and Mexico.

According to the international report on religious freedom in Colombia for the year 2022, from the US State Department, the different actions that the government has carried out to strengthen religious freedom are recognized, however, it details acts of violation, violation and religious persecution such as: murders, threats and displacement of religious leaders for promoting human rights; censorship and prohibitions by illegal armed groups to attend religious services; acts of vandalism against places of worship, especially of the Catholic Church.

With what has been mentioned so far, it is the religious violation and the different violations of the right to religious freedom, the problem that has remained in force throughout the years in Colombia, it is a problem that prevents the free exercise of religious freedom, restricts people from their religious sentiment and because it is carried out by multiple actors, both state and non-state, its treatment can be diffuse.

With the approach of this chapter two, I call attention to the relevance for research and future research of adopting a comparative public policy approach from the perspective of policy studies, since it provides the tools to analyze the phenomenon of religious freedom empirically but also gives the elements to identify the different processes of transfer, extraction of lessons and policy change that can be observed from the comparison. In addition, the public policy approach problematizes per se the adoption, development and implementation of actions and programs that have been carried out both in Mexico and Colombia in relation to religious freedom, this not only serves to identify what has not been fulfilled or materialized so far, but rather, it serves to identify possible improvements to public policies that will be carried out from now on in the two countries and in other contexts.

CHAPTER III.

Religious Freedom's history in Mexico

In the two preceding chapters I focused on the theoretical constructs and the public policy approach to understand religious freedom from a broad perspective. With this chapter and the following one, I begin the first part of this research in which I will stop to identify the categories of expansion of religious freedom present for Mexico and Colombia. In this sense, this chapter is composed mainly of these contextual categories that make possible an expansion of religious freedom and in turn, I mention some of the actions of religious policy in Mexico that have emerged after evidencing processes of expansion through the political, social, historical and international categories that I mentioned in Chapter 1.

I propose the following analytical route for this chapter: first, I will approach the historical context that precedes religious freedom during the XIX and XX centuries, rescuing above all those categories of expansion that were present to promote public policy actions; followed by mentioning those advances in public policy for religious freedom in Mexico, taking into account both the constitutional part and the jurisprudence that has allowed religious freedom to be seen as a broad human right that is complex in different areas such as education, health and from an indigenous perspective; finally, I will quickly outline the findings regarding the categories of expansion that have been present in the Mexican case in the aforementioned time periods.

I make the clarification that I have designed this chapter largely as a historical account of the Mexican context and given the complexity of the religious phenomenon in this context, I will only mention the characteristics or elements that allow us to understand religious freedom according to the existing literature and journalistic sources that compile the events that took place.

3.1 Religious Freedom in Mexico and the Role of the Catholic Church

The history of religious freedom in Mexico dates back to the 19th century, with the different laws, reforms and constitutional texts, there was a clear predominance of the Catholic Church, not to say that it was the only reli-

gion approved in the nation. During the period of Mexican independence (1810–1821), the Constitution of the State of Cadiz was in force, which established in Article 12 that: “*the religion of the Spanish nation is and will perpetually be the Catholic, apostolic, Roman, the only true religion. The Nation protects it by wise and just laws and prohibits the exercise of any other*” (Chamber of Deputies, 1812). It is important to show this antecedent to the first Mexican constitution, because, as in the whole Latin American region, there is exclusivity to the Catholic religion. Following the constitution of 1812, we find the first Mexican constitution after having achieved independence, I am talking about the constitution of 1824 in which article 3 states: “*the religion of the Mexican nation is and will perpetually be the Catholic, apostolic, Roman. The nation protects it by wise and just laws and prohibits the exercise of any other*” (Chamber of Deputies, 1824). It was with the constitutional reform of 1857 that Mexico began to move towards freedoms in general and marked a before and after in State–Church relations. In the words of Iván García Gárate:

The Constitution of 1857 omitted the article that established the Catholic religion as the only religion of the State, recognized free education, eliminated the attack on religion and dogma as limiting freedom of expression, prohibited special jurisdictions and tribunals and limited the property of the Church. This was the first debate on the relationship between the State and the Catholic Church and freedom of worship (García Gárate, 2012).

However, it is important to point out that the reform of 1857 was subject to the well-known “Reform Laws” established by Benito Juárez, whose main purpose in religious matters was to separate Church and State, that is to say, that the Church would not take part in State affairs. In that same year, the “Law of Churches” was passed on April 11, 1857, which prohibited the collection of fees, parish obventions and tithes, that is, it prohibited the obligatory collection of fees from poor people for services such as baptisms, weddings, funerary acts, etc. (Secretaría de Gobernación de Veracruz, n.d.).

In addition to the above, in 1860 the law of cults was enacted with which Benito Juárez set a precedent for religious freedom explicitly, protecting religious freedom as a natural right of individuals, and also recognized the independence between the State and religious beliefs and practices (García Gárate, 2012). In particular, the law of cults calls my attention because it is the first formal reference of religious freedom, where in different articles there is an express call to protect religious freedom and criminalize any act of violence, outrage or crime for reli-

gious reasons. I mainly rescue from the original text of the law of cults, the following articles:

Art. 1: The laws protect the exercise of Catholic worship and others that may be established in the country, as the expression and effect of *religious freedom*, which, being a natural right of man, has and can have no other limits than the right of others and the requirements of public order. In all other respects, the independence between the State, on the one hand, and religious beliefs and practices, on the other, is and shall be perfect and inviolable (...).

Art. 3: Each of the religious societies is free to arrange by itself or through its priests, the beliefs and practices of the cult it professes, and to fix the conditions under which it admits men to its guild or separates them from itself, provided that neither by these provisions, nor by their application to the particular cases that occur, any fault or crime prohibited by the laws is committed, in which case the procedure and decision that they prescribe shall take place and have effect.

Art. 5: In the civil order there is no obligation, penalties, nor coercion of any kind with respect to simply religious matters, offenses and crimes: consequently, no judicial or administrative proceeding for apostasy, schism, heresy, simony or any other ecclesiastical offenses (...) may take place, even if preceded by the excitation of a church or its directors. Consequently, the manifestation of ideas on religious points, and the publication of bulls, briefs, rescripts, pastoral letters, commandments and any other writings that also deal with these matters, are things in which full freedom will be enjoyed, unless by them the public order, peace or morals are attacked, public peace or morals, or private life, or in any other way the rights of others, or when some crime or offense is provoked, for in all these cases, abstracting from the religious point of view, the laws prohibiting such abuses will be irremissibly applied (...).

Art. 10: Whoever in a temple outrages or scorns by word or otherwise explained by external acts, beliefs, practices or other objects of worship to which that building was intended, shall suffer, as the case may be, the penalty of imprisonment or banishment, whose maximum shall be three months. When an insult is committed in a temple, or any other crime involving violence or dishonesty is committed, the penalty of the offenders shall be one half greater than that imposed by law for the crime in question, considering it to have been committed in a public and frequented place. But this increase in penalty shall be applied in such a way that it does not result in imprisonment, deportation or hard labor for more than ten years (...).

Art 11: no solemn religious act may take place outside the temples without written permission granted in each case by the local political authority (...).

Art 22: the laws that punish outrages done to corpses and their sepulchres remain in full force and effect (Government of Veracruz, 1860).

With the above it is interesting to see that in the law of cults there is already an express allusion to the term of religious freedom and, for the time in question, very complete. In this sense, the actions of public policy are expressed in the different articles from the independence and freedom that religious organizations obtained, in turn, the criminalization of any act of violence or crime against the beliefs or practices of the churches; besides this, the fact that they have autonomy or freedom to profess whatever their belief or practice is, speaks of what religious freedom is today; an aspect that is also remarkable is Article 22 where any act of religious violation to the tombs or corpses of the different religions is sanctioned. In general, I observe with the law of cults promulgated by Benito Juárez a significant advance, at least on paper, of a nascent religious freedom for the Mexican context, an aspect that leaves even more admiration because it is with the human rights that religious freedom is widely recognized and by 1860 there was a very incipient mention of freedom of cults with the declaration of the rights of man. At this point, with Benito Juárez, a factor that motivated the expansion of religious freedom from these policy actions was his intellectual worldview of separating the church from the State, promoting later with these actions an anticlericalism. Although there was no motivation to carry out this expansion due to personal religious interests, modern ideas of diminishing the influence of the Catholic religion in state matters did have an influence.

To conclude the 19th century, Maximiliano in 1865 published the decree of tolerance of cults with which he remarked the reform laws made in religious matters and promoted the tolerance of all beliefs and cults that did not violate good morals and good customs (La sociedad, 1865).

Now, with this brief historical tour, I have seen that the 19th century in Mexico was full of ups and downs concerning religious freedom and that it is with Benito Juárez and his reforms that there is a separation between church and State and an allusion to the respect for different beliefs, in addition to the use of the term religious freedom and its components; however, for the time and the international context these are actions that privilege the guarantee of a nascent religious freedom. In the twentieth century, I will present other novelties regarding the struggle for religious freedom and the ground given to the Catholic Church, although no longer with an express allusion of superiority, but with the different pronounce-

ments and actions taken by the Catholic Church to influence the affairs of the State. In the following section I will devote a few pages to reflect on religious freedom in the twentieth century.

From the perspective of public policies and the perspective of change and transfer of policies, at this time there is no change in religious freedom policies, but there is an allusion to this right mainly for the guarantee and survival of the Catholic religion, I also note that during this period public policies were reduced purely to a constitutional aspect and religious favoritism.

3.1.1 Religious Freedom During the Twentieth Century in Mexico: Between Political Conflicts, Wars and Reforms

One of the remarkable events of the beginning of the 20th century in the political and religious question in Mexico was the formation of the National Catholic Party (PNC) in 1911 and the existence of the National League for the Defense of Religious Freedom in 1925. Both were interesting, given the history of the secularization in Mexico and the almost non-existent political participation of religious groups throughout the period. But why is it important to mention both events in this research? The first reason is because they have a certain relationship and at one point in history they intertwine; in addition, because both organizations at some point sought the defense and promotion of religious freedom, the national league with an exclusive orientation for the defense of the Catholic religion and not for others and the PCN with the search for the defense of different freedoms for members of the clergy. Finally, both institutions set a precedent in the complex history of religious freedom throughout the years in Mexico, complex because they were participants in conflicts not only with the political class of the country but also internally with the Catholic Church, speaking in this last point of the protagonism that the national league had in the Cristera War.

In the case of the National Catholic Party, its establishment had the support of the Archbishop of Mexico: José Mora y del Río, however, once the PCN was formed, the clergy prohibited the alliance with any political party, including the afore mentioned party (Ai Camp, 1997). According to the program and organization of the National Catholic Party, the purpose of the party was to apply the solutions of Christianity to the problems related to industrial and agricultural work, promoting better living conditions for the working class, avoiding alterations in public order or detriment to the rights of businessmen and capitalists. According to this document:

The action of the Catholic Party should be limited to promoting social legislation aimed at achieving “economic reforms that would provide the worker with the greatest amount of material welfare and safeguard all his rights” (Instituto de Investigaciones Históricas, 2001, p. 88).

Something that is especially striking is that the PCN fulfilled the characteristics of a religious political party according to the typology proposed by Montilla (2021) and suggests that the party was not only interested in agriculture and labor issues, but also in the defense of religious freedom. In the program of the PCN it is clearly mentioned:

In addition, the party’s program demanded the fulfillment of some rights recognized in the 1857 constitution but limited by the reform laws. On the one hand, it demanded “the reform of legality through legality, on the constitutional basis of religious freedom”. That is to say, the recognition for Catholics of their rights as citizens of association for political purposes and, based on freedom of conscience and expression, of public manifestation of worship. In addition, it demanded the repeal of the Reform Laws that violated the rights of the Church and limited its capacity for action. Among those to be claimed were the right to own real estate, to use dress and habits, to preside over religious ceremonies outside the temples and to receive recognition of religious vows. On the other hand, it sought “to make effective the freedom of teaching”. In this regard, the Catholic Party would seek to legally consecrate the existence of Catholic schools by recognizing the right of the Church to own and direct educational establishments, as well as to extend to private institutions the rights and obligations enjoyed by official centers. Additionally, it argued in favor of the right of parents, mostly Catholic, to demand from the State that in public instruction “the religion of the majority be taught” (Instituto de Investigaciones Históricas, 2001, p. 89).

Although it was a demand for the guarantee and fulfillment of religious freedom, it was made exclusively for the Catholic religion and not for other beliefs, which allows us to understand that there is an interest on the part of the PCN in religious freedom, but sectorized and exclusive for the community they represented. It is important to point this out, because in the great majority of Latin American countries, the Catholic Church has been predominant and it has been thought that the allusion of the constitutions to religious freedom in a general way is enough, without taking into account that history shows a struggle on the part of the Catholic Church not to give up its rights and not to lose the exclusivity that the State has given it and continues to give it even today, despite the fact that today we speak of “secular” States.

With the arrival of the 1917 constitution, Blancarte (2017) points out the coming of anticlericalism to Mexico and a distancing of the revolutionaries from the PCN, as they assumed that the Catholic Church and the PCN were enemies of the revolution. With this, the revolutionary proponents of the reform to the 1857 constitution decided to eliminate any future participation of the clergy in national politics. Especially with the 1917 constitution one can see not only the political conflicts characteristic of the time but also the reforms that were still being made with a liberal tinge retaking the reforms made by Benito Juárez. According to Blancarte (2017):

The great majority of the constitutional guidelines on religious matters were, therefore, essentially anti-clerical, with an anti-religious background, product of diverse modern philosophical sources that pointed to religions as the main reason for the ignorance of the population and the backwardness of nations. They had therefore as a goal to eliminate the participation of the Catholic Church – or eventually of any other in the socio-political sphere (...) The constitutional provisions of 1917 would consequently mark the Mexican twentieth century, even beyond the abrogation of many of them in 1992 (Blancarte, 2017, p. 362).

Among the additions or reforms in religious matters that the new constitution of 1917 had, articles 3, 24, 27, 55 and 130 stand out, which in brief words state:

Article 3: Establishes the secularity of the State and guarantees freedom of education but regulates education to be secular and free from religious influence.

Article 24: Protects freedom of religious beliefs, prohibits the imposition of religions and guarantees freedom of worship in temples.

Article 27: Addresses the ownership of land and natural resources, recognizing private property, but with restrictions for the benefit of society.

Article 55: Prohibits the political participation of ministers of worship.

Article 130: Addresses the separation of Church and State, prohibits the participation of clergy in politics and regulates the ownership of real estate and religious associations.

As I have made evident, the 1917 Constitution was more severe in terms of anticlericalism and widely remarked the non-participation of religion in politics, in addition to the prohibitions that ministers of worship and churches had for their free development in Mexican territory. Among the revolutionaries of 1917, there was a clear attitude of separating the religious from the political and public sphere, thus generating an energetic secular feeling that remains to this day. This attitude responded to the context of their time, the bad relations with the Catholic

Church and the experience that was being built around the Catholic communities that wanted to influence the political sphere to stop the advance of liberalism.

In March 1925, Mexico witnessed the founding of the National League for the Defense of Religious Freedom formed by Mexican Catholics, members of the Union of Catholic Ladies, the Knights of Columbus, the Catholic Association of Mexican Youth and the National Catholic Confederation of Labor. In the words of Javier García Diego, it was a league for the defense of religious freedom in particular and its struggle was to defend and vindicate the rights of the Catholic religion that had been diminished over time (Garcíadiego, 2021). The members of the national league came to call themselves “cristeros” based on the battle cry ¡Viva Cristo Rey!

To end the first half of the 20th century, it is worth mentioning the Cristera War unleashed by the Calles Law, which criminalized all behaviors contrary to the constitution in religious matters. The Cristera War generated a social-religious conflict due to the closure of cults and temples by the Mexican State (Gaytán, 2018), through President Plutarco Elías Calle was ordered the closure of temples, the expulsion of foreign priests and the repression of all religious expression and faith in public spaces (Cano, 2023). Discontent soon came and the Cristera War became one of the largest civil wars between religious militias and the government.

The Mexican history of religious freedom is characterized as a conflictive issue, with a clear social predominance of the Catholic Church and circumstantial moments such as the Cristera War and an energetic anticlericalism. It has also been characterized by a certain resistance on the part of the Catholic Church towards religious pluralism, which allows me to infer that the expansion of religious freedom in these times was promoted more by the interest of the rulers thanks to their liberal ideas and not so much by the closeness to any religious belief.

Another aspect I want to mention is that, in the 19th and 20th centuries, the diffuse expansion of religious freedom occurred in such a way that the Catholic Church resisted the State's recognition of other beliefs and its openness to grant religious plurality in the territory, this in the words of Gaytán (2018) provoked the reaction of the Catholic church that did not accept religious plurality which it saw as a threat to identity and family values and used some strategies to continue to maintain its influence in society, an example of this were the two consecrations of the country to Christ the King in 1914 and 1924, which is a mechanism to demonstrate the influence of the Catholic church on the population. The argument on the part of the Catholic Church is that thanks to the two consecrations referred to:

the evils that threatened Mexico at the beginning of the 20th century could have been much worse than they were if the country had not consecrated itself to the Most Sacred Heart of Jesus Christ and proclaimed His Kingship. It also prepared the hearts of the Catholic people to withstand the second onslaught of the even greater anti-Christian forces that came ten years later with the Cristera War, which produced so many martyrs for defending the Kingship of Christ (Archbishop Orozco y Jimenez, n.d.).

Another aspect worth mentioning is that the government of Elías Calles promoted and supported the creation of a Mexican church with the purpose of generating opposition to the Catholic Church and thus diminish its power, according to Jorge Traslosheros the church La Luz del Mundo from its beginnings maintained closeness with the political power, mainly with the PRI (El Informador, 2019).

This places on the table a discussion that Gaytán (2013, 2018) has long held and that is the factor of secularization and secularity in Mexico. On the one hand, secularization was accelerated by the social change generated in the first half of the twentieth century, this generated an opening and recognition of the State to other religious expressions, thereby giving visibility to previously subway cults (p. 122); on the other hand, laicism linked to a term of "Secular State" guarantees the viability of a democratic, inclusive society and guarantor of civic freedoms. Social complexity shows a diversity of religious manifestations and movements that compete in the terrain of the sacred (Gaytán, 2017, p. 64). While I do not want to delve into these terrains as I mentioned both in the introduction and in Chapter 1, it is necessary to keep in mind the Mexican context and the demand by religious organizations for greater participation in the State regarding public policies on religious freedom. Gaytán (2017) approaches the debates concerning secularization and the current problems of secularism in Mexico.

With the aforementioned details, I will now refer to another part of the more contemporary Mexican history that began with the presidential term of Carlos Salinas, who added some of the reforms in religious matters that are in force today. At this point, I will be recognizing the categories of expansion of religious freedom present from 1991 to date. Therefore, the route will be as follows: mention the reform added by President Salinas and the close link with the Catholic Church; followed by a brief reference to the period of President Vicente Fox and his relationship with the Catholic Church; finally, I will present some rulings of both the Supreme Court of Justice and the Electoral Tribunal regarding religious freedom in order to identify how an expansion is produced from the judicial spheres.

3.1.2 Expanding Religious Freedom: Religious Adherence, Constitutional and Historical Developments from 1990s to the Early 21st Century.

In the 1990's in Mexico, Carlos Salinas de Gortari was beginning his presidential term, which lasted from 1988 to 1994. I especially mention Carlos Salinas because it was during his term of office that there was a "reconciliation" with the Catholic Church given the conflictive issues that the State had with the church in 1853 and 1924.

In his inauguration speech Salinas said:

The modern State is one that guarantees the security of the nation, and at the same time, gives security to its citizens; one that respects and enforces respect for the law, recognizes political plurality and welcomes criticism, encourages civil society, avoids exacerbating conflicts between groups, maintains transparency and modernizes its relationship with political parties, with unions, with business groups, with the church, with new organizations in the countryside and in the cities (Wikisource, 2017).

Although this could seem a simple speech and go unnoticed, in the light of public policies I interpret it as a guideline of the actions that he will promote in his mandate, among them he makes clear that one of his lines of work will be to modernize the relationship of the State with the church. Although in the National Development Plan nothing is observed referring to the church nor a line of action on religious freedom, this speech can be taken as an element of public policy taking into account the definition offered by Birkland (2015) on public policies when quoting Schneider and Ingram (1997) he mentions that policies are also revealed through speeches of what the decision maker decides to do, in this case the president.

According to Galindo (2012), Salinas came to power after questioned elections and under a climate of lack of legitimacy due to academic and political factors as well as PRI influence, although this does not give me the necessary evidence to say that the Salinas administration was characterized by presidential weakness or low approval, since the polls² indicate the opposite.

² I am referring to the survey by Mitofsky Reinventing Research (2022) who show a comparison of presidential approval from Carlos Salinas to Andrés Manuel López Obrador, with Salinas having the highest approval with 74%, followed by Ernesto Zedillo with 64%, then Felipe Calderón with 55% approval, and Vicente Fox with 52% approval (2022, p. 10).

Faced with this new attitude of Salinas to reestablish the relationship with the church, the discourse of the Catholic Church changed significantly, giving way to a less critical, more tolerant and more trusting position towards the president, without ceasing to exert pressure in the execution of his demands.

In this sense, in the context of the Salinas de Gortari presidency, I can argue that, in Mexico, the expansion of religious freedom begins to be promoted in contexts of constitutional change in the cases of the reforms of 1857, 1917 and 1992. Furthermore, I observe that another category of expansion present in the Salinas period corresponds to the historical part due to the long Catholic tradition of the country, Salinas saw in it an opportunity to reconcile the relationship of the State with the Catholic Church and for that reason he executed some public policy actions in matters of religious freedom such as the Law of Religious Associations and Public Worship, as well as the reform of articles 3, 5, 24, 27 and 130 of the Constitution. In his third government report in 1991, Salinas announced the reforms he would carry out in religious matters, calling for:

Promote the new legal status of churches under the following principles: institutionalize the separation between them and the State, respect the freedom of belief of every Mexican and maintain secular education in public schools (Galindo, 2012, pp. 466–467).

The following year, he promoted the reforms of the constitutional articles mentioned above and the drafting of the law on religious associations and public worship. This culminated the process he had begun when, in his inaugural speech on December 1, 1988, he proposed to modernize relations with the Church (Martinez, 2001, p. 526).

Apart from the constitutional reform in religious matters and the proclamation of the Law of Religious Associations, he also carried out the consolidation of diplomatic relations with the Holy See, through the appointment of Enrique Olivares Santana as the first Ambassador to the Holy See and immediately establishing the Embassy of Mexico in October 1992 (Secretary of Foreign Affairs, 2023).

Among the main aspects of the 1992 reform were the right of ministers of worship of any religion and Catholic priests to vote, property rights, tax payments, etc.; however, it did not eliminate the prohibition to hold public office without first leaving the clerical position three or five years prior to running for office. On the other hand, the Law of Religious Associations and Public Worship is a public policy document of religious freedom that establishes the criteria and conditions that religious associations must

meet in order to be legally recognized in the Mexican territory, a law that is currently in force and becomes a document that expands religious freedom in that it establishes a legal and coexistence parameter for religious associations, but also recognizes both religious diversity and religious minorities as deserving of religious tolerance and the possibility of being legally recognized by the Mexican State. Finally, in the matter of religious freedom, with the 1992 reform, Article 24 was modified, which only delimited the practice of worship in permitted places; this aspect was abrogated and it is now considered that worship can be practiced both in temples and outside of them as long as they are subject to the regulatory law and it is added that the congress cannot dictate laws that establish or prohibit any religion, thus showing a separation of the church from the State and establishing the principle of secularism explicitly.

According to Gaytán (2017) the Law of Religious Associations and Public Worship.

opened the door for the redefinition of the churches in the public sphere and, in this, the demands for a treatment in accordance with their influence and weight in Mexican society, as was the case of the Catholic clergy (p. 58).

Finally, I would like to allude to a policy action that was implemented through the Law of Religious Associations and Public Worship, I am talking about the registry of religious associations which has been more than relevant to know the existing religious diversity in the country, also to know in a demographic way the establishment of religious organizations and the ministers of worship they have. In the Numeralia portal of the General Directorate of Religious Affairs³ attached to the Ministry of Government, is the access to identify the existing religious diversity, only in 2023 there are a total of 9960 religious associations registered throughout the national territory (General Directorate of Religious Affairs, 2023).

In Chapter 5 I will show the qualitative analysis that I carried out through the codification of public policy actions for each period, as well as the programs, entities and strategies that Mexico has carried out for the promotion of religious freedom. Now I will talk about the actions of reli-

³ Among the objectives of the DGAR are: the application and observance of the Law of Religious Associations and Public Worship and its Regulations; to provide timely and efficient attention in the procedures and services for religious groups and associations; to guarantee the exercise of religious freedom through timely attention to the services managed by religious associations; to resolve conflicts of religious intolerance arising in the country, among others (Asociaciones Religiosas, 2023).

gious freedom in the Fox period with which there is a distance from anti-clericalism and an approach to confessionalism on the part of the State.

Vicente Fox: president of Mexico during the period 2000–2006, made use of his freedom of expression to make known at all times his religious preference, during his government the secularity of the State was questioned, and the constant debate of the population was on the borders of politics and religion. I analyze that the attitudes of Vicente Fox, which I will mention in a few moments, rather than reflecting in a strict sense the religious freedom of the ruler, reflect two aspects: on the one hand, the discussion around the principle of secularism in Mexico given the close preference for a ruler towards the Catholic Church, and, on the other hand, a strategy on the part of the ruler to win over the Catholic sector which is and continues to be the majority in Mexico and thus obtain legitimacy before the population, once again I interpret this last point as the politicization of religious freedom in political discourses in order to achieve greater legitimacy. This legitimacy strategy is mentioned by Jiménez (2009) who points out:

Vicente Fox exercised his freedom as a citizen to manifest his religious preference at all times, hence his attendance to mass and other Catholic ceremonies have been promoted as libertarian acts, as a way out of the catacombs to which a persecuting and totalitarian secular State had confined political believers. The point was that their personal freedom was more an act of self-righteous ostentation than the right to have and manifest a freely chosen religious identity. The main purpose was to gain more sympathy and to add to his then (early in his administration) well-weighted political capital (Jiménez, 2009, p. 212).

In this sense, the expansion of religious freedom that took place during Fox's mandate has some implicit categories: on the one hand, the religious adherence of the ruler who promotes expansion actions; on the other hand, demands for expansion by the religious sector, in this case the Catholic sector who, as I will show in a moment, made known a list of religious demands that could be promoted by the ruler. Although with Fox I do not observe a category of weakness or low presidential approval and neither a context of constitutional change, I will show how the public policy actions promoted were subject to the 2 categories of expansion mentioned above.

On the side of the political category of religious adherence of the ruler, I find some aspects that allow us to identify it in Fox's government thanks to the research of Pérez (2018). On the one hand, the beginning of his campaign was inaugurated by raising the banner of the Virgin of Guadalupe; on the other hand, once he won the elections, before taking possession of

the Presidency of the Republic before the Congress of the Union, Vicente Fox went to hear mass and receive communion in the Basilica of Guadalupe; in addition, during his speeches it was normal to hear expressions that alluded to God and the Virgin of Guadalupe (p. 309).

On the other hand, in the category of social demands by the Catholic Church, there are two documents in which the Catholic Church, during the presidential campaign, made known the lack of action by the Mexican State with the unsatisfied demands of the Catholic Church in the current legal framework. Both documents which were named: "From the encounter with Jesus Christ to solidarity with all" and "Democracy cannot happen without you" left the precedent of what the episcopal conference expected from the ruler. According to Perez (2017)

In the first document they present a critical diagnosis of the political, economic and social reality of the country, pronouncing the need for changes in a democratic sense and the fight against economic inequality, social marginalization and injustice, based on the "social doctrine of the Church", insisting on the need for Christian laity to assume leadership responsibilities in society and to act in public life. In the second document, they manifested the profile that in their opinion the future president should have, one of whose essential requirements referred to respect for life, from conception to natural death, and guarantees to parents to choose the model of integral education they wish for their children (2017, p. 307).

Fox responded to these actions of the Catholic Church with the document "Proyecto para la nación: sobre libertad religiosa y relaciones Iglesia-Estado" (Project for the Nation: on Religious Freedom and Church-State Relations), in which he committed himself to the Catholic Church to carry out actions in favor of religious freedom. The document stated:

1. I will promote respect for the right to life from the moment of conception until the moment of natural death.
2. I will support the strengthening of the family unit, which in Mexico is a strategic resource.
3. I will respect the right of parents to decide on the education of their children.
4. I will promote free access to spiritual and religious assistance in health, prison and welfare centers, such as orphanages and nursing homes.
5. I will respond to the interest expressed by the churches to promote a broad space for religious freedom based on Article 24 of the Constitution.

6. In congruence with the human right to religious freedom and with the international agreements signed by Mexico in this matter, I will promote the elimination of the contradictions between Articles 24 and 130 of the Constitution, reforming Article 130 in the part that restricts religious freedom, which is proclaimed in Article 24.
7. I will give the churches access to the media, so that they can disseminate their principles and activities.
8. I will promote, within the framework of a comprehensive tax reform, the definition of a tax regime for churches, with tax deductibility, when they contribute to human development.
9. I will end the discretionary power to authorize the admission and stay in Mexico of ministers of worship of churches.
10. I will promote the voluntary homologation of ecclesiastical studies in the civil sphere, respecting the programs and content of the subjects taught in seminaries or institutions of religious formation (La Jornada, 2000).

Once again, I bring to the discussion the public policy approach, all of this shows the actions or the path by which Vicente Fox would work for religious freedom, although it is an informal document, it is taken as a public policy document in which the ruler commits himself with a religious sector to work for it. After this, it is formalized through the National Development Plan 2001–2006 in which he highlights his actions in favor of religious freedom, stating:

Strategy j: Guarantee the full exercise of the freedom of belief and worship that the Mexican Constitution recognizes for every person, as well as favor a better relationship with religious institutions (Fox, 2000, p. 186).

Finally, all of Fox's political-religious actions, although he tried to express a possible expansion of religious freedom through many individual actions such as speeches, documents, papal visit, etc., Very little materialized as public policy action, the only policy actions he carried out were to modify Article 8 of the Law of Religious Associations and Public Worship, by adding fraction III corresponding to the promotion of respect and inter-religious dialogue and generating in 2003 the Regulation of the Law of Religious Associations and Public Worship with which the authorities in charge of complying with the Law of Religious Associations and Public Worship issued 11 years before were empowered, however, beyond the reform to Article 8 and the issuance of the Regulation, as I show in Chapter 5, no concrete programs, actions and strategies were developed in which

their implementation is visualized. This was harshly criticized by the Catholic Church, since at the end of Fox's term, the bishop of Aguascalientes, Ramón Godínez Flores, stated: "Vicente Fox Quesada was a disservice to the Catholic Church and to the churches in general, by not complying with the religious reforms he promised during his presidential campaign" (El Universal, 2006).

In this sense, the reflection that becomes evident is, on the one hand, that the categories of expansion immersed in the period of Vicente Fox were adherence to the religion professed by the ruler and compliance with the demands of the Catholic sector for the observance of the legislation; on the other hand, that although these categories of expansion were visible through discursive actions and behaviors of the president in which he demonstrated his "interest" in working on the issue of religious freedom, in the end he only managed to materialize these interests in a public policy action through the reform to article 3 of the law of religious associations and public worship.

With Fox, the politicization of religious freedom as a human right is more evident, since he used his religious beliefs to issue political speeches that questioned secularism but generated closeness with the Catholic sector. With this I observe that in these cases religious freedom is thought more from the exclusivity and favoritism for a single religious confession and not as a broad right that should be guaranteed for all faiths and religious cults. This undoubtedly creates an atmosphere of tension between the Catholic Church and the other religions since they do not have the same privileges and exclusivity from the State. An example of this was the demonstration called in 2005 by leaders of the most representative evangelical churches in the country, who were concerned about President Fox's preference for the Catholic Church and the weakening of secularism thanks to the multiple acts of the president (La Jornada, 2015).

Felipe Calderón: I will not dwell long on the presidential period of Felipe Calderón, I simply want to show how, in spite of identifying categories of expansion, these do not necessarily translate into public policy actions. In this period (2006–2012) Mexican society continues to observe the closeness of political power with the Catholic Church. During his administration, Pope Benedict XVI visited the country with the purpose, among others, of strengthening the faith of the Catholic faithful and supporting the reform of Articles 24 and 40 promoted by Calderón (DW, 2012). During these State–Church relations, long before the pontiff's visit to Mexico:

Felipe Calderón had met with the Mexican Episcopate on November 17, 2006, occasion in which the Mexican clergy offered him all their support and

asked for a reform to Article 24 of the Constitution so that there would be "religious freedom" (Jiménez, 2009, p. 215).

I observe that as categories of expansion of religious freedom in Calderon's period I can propose mainly the demands for expansion by social actors, mainly the Catholic Church and evangelical churches. The demands of the Catholic Church, as I showed in the previous paragraph, were in line with the modification of Article 24 of the Constitution; on the other hand, the demands of the evangelical churches for expansion addressed the demand to the President to take forceful actions to put an end to the proliferation of acts of intolerance and religious discrimination against members of that creed. Although in a meeting held with religious organizations Calderon committed⁴ to work for religious tolerance, there was no evidence to prove the fulfillment of this commitment through any public policy action.

In terms of public policy actions regarding religious freedom, for the Calderon administration we find, specifically the modification of articles 24 and 40 promoted respectively by deputies Jose Ricardo Lopez and Cesar Augusto Santiago Ramirez both from the Institutional Revolutionary Party (PRI). Another public policy action was the increase of media space for the Church that began in the Fox administration (Contralinea, 2013).

I analyze with curiosity that the categories of expansion that referred to the demands made by religious organizations to the Calderón government were not met and did not have an impact on public policy actions. With this, I begin to identify that the categories of expansion do not always translate into the expansion of religious freedom through public policy actions that address the interests or demands requested. Although, in certain periods of time, such as Calderon's, there has been expansion of this right, but with actions different from those demanded.

In addition to the actions developed by these three presidents that I have mentioned in which I can observe some triggers that led to the expansion of religious freedom in some aspects, and I notice that in the periods of Enrique Peña Nieto and Andrés Manuel López Obrador they include affirmative actions in favor of religious freedom in their National Development Plans, even though they have not been driven by social factors. These actions that are included in the NDP's of both presidents are translated into concrete actions regarding the guarantee of religious freedom. The

⁴ According to Protestante Digital (2009), the president acknowledged the existence of these acts, which, according to these churches, total 90 during his administration, and pledged to work on the issue, so that in the country there is true tolerance and greater respect among the professors of different faiths.

same actions can be found in the government reports of the administration of these two presidents, something that did not happen with Salinas, Fox or Calderon who promoted reforms to some aspect of the legislation on religious freedom but did not carry out programs and actions to guarantee this right. I observe in the cases of Peña Nieto and López Obrador that religious freedom by itself begins to make its way into the government agendas of the presidents, perhaps as a political strategy or as a promotion of Human Rights, in this book I do not manage to evidence the categories of expansion present for these cases, but I will show in chapter 5 how, at least for the government of López Obrador, the strategies promoted in favor of this right promote interreligious dialogue and have positioned themselves as strong programs and actions in the matter.

Below, I present Table 1 in which I classified the categories of expansion and their translation into public policy actions for the governments of Salinas, Fox and Calderón. Only with these three presidents, given that in their administrations I found greater evidence regarding the public policy actions carried out in religious freedom. In Chapter 5, as I have mentioned, I will focus on the period from 2019 to date where I observe more concrete actions that have materialized in programs and strategies for the promotion of religious freedom.

Table 1 Categories of scaling up and their impact on public policy actions in Mexico

President	Religious freedom expansion category	Public policy actions into which the category of implementation was applied	Evidence of actions that express the broadening categories, expressed by social actors and by the executive/legislative or judiciary.
Carlos Salinas	Political: Context of constitutional change	Modification of articles 3, 5, 24, 27 and 130 of the constitution.	Inaugural speech marks a path for his commitment to modernize relations with the church.
	Historical: Adherence of the country to the Catholic religion (Concordat)	Law of Religious Associations and Public Worship. Agreement with the Holy See and establishment of the Mexican em-	

		bassy in the Holy See.	
Vicente Fox	Political: religious adherence professed by the ruler	Reforms and adds section III to Article 8 of the Law of Religious Associations and Public Worship: III. To respect at all times the cults and doctrines foreign to their religion, as well as to promote dialogue, tolerance and coexistence among the different religions and creeds with presence in the country.	Attendance to masses, flying the banner of the Virgin of Guadalupe, speeches with religious expressions "God and Virgin of Guadalupe". Document called: "Proyecto para la no-ción: sobre libertad religiosa y relaciones Iglesia-Estado" in which Fox committed to satisfy the demands of the Catholic Church. Visit of Pope John Paul II for the canonization of 27 saints. National Development Plan 2001-2006. Objective 3 strategy j.
	Social: demands for expansion from the Catholic sector		Documents for the electoral campaign by the Episcopal Conference entitled: "From the encounter with Jesus Christ to solidarity with all" and "Democracy cannot happen without you".
Felipe Calderón	Social: Demands for expansion by religious actors: catholic church and	Constitutional reform of articles 24 and 40. Increase in the number of permits for the broadcasting of religious	Social actions: Representatives of evangelical Christian churches ask Felipe Calderón to take decisive action to put an

	evangelical churches	events in the media from just over 5 thousand to more than 113 thousand (Contralinea, 2012).	end to the proliferation of acts of intolerance and religious discrimination against members of this creed (Protestante Digital, 2009).
			Political actions: Visit of Pope Benedict XVI to Mexico March 2010. Congressman José Ricardo López presents an initiative with draft decree that reforms art. 24 of the Mexican Constitution.

Note. This table shows the categories of broadening religious freedom that I proposed in Chapter 1, it also shows the public policy actions that could have been promoted by the broadening categories and, finally, it shows the different actions, behaviors or attitudes that were carried out by different actors to evidence the broadening categories.

In the following section, I will discuss the current state of religious freedom in Mexico in terms of the judiciary and the different ways in which this right has been expanded from the Supreme Court of Justice of the Nation (SCJN) and the Electoral Tribunal. These actions are not considered since they are promoted from the individual level.

3.2 Religious Freedom in Mexico Today and Additions to This Right by the Supreme Court of Justice of the Nation and the Electoral Tribunal

In constitutional matters, as I mentioned in the previous section, religious freedom in Mexico was constitutionally reformed in 2012 through articles 24 and 40 which were as follows:

Art. 24: Every person has the right to freedom of ethical convictions, conscience and religion, and to hold or adopt, as the case may be, the religion of his choice. This freedom includes the right to participate, individually or collectively, both in public and in private, in the respective cere-

monies, devotions or acts of worship, provided they do not constitute a crime or misdemeanor punishable by law. No one may use public acts of expression of this freedom for political purposes, proselytism or political propaganda (Chamber of Deputies, 2011).

Art 40: It is the will of the Mexican people to constitute a representative, democratic, secular, federal Republic, composed of free and sovereign States in all matters concerning their internal regime; but united in a federation established according to the principles of this fundamental law (Senate Gazette, 2012).

For Article 24, the legislators added the terms freedom of ethical convictions, freedom of conscience, and for Article 40, only the word secular was added. Although these are not transcendental changes for religious freedom, it denotes an effort to continue expanding this right from public policy documents, in this case, the constitution. For Saldaña (2013), these modifications were unnecessary and rather, in the case of Article 24, it represents a problem by including 3 rights or freedoms in the same normative precept, in addition to this Saldaña points out two additional problems:

The first of these is that in order to specify the rights in question, it would have been convenient not to include three freedoms in a single paragraph, but to recognize each of them in at least three different ones. This, perhaps, would have helped to avoid the problems and errors that will be discussed throughout this book. The main problem refers fundamentally to the exercise and eventual protection of the aforementioned rights. Before, if article 24 was invoked for protection, it was known that it was referring to the right to religious freedom, now, if the same precept is invoked, for which rights is legal protection requested? For this right, or for all three? (Saldaña Serrano, 2013, p. 288).

As I show below, the lack of specificity in public policy documents on religious matters has generated that different communities claim an extension of the right to religious freedom through exemptions and prerogatives enacted through the cases analyzed by the SCJN, also from the political-electoral field by the Electoral Tribunal of the Judiciary of the Federation hereinafter TEPJF and by the legislative commissions.

3.2.1 Religious Freedom Expansion: Legal Protection by SCJN and TEPJF in Health, Education and Electoral Matters

The Supreme Court of Justice of the Nation in Mexico, as the highest court of the nation, has pronounced on 8 occasions on the right to religious freedom with its limits and relations with other rights. In three of the cases

reviewed by the SCJN they analyzed the connection of the right to religious freedom with the right to education. In addition, they resolved a case related to the registration of religious associations; one on religious freedom and the rights to life and health; and, finally, they issued a ruling in which they analyzed the conflict between religious freedom and the right to self-determination of indigenous peoples (Suprema Corte de Justicia de la Nación, 2022).

In Table 1 I present the resolutions of the Supreme Court with respect to each of the issues, for time reasons I do not explicitly refer to them, my recommendation is that whoever wants to go deeper into each case can refer to the original text on religious freedom published by the SCJN in 2022.

Table 2 SCJN rulings on religious matters

Main theme	Concept of the resolution by the SCJN
Religious Free- dom and Edu- cation	The Court ruled that the secular public education contemplated in Article 3 of the Constitution does not constitute a restriction on human rights, since it is a guarantee that protects freedom itself and ensures the full exercise of the right to freedom of conscience and religion. On the contrary, this precept protects the right of parents to educate their children according to their religious convictions, since it ensures that the education provided by the State remains neutral with respect to any conviction or religion, so that it is the parents who guide their children in this area (Suprema Corte de Justicia de la Nación, 2022, p. 57).
Religious edu- cation in the family and reli- gious freedom	although parents or legal guardians have the right for their children to receive a religious and moral education that is in accordance with their own convictions, the recognition of the freedom of ethical convictions, thought, conscience and religion of minors does not violate this prerogative. On the contrary, these rights of minors do not prevent parents from providing guidance, orientation and instruction to their children, as long as they do so in harmony with the progressive evolution of their faculties and the growing exercise of their rights and responsibilities (Suprema Corte de Justicia de la Nación, 2022, p. 58).

Higher education and religious freedom	<p>the Supreme Court ruled on the constitutionality of Article 1 of the Law of Religious Associations and Public Worship. Specifically, the Court reviewed whether the fact that this norm does not contemplate distinctions for certain persons to be exempted from the observance of the law when their religious beliefs prevent them from complying with it violates the right to equality and non-discrimination. In this sense, the Constitutional Court determined that the rule in the abstract is not discriminatory because it establishes general criteria without making any distinction between religious associations. However, despite the neutrality of the rule, the denial of the physicians' request to perform mandatory examinations on an extemporaneous date for religious reasons constitutes a form of indirect discrimination against their religious beliefs or convictions that not only affects them individually, but also violates the rights of the Seventh-day Adventist Church (Suprema Corte de Justicia de la Nación, 2022, p. 59).</p>
Registration of religious associations and religious freedom	<p>In this case, a person requested the registration as a religious association of the group called Native American Church of Mexico before the General Directorate of Religious Associations of the Undersecretary of Population, Migration and Religious Affairs of the Ministry of the Interior. The authority declared the request inadmissible because it considered that the religious group did not prove that it met the requirements established by law to be constituted as a religious association. The Court determined that this norm contains a modulation of the due process and that it cannot be considered unconstitutional in an abstract manner. However, an incorrect interpretation by the authorities that apply it can generate a violation of religious freedom. Therefore, the authorities must make a conforming interpretation of this rule in order to understand that, in exceptional cases, more precautions can be made to a group that seeks to be constituted as a religious association so that it corrects the errors in its application and complies with</p>

	<p>the requirements established in the law (Suprema Corte de Justicia de la Nación, 2022, p. 59).</p>
<p>Right to life and health and freedom of religion</p>	<p>In this case, a girl belonging to a family of the Rarámuri ethnic group that professed the Jehovah’s Witnesses religion was diagnosed with acute lymphoblastic leukemia. The doctors indicated to the parents that the ideal treatment was the application of antivirals, antibiotics and blood products, including blood transfusions. The parents refused such treatment. In view of the parents’ opposition to the treatment and the seriousness of the minor’s health condition, the doctors decided to place the girl at the disposal of the Subprocuraduría de Protección Auxiliar de Niñas, Niños y Adolescentes del Distrito Judicial de Morelos, Chihuahua, since they considered it necessary to carry out the blood transfusion treatment in order to have the possibility of saving her life.</p> <p>The Court determined that both the right to life and the right to religious freedom can be limited in order to protect the rights of third parties. In this sense, in the best interest of the child, the State has the obligation to ensure the protection of children and adolescents, especially in cases in which their integrity is at risk. The Supreme Court decided that the exercise of religious freedom must be limited when parents object on religious grounds to prevent their children from receiving adequate medical treatment to protect their life and health. In this case, the State has the obligation to supersede the parents’ decision and authorize the treatment indicated by the medical personnel.</p> <p>In addition to the above, the court decided that respecting the will of the parents to use alternative treatments unless it is urgent or necessary to administer the treatments recommended by the doctors violates the rights to life and health of the child because it places her integrity at risk by leaving the appropriate medical treatment as a last resort. For this reason, in the case it was decided that the appropriate measure for the protection of the minor’s rights was that the Subprocuraduría should continue to decide on the application of</p>

	<p>the appropriate medical treatment to achieve the protection of the minor’s integrity (Suprema Corte de Justicia de la Nación, 2022, pp. 59–60).</p>
<p>Right to self-determination of indigenous peoples and communities and religious freedom.</p>	<p>In this case, the traditional authorities of the Wixárika indigenous community violently expelled some of its members, depriving them of their property. This occurred because the people expelled professed the Jehovah’s Witness religion and therefore refused to participate in the community’s religious festivities and to use peyote in these ceremonies.</p> <p>The Constitutional Court determined that, in accordance with the self-determination of indigenous peoples and communities, the community is allowed to admit and keep only those persons who share its religion. It was resolved that the expulsion of the Jehovah’s Witnesses from the community did not violate their right to private property because the indigenous community has a communal property regime, and therefore the ownership of the right to property belongs to the community itself and none of its members can claim private ownership of such property, since they enjoy such ownership based on their membership in the community. However, it was determined that the right to the minimum vital rights of the expelled persons was violated because they were deprived of access to housing, sustenance, food and education for their children.</p> <p>The Court decided that the violent eviction of the expelled members violated their right to personal integrity because the use of force and violence used by the communal authorities was not necessary. In addition, the right to due process was declared violated because the Jehovah’s Witnesses were not notified of the procedure or the decision to evict them, nor were they guaranteed the right to provide evidence and be heard. Likewise, it was determined that the best interest of the child was violated because special protection measures for the physical and psychological integrity of the children and adolescents were not established (Suprema Corte de Justicia de la Nación, 2022, p. 61).</p>

<p>The right of women and persons capable of bearing children to decide and the principle of secularity</p>	<p>The High Court ruled unanimously by ten votes that it is unconstitutional to criminalize abortion in an absolute manner. The Court determined that secularism implies a duty of religious neutrality on the part of the State. Secularism must be conceived as a democratic quality, which means that the State respects and values positively that people have religious, ethical, ideological and conscientious beliefs, but ensures that the State and religious denominations are separated. Therefore, the State cannot adopt rules in its legal system that correspond to individual and private convictions of persons. Interpreted in this way, secularism constitutes a guarantee for the rights of women and people with the capacity to bear children, since it implies the recognition of the freedom and autonomy of individuals to define their convictions and beliefs and to act in accordance with them (Suprema Corte de Justicia de la Nación, 2022, p. 62).</p>
<p>Conscientious objection, the right to health and religious freedom</p>	<p>The Supreme Court declared unconstitutional a provision of the General Health Law that broadly regulated the conscientious objection of medical and nursing personnel who are part of the National Health System, limiting this right only in cases in which the patient's life was at risk or in the case of a medical emergency.</p> <p>According to the Supreme Court, conscientious objection must have the following characteristics: a) it is an individual reaction; b) it is linked to a strong religious, ideological or belief conviction; and c) its purpose is the non-application of a rule, act or sanction. On the other hand, conscientious objection is not an absolute right and has different limits.</p> <p>Conscientious objection cannot be valid to deny or postpone health services when there is a risk to the patient. In this sense, the regulation of this right must guarantee that there are sufficient non-objecting medical and nursing personnel to ensure the provision of medical care. The Supreme Court declared the unconstitutionality of the regulation of conscientious objec-</p>

	tion in health matters contemplated in the General Health Law, considering that its wording was vague and deficient. According to the ruling, because the regulation does not contemplate the limits to conscientious objection imposed by the Constitution (Suprema Corte de Justicia de la Nación, 2022, pp. 63–64)
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Although these additions on the issue of religious freedom worked from the SCJN are not as such public policy actions, in the sense that they are not generalizable to the entire population, they are individual actions for the protection of this human right and set a precedent for the different government entities to make efforts to guarantee religious freedom. Although, as I mentioned, the SCJN cases are not considered as public policy actions, they do represent and evidence the expansion of religious freedom from the judicial sphere in the guarantee of human rights, whether individual or collective.

In this sense, the pronouncements of the SCJN in matters of religious freedom allow us to have a broader understanding of the limits, characteristics and exemptions that can be found around this right and how it expands the specificities of religious freedom in Mexico. I observe the expansion of religious freedom in these resolutions to the extent that the population is demanding from the judiciary the scope of this right not only in a broad manner, but also to recognize the complexity of this right and the need for specificities in the norms and laws that strive to abandon the vagueness when it comes to understanding religious freedom.

Now, on the side of the actions in religious matters carried out by the Electoral Tribunal of the Judiciary of the Federation, it is necessary to mention that this Court has established various criteria regarding religious freedom, which allow to notice the scope and limits of the political rights of ministers of worship, according to the constitutional and legal parameters (TEPJF, 2016).

Recently, in the year 2021, the TEPJF received the file SUP-REP-478/2021 in which several ministers of worship were denounced for allegedly making proselytizing manifestations in several videos published in social networks during the electoral process. The Specialized Chamber determined that the ministers of worship violated the constitutional principles of Church-State separation, equity and equality in the contest, and that one of them violated the electoral prohibition. In this case, the Ministry of the Interior is sanctioning the ministers of worship for attempting to transfer their political rights and violating the obligations assigned to them by the law of religious associations.

At the subnational level, Saldaña (2020) evidence other actions that have been resolved by the Mexican electoral courts (i.e., in the different states), among them is the Yurécuaro case in Michoacán where the PRI candidate Jaime Pérez Gómez is denounced for carrying out public acts of his electoral campaign in religious places and using religious images and signs in his campaign and attending religious celebrations (masses). According to Saldaña (2012) the resolution of this case was a clear violation of the right to individual religious freedom. I cannot mention the other cases due to time constraints, however, in the resolutions of the Electoral Tribunal I can observe actions of expansion, but also of restriction to religious freedom, depending on how conflictive each case is, it is worth analyzing this from a legal point of view.

Other aspects that have been of interest in matters of religious freedom are those that involve the discussions around conscientious objection from the Commission of Health and Attention to Vulnerable Groups of the Congress of the Union. The opinions that have been presented⁵ on this issue have become the champions for the health commission to carry out this year's reform on conscientious objection, thus showing an expansion of religious freedom from the health perspective.

A last process of expansion of religious freedom from the legislative branch that I would like to mention is the one that took place in 2020 and 2022 regarding the modification of articles 8 and 29 of the law on religious associations and public worship.

The first case was the initiative with draft decree to reform section IV of Article 29 of the aforementioned law by Deputy Reyna Celeste Ascencio Ortega, in the LXIV Legislature of the Congress of the Union, member of the Parliamentary Group of Morena. The main reason was:

To expressly sanction religious associations or ministers of worship who express expressions or acts of discrimination against people based on their sexual identity or gender expression, in order to avoid attacks from religious organizations and their agents against the population of sexual diversity (Chamber of Deputies, 2020).

⁵ Some antecedents to the reform were: Legislative File 12602/LXXV of 2019 presented by Deputy Juan Carlos Leal Segovia in which he presents the initiative to reform Article 48 of the State Health Law (Commission on Health and Attention to Vulnerable Groups, 2019); the round of discussions for the health reform carried out in 2022 in which he reforms and adds various provisions of the General Health Law, regarding conscientious objection for medical personnel (Chamber of Deputies, 2022).

The initiative was successfully approved, only that the reform was made to section IV of article 29 of the Law of Religious Associations and Public Worship, leaving the section as follows:

Article 29. – The following constitute violations of this law by the parties referred to herein:

IV. Promote the realization of behaviors contrary to the health or physical integrity of individuals or exercise acts of discrimination on the grounds of sexual identity or gender expression of individuals (Chamber of Deputies, 2020, p. 4).

In the second case, for 2022, the Initiative with draft decree adding articles 8 and 29 of the Law of Religious Associations and Public Worship (Chamber of Deputies, 2022), regarding hate speech against people of the LGBTTTTIQ population was presented by Deputy Salma Luévano Luna, member of the Parliamentary Group of Morena in the LXV Legislature of the Chamber of Deputies of the Congress of the Union. Said initiative mentioned that in June 2020, the Mexican Federation of Public Human Rights Organizations had condemned religious messages of hatred towards the LGBTTTTIQA+ population, considering them an affront to human dignity that incites violence and discrimination. In response to this action, the deputy presented the initiative to modify the Law of Religious Associations and Public Worship. The changes include the modification of Articles 8 and 29, which establish the prohibition of hate speech that disparages and discriminates against individuals or groups for any condition or personal, ethnic, social, sexual orientation, gender identity and/or expression, both by religious associations and in the media during the exercise of activities covered by this law.

The proposal made in 2022 to date has not been resolved, however, both the 2020 and 2022 initiatives become an aspect that reflects expanded religious freedom for LGBTTTTIQA+ individuals and in practical terms poses a challenge to religious organizations and the doctrines they promote.

With the development of this section 3.2.1 I have mentioned that the expansion of religious freedom can also occur through judicial and legislative bodies and in these cases there should not always be a category of expansion that is promoted by social actors, but rather what I observe is that it depends a lot on political interests in the case of the deputies that promote the expansion, and in the case of judicial bodies such as the SCJN and the TEPJF it does involve an individual action of defense of the right to religious freedom and a specialization on the part of the court in charge. In all cases, what I have presented in this section constitutes other ways of

approaching the expansion of religious freedom from the judicial and legislative spheres. For future research on this specific aspect, it would be worthwhile to conduct interviews and to approach the actors who promoted this expansion either from the individual or collective defense of the right or from the judicial or legislative spheres.

To conclude, I will summarize the key points addressed in this chapter from my perspective. Throughout much of this section, I have stressed the importance of contextualizing the development of religious freedom in Mexico throughout its history. This is critical to understanding the power struggles surrounding this right, not only among different religious organizations, but also in the political arena and in the day-to-day social struggles that demand a broader understanding of this right by decision-makers.

Likewise, I have highlighted the relevance of not overlooking Mexico's principle of secularism, although I have not gone into much detail on secularism and secularization, they are aspects that must be taken into account. Analyzing religious freedom from a moral perspective or based on the personal beliefs of the rulers can be problematic. In addition, I have presented the categories of expansion that were most evident during the presidential terms of Carlos Salinas, Vicente Fox and Felipe Calderón. These categories, in some cases, were translated into public policies in response to social demands, while at other times they did not have a concrete impact on policy formulation.

In summary, I have observed that the field of study of public policies for religious freedom needs to be further explored in various regions of the world. This would provide insight into how different contexts influence the promotion of an expansion of the right to religious freedom through public policy.

Finally, I have pointed out that there are other ways to expand religious freedom. One is through individual actions before the Supreme Court of Justice of the Nation (SCJN) and the Electoral Tribunal of the Judiciary of the Federation (TEPJF), where exemptions and amparos are sought to guarantee this right. Another way is the expansion through legislation, in which decision-makers promote initiatives and projects to expand this right. If these initiatives are approved, they become part of public policy on religious matters.

CHAPTER IV.

Religious Policy and the Politics–Religion Nexus in Colombia

In this chapter, I present a compilation of the categories of expansion of religious freedom and how these categories or triggers translate into the formulation of religious policy actions that have been carried out in Colombia from 1800 to 2022. I focus primarily on the Colombian case, especially from 1990, when democratic processes began in the country. Although this chapter focuses largely on the historical and normative context, it is important to recognize that the small struggles of the past are now reflected as victories in favor of freedom and religious pluralism. As I will demonstrate throughout the chapter, similar to the Mexican case, during the nineteenth and part of the twentieth century, a predominance of the Catholic Church and its efforts to enter the political arena can be observed in Colombia. This has influenced public policy actions in religious matters, which initially favored this sector.

In this sense, I structure this chapter in three parts: in the first part, I develop a brief outline of the political and social history related to public policy actions and the expansion of religious freedom in public policy documents during the period from 1800 to 1991 in Colombia. Then, in the second part, I analyze the 1991 Constitution as a new framework for understanding and evaluating religious freedom in Colombia, exploring the demands and interests that existed at that time to expand this right. Finally, in the third part, I examine some of the public policy actions that have been promoted after 2014, identifying several categories of expansion that have driven the formulation of public policies in the area of religious freedom.

It is important to note that I have consciously omitted certain details of public policy documents in this chapter to address them in the next chapter, where I will compare the experiences of Colombia and Mexico. Nonetheless, here I have assembled a complete set of categories of expansion of the right to religious freedom, addressing historical, contextual, political, and social aspects of religious freedom in Colombia.

4.1 Exploring the Political and Social Context of Religious Policy Actions in Colombia During the Period 1800 to 1991

From 1800 to the first half of the twentieth century I find the reflection of the influence of the Catholic Church not only in religious aspects, but also in political and social aspects in the different regions of Colombia. I also find signs of political instability, characterized mainly by civil wars and activist groups against the government of the time. Another characteristic aspect of this period is the religious reforms from conservatism and liberalism that determined a support to the Catholic Church or an anticlericalism, respectively.

According to Arboleda (2010):

During the colonial period⁶, the Church was the support of the Spanish regime. The union between the Crown and the Church was logical. There was no problem in conceiving the work of civilization together with that of evangelization (p. 57).

With the establishment of the Act of the extraordinary town council of Santa Fe, on July 20, 1810, the independence of Colombia was achieved. With respect to religious freedom and freedom of worship, no declaration was made on religious matters, but the oath to the members did state the responsibility to defend to the last drop of blood the Catholic, Apostolic and Roman religion as one of the basic elements that would make up the new republic (Nieto, 2005).

Once the extraordinary chapter was established, the nation was formed as a Federal State, and each State carried out the elaboration of its constitutions. Below, I will mention the most important ones, pointing out that I alluded to the religious aspect, following Nieto's research (2005).

Socorro Constitution: Article 1 mentions the Christian religion as an important element of society. By Christian religion was understood exclusively the apostolic and Roman Catholic religion.

Constitution of Cundinamarca, 1811: It recognized the Catholic, apostolic and Roman religion as the State religion and as the only true religion. In addition, in its article 2 it stated: No other public or private worship will be allowed, and it will be subsidized by the contributions and funds of the province.

⁶ Approximately from 1449 to 1810, the date of Colombia's independence.

Act of the federation of the united provinces of New Granada, 1811: It is recognized as the first constitution of national character. In this federal act allusion is made to religion in articles 4, 17, 24 and 26. Article 4 expressly mentions that all provinces of the federation must preserve the Catholic religion.

Constitution of the Republic of Tunja, 1811: this constitution states that it was promulgated in the name of Almighty God. Also, in chapter 2 in the sixth section it contemplates the religious teaching to minors, in which the first rudiments of the holy catholic religion were to be imparted.

Constitution of the State of Antioquia, 1812: the Catholic religion is established as the only true religion and as the religion of the State. In the third title “of the legislative power” in the first section, it was established as a duty of the legislature, to enact laws to preserve the Catholic religion in all its purity and integrity. The teaching of the Catholic religion was obligatory in schools.

Constitution of the State of Cartagena de Indias, 1812: the Catholic Church is consecrated as the religion of the State in its article 1. This same article included the financing and support of the Catholic religion with State resources, the prohibition of any type of external manifestation of religion different from the Catholic religion. In its article 3, the right to freedom of religious conscience is constitutionally guaranteed to foreigners.

Constitution of the Republic of Colombia, 1821: established in its preamble that Catholicism was the State religion; the government authorized the collection of taxes necessary for sacred worship; only Catholic ministers were free to exercise their functions.

As I have shown, a large part of the religious policy actions established in the public policy documents of the time sought to highlight the Catholic religion as the only one and did not recognize the existence or practice of other religious cults. I believe that the interests behind this predominance of the Catholic Church were rooted in the dominant belief of the legislators, as well as the preceding historical context. Therefore, the expansion category present for these years would be the historical category with the religious adherence of the country, this category is translated into the enacted constitutions.

According to Loaiza (2011), between 1821 and 1835, with the emergence of liberalism in Colombia, the Catholic Church was subjected to some severe measures. Francisco de Paula Santander imposed the power of the State through the congress, on the appointment of bishops and archbishops, as well as the appointment of priests and sacristans in the hands of provincial intendants. In addition, in 1821, through the law of

August 6, the president suppressed some convents and destined them for houses of education.

However, in the constitution of New Granada in 1832, these prerogatives were set aside, since the confessional nature of the State was established and Article 15 mentions the obligatory nature of the State to protect the Catholic religion, without mentioning other religious practices.

The historical context of the time, according to Loaiza (2011) allows us to glimpse that since the constitution of 1821, Catholics in the hands of their principals did not agree with all the reforms and control of their power in the hands of the State. Therefore, the constitution of Catholic societies whose purpose was to defend religion from the hands of the liberals began to be seen. In 1838 the formation of these Catholic societies materialized, through which traditional Catholicism promoted and led the electoral triumph of those who could legislate in favor of the interests of the Catholic Church. The people had to put their eyes exclusively on Catholic people, honest men of good conduct so that the laws would not be infected with evil. In this way, what is known today as religious clientelism arose, a clear example of the relationship between politics and religion at the time and of the interests of the majority religion in pushing religious policies in its favor. One of the messages of this Catholic society mentioned:

(To elect) magistrates who are truly Catholic, and to deny their suffrages in the elections to the impious, so that in this way, the high officials and the legislative Chambers are occupied by Catholics, because being the legislature the central point from where the laws that protect the Religion emanate if the legislators are not Catholic, they will not be able to give any that favors this same Religion, and on the contrary, with slow measures they can destroy the Ministries of the Sanctuary, to whose charge Jesus Christ Our Lord left the care of His Holy Church. (Loaiza, 2011, p. 273).

In addition to these pronouncements, the Catholic communities promoted the uniformity of the Catholic religion as an element to consolidate the states and went against any recognition of the multitude of religions; it did not accept the existence of two religions in the same state. All this is evidence of religious intolerance and a feeling of defending religious freedom only for them. Something very similar to what happened in the Mexican case, where Catholics only promoted political actions that benefited them.

In 1848 the first formal liberal government was inaugurated in Colombia, with President José Hilario López who was in charge until 1853. During his administration, he made one of the most important changes in religious matters, the separation of church and state, and expanded civil lib-

erties, including the guarantee of religious freedom. All the reforms that took place during this period of time were aimed precisely at weakening the traditional power of the army and the Catholic Church. A very questionable aspect of López's government was the anticlerical measure of expelling the Jesuit communities in the country, reflecting a state action against religious freedom (Santamaria, 2013).

In 1853, the new constitution of New Granada made an important contribution to the actions of religious policy in Colombia, as it recognized the phenomenon of religious plurality, allowing the manifestation of different religious practices other than Catholicism. In article 5 it consecrates:

The free profession, public or private, of the religion of their choice, provided that they do not disturb the public peace, offend sound morals, or impede others in the exercise of their worship (Constitution, 1853, p. 2).

This would be the first approach to religious freedom in a broad manner for the time, recognizing religious pluralism and the public as well as private manifestation of religion. The predominance of liberal ideas generated some civil wars in which Catholic religious leaders actively participated, promoting changes to the laws and a counterweight to the government.

For the period from 1880 to 1898 with presidents Rafael Núñez and Miguel Antonio Caro, relations between the state and the church were reestablished, and the church once again began to play a central role in the political life of the country. With the constitution of 1886, Catholicism returned as the state religion. According to Santamaria (2013), between 1886 and 1930 the period of time known as *La Regeneración*, the era of republican Christianity, was consolidated. In this period there is a decay of the liberals, losing civil wars, among them one of the most important, the Thousand Days War. From this range of time, the Catholic Church and the conservative party sealed their alliance.

Up to this point I have mentioned that during the period from 1810 to 1930 approximately, the actions of religious freedom policies were based specifically on constitutional aspects, which were promoted because of the Catholic or secular adherence of the ruler in office, thus marking the possibility of identifying a category of political but also historical expansion because Catholicism was the religion reproduced in society.

In the twentieth century, I would like to highlight the liberal government of López Pumarejo (1934–1938) as it marked the beginning of the liberal reforms that lasted until 1946. During this period, the ecclesiastical jurisdiction was abolished and the clergy's control over education was re-

moved. The name of God was also eliminated from the preamble of the constitution. Freedom of worship was declared instead of religious tolerance. In addition, López Pumarejo eliminated religious oaths from public offices, and also introduced legislation allowing civil marriage –no longer only religious– and divorce, thus providing an alternative for other religions to celebrate their own religious ceremonies as well. With López Pumarejo, there was a rapprochement to a secular and non-confessional republic.

Finally, in the mid-twentieth century, there was the insertion of biblical societies and immigrant religious communities. In addition, there was a strong expansion of Pentecostal and Protestant churches in the mid-twentieth century, mainly from the United States. According to Santamaria (2013):

Between 1948 and 1958, freedom of worship was limited by law, as reflected in the circular of January 1954 of the Ministry of Government, which established in paragraph three, that non-Catholic foreigners residing in Colombia, whether they are ministers, pastors, or simple faithful, may not develop any public proselytizing action or use any means of propaganda outside the premises where the worship takes place (Tirado, 1989, p. 118). The above allows us to differentiate the rules that regulated the Catholic Church for the celebration of its worship with respect to the limitations imposed on Protestantism by the government. In the period between 1939–1945 (Liberal Republic) the number of Protestant churches increased; the historical churches and the nascent Pentecostal groups were consolidated. This phenomenon brought with it the reaction of the Catholic Church, which perceived the expansion of Protestantism as a threat to be countered by violent means, and therefore formed movements of persecution against non-Catholic churches. Strategies of restriction and subjection were implemented, such as the destruction of temples and meeting places of evangelicals, the closing of Protestant schools and, consequently, the displacement of a significant number of Protestant individuals and groups (p. 51).

I can identify that in Colombia, unlike Mexico, the discussions around religious freedom and the separation between Church-State have been different. Colombia has been characterized for being a country where the formal separation between these two entities has been late and not very effective, it has also been characterized by a strong influence of the Catholic Church in State affairs and its immersion in political parties, mainly the conservative one. In addition to the predominance of this religion, I note that the history of the nineteenth century and part of the twentieth century does not have so many approaches to public policy actions on re-

ligious freedom, rather, it shows a favoritism and unity for the Catholic Church and a strong persecution of other religious manifestations, which becomes a hostile environment to practice the belief and, therefore, a violation of freedom of worship.

Next, I will address the period from 1990 onwards through which I will be able to show more clearly the categories of expansion that have been present in the formulation of public policies on religious freedom in Colombia.

4.2 From Tradition to Transformation: New Constitution and New Public Policies to Expand Religious Freedom

Talking about the expansion of religious freedom in Colombia in the 1990s would not be possible without first mentioning an important event that occurred during the previous decade in which new religious movements emerged, existing Pentecostal and Protestant groups were strengthened, Eastern spiritual currents and New Age manifestations arrived in the country, thus generating a much more diverse and plural religious field. This is important to mention given that in both Mexico and Colombia I have spoken mostly about the influence of the Catholic Church in history, and I have left behind the discussion on religious diversity and how this diversity has driven the expansion of the law. In this sense, given that my theoretical proposal is to consider religious freedom in a broad manner, from the personal, the transpersonal and the collective, it is important to take into account in chapter 6 how religious diversity has pushed for actions to expand this right and also the role played by the different religious organizations recognized or not by public records in the processes to push for greater recognition of religious diversity.

In the 1980s, the Confederation of Evangelicals of Colombia (CEDECOL)⁷ functioned as a spokesperson for the political position of evangelicals in the face of the national problems that the country was experiencing. According to Santamaría (2013):

The increase in the number of converts under the evangelizing influence of Protestantism in Colombia gave rise to new social dynamics (...) Evangelical

⁷ In 1950, it was positioned as an initiative in the face of the religious and political persecution of which evangelicals were being victims due to the superiority of the Catholic Church and the non-recognition of their full religious rights (Santamaría, 2013).

and Pentecostal churches that were established in different Colombian cities focused on strengthening community life, evangelization and social work, which made it possible to improve the living conditions of some believers (...). In the seventies some religious actors –members of evangelical churches– were elected as councilors and Corregidor's, among other public offices. They held these positions because they were leaders whose work was recognized by their communities (2013, p. 52–54).

By the 1980s, this group of evangelical churches organized themselves to strengthen their socio-political activities and called for participation in social and political training spaces. After various debates, some pastors, religious leaders, ministers, etc. established alliances to enter the political arena. At this time, the Christian Union Movement, endorsed by CEDECOL, emerged as a result. According to Basset (2011):

Representatives of the churches, Jaime Ortiz Hurtado of the Christian Union Movement and Arturo Mejía Borda, member of the International Charismatic Mission Church, participated in the Constituent Assembly with the support of the Evangelical Confederation of Colombia. The 1991 Constituent Assembly institutionalized political parties. These democratization processes in Colombia allowed parties, ethnic and religious movements to emerge from the recognition of collective rights for minorities. The need to open up the political system highlighted the relevance of political groupings that were outside the traditional parties (p. 63).

With the realization of the National Constituent Assembly in 1991, the new and current political constitution of Colombia was enacted, which normatively establishes a framework of religious plurality and freedom of worship, opening the way to the recognition of new religious minorities and in turn giving political recognition to religious minorities who wish to participate. According to Santamaria (2013):

The participation of evangelicals in the National Constituent Assembly was achieved after making the list of those who would be part of the Assembly. Evangelicals achieved a significantly high vote in favor, winning two seats. Once the declaration of freedom of religion and worship was achieved, these groups sought to achieve rights and privileges that had been granted exclusively to the Catholic religion (p. 66).

In this sense, some of the triggers for the expansion of religious freedom in 1991 are the previous environment of religious violation, as well as the demands of the religious sector to obtain recognition by the State, and to this I add the political participation of religious minorities in de-

cision-making spaces that are presented as strategic allies to push an agenda on religious rights.

The Constitution of 1991, compared to previous constitutions, presents a broader normative development of religious freedom and guarantees this right. Next, I mention the articles to be rescued:

Freedom of conscience is guaranteed. No one shall be molested on account of his convictions or beliefs, nor compelled to reveal them, nor forced to act against his conscience.

Article 19. Freedom of worship is guaranteed. Every person has the right to freely profess his religion and to spread it individually or collectively. All religious denominations and churches are equally free before the law.

Article 42: (...) Religious marriages shall have civil effects under the terms established by law.

Article 68: (...) Parents shall have the right to choose the type of education for their minor children. No person may be forced to receive religious education in State establishments (Constitution, 1991).

Following the establishment of the constitution, the Colombian State made an additional effort for religious freedom, generating a public policy document in 1994 called “*Law 133 of 1994: By which the right to Religious Freedom and Worship is developed*”. In general terms, this law covers the regulation of non-discrimination on religious grounds; the legal status of religious organizations, as well as the requirements to obtain public registration; it also devotes a few lines to mentioning religious worship ceremonies, as well as the practice of religious rituals. Finally, it recognizes the right to conscientious objection based on religious beliefs.

In relation to Law 133 of 1994, I would like to emphasize that this legislation was promoted by Viviane Morales, who was a senator of the Christian Unity Movement and represented the interests of the Evangelical and Pentecostal sector in Colombia. In this context, this public policy action materialized the broadening category referring to the demands of the religious sector for the State to provide opportunities for political participation to religious minorities. The enactment of this law marked a significant milestone in the advancement of religious freedom in the country.

In addition to the 1991 Constitution and Law 133 of 1994, at the end of the 20th century, in 1998, the Colombian State signed the first Internal Public Law Agreement No. 1 of 1997. Until June 2023, this agreement was the only formal agreement between the Colombian State and religious minorities. The agreement was established in collaboration with 12 Protestant and Pentecostal organizations and had a significant impact on expanding religious freedom for these communities. Under this agree-

ment, marriages performed by these religious organizations acquired civil validity, and the signatory entities gained the ability to provide religious assistance to their followers in various settings, such as educational institutions, military environments, hospitals and detention centers (Presidency of Colombia, 1998). In the words of Beltrán and Quiroga (2017) this agreement:

only favored twelve Protestant organizations (if we include within Protestantism the Seventh Day Adventists). For this reason, the agreement has been popularly known as the “evangelical concordat”. Religious minorities such as Muslims, Mormons and Jehovah’s Witnesses, to mention a few examples, were excluded from these benefits (p. 204).

So far, I have identified three public policy actions in Colombia during the 1990s that promoted the expansion of religious freedom, all of them influenced by the Pentecostal–Protestant sector. As in Mexico, in the early years of democracy in Colombia, a politicization of religious freedom was on the horizon. Christian political leaders took advantage of this issue not only to guarantee religious freedom, but also for electoral purposes. However, I will address this issue in the next chapter. For now, I will move on to the next section, where I will describe some categories of religious freedom expansion so far in the 21st century and the public policies that emerged from these categories.

4.3 The 21st Century and Policy Actions on Religious Freedom. Political–Religious Ties and Religious Infringement.

So far in the 21st century, the Colombian State, through different political, social and religious actors, has carried out different actions to expand religious freedom, most of them have been influenced by the relationship between politics and religion that the country allows. In this section I will mention both the categories or triggers of expansion and the public policy actions through which those categories have materialized.

With the government of Álvaro Uribe Vélez Colombia witnessed a rapprochement between the political and religious organizations, given the personal closeness of the president with several pastors of Christian churches such as the International Charismatic Mission (ICM) and the Bethesda Missionary Center, both churches with an important presence in Colombia and abroad. This rapprochement allowed to see that, for his presidential candidacy in 2002, the ICM adhered to his campaign giving

him approximately 1 million votes (El Espectador, 2009). This led to the appointment as Colombian ambassador to Brazil of Senator Claudia Rodríguez Castellanos, a visible figure of the Pentecostal sector, wife of Pastor César Castellanos, founder of the ICM and creators of the National Christian Party (PNC).

In terms of public policy actions that reflect the expansion of religious freedom from a political category of closeness of the ruler with religious sectors, I mention three public policy actions during the two periods of government of Uribe Velez. The first of these was in 2009, with Resolution 2615 of August 20 of the same year, which created the Interreligious Consultative Committee on Religious Affairs, Conscience and Worship. Said Committee had consultative and advisory effects on issues of religious freedom to the Ministry of the Interior and was integrated by:

Various offices of the Ministry of the Interior and the Legal Representatives of religious entities that by the time of its creation, reflected the religious plurality present in the country: CONFELIREC, Colombian Episcopal Conference of the Catholic Church, CEDECOL, Seventh Day Adventist Church of Colombia, United Pentecostal Church of Colombia, Colombian Baptist Denomination, Colombian Anglican Church, Jewish Community of Colombia, Islamic Cultural Center in Colombia and the Association of Evangelical Ministers of Bogotá – ADME (Ministry of the Interior, 2017, p. 8).

On the other hand, another religious policy action in Colombia was the CONPES document⁸ 3605 signed in September 2009 by means of which “requirements were created for the subsidized pension contribution program for pastors of Christian churches” (El Espectador, 2009). Finally, during the government of Álvaro Uribe Vélez, Decree Law 2893 of 2011 was enacted, which establishes as objectives of the Ministry of the Interior to formulate, adopt, direct, coordinate and execute public policy, plans, programs and projects, among others, in matters of citizen participation, freedom of worship and the individual right to profess a religion or creed.

In this sense, with the Uribe administration I can observe the inclusion of religious freedom in its government agenda for political and strategic reasons given its electoral closeness to the Christian sector, thus giving way to a broad participation of the Christian sector in public affairs and recognizing the existing religious plurality in the country.

⁸ The Conpes documents reflect the public policy decisions approved by the National Council on Economic and Social Policy and are one of the main tools for their formulation and implementation.

Something that I am interested in rescuing is what happened in 2014, in a social and political context concerning the peace dialogues between the FARC and former President Juan Manuel Santos, one of the biggest events of persecution and religious violation to one of the churches that emerged in Colombia, now conceived as a mega church, took place. The International Ministerial Church of God of Jesus Christ –IDMJI– was questioned because of a video in which it alluded to one of the characteristics that preachers should have when they went to the pulpit, this triggered a series of criticisms, physical violence, unjustified dismissals by the believers who attended this church⁹. Now, the interesting thing to mention in this case is that the IDMJI since 2000 has its political arm, the political party MIRA – Independent Movement of Absolute Renovation – which until recently was considered a center–opposition party, but since 2018 with the government of Ivan Duque was considered a government party to become part of its ministerial structure.

As a result of the persecution, the national director of the MIRA party, Carlos Alberto Baena filed before the Inter–American Court of Human Rights a lawsuit for religious discrimination in which he sustained 800 cases of discrimination and violation of religious freedom by the believers of the IDMJI¹⁰. With all this, the IACHR ruled in favor of the lawsuit and granted precautionary measures for the world leader of the church, Maria Luisa Piraquive de Moreno. During all this process of religious violation, President Juan Manuel Santos did not rule on the matter or promote respect for religious freedom, leading the leaders of the party with their political and religious electoral strength to openly support the candidate of Uribism, Oscar Ivan Zuluaga for the elections of that same year, mentioning the following:

When we do not have a candidate, we always let the people choose the best proposal, but this year there is a generalized feeling that the President of the Republic –in the face of the plot, the political persecution, the defamation campaign, the religious persecution and the apology of hatred that cost us so dearly– did absolutely nothing (La Silla Vacía, 2014).

During the presidential campaign of that year, the candidate for Uribism, Oscar Ivan Zuluaga, mentioned in one of the interviews that he would be

⁹ For more information on this aspect, see Sánchez, 2019: Intersection of the political and religious fields in Colombia. El caso del partido MIRA y la IDMJI: Análisis a propósito de la polémica del año 2014.

¹⁰ Available at <https://www.rcnradio.com/colombia/movimiento-mira-radica-de-nuncia-ante-la-cidh-por-discriminacion-152594>

in favor of defending any act that violates the freedom of worship stipulated in the law, thus winning over the religious sector in Colombia, specifically the IDMJI sector and the MIRA party¹¹.

After all this, the former president Juan Manuel Santos was reelected for the period 2014–2018 and from this second government began to develop public policies on religious freedom. In this sense, the broadening category that intervened for the development of public policy actions on religious freedom after 2014 was the violation of the right and the demands of the religious sector towards the government to have better guarantees in situations of religious intolerance.

In 2014, when Santos is positioned as president of the republic, he adds the religious freedom in the National Development Plan 2014–2018 as one of the rights his government would guarantee, article 244 stipulates it as follows:

Article 244. Freedom of religion, worship and conscience. The Ministry of the Interior, in coordination with the competent entities, shall undertake actions that promote the recognition of the associative forms of civil society based on the principles of freedom of religion, worship and conscience. The National Government will formulate and update the public policy on the matter with the participation of religious entities, guaranteeing religious freedom and equality in terms of equity and recognizing their contribution to the common good at local, regional and national levels (Presidency of Colombia, 2015, p. 1201).

This initiative to include religious freedom in the National Development Plan was promoted by the MIRA party itself, as mentioned in the document “Rendición de Cuentas 2016” in which they point out:

Among our most significant achievements, we can highlight the inclusion of the Public Policy on Religious Freedom, Freedom of Worship and Freedom of Conscience, in the National Development Plan (NDP) 2014–2018, as it commits the Ministry of the Interior to promote the recognition of Civil Organizations based on Religious Freedom, Freedom of Worship and Freedom of Conscience; and to formulate and keep updated the Public Policy on Religious Freedom, Worship and Conscience, in a participatory manner, in terms of Equality and Equity, highlighting their contribution to the local, regional and national common good (Partido MIRA, 2016, p. 4).

¹¹ The video is available at https://www.youtube.com/watch?v=cAUq9bj8W20&ab_channel=NomasSantos.

Other public policy actions of President Santos were: in 2016 he proclaims Decree 1079 by which July 14 of each year is declared as the National Day of Religious Freedom and Worship in Colombia. This date will reflect on the respect and equality of religions and worship, offering the enjoyment of the guarantees of religious freedom and worship in the national territory (Presidency of Colombia, 2016). In 2017 Santos promulgates Resolution 889 by means of which guidelines are established to guarantee the direct participation of the Religious Sector, in the formulation and implementation of the Comprehensive Public Policy on Religious Freedom and Worship. In 2018, shortly before the end of his presidential term, President Santos performs another action of religious policy in Colombia, through Decree 1140 of 2018 which creates the Directorate of Religious Affairs intrinsic to the Ministry of the Interior and dictates the functions of this directorate. In the same year, he promotes and files Decree 437 of 2018 which obliges all territorial entities to implement the public policy of religious freedom established at the national level and commits mayors and governors to promote this same public policy in their territories with their respective adaptations.

In all these public policy actions there was the participation of both religious organizations and political parties of a religious nature, who participated in the dialogue and consensus-building roundtables in favor of these actions, an aspect on which I will focus in the next chapter in order to reflect on the actors and the insertion of religious freedom in government agendas in recent years.

Finally, in the presidential period of 2018–2022, former President Iván Duque Márquez continued the line of guaranteeing religious freedom, including it in his national development plan. It is worth mentioning that for his campaign the religious parties MIRA and Colombia Justa Libres supported his candidacy with the commitment that one of his lines of work would be religious freedom, thus in the middle of his presidential campaign he adopted the discourse in favor of human rights, specifically the guarantee of religious freedom. On the side of the MIRA party, the thematic axes that they agreed with Duque to achieve the endorsement for his presidential campaign were: religious freedom, employment and entrepreneurship, electoral reform, professionalization of the diplomatic service, children, women and family and social security for peasants (Confidencial, 2018). For Colombia Justa Libres, the reasons for joining Duque's campaign were mainly moral issues, convictions and work with ethics (Asuntos Legales, 2018).

The discourse promoted by former President Iván Duque also had the adaptation to religious freedom, as an electoral strategy, since in his cam-

paign he managed to capture the Christian vote in Colombia. During his government, he carried out public policy actions to continue guaranteeing this human right in Colombia, with the support of the MIRA Party, which from the territorial level acted as a promoter of religious freedom through the formation of religious freedom committees.

Some public policy actions carried out by Duque in 2019 were:

- The record for the analysis of the connection between the right to education, freedom of religion and worship
- The minutes of the Roundtable for the Recognition and Strengthening of the contribution to peace of religious entities.
- Finally, in 2020 another action promoted by former President Duque was the following, found through his Twitter:

On the National Day of Religious Freedom and Worship, the @MinInterior signed an agreement with @pnud, to advance with the characterization of 1,250 Religious Entities in 4 departments¹².

As a compilation of what I have said throughout this last section, I present Table 3 in which I condense the categories of extension, the public policy actions promoted and the evidence of these actions in the actors.

Table 3 Categories of scaling up and their impact on public policy actions in Colombia

Period / President	Religious freedom expansion category	Public policy actions into which the category of implementation was applied	Evidence of actions that express the broadening categories, expressed by social actors and by the executive/legislative or judiciary.
Constituent Assembly of 1991	Social: Persecution and violation of religious minorities. Social: Demand for expansion due to lack of state recognition of other	Political Constitution of 1991: articles 18, 19, 42, 68. Law 133 of 1994: By which the right to religious freedom and	Democratic voting process for religious minorities to be part of the constituent process, achieving 2 seats. The political participation of the religious sector begins.

¹² <https://twitter.com/mininterior/status/1279496549488304128>

	religious organizations. Demand for expansion of political participation of the Pentecostal sector.	worship is developed.	
Alvaro Uribe Vélez	Policy: Closeness to religious sectors.	Resolution 2615 of 2009 which creates the Inter-religious Consultative Committee. Conpes 3605 of 2009.	Adhesion of the International Charismatic Mission (ICM) to the Uribe Vélez 2002 campaign. Visit of Uribe Velez to the ICM G12 Convention. Appointment of Claudia Rodríguez Castellanos, senator and ICM pastor, as Colombian ambassador to Brazil.
Juan Manuel Santos	Social: Persecution and violation of religious minorities with a public presence.	PND 2014–2018 (article 244). Decree 1079 of 2016 Resolution 889 of 2017 Decree 114 of 2018 Decree 437 of 2018	Persecution of IDMJI and MIRA. Adhesion to the presidential campaign of Osca Iván Zuluaga. Complaint before the IACHR for religious persecution.
Ivan Duque	Political: Electoral agreements with religious sectors with the commitment to work for religious freedom.	PND 2018–2022 (Article 127) The minute for the analysis of the connection between the right to education, religious freedom and freedom of worship (2019).	Adhesion of Christian parties such as the MIRA Party and Colombia Justa Libres to the presidential campaign, Duque's commitment to guarantee religious freedom during his government.

		The minutes of the Roundtable for the Recognition and Strengthening of the contribution to peace of religious entities (2019). National Pact for Religious Freedom and Worship (2020) Agreement with UNDP–UN (2021)	
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Note. This table shows the categories of broadening religious freedom that I proposed in Chapter 1, it also shows the public policy actions that could have been promoted by the broadening categories and, finally, it shows the different actions, behaviors or attitudes that were carried out by different actors to evidence the broadening categories.

After considering what has been mentioned so far, and taking into account that I will go deeper into some of these aspects in the following chapter, it is clear that in Colombia, as well as in Mexico, religious freedom has been politicized in the electoral arena. Political leaders, both at the national and sub-national levels, have used this issue as a strategy to win the favor of the Christian sector and obtain votes. Religious freedom has become a campaign promise, and although several public policies have been implemented in this regard, their effective execution in practice is not guaranteed. Although this analysis has been concise and general, in the next chapter I will delve deeper into the content of public policy documents in Mexico and Colombia, as well as the ideas underlying these documents and the institutions created to safeguard religious freedom.

In summary, in Colombia, the main broadening categories or factors that have driven the implementation of public policies on religious freedom have been: firstly, social aspects related to the demands of the religious sector in search of political participation and social recognition; secondly, episodes of religious violation that have been conducive to promoting discourses in favor of religious freedom; finally, I highlight the political category of closeness with religious sectors and the use of the discourse in defense of religious freedom as an electoral strategy, which has led rulers to promote public policy actions in this area.

CHAPTER V.

Mapping Religious Freedom Policies in Mexico and Colombia

Up to this point I have been drawing the analytical map to understand religious freedom in Mexico and Colombia from a broad theoretical perspective of religious freedom and from a public policy approach that contemplates the categories that make possible the expansion of this right and the public policy actions that materialize, evidence or translate those categories. I have presented a classification that has served me as a tool to categorize the various definitions and theoretical approaches to religious freedom. And based on this, I have presented my position when considering religious freedom as a right that should be non-denominational and consider the individual, transpersonal and collective aspects of belief, taking into account that the religious market is as broad as we can imagine and that religious freedom as a human right should be guaranteed by the States from the broadest possible perspective, unless its guarantee violates other human rights.

I have also presented the category of broadening religious freedom and the categories of broadening that I am considering, from the social, political, historical and international aspects that influence the broadening of religious freedom from public policy. I then outlined the adoption of a public policy approach from policy studies and addressed the elements of comparative public policy that I am interested in looking at: change and transfer of public policy.

Finally, in the two chapters preceding this one, I outlined the categories of the expansion of religious freedom in Mexico and Colombia, highlighting in particular the historical, social, political and, to a lesser extent, international aspects¹³. Although both countries share certain similarities in their evolution, I also recognize the differences and contextual nuances that characterize each case. Nevertheless, in one and the other, there has been a significant expansion of religious freedom through public policies, which boomed in the 90s and reached its peak in the second decade of the 21st century, especially between 2017 and 2019.

¹³ During this chapter I will mention the international influence on the promotion and guarantee of religious freedom.

In this chapter, therefore, I will focus on these public policy actions on religious freedom in order to analyze which are the concrete actions, programs and strategies that reflect in Mexico and Colombia an expansion of religious freedom and towards which aspects they are directed (religious equality, discrimination, legal assistance, education, among others). In addition, I am interested in showing the actors that promoted these actions, as well as the benefited actors, the institutions that interact to guarantee the fulfillment of the actions, the interests and possible ideas that are present in them and the public problems defined by these public policy actions. Finally, I will approach the issue of change and policy transfer, if I am able to evidence some of these approaches in public policy documents.

As a methodological strategy to develop this chapter, I chose the coding of the documents through the MAXQDA qualitative data processing and analysis program, which allowed me to generate the identification and systematization of all the aspects mentioned in the previous paragraph through the coding of 34 documents containing public policy actions for Mexico and Colombia (16 and 18 documents respectively). Therefore, the analytical structure contained in this chapter is as follows:

1. First, I conceptually address coding as a functional tool for inductively analyzing all types of qualitative data. At this point, I will refer to the categories and codes used to perform the analysis.
2. Subsequently, I present the documents analyzed for the Mexican case together with the preliminary analysis of the main findings obtained for this case study.
3. I then present the documents and results obtained for the Colombian case.

Having made the above clarifications, I will now proceed to develop this chapter of analysis of public policy actions on religious freedom in Mexico and Colombia.

5.1 Codification as an Analytical Tool for Public Policy in Religious Freedom

In this short section I will first mention what I understand by coding and how coding is useful to me in the analysis of public policy documents on religious freedom. After that, I will make a small methodological sub-note about the selection process of the documents and then go on to mention those categories and codes that were useful to me for the analysis that I present in this chapter.

5.1.1 From Grounded Theory to Codification as a Tool for Systematization and Analysis

Grounded theory was developed by Glaser and Strauss (1967) and Corbin and Strauss (1990), who describe it as:

a set of relationships that offer a plausible explanation of the phenomenon under study, i.e., a theory that is based on data that are systematically collected and analyzed. Theory is developed during the research process itself and is the product of an ongoing interaction between analysis and data collection (Shannak & Aldhmour, 2009, p. 33).

An important aspect of grounded theory is that theory is developed during the research process itself and is the product of an ongoing interaction between analysis and data collection. I want to emphasize that I did not use grounded theory as such for the development of this research, rather I used one of the tools of grounded theory, coding.

Coding consists of decomposing the data into small segments and assigning them a code, this process is inductive, that is, the codes are derived directly from the data and have the characteristic of including words, phrases or more general characteristics of the concepts that are in the data. According to Dabenigno (2017) cited by Sanchez (2019) coding:

refers to the analytical process that seeks to fragment, conceptualize and integrate data, providing the conceptual ordering of data according to properties and dimensions. In the initial stage, themes, subthemes and concepts are identified to categorize, classify and label the data. In the subsequent stage, coding, accompanied by the researcher's reflection, allows comparisons to be made to establish recurrent patterns and the specificities of the data analyzed (2019, p. 90).

The process of coding and assigning value to my data, that is, to all the public policy documents encountered, helped me to identify similar and reiterative aspects, as well as inherent characteristics present in these documents. Moreover, it allowed me, as a researcher, to make comparisons not only between the documents themselves, but especially between the contexts and the broadening categories I have discussed in previous chapters. Thanks to this, I was able to identify recurring patterns in the documents and organize all the information into categories.

I would like to emphasize that coding is an inductive process, and the elements to which we assign value are called codes. In this sense, I understand codes as a system of signs, rules and words that facilitate the formu-

lation, understanding and systematization of a discourse (Trinidad, Carrero and Soriano, 2006). I also emphasize that codes are intuitive and are assigned inductively by a person, which means that it is not an automatic process, but rather an analytical process that involves understanding and interpreting the information. Although I used MAXQDA for the coding process, I want to emphasize that the entire procedure, including reading, code assignment, analysis, and comparison, was performed by me. The program was simply a tool that adapted to the methodological decisions I set for it.

In addition to the above, in this coding process the codes can also act as analytical categories, acting as a sample of the grouping and classification of the codes that share similar characteristics and serve to have a more precise organization of the different themes that the researcher wants to show.

In terms of practicality and as part of my methodological decision, I chose to use the selective or closed coding type¹⁴. This selection allowed me to previously define a list of codes before approaching the documents. However, during the coding process, new codes and categories emerged as I found additional elements in the documents and relationships that I had to consider for the comparison between all the documents.

I want to highlight an essential element in my coding process that proved extremely useful: memos. I understand them as key pieces that emerge during my analysis and allow me to immediately record ideas that emerge as I code and discover meaningful relationships. These memos consist of ideas, concepts, arguments, analyses, and comparisons that help forge connections between the documents I analyze and the theoretical framework of my research. They served as an invaluable resource for documenting my reflections and thoughts throughout the coding process, allowing me to enrich my understanding of the relationships and patterns identified in the data.

Having made these clarifications, I proceed to present the final categories and codes used during the coding of the documents.

¹⁴ In addition to closed or selective coding, there are open coding and theoretical coding. Open coding is the moment in which the researcher assigns units of value to the data as he reads, that is, he assigns codes; in this type of coding the aim is for the analyst to recognize the first themes and categories and the motto is that "the data speak for themselves". In theoretical coding the process is more analytical, as it tries to establish hypotheses in the relationships and connections between the codes and their properties; it allows establishing new connections between the codes, of what is new and emerges in the data and is contrasted with existing theories (Trinidad, Carrero, & Soriano, 2006, p. 51).

5.1.2 Categories and Codes for the analysis of public policy actions on Religious Freedom

In the following, I will briefly show the codes and categories used for document analysis, as well as the description of each one. Figure 1 shows the interface of the code system provided by MAXQDA. As you can see, categories are those from which other codes are derived, i.e., they classify certain elements. Codes are those that arise from categories, but a category can also act as a code as long as they match the data in the documents.

Figure 1 Categories and codes in MAXQDA

MAXQDA 2020

Code System

- PND's MX and COL
- Political speeches with allusion to the RF
- Comparative Public Policy
 - International Community
 - Constitutional Change
 - Focus on Human Rights
 - Definition of RF or Religion
 - Institutions
 - Ideas
- Public Problem defined by PP actions.
 - Lack of interfaith dialogue
 - Intolerance/Discrimination
- Objectives of PP actions
 - Recognition of the social contribution of Religion
 - Argument that promotes the PP action
 - Objectives of public policy actions in Colombia
 - Objectives of public policy actions in Mexico
- Public Policy Actions
 - Religious equality

- Church–State separation/Political and religious allusion
- Discrimination/vulneration
- Public Policy programs/activities
- Legal Assistance
- Education/training
- Interfaith Dialogue
- Regulation RF Col

Note: Prepared by the authors based on the analysis of documents in MAXQDA.

In addition to the categories and codes presented on the left side, there are the memos and the frequencies that arise from each of them, the memos are the symbols that look like yellow folders or folders, these memos are a description of each category and code, and the frequencies refer to the number of times I used each code, they also allow me to see the main themes found in the coded documents. Table 4 shows the memos for each category and code for the reader's understanding.

Table 4 Memos of categories and codes in MAXQDA

Codes	Memo	Fre- quency
		586
PND's MX and COL	I group the CP actions mentioned in the NDPs as government roadmaps to determine whether or not they have been implemented in practice.	22
Political speeches with allusion to the RL	In this code I group and show the speeches made by the governors in which they commit themselves to promote RL.	13
Comparative Public Policy	Aspects that allow me to identify policy change and policy transfer or counter-transfer.	7

International Community	Actions in which international organizations issue recommendations for religious freedom	5
Constitutional change	Allusion in the speeches to encourage a reform of something	2
Focus on Human Rights	Allusions to respect for human rights by religious organizations	16
Definition of RL or Religion	How religion and religious freedom are understood according to PP documents	25
Institutions	<p>This code identifies the influence and role of governmental organizations and structures in the public policy process.</p> <p>Institutions play a crucial role in decision-making and in shaping public policy, and their design and operation can have a significant impact on policy effectiveness and equity.</p>	15
Ideas	Whether ideas, values and notions of values are presented in public policy documents and the role they play in establishing policy change or the stability of policy	7
Public Problem defined by PP actions	Problems identified by public policies on religious freedom	11
Lack of interreligious dialogue	Absence or insufficiency of conversation, exchange of ideas and constructive cooperation between different religious groups and belief communities in a society.	2
Intolerance/discrimination	Refers to any action, behavior, speech or policy that demonstrates disrespect, hostility or discrimination toward religious beliefs, religious practices or individuals and	19

	communities based on their religious affiliation. This includes discrimination, persecution, hostility, hate speech, violence and any other form of unfair or negative treatment directed at individuals or groups because of their religion or religious beliefs.”	
Objectives of CP actions	The objectives pursued by the different public policy actions are as follows	0
Recognition of the social contribution of religion	Allusion in public policy documents to the contribution of religion and thus of religious freedom.	36
Argument promoting PP action	The explanation they give to promote public policy action	24
Objectives of CP actions in Colombia	It contemplates the objectives of each action or program. It allows me to see the purpose of each action	11
Objectives of CP actions in Mexico	It contemplates the objectives of each action or program. It allows me to see the purpose of each action	18
Public Policy Actions	They refer to the measures and strategies adopted by governments to promote and protect the right to religious freedom of individuals and communities within their jurisdiction. These actions seek to create an environment in which people can exercise their freedom of religion or belief effectively and without discrimination.	27
Religious equality	Articles, programs that mention the guarantee of religious equality by the State.	7

Church-State separation/Political allusion and religion	Arguments that mark the separation of state-church but also those that mention a relationship or closeness between the political and the religious.	20
Discrimination/vulnerability	Those actions that promote the fight against discrimination or religious violation enter programs, articles and everything that is in tune with the defense of the RL.	20
CP programs/activities	Those programs, activities, actions that public policies carry out in order to comply with the proposed objectives.	123
Legal Assistance	Whether the law provides legal remedies and support for individuals and communities facing religious discrimination or restrictions on their religious freedom	13
Education/training	Whatever the law mentions about education, in whose hands is it, the promotion in education to the understanding of religious diversity and the promotion of religious tolerance in schools and in society in general.	36
Interreligious dialogue	Encourage dialogue and cooperation among different religious groups and communities to promote mutual understanding, tolerance and peace.	29
Regulation LR Col	It refers to all laws, decrees, rulings, public policy documents that have been enacted on some element of religious freedom. In this code I will only list the titles of these documents.	13

	Back-up items	Constitutional articles, laws, documents where religious rights and freedoms are mentioned.	21
	Religious associations Col	What I mentioned about the recognition of religious associations in Colombia, functions, obligations, criteria to be recognized as such.	10
Regulation LR Mex		It refers to all laws, decrees, rulings, public policy documents that have been enacted on some element of religious freedom. In this code I will only list the titles of these documents.	3
	Back-up items	Constitutional articles, laws, documents where religious rights and freedoms are mentioned.	9
	Religious associations Mex	What I mentioned about the recognition of religious associations in Mexico, functions, obligations, criteria to be recognized as such.	22

Note: Prepared by the authors based on the analysis of documents in MAXQDA.

As for the coding step by step with the obtaining of results, I first made the choice of all the documents, per country I made an exhaustive search

of all the legal and normative documents, but I also included those documents of the national development plans and some speeches of presidents that talked about religious freedom to know the government agenda that I wanted to implement. On the other hand, I did the open coding initially with a document to pull out the codes that I could implement for all the documents. Once the codebook was structured, I coded all the documents and as I was coding, if there was a need to add any code or category, I added it. The process of coding all the documents was done twice for each document, however, I must say that as the documents are of legal basis or public policies, there were paragraphs in which I did not identify things that could be rescued, or actions that were repetitive and I only pointed them out to take them into account. An important aspect at the time of coding is the elaboration of the memos, which were useful for me to thread ideas and generate interpretation arguments.

The following is an explanation of the selected documents and an analysis of the findings obtained for Mexico.

5.2 Selected Documents and Key Findings on the Expansion of Religious Freedom through Public Policy Actions in Mexico

In this section, I will address two important aspects. First, I will describe the documents I analyzed in the Mexican context and the reasons that led me to select them. Subsequently, I will present the analysis of the main findings that emerged during the coding process of these documents.

For the selection of documents, I chose to include laws, decrees, sentences and resolutions that reflect an expansion of religious freedom from a legal perspective. Also, I incorporated the actions proposed by the presidents in their National Development Plans, as well as the social programs that emerged as a result of these proposals. My decision to address both the legal aspect and government policies is based on my observation that the expansion of religious freedom, through normative development, does not always translate into concrete actions to promote it. In contrast, when religious freedom is integrated into the national development plans of certain governments, this provides a clear roadmap that the government intends to follow in relation to that issue.

Finally, I have decided to incorporate the policy actions related to religious freedom that were carried out as of 2019 as part of the strategy known as “National Strategy for the Promotion of Respect and Tolerance for Religious Diversity. We Create Peace.” This document, together with

the actions emanating from it, allows me to analyze how the recognition of the right to religious freedom is addressed and how the expansion of this right implies a cross-cutting approach that involves various actors in the implementation of concrete public policies.

The following is a list and description of the 16 documents coded for the Mexican case.

1. Law of Religious Associations and Public Worship (1992): establishes the framework for the regulation and action of religious associations and regulates the relationship between the State and such associations. Among its main topics are: the freedom to profess religion and participate in acts of worship according to their beliefs, the registration of religious associations before the authorities in order to develop religious activities, the protection of Mexico's religious and cultural heritage, the prohibition for religious organizations to get involved and participate in political activities in order to guarantee the separation between the church and the State, the financial obligations of religious organizations and the recognition of ministers of worship.
2. Regulation of the Law of Religious Associations and Public Worship (2012): as its name indicates, it establishes the rules and provisions that regulate and detail the application of the 1992 law. Its purpose is to provide more detailed guidance on how religious organizations and the government should comply with the articles of the law from the Secretary of the Interior.
3. Inauguration speech Carlos Salinas (1988): establishes the ruler's interest in modernizing the State's relations with different actors, among them the church. I take it as it marks a possible route of what the president would do on the issue of religious freedom.
4. Vicente Fox Project for the Nation on Religious Freedom (2000): I selected this document that the then presidential candidate Vicente Fox sent to 120 bishops during his electoral campaign. In this document, he expressed his firm commitment to promote the right to religious freedom and the right to life. In addition, he expressed his interest in eliminating or reforming articles 24 and 130 of the Constitution, among other aspects. The choice of this document was due to the fact that it represented an explicit commitment of President Fox with the Christian sector and was interpreted as a strategy to obtain the support of the Catholic community.
5. PND Vicente Fox 2001–2006: in this document, President Vicente Fox establishes his interest in promoting religious freedom during

his presidential term. It marks a roadmap of what would be the defense of this right.

6. PND 2006–2012 Felipe Calderón: Establishes an interest on the part of the president to work in favor of religious freedom, although there are no concrete actions to expand this right during his administration.
7. PND 2013–2018 Peña Nieto: in a couple of articles, he specifically mentions that he will promote respect for religious freedom during his government. Although he does not mention how he will do it, in the midst of his government reports there is evidence of work in favor of religious freedom.
8. PND 2019–2024 Andrés Manuel López Obrador: in just one article he mentions his commitment to guarantee the freedoms of Mexicans, including freedom of belief.
9. Speech Andrés Manuel López Obrador: in the president's inaugural speech, he mentions that he will guarantee all freedoms during his administration.
10. Sectorial Program Derived from the National Development Plan: this sectorial program, being a planning instrument derived from López Obrador's National Development Plan, allows me to see those specific strategies that the Secretary of the Interior will undertake in religious freedom. Therefore, I choose this document to see if the proposed programs effectively translate into an expansion of religious freedom through public policy documents.
11. 2019 Estrategia Nacional Para la Promoción Del Respeto y la Tolerancia a la Diversidad Religiosa (National Strategy for the Promotion of Respect and Tolerance for Religious Diversity): is a government program that arises from President López Obrador's PND. Its main objective is to promote respect and tolerance towards religious diversity in the country. The strategy seeks to foster an environment in which all people, regardless of their religious affiliation, can fully exercise their right to freedom of religion and belief. I chose this document because it establishes concrete actions and programs for religious defense and tolerance, in addition to the fact that the strategy shows a clear interest in expanding religious freedom based on the acceptance of religious work in society.
12. The three documents of the Interreligious Days for Peace (2020, 2021 and 2022): these are documents that present the achievements of religious freedom, the programs and activities carried out in each period in favor of this right. In this sense, they are useful to see which the public policy actions have materialized in the religious sector that allow us to identify an expansion of religious freedom.

13. The documents “Voices and Actions in Religious Matters” (2020 and 2022): both documents act as an accountability of the work in religious matters carried out by the state offices of religious associations attached to the secretariats of government. Like the documents of the interreligious days for peace, these documents serve me to identify the expansion of religious freedom from the actions and programs promoted around this right.

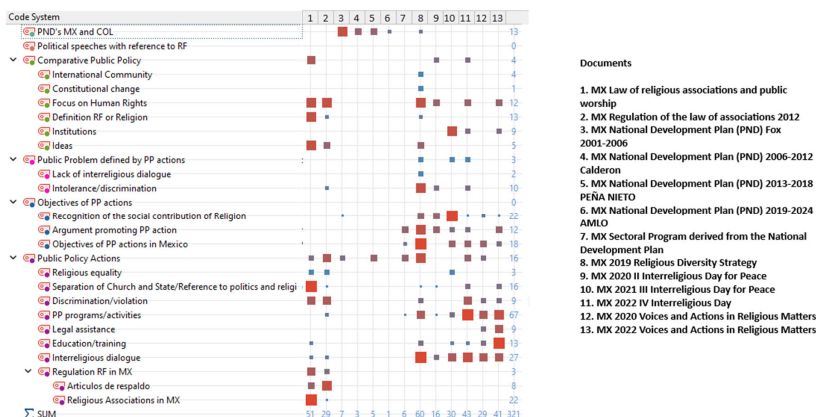
I coded a total of 16 documents for Mexico. Although I recognize that I may have inadvertently omitted some documents, I consider that the documents I included were fundamental to obtain significant results in this field of research. The following are the documents chosen for Colombia.

The following are the main findings obtained from the reading, codification and systematization of these documents.

5.2.1 Main Findings of Public Policy on Religious Freedom in Mexico

Since I used MAXQDA for the analysis of the documents, I first present Figure 2, which contains the distribution of the codes in the public policy documents. At this point I excluded the coding of the speeches of Carlos Salinas, the document of Vicente Fox towards the churches and the speech of Andrés Manuel López Obrador, since these speeches serve me to argue the interests behind the normative development of religious freedom in Mexico.

Figure 2 Main issues present in public policy documents in Mexico



Note: Prepared by the authors based on the analysis carried out.

First, in analyzing **the Law of Religious Associations and its corresponding Regulations**, I note initially that they adopt a human rights perspective. Although they only mention the protection of the human right to religious freedom, this represents a first indication of the change in Mexico's policy compared to the pre-1990 context. During those years, the guarantee of religious freedom was more directed to specific sectors. However, these documents normatively expand the protection of religious freedom to all beliefs without exception.

When comparing this point with the theoretical approach to religious freedom that I developed in the first chapter, I note that, in the Mexican case, religious freedom adopts a non-denominational perspective, guaranteeing this right for all beliefs, spiritualities and confessions without questioning whether they come from the occult as Colombia does.

Returning to the human rights approach, in the documents I find allusions such as:

- Law on Religious Associations: To promote and ensure full respect for the human rights of individuals (Art. 4) (Law on Religious Associations and Public Worship, 1992).
- Regulations of the Law of Associations: dialogue and conciliation between the parties will be favored, seeking, where appropriate, to respect community customs and practices if these do not violate fundamental human rights, particularly the freedom of belief and worship (Art. 37) (Regulations of the Law of Religious Associations and Public Worship, 2003).

Despite what is mentioned in the documents, the application in practice of these human rights principles can be challenging, especially because of the violation of religious freedom by non-state actors as mentioned by Petri (2021).

Another point I find in both documents are the ideas rooted in Mexican history about secularism and the separation between church and state. This is reflected in the code called Church-State separation. This means that the laws that are promoted in religious freedom will always be attached to this conception of separation between church and state.

In addition, I identify the notable absence of a specific public issue in these two documents, however, both establish a series of articles that expand the rights of religious associations by recognizing their public registration. From the perspective of the 3Ps, I place the law and the regulation as part of the *policy* as they are documents that outline governmental ac-

tions around the guarantee of something, in this case religious freedom. Furthermore, in the case of the Law of Religious Associations and Public Worship, I also consider it to be part of the *politics*, since this law originated because of the social dynamics of the time that influenced its formulation.

One of the evident actions of both documents is the creation of the public registry of religious associations, which is a measure that demonstrates how this law contributes to the expansion of religious freedom by granting legal recognition to religious associations to freely carry out their religious or spiritual activities. As of 2023, according to the Numeralia website, there are 9,960 registered religious associations (Numeralia, 2023), reflecting the openness of the State towards religious diversity.

Continuing with the analysis, in the documents referring to the **National Development Plans** I observe several things based on the discourse promoted and the actions implemented by the presidents. On the one hand, I am struck by the way in which religious freedom enters as an issue in the government agenda, clearly because of the closeness to the religious sector in the cases of Fox, Calderón and Peña Nieto, who agreed to commit themselves to defend religious freedom from different speeches.

In the governments of Fox and Calderón, as I pointed out in chapter 3, there were a series of agreements and commitments with the Catholic sector and therefore the promotion of religious freedom is included in the NDP's –in Fox with the strategy mentioned in chapter 3 and in Calderón with strategy 1.4¹⁵ of objective 1, however, when examining the government reports to identify concrete actions aimed at guaranteeing religious freedom, nothing is mentioned in this regard. This leads me to conclude that, although the participation of the religious sector may influence the inclusion of this issue in the government agenda and in the NDPs, it does not necessarily guarantee its effective implementation during the presidential term.

Finally, in the NDPs of Peña Nieto and López Obrador, religious freedom continues to be a relevant topic. Although I could not identify the broadening category that drove this inclusion due to lack of information, both presidents promoted and made efforts to guarantee religious freedom in their respective terms. In the case of Peña Nieto, I find two policy actions in strategy 1.1.4:

Guarantee Mexican citizens the exercise of their freedom of belief, as part of social peace. – Guarantee and promote respect for the principles and prac-

¹⁵ In this strategy, the president pledges to guarantee non-discrimination, religious freedom and freedom of thought (Calderón, 2007, p. 279).

tices of secularism of the State, recognizing religious plurality to achieve social peace (Peña Nieto, National Development Plan 2013–2018, 2013, p. 106).

Unlike Fox and Calderón, Peña Nieto's government reports show an effort by the Ministry of Government in relation to religious freedom. According to government reports 2, 4 and 6, during his six-year term, several actions were implemented to promote religious freedom in Mexico, including the registration of new religious associations, the issuance of visas for foreign ministers of worship, the broadcasting of religious acts in the media, legal advisories, workshops on the Law of Religious Associations and Public Worship, and work meetings with religious representatives.

Based on what I have presented about the government of Enrique Peña Nieto, an interest in guaranteeing religious freedom through some actions is evident, even though he does not explicitly mention what the public problem involving religious freedom is during his term in office.

To conclude, in the case of Andrés Manuel López Obrador (AMLO) I have identified several characteristic aspects that shed light on the Mexican context. During his campaign, AMLO used speeches with moral connotations, and promoted the idea of creating a "moral constitution" that later became the "Cartilla Moral". However, I have not found solid evidence to support the existence of specific demands from the religious sector during his campaign or government period. According to Díaz (2021) AMLO's party, Morena:

not only became an attractive party to its traditional leftist constituency, but also to observant Catholics, allowing AMLO to win the election by building a broader coalition among secular and religious Catholic voters. Therefore, it is plausible to assume that López Obrador will continue to make generic moral appeals, avoiding controversies that will allow him to retain religious voters. In addition, AMLO will have to offer specific policies that favor Protestants and evangelicals, such as access to media and giving them a greater public presence, to gain as much support as possible from evangelical parishioners and clergy (p. 18).

Based on the above, I can mention that, although I do not identify a clear trigger that translates into an expansion of religious freedom under the government of López Obrador, it is positive that there is political will to expand this right. This is evident through the National Development Plan 2019–2024, in which AMLO declares one of its central objectives:

The federal government will prioritize freedoms over prohibitions, will promote ethical behavior rather than sanctions and will scrupulously respect

the freedom of choice of all citizens in all aspects: political and ideological stances, religious beliefs, sexual preferences. Schools, universities, cultural precincts and sports centers will be built, but not prisons and between coercion and conscientization the latter will be chosen (López Obrador, 2019, p. 33).

Although the above is an annunciation that can be overlooked, I find in the **“Programa Sectorial Derivado Del Plan Nacional de Desarrollo 2019–2024”** the programs and strategies that will be carried out during the six-year term in relation to religious freedom and freedom of worship. This provides me with valuable tools to identify an expansion of religious freedom not only in this document, but also in those concerning interreligious days and, in the voices, and actions related to the matter.

According to the sector program, during AMLO’s mandate, the 2.3 strategy will be developed and with it some specific actions:

Priority Strategy 2.3 Promote actions that ensure freedom of belief and the promotion of respect for religious diversity, to contribute to the promotion of a culture of peace.

One-time actions:

2.3.1 To permanently monitor compliance with the provisions on religious matters, to guarantee rights through the application of the Law on Religious Associations and Public Worship.

2.3.2 Articulate actions with relevant actors to participate in peace-building projects.

2.3.3 Implement a National Strategy for Respect and Tolerance of Religious Diversity.

2.3.4 To promote an inclusive, participatory, collaborative and respectful relationship between the Government of Mexico and associations, churches, groups and other religious institutions and organizations, within the framework of the secular state.

2.3.5 Disseminate projects, models and methodologies on peace building, respecting the principle of State–Church separation, for its replication and implementation with society.

2.3.6 Promote mechanisms for the positive transformation of conflicts between diverse actors, to generate models for peace building based on respect, dialogue and agreements.

So far, the Sector Program is the first document that presents a clear strategy to promote an expansion of religious freedom. Although I do not identify a category of expansion as a trigger for public policies under AMLO’s mandate, I evidence an expansion of religious freedom in practice

through concrete governmental actions. These actions involve various actors and go beyond the normative sphere in religious matters.

In summary, under both Peña Nieto and AMLO, I do not identify a specific broadening category that has driven public policy. However, public policy documents, especially the National Development Plans, reflect an interest in establishing religious freedom as a government objective and roadmap. This raises the possibility that this issue is being promoted not only for strategic political reasons, but also in the context of promoting human rights agendas, which could be the subject of future research.

In addition to the above, I note the absence of clearly defined public problems in policy documents, which should be addressed by governments. This reflects that, although there is a normative development of religious freedom, this development is not focused on solving public problems, which leads to a diffuse application of actions oriented mainly towards the fulfillment of indicators.

On the other hand, I find so far for the Mexican case that most of the public policy documents have been expressed in terms of *policy* with the dynamic participation of *politics*, which is consistent with the policy studies by not focusing only on the legal normative documents, but also on the factors that may have impacted the generation of these public policies guaranteeing religious freedom.

One last aspect that I would like to mention for this analysis of public policy actions in Mexico concerns the documents of both the **National Strategy for the Promotion of Respect and Religious Tolerance** and the documents of the **Interreligious Days and Voices and Actions in Religious Matters**. These documents deviate from what I have encountered so far, as they focus on public policy approaches with very definite components related to religious freedom. For the first time, these documents address the public issue surrounding this human right in Mexico and present actions that go beyond the paper, indicating a promising path towards an expanded rights and government agenda that promotes religious freedom.

In the **National Strategy for the Promotion of Respect and Religious Tolerance** I find several public problems enunciated, ranging from religious diversity, religious intolerance, discrimination on religious grounds and the absence of recognition of the social work of religious associations. In this sense, the variety of public problems expressed leads me to understand that no specific public problem has been identified in relation to religious freedom, and this means that the actions and programs promoted by the strategy do not have a very well-defined horizon for what they want to improve.

Beyond the above, I applaud that both the Strategy and the documents of the Interreligious Days for Peace and Voices and Actions in Religious Matters develop actions and programs that expand religious freedom for participating religious organizations and that these actions transcend the normative sphere and focus more on guaranteeing the right and participation of various sectors, such as religious, social, public and academic.

Finally, as of 2019, the expansion of religious freedom in Mexico has more of a public policy component as a model for the formulation and implementation of programs, among which interreligious dialogue and the recognition of the country's religious diversity are promoted; unlike what happened in other years where the expansion of this right was more from a legal aspect and the registration of religious organizations.

In Figure 3 I present a table that summarizes everything presented in this analysis for Mexico.

Next, I proceed to present a preliminary analysis of the public policy actions that appear after there have been moments of expansion of religious freedom.

Figure 3 Matrix of documents and elements of analysis for the expansion of religious freedom in Mexico.

Public policy documents	Analysis elements							
	Category of expansion	Public Problem	Focus on Human Rights	Intervening actors in the expansion	Institutions carrying out the public policy actions	Interests	Concrete actions to expand RF	Policy, politics y policy
Law of religious associations and public worship	Political: Context of constitutional change Historical: Country's adherence to the Catholic religion (concordat)	Not	Yes	Catholic Church	Ministry of Government	Political interests, the president wanted to approach the religious sector	Legal recognition of religious associations	policy
National Development Plan (PND) Fox 2001-2006	Political: Leader's religious adherence Social: Demands for expansion from the Catholic sector	Not	Not	Religious Sector	N/A	Political-electoral interests	Reform of Article 8 of the Law on Religious Associations and Public Worship / Regulation of the Law on Religious Associations	Policy
Regulation of the law of associations 2012	N/A	Not	Yes	N/A	Ministry of Government	N/A	Public registry of religious associations	policy
National Development Plan (PND) 2006-2012 Calderon	Social: Demands for expansion by religious actors: Catholic Church and evangelical churches	Not	Not	Religious Sector	N/A	Political-electoral interests	Increased media spaces for the Church	politics
National Development Plan (PND) 2013-2018 Peña Nieto	Not identified	Not	Not	N/A	Religious Affairs Department	N/A	Registration of new religious associations/Visas for foreign religious ministers/Legal advice to religious associations/First Meeting of Legislators and Interreligious Councils of Mexico/Workshops	policy
National Development Plan (PND) 2019-2024 AMLO	Political: Moral discourses and closeness with the religious sector of the PES	Not	Not	N/A	Religious Affairs Department	Political-electoral interests	Registration of new religious associations/National Strategy for Respect and Tolerance for Religious Diversity/Workshops for public servants	policy/politics
Sectoral Program derived from the National Development Plan (PND) 2019-2024	Implementation of actions in the National Development Plan (PND) 2019-2024	Not	Not	Government	Religious Affairs Department	For government agenda fulfillment	National Strategy for Respect and Tolerance for Religious Diversity	policy
2019 Religious Diversity Strategy	Implementation of actions from the sectoral program of the Ministry of the Interior 2019-2024	Difficulty in coexisting among different religious expressions / Religious discrimination / Religious intolerance	Yes	Government	Religious Affairs Department / CONAPRED / SEP/ CNDH/ INPI	For government agenda fulfillment	Interreligious dialogue spaces/Meetings with state officials from the religious affairs office/Creating spaces to promote the social and cultural contributions of different religious traditions/Campaigns for religious tolerance/Training programs on religious diversity/Interreligious Meetings for Peace	policy
2020 II Interreligious Peace Conference	Implementation of actions from the sectoral program of the Ministry of the Interior 2019-2025		Yes	Government	Religious Affairs Department / CONAPRED / Secretaries/ Religious organizations / NGOs / Academia	For government agenda fulfillment	Interreligious cooperation strategies/Building collaboration networks/Training for state religious affairs liaisons/Interreligious encounters with various social sectors	policy
2021 III Interreligious Peace Conference	Implementation of actions from the sectoral program of the Ministry of the Interior 2019-2026		Yes	Government	Religious Affairs Department / CONAPRED / Secretaries/ Religious organizations / NGOs / Academia	For government agenda fulfillment	Spaces for dialogue with religious associations and communities/ Presentations on Mexico's religious diversity/Conversations/ Diploma in Promotion of the Rights of Girls, Boys, and Adolescents/ Articulation Platform for Solidarity Support to Searcher Families and their Communities/ publications	policy
2022 IV Interreligious Peace Conference	Implementation of actions from the sectoral program of the Ministry of the Interior 2019-2027		Yes	Government	Religious Affairs Department / CONAPRED / Secretaries/ Religious organizations / NGOs / Academia	For government agenda fulfillment	Promotion of interreligious dialogue/Activation of interreligious councils	policy
2020 Voices and Actions in Religious Matters	Implementation of actions from the sectoral program of the Ministry of the Interior 2019-2028		Yes	Government	Religious Affairs Department / CONAPRED / Secretaries/ Religious organizations / NGOs / Academia	For government agenda fulfillment	Interreligious linkage and dialogue/ Legal guidance on religious associations/ training and formation/ peacebuilding from religion/ analysis meetings/ coordination between agencies/ support during the COVID-19 health emergency	policy
2022 Voices and Actions in Religious Matters	Implementation of actions from the sectoral program of the Ministry of the Interior 2019-2029		Yes	Government	Religious Affairs Department / CONAPRED / Secretaries/ Religious organizations / NGOs / Academia	For government agenda fulfillment	Legal advice to churches/training in religious matters for public servants/state project "Promotion of Religious Tolerance"/Articulation between religious associations and agencies/interreligious dialogue/Forums on religious freedom/Conferences and Workshops	policy

5.3 Selected Documents and Main Findings on the Expansion of Religious Freedom through Public Policy Actions in Colombia

In this section, I present the results of public policies on religious freedom for Colombia, for which I identify and highlight various elements present in the documents, such as the actors involved, the institutions in charge of implementing public policies on religious freedom, the specific public policy actions and their respective objectives, as well as the public problems identified. My main objective is to detect recurrent patterns in these documents and to establish connections between the broadening categories previously defined in Chapter 4 and the specific public policy actions. In this way, I want to understand how these categories or triggers are reflected in the measures and programs aimed at guaranteeing religious freedom.

To this end, I begin by presenting the documents selected for analysis and codification that allowed me to examine the expansion of religious freedom from legal perspectives, concrete actions and programs. In addition to these documents, as well as in the Mexican case, I took into account the political discourse in favor of religious freedom, the National Development Plans of various presidents and an accountability report of the political party that has promoted religious freedom in Colombia since 2014.

Among these documents, nine of them are laws, decrees or resolutions that mark an expansion of religious freedom from the normative point of view. However, I would like to emphasize that this does not necessarily translate into the implementation of programs or concrete policy actions in collaboration with the religious sector.

In addition to the regulations, I have included four documents that serve as a guide to explore the various government programs related to religious freedom and specific actions to guarantee this right.

Below, I provide a detailed description of the documents analyzed, as well as the reasons behind their selection in this research.

1. Law 133 of 1994: Law that regulates and guarantees freedom of religion and worship in the country, recognizes and protects the freedom of persons to profess and practice the religion of their choice, as well as to celebrate their religious ceremonies and rites. Among its main topics are: the legal recognition of churches, the protection of places of worship, conscientious objection for some activities based on beliefs, concerning the fiscal activities of religious organ-

izations and education. One aspect of the law that calls my attention is that it does not guarantee the protection of religious freedom for activities related to the study and experimentation of psychic or parapsychological phenomena; satanism, magic or superstitious or spiritist practices or other analogous practices unrelated to religion; this being a reason for exclusion and religious discrimination per se.

2. Decree 372 of 1996: was the normative action that created the Ministry of the Interior and by which it was assigned the task of dealing with religious organizations, guaranteeing religious freedom, promoting religious tolerance, carrying out the public registry of churches and granting legal status to religious organizations that comply with the stipulations of Law 133 of 1994. Although the decree was repealed in 2003, it was, at the time, a normative public policy action in Colombia.
3. Decree 354 of 1998: this decree reflected the expansion of religious freedom with religious organizations, since through this decree the Colombian State established the first Internal Public Law Agreement number 1 of 1997 between the State and the non-Catholic Christian religious organizations signatories. I take this agreement as an action of expansion of religious freedom because it made visible the interest of the State to guarantee this right for religious associations other than Catholic and set a precedent for religious equality in the country.
4. Decree 2893 of 2011: this decree modifies the objectives, organizational structure and functions of the Ministry of the Interior, including the promotion and guarantee of religious freedom.
5. PND 2014–2018: corresponds to the National Development Plan of President Juan Manuel Santos second term, in this PND I find for the first time the insertion of religious freedom as a public issue and the government's interest in developing actions for its promotion and guarantee.
6. Report 2014 State of Religious Freedom in Colombia: this report published by the Colombian Assembly of Religions and Spiritualities details the situation of religious freedom for the year 2014 and mentions two events of religious violation, one of them the persecution of one of the Colombian mega churches linked to a political party. This is important because I take it as a trigger for future public policy actions that governments will develop.
7. Decree 1079 of 2016: establishes one of the public policy actions on religious freedom, the celebration of the National Day of Religious

Freedom and Worship, a day on which the State and the different religious organizations will promote affirmative actions for the observance and practice of religious freedom.

8. MIRA Accountability 2016: in this accountability of the Political Party MIRA – Independent Movement of Absolute Renovation – the Party claims to have played a fundamental role in promoting the inclusion of religious freedom in the agenda of the Government of Juan Manuel Santos and to have this right reflected in the National Development Plan. Together with the 2014 report, this accountability document serves me to raise some triggers in the promotion of public policy actions on religious freedom.
9. Resolution 889 of 2017 Guidelines: this document establishes the requirements to be met by religious organizations for participation in the formulation of the public policy on religious freedom promoted by President Juan Manuel Santos.
10. 2017 Technical Document Public Policy on Religious Freedom: It is the public policy document that guarantees religious freedom in the country, it mentions the programs, activities and objectives that the public policy will pursue at national and territorial level. I chose it because it indicates the actions to expand religious freedom in Colombia.
11. PND 2018–2022: through this document President Iván Duque Márquez inserts religious freedom as a topic of interest and promotion during his government agenda.
12. Decree 437 of 2018: generates the formal issuance of the Comprehensive Public Policy on Religious and Religious Freedom.
13. Decree 1140 of 2018: this document modifies the structure of the Ministry of the Interior and grants this institution the formulation and implementation of the public policy on religious freedom and worship.
14. 2019 Characterization of the religious sector in Cundinamarca: this document evidence compliance with some actions to expand religious freedom established in the NDP of President Iván Duque Márquez.
15. 2021 Report on measures adopted by Colombia: is a document published by the Directorate of Religious Affairs attached to the Ministry of the Interior in which they perform accountability on the measures and programs adopted for the guarantee and respect for religious freedom in the country from 2019 to 2021.
16. PND 2022–2026: In the National Development Plan of President Gustavo Petro, religious freedom is also established as a policy line to

promote and guarantee. It also includes the creation of the *National System for Religious Freedom, Cults and Conscience; Social Dialogue; Total Peace; Equality and Non-Stigmatization* –SINALIBREC–.

17. 2023 Gustavo Petro's words on national Religious Freedom Day: political speech by the president regarding his commitment to guarantee human rights and freedoms, including religious freedom.
18. Decree 922 of 2023: establishes a public policy action through the signing of the second Internal Public Law Agreement number 2 of 2023 signed between the State and eight non-Catholic religious organizations in the country, in this agreement the State grants freedoms for the practice of religion in prison establishments, the ministering of marriages with civil effects by the churches, among other things.

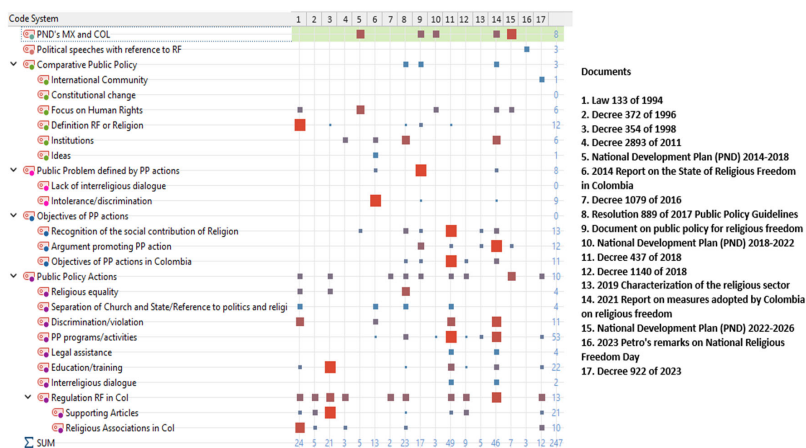
With these documents the process was to read them, code them and consider the most recurrent patterns based on my categories and analytical codes. Thanks to this, I can present below the most significant results of the research for Colombia.

5.3.1 Public Policy Actions on Religious Freedom in Colombia After the Moments of Enlargement. Main Findings

In this section, I will present the main public policy actions and their characteristics. The purpose of this section is to present the key results that emerged after the analysis and codification of the documents, with the objective of identifying the programs and actions promoted by public policies on religious freedom. I am interested in highlighting the concrete actions, the actors involved in their implementation, the institutions that support this process, the presence of a human rights approach in these actions and other relevant aspects that I have identified. At the conclusion of this chapter, I will provide a complete summary of these findings through Figure 5.

As in the Mexican case, I begin by showing Figure 4, which shows the distribution of codes in each document analyzed and coded.

Figure 4 Main topics present in public policy documents in Colombia



Note: Prepared by the authors based on the analysis carried out.

In analyzing the public policy documents, I can initially note the absence of a clear definition of public problems in most of them. The exception to this trend is the comprehensive public policy document on religious freedom and freedom of worship, which presents a vaguely defined public problem that brings to the table many problems surrounding religious freedom. Among the problems raised by this comprehensive public policy document are (Ministry of the Interior, 2017):

- Weak and insufficient actions to guarantee the exercise of the right to freedom of religion and worship in Colombia
- State action, at the national and territorial level, is limited, even though the legal and constitutional framework develops a broad conception of religious activity.
- Ignorance of the contribution that religious entities make to the common good.
- Actions of discrimination and religious intolerance
- The problem of not having a clearly defined problem, as I mentioned in the analysis of Mexico, makes it impossible to carry out activities that promote a solution to a single problem and what happens is that actions and programs are implemented just to comply.

Continuing, I note that only five documents make explicit a human rights approach, this feature being more prominent in the development plans reviewed. Regarding the category of regulation of religious freedom, I find consistency with the selected documents, as most of them are decrees that establish legal guidelines, effectively outlining a roadmap from the perspective of legal regulation.

However, about the code of public policy actions, although it appears in a large number of the documents, the reality is that only a few of them present concrete actions and programs that serve as a practical guide for addressing religious freedom. Prominent among these are the comprehensive public policy and the report detailing measures taken to combat religious discrimination. In contrast, most of the documents refer to certain issues included in the category, but do not propose a practical and detailed approach to their implementation.

The first four documents shown in Figure 4 share the characteristic of being part of the country's normative development regarding religious freedom. Since they are decrees, their main function is to establish legal regulations rather than to provide a detailed roadmap on how to guarantee the right in question. However, there is one notable exception in this group, which is Decree 372 of 1996. This decree represents a domestic public law agreement between the Colombian State and non-Catholic religious associations. Through this agreement, the State grants these churches the possibility of expanding their activities around religious civil acts. In this case, Decree 372 is part of a document for the expansion of religious freedom with concrete and innovative actions that guarantee the civil activities of the signatory churches.

I would like to highlight a problematic aspect related to Law 133 of 1994 in Colombia, which expanded the guarantees of religious freedom establishing among other things the requirements for religious associations to have their public registry; however, it presents an aspect that I consider contradictory. Article 5 of this law establishes the following:

Activities related to the study and experimentation of psychic or parapsychological phenomena, Satanism, magical, superstitious or spiritist practices or other analogous practices unrelated to religion are not included within the scope of application of this Law (Congress of Colombia, 1994, p. 1).

My critical analysis focuses on the fact that the Colombian State did not adopt a non-denominational vision to guarantee religious freedom. Instead, it established that this right only applies to those who meet the requirements of what is considered religion. However, the law does not de-

fine what is understood by religion nor does it specify the moral or doctrinal characteristics that religious organizations must meet to obtain legal status. Furthermore, I see in the prohibition of Article 5 a clear discrimination against all practices mentioned in the law. This approach contradicts human rights principles, which state that religious freedom must be guaranteed to all persons simply because they are persons. Finally, Law 133 does not conform to the theoretical proposal I developed on religious freedom from the individual, transpersonal and collective spheres.

Continuing with the findings of the case study for Colombia, I find that since 2014 religious freedom has remained stable in the different national development plans, which allows me to understand that it has entered the government agenda through Christian political actors who have pushed this agenda of defense and guarantee of religious freedom. Something interesting is that this agenda has been maintained in spite of the programmatic differences of the presidents. This is largely due to what I mentioned in chapter 4 when I alluded to the accountability of the MIRA party, which has positioned itself as the standard bearer of this issue in Colombia.

Since the establishment of the religious freedom agenda in the development plans, the analysis shows that there is a change in the way in which public policies are established, since they have gone from being merely normative documents to documents with programs and actions to promote, at least those that institute the Comprehensive Public Policy on Religious Freedom and Worship, an extensive document but with strategic lines to promote at the national and subnational levels. The future discussion is to see the impact that these actions promoted by the comprehensive public policy have been effective in counteracting all the public problems it adds in its document.

With the comprehensive public policy document that I mentioned, yes, actions have been taken and promoted an expansion to religious freedom in Colombia, the government since 2018 urged mayors and governors to replicate the public policy in their territories, from that religious freedom committees and departmental links were created whose purpose is to promote actions and activities that promote interreligious dialogue in the territories, as well as to evidence the social impact that religion has on societies. In the report on the measures adopted by Colombia in religious freedom in 2021, each of the activities that have materialized since the implementation of the Integral Policy can be found.

Recapping, I point out that from 2014 to date, the way in which the expansion of religious freedom was presented has changed, it is no longer only a normative development, but also affirmative actions for the defense of religious freedom.

I would like to highlight at this point some of these expansion actions that have been reflected in public policy documents.

- Establishment of the National Day of Religious Freedom (Decree 1079) in whose celebration religious associations together with the national government must develop activities where interreligious dialogue is promoted (Presidency of Colombia, 2016).
- Promote the participation of religious entities and their organizations in forgiveness and reconciliation scenarios, for peace building. Improve the public registry of churches, develop forums and workshops in favor of interreligious dialogue – Decree 437 (Presidency of Colombia, 2018).

The other actions can be found by referring to the selected documents. At this point I want to allude to a finding that I find based on the public policy approach, and that is that the actions to expand religious freedom since 2014 have been one after another sample of the *politics* in which society and specifically the religious sector has intervened in the formulation and implementation of the Comprehensive Public Policy on Religious Freedom and Worship. Proof of this is the extension document *Resolution 889 of 2017* in which the National Government establishes the guidelines for religious organizations to participate in the process of design and formulation of the mentioned public policy. Opening the doors for the development of a constructive process nurtured by the religious diversity of the country.

With the election of the current president, Gustavo Petro, an interesting phenomenon arose that warrants further investigation. While I do not identify a clear trigger for expansion at this time, it is worth noting that as the first left-wing president in Colombia, he faced a smear campaign by some political parties. They argued that if elected, Petro would close churches and impose taxes on them¹⁶.

During his presidential campaign, President Petro responded to these accusations by refuting them and reaffirming his commitment to guaranteeing religious freedom¹⁷. Although I do not identify a clear trigger before his election for the expansion of this right, I observe that during his

¹⁶ Gustavo Petro: “I am not going to burn churches or expropriate banks. They are ‘fake news’”, Available at <https://www.elmundo.es/internacional/2022/02/04/61fd8a4421efa0c20d8b45b4.html>.

¹⁷ The religiously tinged speech of Gustavo Petro in Barranquilla. Available at: https://www.youtube.com/watch?v=ETKrjorE8bk&ab_channel=ColombiaElige. From minute 1:23 to minute 3:20, you can hear about the defense of religious freedom and the confirmation that he would not close churches.

government there has indeed been an increase in religious freedom. Therefore, it would be interesting to investigate how this expansion unfolds in left-wing regimes and whether the factors driving it are similar or different.

In this regard, in 2023 President Gustavo Petro expanded religious freedom by signing a second public law agreement with 8 non-Catholic churches, like the first agreement, which allows the signatory churches to perform marriages with civil validity, as well as to visit prisons, health centers and other places for spiritual assistance purposes. The agreement is regulated by Decree 922 of 2023. Furthermore, the National Development Plan (PND) 2022–2026 of President Gustavo Petro also establishes religious freedom as a policy line to promote and guarantee. It includes the creation of the National System for Religious Freedom, Cults, and Conscience; Social Dialogue; Total Peace; Equality and Non-Stigmatization –SINALIBREC–.

Finally, public policy actions on religious freedom in Colombia have expanded this right especially from a normative development, in recent years since the arrival of the Comprehensive Public Policy there has been a change in terms of actions and programs that are carried out around religious freedom; there is also a reiterative behavior in the policies since 2015 and it is to recognize the social contribution of religion, therefore the Ministry of the Interior through the Directorate of Religious Affairs has implemented strategies with the UNDP to make a count of how much the churches save the State through the spiritual and emotional assistance provided to believers.

By way of closing, I observe that as in the Mexican case, the categories of extension to religious freedom have been opportune up to a certain time, for example I find that from 1990 to 2014 the predominant categories were the social ones through the demands of the religious sector to the State and the violations to religious freedom, the political ones specifically in what I called constitutional change and, although I did not raise it initially, there is a political category that is evident in both countries and that is worth taking into account in future research, the categories of electoral interest to promote religious freedom issues and the impact that political communities with religious ties have to motivate the insertion of religious freedom agendas. From 2014 to the present, what the analysis of documents and contexts shows me is that there are no longer triggers that promote religious freedom, but that religious freedom has been sustained over time with governments and has gained ground in the National Development Plans.

If any aspects have not been mentioned, I provide Figure 5 in which I group the most relevant issues of the Colombian case.

Figure 5 Matrix of documents and elements of analysis for the expansion of religious freedom in Colombia.

Public policy documents	Analysis elements							
	Category of expansion	Public Problem	Focus on Human Rights	Intervening actors in the expansion	Institutions carrying out the public policy actions	Interests	Concrete actions to expand RF	Polity, politics y policy
Law 133 of 1994	Social: Violation/demands for participation from religious sector Political: Context of constitutional change (constituent assembly and democratic reforms)	Not	Yes, except for article 5.	Evangelical and Christian sector.	Ministry of the Interior	The religious population was demanding participation and recognition from the government.	Article 15: Possibility for the State and churches to sign public law agreements / Religious equality before the law / Regulation against discrimination / Expansion of educational rights regarding religion / Regulation of clergy and legal personality of churches	Polity
Decree 372/1996	N/A	Not	Not	N/A	Ministry of the Interior	Institutional efforts for the establishment of a regulation of functions of the Ministry of the Interior.	Regulation and functions of the Ministry of the Interior. Observance of the religious phenomenon and public registration of churches.	Polity
Decree 354/1998	N/A emerged as support for Law 133 of 1994	Not	Not	Non-Catholic churches	N/A	Non-Catholic religious sector.	Affirmation of rights contemplated in law 133 in addition to: recognition of civil effects to religious marriages / provide spiritual assistance to members of the armed forces, prisons, hospitals, etc.	policy
Decree 2893/2011	N/A	Not	Not	N/A	N/A	N/A	Regulation and functions of the Ministry of the Interior. Observance of the religious phenomenon and public registration of churches.	Polity
National Development Plan (PND) 2014-2018	Social: Violation of religious freedom Political: Religious minorities in politics pushed for the inclusion of LR	Not	Not	Christian sector, Christian political minority (MIRA)	N/A	The Christian sector ensured that religious freedom was included as a government objective.	Strengthening of associative forms of civil society based on the principles of religious freedom, cults, and conscience and participatory design of public policy guidelines in this matter.	policy/politics
Decree 1079/2016	Compliance with actions of National Development Plan (DNP) 2014-2018	Not	Not	N/A	Ministry of the Interior	Government's demonstration of its attention to religious freedom	Commemoration of the national day of religious freedom and cults.	policy
Resolution 889/2017	Expansion of Law 133 / compliance with actions of DNP 2014-2018	Not	Not	N/A	Ministry of the Interior	Government's demonstration of its attention to religious freedom/religious sector	Guidelines for the participation of the religious sector in the design and formulation of the comprehensive public policy on religious freedom.	policy

2017 Document on public policy for religious freedom	Compliance with actions of DNP 2014-2018	Weak and insufficient actions to guarantee religious freedom / Demand for recognition by the government / Disregard for the contribution of religion to society / Discrimination and intolerance	Not	Religious, social, governmental sectors and academia.	N/A	Government's demonstration of its attention to religious freedom/religious sector	Creation of the Directorate of Religious Affairs within the Ministry of the Interior / recognition of the contributions to the common good of the religious sector / Campaigns for tolerance and non-religious discrimination in the media / Develop forums, workshops, training, and design and reproduce educational material on religious freedom / Strategies for education in religious tolerance with universities / Promote Public Internal Law Agreements / Improve the public registry of religious entities	policy
National Development Plan (PND) 2018-2022	Political: Commitment to promote LR in exchange for political support from religious minorities	Not	Yes	N/A	N/A	Non-Catholic religious sector through support for the candidate in exchange for his commitment to religious freedom.	The national Government, together with the Ministry of the Interior, will undertake actions that promote intersectoral, inter-institutional, and territorial articulation to guarantee and effectively enjoy the exercise of the right to religious freedom, cults, and conscience in the national territory.	policy/politics
Decree 437/2018	Compliance with actions of DNP 2014-2018	Not	Not	N/A	Ministry of the Interior	Traceability of actions arising previously.	Actions that facilitate understanding the connection between the right to religious freedom and the right to education / Participation of the religious sector in spaces of forgiveness and reconciliation of the armed conflict / Mapping and characterization of the social work of the religious sector / Campaigns for tolerance and non-discrimination / Training for media on religious tolerance / Workshops, courses, diplomas on religious tolerance, among others.	policy
Decree 1140/2018	N/A	Not	Not	N/A	N/A	Institutional	Modification of the regulation and functions of the Ministry of the Interior. Observance of the religious phenomenon and public registration of churches.	polity
2021 Report on measures adopted by Colombia on religious freedom	Compliance with actions of DNP 2018-2022	Intolerance, stigmatization, discrimination, incitement to violence due to creed/ Disregard for the contribution of religion to society	Yes	N/A	Religious Affairs Directorate, National Protection Unit, National Police, Directorate of Human Rights of the Ministry of the Interior	N/A	Signing of an agreement with the United Nations Development Program (UNDP) to characterize the contribution to the common good of the religious sector / Creation of the Bank of Interreligious Initiatives / creation of the Satellite Account of the Religious Sector to account for the economic contribution of the religious sector to the State / Trainer's Guide in Religious Freedom for the public sector / Creation of the Academic Network for the Respect and Guarantee of Religious Freedom / Realization of the Hemispheric Forum on Religious Freedom and Beliefs in 2020 / the Departmental Pact for the Guarantee and effective enjoyment of the exercise of the right to religious freedom was signed, with the National Federation of Departments.	politics
National Development Plan (PND) 2022-2026	Political: Political will due to smear campaigns during the campaign by the religious sector	Not	Yes	N/A	N/A	President's political will.	Creation of the National System of Religious Freedom, Cults, and Conscience; Social Dialogue, Total Peace, Equality, and Non-Stigmatization - SINALIBREC	policy
Decree 922/2023	Compliance with actions of DNP 2022-2026	Not	Not	N/A	N/A	Continuity of actions of expansion arising previously.	Affirmation of rights contemplated in law 133 in addition to: recognition of civil effects to religious marriages / provide spiritual assistance to members of the armed forces, prisons, hospitals, etc.	policy

Note: Prepared by the author based on the analysis of documents carried out at MAXQDA.

CHAPTER VI.

Religious Freedom Expansion: Policy Change and Transfer

Up to this point I have provided the theoretical, approach and empirical approaches to analyze the expansion of religious freedom through public policy actions and to identify if in these moments of expansion, I appreciate a change and transfer of policies. In a first moment I stopped to propose a classification of the existing literature on religious freedom whose purpose was to evidence the diversity of approaches that this right has had from a theoretical point of view, I also proposed my theoretical approach on how I define religious freedom and its components. Following this, I stopped to explore the category that I proposed for this research concerning the expansion of religious freedom from a human rights perspective, taking as a basis the principle of progressiveness of human rights. Following this, in the same chapter I defined the categories of expansion that are present in the Colombian and Mexican context, understanding them as those moments that promote an expansion of religious freedom from a normative point of view.

In a second moment I stopped to develop the public policy approach, which gave me the analytical lenses to undertake this study not only from the normative but also rescuing the different actors and processes that are immersed in the moments of expansion and that have materialized in public policy actions. Through this approach I mentioned that public policy are all those government documents, declarations, laws, decrees, sentences and everything that can be promulgated from a normative scope, but also from policy studies I alluded that everything that the rulers say or establish that they are going to do either from a speech or from their government plans are also considered as public policies. And this last point allowed me to understand and see in a broader way the amount of public policy actions that have been promoted in Mexico and Colombia in terms of religious freedom. In addition, in this second chapter I alluded to those approaches to comparative public policies that I would review precisely in Chapter 6, and they enter as approaches to explore: the extraction of lessons, policy change and policy transfer.

In the third chapter my objective was to make a historical account of all the moments of expansion of religious freedom and how these moments generated public policy actions. For this chapter I approached the normative development of religious freedom from 1800 to the present, with the purpose of showing that, over time, history has witnessed moments of expansion of this right in which, due to different interests, an addition was made to the regulation of religious freedom and with it, the normative promotion of the expansion. My interest was also to show the change of demands and categories of expansion between the XIX century and the end of the XX century, where there is a clear transformation of religious freedom in the sense of guarantee of rights and religious equality. In this chapter I also present the expansion of religious freedom since 1992, when the law of religious associations and public worship was established and through it, a new regulatory framework began to govern, expanding the right through different guarantees for the religious sector. These moments of regulatory development that I presented from 1992 to date show how religious freedom has been making its way through the different governments and the role played by religious associations and beliefs in society to promote public policy actions. A final moment in which I stopped was to explore those individual actions that have been promoted around the defense of religious freedom through the sentences and rulings of the Supreme Court of Justice of the Nation, the Electoral Tribunal and some Commissions of the Congress of the Union, showing with this that through these actions I also observe the expansion of the right from an individual perspective.

Following this chapter, in chapter 4 I made in the same way a compilation of the historical context that in Colombia has reflected public policy actions promoted by the moments of expansion. In this case study I also went back to 1810, the year in which Colombia achieved its independence and began to show how religious freedom was gaining ground from that year until 1990, in that part I evidenced the unequal rights that other religions had with respect to the Catholic Church, also the way in which the Catholic sector promoted certain reforms for their own benefit and a close relationship between political and religious dynamics that allowed me to demonstrate the durability of a weak separation between church and state. After that, in the 1990s I evidenced the capacity with which the evangelical and Protestant religious minorities demanded recognition by the State and intervened as political actors in the constituent process of 1991, in which they were able to enter the political arena and promote reforms to expand religious freedom, as evidenced by Law 133 of 1994. From that time to the present, as I show in the case study, I see in Colom-

bia a strong relationship between the religious and the political, and this relationship is considered one of the most representative triggers for the expansion of religious freedom in Colombia and its translation into public policy actions. In the same chapter I mentioned that the violation of religious communities has also been a determinant that has pushed public policy actions on religious freedom, inserting this demand by churches in national development plans.

Finally, in the previous chapter I showed the main findings obtained after analyzing a total of 34 documents related to religious freedom in Mexico and Colombia. In that chapter I mentioned as main findings for Mexico a rather modest normative development of this right that has been linked to the insertion of religious freedom as a government agenda that is promoted from the development plans, although in practice it is not seen as such an expansion, at least this was so in the governments of Fox and Calderon. With Peña Nieto and AMLO the findings are different, there is an insertion of religious freedom in the government agenda, and this materialized in concrete actions to promote this right. Something that remains as future research agendas is to know what is the motivation that leads the rulers to include this right within their government objectives, if at the time of doing so there is no evidence that there is a demand for expansion. On the other hand, for the Colombian case I found findings regarding a broad normative development that, although it is embodied in the form of decrees and laws, these have a gap and are not accompanied by action routes to carry them out. In addition, I also observe how religious freedom has remained on the agendas of the last three presidents not only through development plans but more than anything else through public policy documents that seek to ensure effective implementation of respect for religious freedom, although these documents also have their gaps and try to stay with a half-hearted implementation, I recognize the effort to undertake actions and programs to promote religious freedom.

With this recapitulation of what I have presented so far in the research, this chapter aims firstly to make a comparative synthesis of the findings of the categories of expansion and their translation into public policy actions, transferring it to a level of analysis on policy change and policy transfer. And a second objective is to present the general findings of the similar and different aspects of the processes of broadening religious freedom in Mexico and Colombia through public policies.

6.1 Comparative Public Policy Approaches in Religious Freedom Expansion: Policy Change, Transfer and “Countertransfer” in Both Countries.

After all the iterative research process that I have carried out during the last months and that has been reflected in this document, I mention below the results obtained from a comparative approach of my case studies.

From a comparative public theory approach, I proposed to observe aspects of policy change and policy transfer. The research conducted allowed me to observe some nuances of these approaches applied to public policy actions that appear after moments of expansion of religious freedom.

6.1.1 Policy Change and Calibration in Religious Freedom Policies: Mexico and Colombia

In terms of Policy Change, following the conceptual apparatus presented in section 2.2, I observe that indeed in both Mexico and Colombia there have been moments of change in public policies on religious freedom. At least I can identify three totally similar moments in which there have also been processes of calibration.

The first of these was the period from 1800 to 1990 in which both countries made constitutional changes in the area of religious freedom, establishing mainly the principle of separation between Church and State. It was a change given that before this right was only guaranteed for a single religious sector and after that we begin to see attempts to expand religious freedom to more sectors. In this first moment I also observe small calibrations, from the aspects of reform to constitutional articles and depending on each context, efforts are seen to expand religious freedom for all citizens or generate a setback in terms of guaranteeing it.

The second change that is more evident and on which I would like to dwell, are the policy changes specifically in 1992 for Mexico and 1994 for Colombia, influenced by contexts of constitutional change and reforms, but also influenced by the international context that at that time began to manage a broader agenda for the promotion of human rights. In this period, public policy actions changed from being rigid, unequal and without a very clear field of action, to providing the main issues that religious freedom laws should guarantee. That is why it is so important that in this research I have evidenced the historical context before the 90's, because at this point, I can compare that effectively the laws of 1992 and 1994 in Mex-

ico and Colombia respectively, expanded the spectrum of action of general religious freedom and proposed some rights, duties and prohibitions to religious organizations. In this sense, this change in the two countries marks the road map that has been present in all public policy actions up to now.

As I mentioned at the time, the law of religious associations and public worship and law 133 promoted a similar dynamic in terms of the regulation of churches, the public registry of religious associations, the expansion of rights for ministers of worship and the creation of institutions that would be in charge of promoting, monitoring and guaranteeing the right to religious freedom in each country. The moments of calibration in this second aspect that I am mentioning are reflected in the small adjustments that have been made to these two laws, mainly through the reform of some articles of the laws and even reforms to constitutional articles, which do not really show a complete change in the way in which religious freedom is guaranteed.

Finally, there is a substantial change in public policies on religious freedom, for Mexico and Colombia specifically in the time periods of 2012 and 2014 respectively. I see these changes reflected in the moments in which the expansion of religious freedom no longer needs to be accompanied by the categories of expansion or triggers, but there is a change in the way this right is promoted. This change comes from the government agenda, where the predominant agenda is a human rights agenda that different governments try to promote through different public policy actions. Examples of this are the policy actions reflected in Mexico with the establishment of the National Strategy for the Promotion of Respect and Tolerance for Religious Diversity and in Colombia with the Comprehensive Public Policy on Religious Freedom and Worship.

The changes that occurred in this last period are reflected in the content of the two documents, in which there is a traceability of the guarantee of religious freedom with concrete actions and objectives that the different promoting actors must carry out, but it is also a change of policy given that before the issuance of these two documents, what I can notice is that there was only a normative development focused on generating laws and decrees that promoted religious freedom but without concrete actions, which in the end remained on paper. These changes in the way in which religious freedom is immersed in government agendas do allow for the generation of more concrete activities, however, these public policies need to be materialized in a reduction of situations of violence, discrimination and religious intolerance. In addition, both countries need to create a platform where citizens in general can follow up on the actions carried out by these public policies and function as a platform for accountability of both

the achievements and the public budget allocated for each activity, an aspect that at least in Colombia is not present.

I also identify that this last period, which reflects a change of religious policy in Mexico and Colombia, has also gone hand in hand with a politicization of religious freedom, which is used mostly in Colombia for the religious community to support a certain candidate only because in his speeches he alludes to a defense and guarantee of religious freedom, which in my opinion, is a discourse that should be transformed since we already have organizations, institutions and public policies that are guaranteeing this human right.

Finally, regarding this point, I am interested in showing that religious freedom over the years has become not only a public matter of regulation and protection, but it has also become a public policy objective through the positioning of this right in government agendas. Moreover, religious freedom with what I showed during this research, does not follow a traditional trajectory of policy change, rather the change has occurred in conjunctural moments, but also thanks to the fact that the human right of religious freedom has been politicized and opening paths for its guarantee through development plans and public policies. With this perspective of policy change I show that just as public policies have changed in different historical moments, so have the categories of expansion that promote these changes, so I observe that in the 21st century the change of policies has been reflected above all with the category of expansion referring to political interests, the interconnection between politics and religion and the moments of violation of this right, which allows us to observe that the actions and programs proposed are still not fully motivated to protect the guarantee of this right.

6.1.2 The countertransference of religious freedom in Mexico and Colombia

In Chapter 2 I mentioned that in policy learning approaches there was not only transfer in the strict sense, citing Pacheco-Vega (2021) and Porto de Oliveira & Pal (2018) I found countertransference a useful concept to explain the development of public policies on religious freedom in Mexico and Colombia. In this sense, I mentioned that countertransference alludes to resistance around policy development, which can be conflictive and challenging. I also understood it as those moments in which the process of policy implementation is blocked by different actors.

In this sense, I see a very subtle countertransference process in Mexico and Colombia, initially between 1990 and 2012, where although there was

a normative development of religious freedom, I observe a resistance on the part of the government to provide effective guarantees regarding religious freedom, I see a certain legal conformism and lack of political will to undertake affirmative actions to guarantee this right that would not simply remain on paper.

Therefore, two hypotheses emerge from this that subsequent studies can investigate. The first is that the countertransference of policies on religious freedom occurs in contexts in which there is a broad legal approach to this right, but in practice there is no full guarantee of it due to the lack of documents with clear guidelines and strategies. The second is that countertransference is visible even in contexts where there are demands for expansion and its conversion into policy transfer depends largely on the political will of the ruler.

Addressing countertransference for public policies on religious freedom is a field still unexplored in public policy studies, hence the need for future studies to be able to make the relationship between the categories of expansion present in the moments of countertransference of policies, but also to note how this process is not linear and depends largely on political will. It is also a call for countries to analyze how they are taking the process of elaborating public policies and what lessons they are taking from successful cases in guaranteeing human rights.

This aspect of countertransference remains as a first approach to public policies on religious freedom, the invitation is to promote more research with a public policy approach in order to reach more visible empirical approaches to this issue.

The following are the general results of the comparison between Mexico and Colombia.

6.2 Similarities and Differences in Public Policy Actions on Religious Freedom in Mexico and Colombia

In general terms, I find that in both Mexico and Colombia, religious freedom was initially a proposal of liberal societies that promoted this right with the purpose of counteracting the religious favoritism of the State towards the Catholic Church. In this process of promoting a broad religious freedom for all religious sectors, I observe moments of resistance to this expansion on the part of Catholic organizations that saw in the guarantee of this right a loss of their preferential status with the State. While for Mexico I observe moments of marked anticlericalism that translated into a strong separation between the State and the church, this made the State

promote the creation of new religious forms to diminish the power of the Catholic Church; an example of this was the support given by the government of Elías Calles to the foundation of the church La Luz del Mundo, considered as a Mexican church. In this context and thereafter, I observe rough relations between Catholic organizations and the State, the latter establishing laws prohibiting any political participation of the religious sector. Compared to Colombia I observe a difference in the sense that in Colombia the Catholic Church was an important actor to limit religious freedom to other beliefs and the State was not so attached to comply with the political separation with Catholic actors, in this sense I do not observe an anticlericalism in the Colombian case but rather a secularism from the pluriconfessional scope¹⁸ allowing the continuous participation of the different religious expressions in political spaces.

These differences between Mexico and Colombia have translated into ideas that remain in time, for example, an idea that is very present in the regulation of religious freedom in Mexico is that the separation between church and state must be protected and therefore the promotion of religious freedom should not exceed state boundaries, in fact in Mexico the regulation of religious associations is strong in that aspect, it prohibits any allusion that ministers of worship make about politics, as well as their electoral participation at least 5 years after having resigned from their religious office. On the other hand, in Colombia the separation between Church and State is not so evident, what is found is that the State has generated spaces of coexistence in which religious entities can participate in politics, issue political speeches in the temples and aspects that have generated certain electoral clientelism in the midst of the mega churches. Therefore, in Colombia religion and politics have gone hand in hand and it is increasingly common for churches to influence the religious vote and promote more public policies that increase their rights as fundamental actors for society.

Based on the above, the similarities that I find between Mexico and Colombia is that the religious sectors have promoted actions to expand religious freedom, in Mexico through dialogues of the presidents with the Catholic churches, in Colombia through the Pentecostal sector by facts of violation of the right.

Another similarity between the two case studies is that the public policy actions that Mexico has developed since the six-year term of AMLO and those in Colombia since the second presidential term of Santos onwards,

¹⁸ About this type of secularism Gaytán (2018) mentions that it is the state and democracies that assume the incorporation of churches in politics as valid actors.

in addition to promoting religious freedom and generating programs and activities to guarantee this right, I note that all actions are aimed at peace building, validating the religious sectors as actors promoting peace. In addition, these actions in both countries have sought coordination with different social and public service sectors as well as academia, which speaks of a joint effort of the different institutions to promote a human rights agenda, especially in religious freedom.

In addition to the above, by way of criticism, I identify something that both countries share, and that is the lack of a clear definition of the public problem that surrounds religious freedom, what I find are allusions to many causes that according to public policy documents cause the non-guarantee of religious freedom, but as I mentioned in chapter 5, the lack of a clear public problem has caused Mexico and Colombia to carry out many activities in favor of religious freedom but that do not translate into, for example, the reduction of episodes of discrimination and religious violation, proof of this are the different international reports¹⁹ that speak of the violation of religious freedom in both countries.

On the other hand, a difference between the aspects of religious regulation in Mexico and Colombia is that Mexico contemplates the guarantee of religious freedom to any belief, cult, spirituality, etc., it does not indicate the prohibition of any religious manifestation but promotes a broad market of religious diversity; different from Colombia that does establish that religious freedom will only be guaranteed for those religious forms that adhere to an aspect of religion, and excludes religious manifestations linked to occultism, Santería, witchcraft, and others (Art. 5 Law 133 of 1994). This allows me to analyze that they are two different ways of extending religious freedom and in this sense, it is important that the different governments are reviewing what they understand by religious freedom and which are the creditor subjects of the same, knowing that as a Human Right it should be guaranteed to all people in general without falling into moral discussions about what is good and what is bad.

I show that, although it may not seem so, religious freedom has positioned itself as an issue promoted through public policies and that this normative and legal development demonstrates, I do not know if it is a political interest in placing a rights agenda, or simply that it is an issue that has been mentioned a lot in recent years and therefore its promotion

¹⁹ You can review the reports of ACN International, those generated by the United States Department of State, the Open Doors worldwide list of persecution of Christians, the reports of the International Institute of Religious Freedom in collaboration with the Observatorio Latinoamericano de Libertad Religiosa, among others.

has been generated. For whatever reason, it is important that religious freedom is positioned in the Latin American region as a public problem and that the different approaches to this right take into account religious diversity and the different ways of believing or not believing.

Finally, although I recognize that there has been an expansion of religious freedom in Mexico and Colombia, and that this has occurred due to moments of constitutional change, social demands for expansion, violation of religious freedom and personal interests of the ruler given his belief, in both contexts from 1990 to 2023 I did not find evidence that presidential weakness has an effect on the normative expansion of religious freedom. This may be a category to use in future research and test based on other sources of information. What I did find, and what is novel to consider as a category of expansion, are the political discourses of the rulers that adapt to a promotion of religious freedom for electoral purposes and in turn the importance of the agendas of law in democracies for the expansion of these.

Conclusions

Throughout this research I have sought to resolve the research question: what are the categories of expansion of religious freedom in Mexico and Colombia that have an impact on the generation of public policy actions on religious freedom? This question arises when considering as a research problem the broad normative development of religious freedom that has occurred in Mexico and Colombia; however, this development does not automatically translate into an expansion and full guarantee of religious rights. Therefore, I find problematic the lack of research that explores the importance of the triggers or categories of expansion in the issuance of religious public policies from a comparative public policy approach and from political science.

Based on the above, I have developed this research in which I gradually began to unravel the theoretical, normative and focus aspects behind the expansion of religious freedom in terms of public policy.

I highlight some contributions that this doctoral book can provide in this still diffuse field of study, concerning religious freedom from a political science and public policy perspective.

The first contribution of the research is that it provides a broad overview of the different theoretical discussions surrounding religious freedom as an analytical category, in addition to proposing a classification of the literature on religious freedom between conventional and skeptical, I propose that religious freedom be defined broadly, considering the individual, transpersonal and collective components. Linked to this, my position is to consider that religious freedom theoretically and empirically should be situated from a neutral perspective, that is, it should not fall into moral and doctrinal discussions about good and bad but should be promoted and guaranteed for all people without distinction of any kind, not doing so could be a sign of discrimination and violation of this right.

Another contribution that I make in this theoretical aspect of religious freedom is that I recognize the conflictive plane of this right when it intersects with other rights. It is worth mentioning the conflicting positions that arise when it is necessary to talk about religious freedom and sexual liberties, religious freedom and women's right to decide, religious freedom and the coexistence of other forms of spirituality and belief related to indigenous practices, among other issues in which I can observe a conflict in the weighing of rights, it is not yet established which right prevails over the other or how to solve these situations.

On the other hand, I mention the need to redefine religious freedom because it is a vague, diffuse concept that contains many elements but that can be confused with other similar concepts such as freedom of religion, religious tolerance, religious equality, freedom of belief, etc. From the point of view of public policy, this redefinition of the concept will make it possible to carry out programs and actions aimed at solving complex public problems.

Although I can stay talking about this first theoretical contribution concerning religious freedom, I must mention that this research also becomes relevant because I propose to use as a lens of analysis the public policy approach from a comparative perspective. Why is this relevant? Because until now, the research concerning religious freedom has approached its different problems from the perspective of law, sociology, theology and even history. However, this research has a political science and public policy perspective. The former because from political science I see the political and social interests behind the promotion of religious freedom, as well as the power dynamics that this right itself exerts, as it is circumscribed in the logics of belief and morality. From public policy I obtain a much broader field in which I can observe the actors, contexts, ideas, institutions and processes of expansion that are behind these documents. On the other hand, by adopting the conception of public policy from *policy studies* I manage to rescue as public policy all those pronouncements, commitments and speeches that decision makers make on this subject, as well as the written documents that evidence a normative development in this area.

The usefulness of the public policy approach is so broad that my interest with this research is that after this work, researchers can get closer to this approach to begin to analyze religious freedom more broadly and critically.

During this research I was able to compare two Latin American case studies that have had a broad normative development on issues of religious freedom, but that despite this continue to have events of violation and persecution at the hands of non-state actors and through daily micro-violence and censorship that fail to be observed. With Mexico and Colombia, I see that, although there are processes that are linear in the analysis of religious freedom, for example, the issuance of legal documents that regulate religious freedom, there are other processes that are limited to the social and political participation of religious actors to promote an expansion of religious freedom. In this sense, I find that this human right alone does not expand and much less is it satisfied with the simple defense of this right in constitutional articles. The empirical evidence in relation

to historical contexts shows that religious freedom does need triggers or categories that promote the expansion of its defense and guarantee.

On the other hand, I have shown that the contexts of constitutional change, demands of religious leaders, religious violations, religious adherence of the ruler and the religious tradition of the country, can act as triggers for an expansion of religious freedom that translates into public policy actions. What I could not prove from the observation of the case studies and for lack of documentary evidence, is the role that presidential weakness or the low approval of the ruler can play in the expansion of this right, which future researchers will review the influence of this factor.

In addition, I conclude that Colombia and Mexico have seen three periods of policy changes in which the way in which religious freedom is guaranteed has been transformed, the last period being the one that could be the most beneficial in terms of the promotion and defense of the right. However, there is still no data or information available with which to evaluate the impact of these documents.

The expansion of religious freedom, as I demonstrate in this book, is the result of the configuration of public policies in two broad processes: on the one hand, processes of transfer and counter-transfer, on the other hand, the change of public policies that, as I demonstrate in the book, is the expansive result of the notion of the expansion of religious freedom as a human right. It is this expansive vision that influences the configuration of a new paradigm of public policy construction to promote the expansion of religious freedom. I have also shown how public policy analysis allows us to understand the expansion of religious freedom as a process that is characterized first by a public policy design stage (in which public policy makers define how to understand this right and what type of belief is in line with such public policy) and an implementation stage (where programs and actions that will address the public problem are carried out), in Mexico and Colombia both stages require reinforcement and an interpretation of the specific public problem and of the actions that can be materialized in a timely and unambiguous manner. This policy process also includes policy change and countertransference for the countries studied.

Likewise, I observe that both the change and the countertransference of policies emerged because of the change in the conceptualization of public policies as resolvers of public problems, hence, since the 21st century, the documents make allusion to the problems they want to solve and the actions and programs they propose. In addition, it is in this century that public policies on religious freedom have been promoters or promoters of human rights, considering religious diversity and plurality, although it is still necessary to work on public policies that adapt the concept of reli-

gious freedom that I have proposed in this research and promote the neutrality of the State in terms of the moral burdens of the religious phenomenon.

Given that in the previous chapter I evidenced the main findings of the research, I would like to mention some recommendations and pending research paths that emerge from this research.

Public policy recommendations

Based on what has been observed for the Colombian and Mexican contexts, I propose these recommendations, which ignore the processes that may be taking place in the different countries.

The first recommendation for the implementers of public policies on religious freedom and in which I reiterate, is the importance of defining the public problem in a clear way and in which it is evident why religious freedom is a problem that should concern the State, why the decision makers should look at it and say, “it is necessary to pay attention to religious freedom”. A clear definition will allow the actions to be exercised not to be diverted to other routes and to be effective in the target population. In this sense, if the public problem consists of discrimination on religious grounds, actions will have to be aimed at ensuring awareness of religious diversity and the importance of religious manifestations in all sectors. Although it is difficult to arrive at the correct definition of a public problem, hence the need for definitions of social phenomena to be clear and as precise as possible so as not to confuse discrimination with violation or pluralism with diversity.

The second recommendation that I also mentioned in previous lines is that it is necessary that the directorates of religious affairs and offices in charge of protecting religious freedom be organized in terms of the accountability of the actions they are carrying out. With this research, I realized that there is no accurate and formal information on what both countries have done in terms of religious freedom in the middle of the government platforms. It is important that these reports do not remain only in the religious freedom links that both countries have implemented and much less in the religious sector, it is necessary that this information is public, and that the society has access to it through reports, documents, platforms, etc.

One aspect to improve in both countries is that the public policy documents be more specific with the concrete activities they intend to lead, what I observe is that in Colombia a 72-page document digresses in many things that are indeed necessary to mention, but it falls short in specifying

how the proposed actions are going to be carried out, and which of all the lines of action and objectives are the priorities. Similarly in Mexico, although the National Strategy for tolerance and religious diversity gathers the strategies and specific actions, it is necessary to mention how they are going to do it, how they are going to achieve all that they propose.

With these three recommendations I give way to research paths that may arise for further work or research.

Pending research routes

This research is just a stepping stone in the topic of religious freedom from the perspective of public policies and the processes of expansion that materialize this normative development. Therefore, I present 5 research routes that can be followed by researchers who want to approach this topic.

First, the possibility of replicating the triggers of expansion and their impact on the achievement of policy actions on religious freedom from a quantitative and n-large perspective. Such a study will make it possible to observe if there are established patterns in the expansion of this human right and subsequently to see if these patterns are repeated with other human rights. This implies the construction of a database that condenses all the variables that can influence the determinants of the expansion of religious freedom in democracies. With greater precision it could test the hypotheses that this research initially wanted to test but that due to lack of information and because this topic is very recent, it was not carried out to its full extent.

Another possible area of research that emerges from this book is to explore the social, economic and political impact that the development of public policies on religious freedom generates in the population. For this, it will be necessary for all countries to undertake actions to account for the budget invested in the development of these policies, the population benefited, but also to establish in the national statistics aspects of infringement, discrimination and violation of religious freedom, in short, to implement a system of accountability for this human right. It is essential that religious freedom be put in terms of figures and statistics, in order to evaluate the impact that the processes of expansion have on the guarantee of this right.

In addition to the above, there is a need for studies and research on the reasons why religious freedom can enter the legislative agenda of the congresses, which are the actors that promote it and what interests surround this insertion of the right in the legislative agenda. In this case, it would be

possible to see how the aspects of legislative lobbying and coalitions to expand this right from the congresses unfold.

From the public policy approach, it is still pending to review the expansion of religious freedom from other approaches of policy studies, such as promoting coalitions, agenda-setting and punctuated equilibrium. I am sure that from these perspectives the discussion can be further enriched, and other routes of analysis can be obtained, filling gaps and other aspects that, due to time constraints, I did not manage to review in this research.

Finally, the invitation is that academia should continue to promote new ways of approaching the phenomenon of the expansion of religious freedom that privilege not only the comparison between countries, but also highlight the subnational logics that are so particular to each country and in which more information can be obtained on local processes of expansion or regression of religious freedom.

What I have presented so far is only the beginning...

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This book arises from the need to understand the factors that enable the expansion of religious freedom in Mexico and Colombia. My research stands out by utilizing a public policy approach and operationalizing the conceptual category I propose: the expansion of religious freedom. Throughout the book, I classify the definitions of religious freedom (skeptical and conventional) and apply public policy approaches such as policy change and policy transfer. My goal is, on the one hand, to identify the moments that drive the expansion of this right and, on the other, to propose improvements to public policies on religious freedom, which often present ambiguous problems and diffuse actions in promoting and guaranteeing this right. I hope that readers find in this work not only a rigorous analysis but also a practical tool for building more effective and just public policies in the realm of religious freedom. I trust that the contributions of this book will inspire similar studies in other contexts.

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