

Marriages between People of the Same Sex, Intercultural Dialogue, Identity, and Spaces of Power

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Abstract: In 2016, in Mexico City and in some states of the Mexican Republic, such as Hidalgo, Jalisco, and Guanajuato, a social movement was created against marriages of people of the same sex. The movement is headed by a conservative sector of the Catholic Church, by the political party social encounter and by a group of the Evangelical Pentecostal and neo-Pentecostal church.

The document in question maintains that the voices that are expressed denying the possibility that people of the same sex join in a legal manner, represent the stench of a conservative, anti-liberal and anti-human ideology. It is also argued that this confrontation and the possibility of exercising a right and of benefiting from it, is conditioned by the power and by the social position that is occupied in the social field in which it participates (Bourdieu, 1999). The power, like the ability to influence the other to change their behavior and/or to influence decision-making is determined in turn by the political and economic capital that is at stake and have the opponents who are in a struggle and in permanent confrontation by the capital in dispute (Bourdieu, 1999).

Key words: Human rights, diversity, interculturality, equal marriages, spaces of power

1. Introduction

This article analyzes and reflects on the marriages of people with the same sexual preferences and their positive recognition by the state as a way to equalize constitutional rights and to make effective in the people that make up this social sector, The Universal Declaration of Human Rights.

The article argues that the union of people of the same sex is a right enshrined in the Magna Carta and in the universal charter that recognizes that every person of marriageable age and is their free will can do so, without any restrictions other than the will of the contracting parties

In Mexico, this right is recognized and endorsed by the supreme court of justice, and on the initiative of the president of the republic is intended to raise a constitutional character.

This presidential initiative has generated discontent among some conservative groups of the Catholic Church, mainly from a Pentecostal and neo-Pentecostal evangelical sector, and from the political party social meeting, which is said to be made up of evangelicals, and who have managed to mobilize a small but significant group of people who have a confrontation with the State and with the same groups of gay, transgender and gay lesbian

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people, seeking to annul their right to marry, arguing that they are against nature and that they are a threat to the traditional family and to the good social customs.

This self-styled movement, the National Front of the Family (NFF), Frente Nacional de la Familia, ignores and violates not only freedom but also discriminates against homosexual persons who wish to marry and who are subjects of rights like any other union of heterosexual persons. The posture of the homosexual nonunions of the NFF, is, in addition, a clear example of attack to the diversity and to the intercultural coexistence between people whose pretension is only to be treated equally and to be respected in their rights and in their human dignity.

The discussion and confrontation take place from spaces of unequal power, in which there are capitals at stake, such as the economic and political, whose volumes allow us to configure a scenario of tense struggle, mediated by the proximity of the government's political power in turn and to the legislative power as well as the mobilization capacity of the social groups faced.

2. Human Rights and Equal Marriages.

Human Rights are a social project of the modern era based on equality and freedom. Designed as an integral system that seeks the recognition and protection mainly of socially vulnerable people. They are the result of confrontations, of struggles, and they are certainly conquests of the oppressed, or if you will, they are in some way concessions taken from the hegemonic groups that hold power (López, 2016).

The nuclear foundation on which the imagination of the fundamental rights of people rests, is Human Dignity, understood as the right of every individual not to be mistreated in their physical, psychic and emotional integrity, to be respected regardless of their social condition, political, ethnic, religious or sexual preferences (Chacón, 2015).

Human dignity is an ethical and moral value that seeks the welfare of all people, it is a utopia based on freedom, autonomy and the elevation of man as the supreme being, subject of rights and obligations ethically responsible (Chacón, 2015).

As a social project, human rights are a social and political capital in the permanent dispute and confrontation between social groups that hold power and others that have no power, or that their power is smaller in relation to their battle enemies. What is in dispute are two projects of society, one more just and democratic, and another authoritarian and dehumanized, where what matters is winning no matter what and making man a commodity. The colonization is the strategy of conquest of those, and the decoloniality, a hope of the oppressed and impoverished (Santos, 1998).

The social inequality and the precarious life in which millions of people live in the world are fundamental reasons to maintain the struggle for a decent life, for a job and a fair salary, for quality health and educational services, for public safety and social protection. Without the effective achievement of these conditions, human rights will be a dead letter and a political banner of good wishes. Poor people and vulnerable social classes, homosexuals, indigenous people, migrants, and older women and men, will continue to be the subject of discourses and not subjects of rights.

People who have sexual preferences for individuals of the same sex, and who aspire to unite their lives legally and be a subject of civil rights, like any union of heterosexual people, are an expression of freedom and exercise of equal rights. In reference to the international pact pushed by the United Nations (UN) and signed by a significant number of countries on Human Rights in 1948 (UNESCO, 1948, CNDH, 2015), it is incomprehensible

that today, sixteen years after the XXI century, there is a fight for the recognition of being different and diverse, of thinking differently and of having sexual preferences for individuals of the same sex, when these rights in a tacit way should be exercised, since they are enshrined in the universal charter of rights human and ratified, in the case of Mexico, in various international pacts (CNDH, 2015) and constitutionally recognized by the Supreme Court of Justice of the Mexican Nation.

Equal marriages between people of the same sex and the adoption of children have caused the discontent of a conservative sector of the mainly Catholic Church. They have taken to the streets to publicly express their discontent, shouting vituperations, lying about the risk of education of children in gay marriages, creating hate speech, discriminating and harming the dignity of people who are sexually different - in theory - of those who attack them. They exercise the human right of freedom of thought and expression but violate that of other people, which is ethically irresponsible. They are in struggle and confrontation, for the exercise of a civil right, which in no way invades their religious and creed freedom. The state does not recognize the religious marriage. This is safe. There is no apparent reason, from this perspective, to read between the lines the right to marry people of the same sex and to enjoy the civil benefits that this implies. Nor is there any if we consider that in its essence human rights are based on a religious view of a Christian, based on the humanism of the sixteenth century, and where is the respect for being in its entirety the core of this pre-modern vision of rights Fundamentals of Man (López, 2016; Savater, 2010). By knowing this, the Catholic Church, or at least the conservative sector that integrates the movement for the family, suggests that the flag they fly is contrary to the human principles that shape their philosophy and as such claim to defend.

3. The Human Right of Equal Marriages, Social Space, and Power

No human right is absolute, nor is it valid once and for all, nor does it operate outside the social and political sphere (Mingarro, 2010). The possibilities of exercising a right and of benefiting from it are conditioned by the power and by the social position that is occupied in the social field in which one participates (Bourdieu, 1999). The power as the ability to influence the other to change their behavior and/or to influence decision-making is determined in turn by the political and economic capital that is at stake and have the opponents who are in struggle and in permanent confrontation by the capital in dispute (Bourdieu, 1999). What is apparently motivating the Front for the Family's discontent, is its concern for the loss of values of what for them should be the family composition, mother, father and children; or the risk of seeing their political capital diminished and the ability to influence religious moral education in the Mexican educational system. Due to the behavior of the Front for the Family mobilizations and the statements of some of its leaders, including the position of the pope, who avoids talking about the topic (Blancarte, 2016), everything points to this being the concern of those who they lead the Front for the Family.

What is at stake is not the family itself, but the loss of power. Their opponents are not gay people who aspire to marry and be recognized by civil law. It is the Mexican State represented by the government and by the judicial and legislative authorities that positively view the right to marry and adopt by persons whose sexual preferences are by someone of the same sex. Putting the government in confrontation with this social sector is a strategy of political struggle. To bring homosexual people into the political arena of the Catholic Church and to surround them by manipulating, via lies and diatribes, their followers is an unequal struggle and they are not their enemies. The economic, social and political capital that the Catholic Church possesses and that places it in a privileged

social position is, in terms of volume, greater than the capital that the gay person could possess, which augurs its defeat, or the postponement of the constitutional initiative of the president of the republic, under the pretext of avoiding social clashes. In any case, if it were to happen, it would be the conservative sector of the Catholic Church that came forward.

4. Human Rights, Interculturality, and Equal Marriages

The way in which the Front for the Family mobilizes a significant number of followers in the country is mainly due to manipulation and fear. Its social and political capital, that is to say, the contacts and social networks it has woven and of which it is a part (Bourdieu, 1999), give it power and strength and the ability to influence others, which gives them the possibility of realizing their own will (Mingarro, 2010). Via the exercise of freedom of expression and thought, the dissident is attacked, the one who thinks differently. Eliminating the political enemy through dubious and masked procedures of mercy and humanity, that is, evoking human rights, but violating those of the other, is a frequent practice of those who hold power.

Human rights are a just social aspiration, which implies recognizing the other as human, with inventiveness and creative capacity (Savater, 2010). Nothing justifies, in theory, violating the rights of the other, just because they are different. Diversity is inherent to the human being because while living in the community, the self and individuality are maintained. It is diverse and equal at the same time. It equals us the right to have our dignity not be run over, neglected or subdued.

The world is diverse, multicultural and multilingual. Human rights are part of this social condition (Cardoso, 2010). They are intended to be universal, which does not imply that the cultural and ethnic particularities of each region of the world are unknown, which necessarily obliges them to recognize and generate other human rights, or that the uses and customs of the different peoples and social sectors whenever and when they are not against humanity.

Cultural diversity is a way of sharing and coexisting with the world, but it is a danger if it fragments (Santos, 1998). Establish alliances with others, with culturally distinct ones, but without putting identity at risk. The universality that unifies, imposes and homogenizes, and invades other cultures and other ways of being and thinking. The universal loses the cosmopolitan, the diverse and becomes a hegemonic action based on power. Hence the need to perceive itself as diverse and multicultural, but not by insurmountable and incommunicated borders. The aim is to establish links between different cultures, to build a decolonizing and counter-hegemonic culture (Santos, 1998; Cardoso, 2010), which recognizes the human rights of others, of the socially unequal, of those who possess economic and political power in disadvantage.

The multicultural yes, in recognition of the existence of diverse cultures, but the intercultural as the possibility of intercommunication and dialogue, and the establishment of horizontal links, which eventually allow us to live and coexist together, but not fused or fused vertically, wherever the social inequality and the asymmetric and authoritarian hegemonic power that prevails (Cardoso, 2010; Boccara, 2012).

Multiculturalism is a state policy that recognizes the existence of diverse cultures, which implies an equal and symmetrical cultural link. It is a reified vision that amputates the social and the differences between different social groups (Diez, 2004). Multiculturalism is really a strategy of political control, it tries to avoid social and cultural conflicts by building and spreading a discourse in which it describes and recognizes the existence of cultures that coexist, but they do it separately, trying to hide the interaction and coexistence that occurs among the

members of those cultures, and which is mediated by social and economic and political asymmetries that define the type of relationship that is established.

Interculturality is an approach to social analysis, which recognizes the existence of multiple cultures (Boccaro, 2012), but does not conceive them separately, but in interaction and crossed by the anti-dialogic and the inequality. Interculturality is a historical and social construct, which conceives culture as a social field of struggle and permanent confrontation for control and political and cultural hegemony. The analysis of a social phenomenon from the perspective of interculturality refers to historically situated processes and practices that shape and form a field of dispute in which the existence of diverse and generally opposite interests is involved.

Interculturality is a possibility of change because it represents a space for the struggle of vulnerable social classes (homosexuals, indigenous people, women, migrants, the invisible) that reject the homogenizing policy of the dominant groups (Boccaro, 2012).

Interculturality is the flag battle of the oppressed and marginalized social classes, which seeks to counteract the imposition, the unique discourse, the cognitive capitalism, which exploits and manipulates. Interculturality is a praxis, a possibility to build a different world, with equitable rights, with respect to freedom and self-determination. A world built from the dignity of people, who demand respect and respectful treatment, recognizing that the other is also a person, and as such is a subject of rights. Interculturality as a method of social analysis is a dialectical vision of reality or portions of reality and reveals the complexity in which social and cultural interactions occur, and in which the hegemonic and the oppositional are confronted (Diez, 2004). Interculturality is not neutral, it responds as any project to interests and can be co-opted by conservative groups that can legitimize their discourse via the intercultural recognition of social groups, but not knowing the asymmetries and inequalities, that is why interculturality is also a space for struggle, debate of ideas and political positions. Not exempt from social inequality, from the political, from the economic, that recognizes the interaction between cultures, and that supposes a dialogue between them, peaceful and civilized. This can be a constant that legitimizes the diverse cultural existence, but thanks to the contradictions that occur in its behavior, it is also a possibility to establish alternative practices (Diez, 2004).

5. Intercultural and Interreligious Dialogue, As an Alternative against Hegemonic Respect for Egalitarian Marriages

It has already been glimpsed throughout this document that the confrontation of a sector of the Catholic Church against egalitarian marriages, expresses the need it has to influence the political life of the country, the loss of spaces of power and the need to extend its ideology to the greatest number of people, given that, faced with the appearance of other religious possibilities, there are people who leave the Catholic ranks, putting their universal hegemony in crisis.

A possibility that would somewhat ease this confrontation, is perhaps to build political spaces where intercultural and state mediating instances that allow the establishment of a dialogue between the rights of homosexual people and moral principles that say the Catholic Church is threatened.

Given this possibility, the first thing is to recognize that social life is permeated by religious moral vestiges that condition our social practices (Cifuentes, 2008) and that show the cultural influence of Christianity on a significant number of people.

However, the prevailing trend in the modern world of the neoliberal system and globalization whose principles drive people to consumerism and materiality the only style of life. The second thing that must be taken into account is that the social field where the debate unfolds is a space where what is in dispute is the power and the ability to impose on the other the imaginary on the traditional concept of marriage (Bourdieu, 1999). As already said, the actors that participate in this confrontation are the state and the Catholic Church through the Family Front. The rights of homosexual people to unite in marriage are the raw material of the dispute. Finally, a third aspect to take into account is the role of the state as the guarantor of respect and recognition of the human rights of all people regardless of their social, economic and religious status.

In this context, without the state becoming the executioner of those who violate the fulfillment of human rights, it is clear that, by the type of confrontation and the reason for it, it is up to him to establish the rules of the political game (Bourdieu, 1999) on which the debate will have to be settled and to which the conservative arm of the Catholic Church will have to submit. The first rule of the game is to make clear that in a democratic country such as our country, or what it aspires to be, secularism is one of the axes on which the social and institutional dynamics revolve, as a principle that guarantees freedom of thought, the exercise of freedom and the separation of religious norms from the performance of the state as an instance that ensures the plurality and inclusion of all its citizens. The second rule is to distinguish between the concept of morality and ethics. The first designates the particular, the moral customs and traditions in which one is born and the moral language in which one is educated. The second is the rational reflection on what a human being should accept as common values and worthy of being realized by all, regardless of the language, religion, sex or culture that each one has (Cifuentes, 2008). This distinction is fundamental for the Church to realize that the reason for her disagreement is of a moral and unethical nature. Therefore, the initiative to raise the rights of homosexual persons to marry is an ethical issue that seeks to equalize rights and guarantee compliance by the judicial bodies. Finally, the third rule that in our opinion is necessary, is to be clear that interculturality is not a set of cultures that coexist, but that do not interact, that do not exchange customs, visions, and conceptions of the world, that do not express the unequal dynamics in which large sectors of society develop. Moreover, interculturality is the means to overcome the expectant role of the state in the face of the tension in which the cultural life of the various social sectors develops, where the practice is usually characterized by the inclination of one culture to take possession of the other, as if their values and customs were superior to those of other cultures.

With these rules, in our opinion, the state is responsible for promoting an intercultural dialogue in which the human rights of homosexual persons prevail and those guaranteed through constitutional recognition. Human Dignity not to be discriminated against and violated is the main reason for the struggle of homosexuals and the state the ethical principle that should not be separated. If intercultural dialogue is established on the imposition of the moral dogma of the Catholic religion and the alliance between sectors of power. The intercultural dialogue will fail with complete certainty.

6. Conclusions

The social space in which disagreement over the constitutional celebration of same-sex marriages is resolved by a fundamentalist sector of the Catholic Church is an example that illustrates the traditional practice of ecclesiastical groups for imposing their moral standards on the rest of society, ignoring the diverse composition and the existence of other human groups that think and act in a particular way according to their own culture.

They are the human rights agreed upon by a significant group of countries of the planet in 1948, the subject on which the confrontation between the Catholic group represented by the Front for the Family and the State must turn. The latter has the ethical responsibility, has the responsibility to recognize and guarantee the fulfillment of the rights of all people, regardless of sexual preferences. Getting married and enjoying all the legal benefits is a human and constitutional right.

Intercultural dialogue is a way to address the dissatisfaction of one of the parties. The struggle for their dignity, the flag of those who fight to get married in an equal way.

References

- Blancarte Pimentel Roberto (2016). "Perdón, pero... Ganarse el cielo. Ministros del culto y violencia", *Milenio*, 27/09/2016.
- Boccara Guillaume (2012). "La interculturalidad como campo social", *Cuadernos Interculturales*, Vol. 10, No. 10.
- Bourdieu Pierre (1999). *La Distinción*, Taurus.
- Cardoso Fernando (1998). "Replanteamiento de los derechos humanos en la era global: Un homenaje a Sergio Vieira de Mello", *Revista Iberoamérica de Derechos y Libertades Civiles*.
- Chacón Mata Alonso (2015). "El concepto de dignidad humana como fundamento axiológico y ético de los derechos humanos", *Revista Latinoamericana de Derechos Humanos*, Vol. 26, No. 1.
- Cifuentes Pérez and Luis María (1998). "Hacia una nueva ética Laica e intercultural", *Revista de Sociología*, UAM, Azcapotzalco.
- CNDH (2015). *Constitución y derechos humanos: Cuáles son tus derechos humanos?*, México.
- Diez María Luisa (2004). *Reflexiones en torno a la interculturalidad: Cuadernos de Antropología Social*, Universidad de Buenos Aires. Buenos Aires, Argentina.
- López Dawson (2016). "Naturaleza de los derechos humanos", *Revista Latinoamericana de Derechos Humanos*, No. 15, Vol. 27.
- Martí Mingarro Luis (2010). "Los difíciles límites del derecho a la información", *Revista Iberoamérica de Derechos y Libertades Civiles*.
- Santos de Sousa Boaventura (1998). "Por Una Concepción Multicultural de los Derechos Humanos", UNAM.
- Savater Fernando (2010). "Derechos humanos y derechos civiles", *Revista Iberoamérica de Derechos y Libertades Civiles*.
- UNESCO, Declaración Universal de los Derechos Humanos.