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HINDERING POLICY CHANGE. UNDER WHAT CONDITIONS HAVE MARRIAGE
EQUALITY POLICIES BEEN HAMPERED IN LATIN AMERICA?¹

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ABSTRACT

Since 1993, over a hundred bills have been submitted to National Congresses in Latin America, proposing a shift from restrictive to permissive marriage equality or same sex partnerships regulations. Only five of 19 countries have approved legal changes, and five have done so in courts. Extant research has focused on the explanatory factors of the positive policy changes, but few studies have examined cases of hampered policies. This article aims to identify under what conditions marriage equality, as a moral policy, has stalled in Latin America. It contributes to our understanding of policy non-decisions by offering a cross-national analysis and overcoming the limitations of “mirror” strategies that explain negative cases solely by the absence of factors associated with positive change. It highlights the importance of studying conditions conjunctionally. High levels of religiosity can significantly influence political decisions and may obfuscate religious cleavages, as left-wing parties also engage in moral discourse.

Keywords: Morality politics, moral issues, marriage equality, policy change, agenda setting, policy monopolies, same-sex marriage, LGBTIQ+ studies.

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INTRODUCTION

Over the last 30 years progressive policy changes regarding homosexuality have been implemented worldwide. Permissive marriage equality regulations have been part of that change, but in most countries, more restrictive regulations remain in place. Only 35 of the 193 UN States grant marriage equality, and more than 30 recognize some type of same-sex unions. In Europe, 18 of 48 countries have approved marriage equality and 29 recognise some other form of same-sex unions (ILGA, n.a.). By 2022, in America (hereinafter LATAM), in ten of 19 countries it is possible to celebrate marriage equality or some other form of same sex unions.

However, it is worth noting that only four, Argentina (2010), Chile (2021), Cuba (2022) and Uruguay (2013), approved marriage equality laws in their National Congress. Chile has also enacted a Civil Union Law since 2015; Ecuador added cohabitation to its Constitution of 2008 and put it on official footing in the reform of the Civil Code in 2015; while Cuba, in 2022, reformed its Family Code via referendum to enact more permissive marriage equality regulations. In Mexico, the Supreme Court has made it illegal for subnational authorities to deny a request for a same-sex marriage, and its Constitutional Court established that the power to regulate this issue is not federal, then all subnational governments have progressively passed permissive state regulations. Other countries like Bolivia, Brazil, Ecuador, Colombia, and Costa Rica allow same-sex unions thanks to favourable judicial decisions mainly due to strategic litigation; however, they are still waiting for explicit regulations to be passed by the National Congress.²

These processes have not been smooth. In the past three decades, over a hundred bills have been unsuccessfully submitted for National Congress approval. These failures highlight the strong opposition from churches and conservative groups, who frame sexual diversity issues as moral concerns, contrasting with the rights-based arguments of LGBTIQ+ activists. Opponents often hinder policy changes “in the name of the family”, considering that they would lead to a wholesale transformation of the basic paradigms of Western societies, such as family, marriage, or parenthood. This type of policy change implies an institutional change (Mariani, 2019; Cherlin, 2004; Coontz, 2004).

Legal recognition of LGBTIQ+ rights has garnered significant scholarly interest. Research has primarily focused on successful cases such as Argentina, Uruguay, or Mexico, with more recent attention given to Ecuador, Colombia and Chile, usually treating them homogeneously. Explanations centre of the role of LGBTIQ+ civil society, advocacy strategies, political leadership, policy diffusion, and human rights and democratic discourses (Díez, 2015; Díez, 2013; Serrano, 2011; Corrales and Pecheny, 2010)

Hitherto, scant attention has been paid to negative cases. They have rarely been analysed, and when they have, the approach has been largely confined to single case studies, with a dearth of cross-country comparative research. Moreover, a prevalent approach has been to employ “mirror” frameworks, attributing negative cases to the absence of the variables that explain positive cases. Focusing on negative cases allows me to overcome the possible biases that emerge when studying a small number of positive cases of a regulatory reform, and to understand the conditions preventing policy

² It is important to note that this article concentrates on legislative and executive processes, as these are more pertinent to the current study. The role of judicial review in achieving legal change will not be addressed.

change. Indeed, deepening our understanding of the politics underlying no decisions being made and the process through which actors manage to avoid policy change is extremely useful for expanding extant theory (Emigh, 1997; Kendall and Wolf, 1949).

This paper investigates the factors hindering policy change for marriage equality in LATAM. Marriage equality is considered as moral policy, defined as public decisions concerning religious or traditional values (Engeli and Varone, 2011; Knill, 2013; Hurka et al., 2018). While case studies, narratives, and process-tracing are commonly used to understand policy change, the conditions that impede progress have received less attention. This study aims to address this gap answering the following question: under what conditions has policy change regarding marriage equality been hampered in LATAM countries?

I apply a Qualitative Comparative Analysis (QCA), focusing on remote conditions, those related to the context and concerning the process (Fischer and Maggetti, 2017, p. 356). This is an appropriate method for identifying sets of combinations of conditions that lead to an outcome; for carrying out systematic comparisons of a small number of observations; and for obtaining in-depth insights into complex cases (Berg-Schlosser et al., 2012).

The empirical analysis reveals that policy change did not occur when religiosity was high, a left-wing or centre-left party was in government, and there was a religious cleavage in the party system. This aligns with the conventional wisdom that religiosity strongly influences political decisions. Moreover, the rise of evangelicals in politics has transcended traditional religious party cleavages, leaving many left-wing or centre-left parties tethered to conservative stances on LGBTIQ+ rights, due to their ties to churches or adherence to moral discourses “in the name of the family”.

CONTEXTUAL CONDITIONS FOR POLICY NON-DECISION

Policy change is a well-researched category. It encompasses complex processes involving public decisions that aim to transform our understanding of problems and the tools used to address them (Capano, 2009; Howlett and Ramesh, 1998). However, there has been a dearth of scholarly attention paid to cases where policy remains unaltered, particularly cases of policy non-decision. The latter can be conceptualised as a persistent decision not to approve public policies (Engeli and Varone, 2011), in other words, unsuccessful attempts at policy change. An example of this would be a situation where a shift from restrictive to permissive regulations has not materialised.

Here, policy non-decisions are not exceptions but rather central outcomes. This allows me to overcome possible biases created when studying a very small number of positive cases of a regulatory reform, and to understand the conditions present when policy change was hampered. Such a “negative approach” (Emigh, 1997) is useful for learning more about the politics and the political arena surrounding the non-decision: the situation of actors being successful in resisting policy change.

Existing scholarship on marriage equality in LATAM prioritises successful cases (e.g. Argentina, Brazil, Colombia, Chile, México and Uruguay), neglecting the factors hindering change in other countries (Corrales and Pecheny, 2010; Serrano, 2011; Pierceson et al., 2013; Diez, 2015). Corrales (2022) offers explanations focused on the (re)emergence of a religious cleavage, political institutions (such as presidential

leadership, political parties, federalism, courts, and transnational forces), and strategies and cohesion of social movements, primarily in contexts of successful policy change and focusing on isolated factors, when it is generally recognized that social phenomena are usually complex, marked by equifinality and conjunction (Fischer and Maggetti, 2017, p. 347-348).

Furthermore, studies of negative cases often employ a ‘mirror’ approach, analysing them in relation to the presence or absence of variables associated with positive outcomes. For instance, Diez (2015) examined Chile, focusing on the role of activism and the absence of factors present in Argentina and Mexico. Schulenberg (2013b) similarly investigated Panama, assessing how variables that contribute to positive cases play out in a negative one. He concludes that public opinion, partisan support, and weak mobilisation capacities within LGBTIQ+ organisations are insufficient for policy change. This sheds light on situations where formal legislative attempts have not been made but does not explain instances where policy debates have begun without a reform materialising. Encarnación (2016) examined cases of policy non-decision in Brazil, identifying three factors: entrenched homophobia, the political influence of Evangelical movements, and a fragmented legislative party system. However, his analysis and comparisons with Argentina elevate the rights campaign and the role of activists as the crucial explanatory factors. Other scholars have also developed single-case studies, analysing judicial decisions in Colombia (Bonilla, 2013), or the role of activism in Mexico (Lozano, 2013).

Additionally, context matters in policy making. Various exogenous factors influence how public problems are defined, actor’s perspectives, and the range of potential solutions (Stone 1997, Court and Cotterell, 2006; Brown et al., 2014). Here, context refers to the complex environment encompassing values, actors, institutions, and constraints that shape public decision-making (Mc Cormack et al., 2001)..

This study examines contextual factors that hinder policy change (They are different from the internal or proximate conditions related to the actor’s practices and behaviour (Schneider and Wagemann, 2006). Through a cross-country comparison, I identify contextual conditions associated with policy no change. (Emigh, 1997).

MORALITY POLITICS AND MARRIAGE EQUALITY

I study marriage equality policies through the lens of morality politics. This highlights clashes between cultural or ideological approaches. One approach moralises issues based on core religious or social values (life and death, family, gender roles, etc.), while others emphasise rights, freedoms, and democratic principles. Moral issues refer to issues that are closely related to religious values, and, in turn, to the regulation of freedoms and rights that challenge the institutions of highly religious communities (Mourão 2019). Political leaders navigate these competing values, trying -sometimes unsuccessfully- to harmonise them at stake in a democratic way. In this sense, moral politics also refers to Foucault's (2006) central discussion of where to place the limits of governmentality (Foucault, 2006). A public issue, therefore, rather than being moral itself, is moralised, and there are some conditions that make this process feasible, with

religiosity being particularly relevant (Haider-Markel and Meier, 1996; Mucciaroni, 2011). Although most morality politics research focuses on Europe and the US, it offers insights into the conditions that hamper or facilitate policy change.

Marriage equality policies are at the heart of morality politics. They constitute a radical transformation of social paradigms regarding marriage, a sacred cornerstone institution for many, particularly Catholics and Evangelicals. Many believers consider it their duty to fight for the principles they consider sacred (Maxwell, 2002). Such an institutional change modifies the religiously rooted institution of marriage, which has maintained the normative ideals of heterosexuality and procreation (Mariani, 2020; Calhoun, 2000), requiring legal or constitutional changes. Therefore, policy change in this article is verified through specific legal outcomes or regulations (Knill et al., 2015), moving from restrictive to permissive rules and sanctions enacted by national legislatures.³

In LATAM, marriage equality has been continually moralised in the public arena. Conservative groups in countries like Colombia, Ecuador, Chile and Peru organised protests and forged alliances with Catholic and Evangelical churches, advocating for the preservation of restrictive regulations and opposing discussions on non-heteronormative sexualities and gender identities. Their slogans, such as ‘Democracies with a family-centred approach’ or ‘Don’t mess with my children’, highlight these moral arguments. Conversely, LGBTIQ+ civil society organisations advocate for broader rights and equality, often facing accusations from conservatives of imposing ‘gender ideology’ or promoting the ‘gay lobby’ (Religion in Freedom, 2010). While some countries have adopted alternative legal arrangements like civil unions or constitutional recognition of cohabitation, this article encompasses all such regulatory designs under the umbrella of “marriage equality” with specific distinctions made when necessary.

There is an extensive literature that underlines the importance of religiosity in policy changes related to homosexuality (Scheitle and Hahn, 2011; Smith, 2005; Olson et al., 2006). Christianity considers homosexual practices as a sin or abomination, being a predictor of homonegativity (Doebler, 2015; Whitehead, 2010). Studies in LATAM highlight the link between religion and political behaviour (Vaggione and Jones, 2015; Adamczyk and Pitt, 2009; Mallimaci, 2008). Furthermore, religiosity is associated with the gender equality gap, as religious norms often prescribe (Inglehart and Norris, 2003). Secularisation theories posit a diminishing influence of religion in modern societies with advancing progressive values (Inglehart, 2000), and contexts in which there is progress in gender equality and advances in the acceptance of homosexuality are more favourable to policy changes. We therefore expect to find a combination of these conditions for policy non-decision.

³ While legislative procedures vary across countries, a typical route for constitutional or legal change involves a bill introduced by congresspersons and subsequent discussion within parliamentary committees. Upon committee decision, the bill proceeds to plenary debate and potential passage. Promulgation and publication typically depend on the executive branch. Additionally, some countries allow for executive-initiated bills, proposed by the presidency, and debated in congress. It is important to note that this article concentrates on legislative and executive processes, as their variations are most pertinent to the current study. The role of judicial review in achieving legal change will not be addressed.

Lipset and Rokkan (1985) concept of cleavages remains central to political systems analysis. Hurka et al. (2018), building on Engeli et al. (2013), propose four worlds of morality politics (Table 1). A “Religious World” exists when a religious cleavage is present, and decisions are made by parties (party politics). An “Unsecular World” emerges when religious cleavage exists, but decisions are made by individual conscience votes in parliament (parliamentary politics). Conversely, a “Traditional World” occurs in the absence of religious cleavages with party-driven decisions. Finally, a “Secular World” is characterised by no religious cleavages and parliamentary decision-making.

Table 1
The four worlds of morality politics

	Venues	
	Party politics	Parliamentary politics
(+) Religious cleavage in the party system	<i>Religious Worlds</i> (+) (+) likely agenda setting	<i>Unsecular Worlds</i> (-) likely agenda setting
(-) Lack of religious cleavage in the party system	<i>Traditional Worlds</i> (+) likely agenda setting	<i>Secular Worlds</i> (-) (-) likely agenda setting

Source: Own elaboration based on Hurka et al. (2018) and Engeli et al. (2013).

According to Hurka et al. (2018), there is a greater propensity to include moral issues on the agenda when there is a religious cleavage and decisions about moral issues are taken in party politics. A religious cleavage exists when there is at least one Christian or religious party that is clearly differentiated from other secular parties, while party politics exists when decisions are taken by the party as a political organisation. Conversely, the absence of a religious cleavage reduces this possibility, especially when decisions are taken by the members of the National Congress in a conscience vote (parliamentary politics). The absence of a religious party organisation helps save a party from being held responsible, and any sanctions imposed by the public are transferred to the individual politicians for the vote they cast (Pierceson, 2013). While the authors talk about processes of agenda-setting, and the visibility of moral issues in national agendas, Engeli et al. (2013) argue that the existence of religious parties facilitates the likelihood of more permissive policies being adopted, since there is a greater chance that they will be politicised.

In LATAM, there is a debate about the suitability of the cleavage model to explain the performance of the political system (Alcántara and Rivas, 2007; Mainwaring and Torcal, 2003; Ruiz, 2000). Some authors have noted that religious parties in

countries such as Argentina have failed to develop into major parties (López, 2013), while others have shown how important Christian Democratic parties have been in promoting democratic values (Mainwaring and Scully, 2010). I consider that a religious cleavage exists -at least formally- when there is a clear differentiation between a religious party -generally a Christian one- and other parties.

Lastly, the morality politics literature links policy change with the economic ideology of governments, depending on whether they are right or left wings in economic terms (usually ignoring the post-materialist differentiation between authoritarian and libertarian). Leftist parties are generally considered more sympathetic to LGBTIQ+ issues (Schulenberg, 2013). Given that LATAM had its Pink Tide between the 1990s and the 2000s (Aquino, 2021; Levy and Larrabure, 2021; Pavlakovic, 2013; Birdsall and Fukuyama, 2011), to then return to right-wing governments from 2010, with variations and fluctuations (Levy and Larrabure, 2021; Barbosa, 2020; Levitsky and Roberts, 2011), one would expect marriage equality regulations to become more permissive. Here, hence, I expect the absence of a left-wing party in government to be a condition in cases where policy change did not occur.

Based on the discussion above, the following expectations are formulated:

E1: Policy non-change is more likely when there is a conservative social context, when religiosity and gender inequality are high, and when acceptance of homosexuality is low.

E2: Policy non-change is more likely when there is no religious cleavage in the party system.

E3: Policy non-change is more likely in the absence of a left-wing or centre-left party in government.

DATA AND METHODS

I applied QCA to identify necessary and sufficient combinations of conditions for preventing a moral policy change in LATAM countries. This method “provides analytic tools for conducting holistic comparisons of cases as configurations and for elucidating their patterned similarities and differences” (Ragin, 1998; p. 107). Results analysis, however, precludes claims of generalisability beyond the studied cases, constituting historical limited generalisations (Ragin, 1998).

I assume the maximum causal complexity, i.e. “there are different conditions and combinations of conditions that can be present conjuncturally and equifinality when the outcome occurs” (Bandelow et al., 2019, p. 168). In this sense, cases are *configurations*, i.e. sets of logically possible combinations of attributes (Ragin, 1998, p. 108-109). I consider multiple configurations of conditions that exist when an outcome occurs (Beach and Kaas, 2020; Beach and Pedersen, 2016), rather than a single explanatory factor or cause. Instead of seeking causality, I observe multifinality or conjunctural conditions, i.e. some conditions might be irrelevant on their own, but matter when combined with other conditions. I also consider equifinality, which means

that when an outcome occurs, different combinations of conditions might exist (Fischer and Maggetti, 2017, p. 347-348).

Moreover, QCA allowed me to carry out a systematic cross-case analysis for a small number of cases and analyse the interactions between conditions which, in turn, provides more nuanced theories.

I used QCA and the SetMethods packages in R (Oana et al., 2021). I focused the analysis on cases of marriage equality policies that did not change from restrictive to permissive regulations; the cases are country-episodes of bills presented to a National Congress. The outcome is a policy non-decision, i.e. the non-approval or the non-voting on a bill or set of bills by said Congress. Conditions were built or derived based on those identified in the literature as the key ones for moral policy change.

The outcome: policy non-decision on marriage equality at the national level

The outcome is the representatives' decision to not change a marriage equality policy regulation from restrictive to a permissive. Marriage equality refers to a variety of similar forms: marriage equality, same-sex partnerships (i.e. civil union, patneriato, parcería), cohabitation (concubinato), among others. Nevertheless, there are some differences in degree: marriage equality law has more weight in legal and symbolic terms, while civil Union and other forms do not have the same level of recognition of rights; and cohabitation is clearly neither marriage nor civil Union, being a mere recognition that two people live together as a couple, allowing some legal advantages. I assigned, hence, a value of between ten to one to each category, depending on the degree of change represented by it (Figure 2).

Table 2. Values assigned to the OUTCOME.

	Marriage Equality	10.0
No change	Civil Union	9.5
	Cohabitation	8.5
Threshold		5.0
Change	Cohabitation	2.5
	Civil Union	1.5
	Marriage Equality	1.0

Source: Own elaboration

The cases: failed attempts in the National Congress

As already mentioned, I focus on the attempts made to approve bills that were not passed in the National Congresses between 1993 (the first time that there was a bill on same-sex unions in Peru) and 2022. I call each attempt “a country-episode” which in this article, constitutes a “case”. This increases internal validity.

Nine out of 19 countries were excluded: seven of them had no bills with permissive regulations submitted to their National Congress (El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay and Dominican Republic); in Mexico, the Constitutional Tribunal said that the National Government had no jurisdiction on this issue; and Cuba was excluded due to both lack of information and changes occurring during the writing of this paper.

Of the ten remaining countries, I identified all the bills submitted to the National Congresses proposing more permissive regulation. When some bills were part of the same legislative debate or had been merged in the legislative procedure, I aggregated them in a single country-episode. As a result, I obtained 70 bills, organised into 38 country-episodes or cases, in ten countries, namely Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Peru, Uruguay, and Venezuela (see Appendix A)

31 cases fulfil the outcome (i.e., policy change did not occur): 20 bills on Marriage Equality (ARG_2000, 2002, 2004, 2006, 2007; BOL_2012b, 2013; BRA_2015, 2018, 2019; CHI_2009, 2010, 2014; COL_2015; CRI_2015, 2016; PER_2004, 2010, 2021; VEN_2014); seven bills on Civil Union (BOL_2015; BRA_1997, 1999, 2001, 2007, 2008; CRI_2012); and four bills on Cohabitation (BOL_2012a; COL_2013; PER_2015; VEN_2009)

Conversely, there are 7 of 38 cases where policy did change: ARG_2010 (Marriage Equality Law); URU_2007 (“Unión Concubinaria” Law); URU_2013 (Marriage Equality Law); CHI_2015 (Civil Union Law); CHI_2021 (Marriage Equality Law); ECU_2008 (“Unión de hecho” included in the Constitution which might also be applied for same-sex partnerships); and ECU_2015 (Marriage Equality included in the Civil Code).

Building conditions

QCA understands conditions as sets to which every case has a certain membership (Thoman, 2015: 1376). They are theory-oriented and built based on the principal explanations found in the literature. Three are related to social values (HIGHRELIG, LOWHOMO and HIGHGEND), and two are related to political institutions (NOCLEAV and NOLEFT).

Databases do not establish a particular threshold for these conditions, and there is neither a statistical nor a theoretical threshold to determine the countries or cases that fulfil these conditions or not. So, I use a direct method of calibration.⁴ Memberships are not defined as universal values, instead, they should be read relative to other country-episodes or cases, i.e. there is a “higher” or “lower” religiosity compared to other cases, rather than a “high” or “low” religiosity level in universal terms.

⁴ The most important task in direct calibration is specifying the three qualitative anchors that structure a fuzzy set (i) the threshold for full membership, (ii) the threshold for full non-membership; and (iii) the crossover point or maximum ambiguity point (fuzzy score = 0.5).

HIGHRELIG: policy change is more likely to happen when there is a decreasing rate of religiosity (Lutter, 2013, cited by Castillo and Medina, 2016; Van der Akker et al., 2012; Kollman, 2007). I assume that high religiosity is an existing condition when policy change is hampered.

Data was obtained from the Latinobarómetro surveys (1995-2020 S10 “What is your religion?”) Missing values (BOL_2012a, BOL_2012b, BRA_1999, BRA_2019, CHI_2014, CHI_2021, CRI_2012, PER_2021 and VEN_2014) were imputed by repeating the last valid value.

Lefoulon et al. (2021) divided 21 countries into three different groups: high religiosity >75 percent, medium religiosity 50-75 percent, and low religiosity 25-50 percent. In our cases, all are over 59.50 percent. Thus, I needed a higher threshold to establish a better differentiation in membership among cases. There is a group of countries with values between 59.50 and 63.40, and all the rest are from 74.10 to 96.10. I decided to fix the crossover point or threshold at 73. As a result, CHI_2015, CHI_2021, URU_2007 and URU_213 are outside membership. This is reasonable since Chile and Uruguay have the highest decreasing religiosity rate in LATAM.

HIGHGEND: gender equality policy between men and women is an indicator that morality issues have been on the agenda, and that more traditional views of gender roles are associated with patterns of greater hostility towards LGBTIQ+ people (Newman, 1989; Herek, 1988; Whitley and Ægisdottir, 2000, cited by Castillo and Medina, 2016). I am expecting to find that marriage equality policy change is more likely to be hamper when there is a higher rate of gender inequality.

Data was obtained from the PNUD (UN) Gender Inequality Index (GII). To ensure a complete dataset, I used databases from Our World in Data (2022), a Global Change Data Lab project, with the support of the University of Oxford.

The crossover point for HIGHGEND was fixed at 0.421, using the average of the GII LATAM 1995-2020 as a reference point. All cases over the threshold have higher gender inequality levels, which is reasonable in LATAM where the decrease in gender inequality in the last 20 years has not been remarkable.

LOWHOMO: policy change is more likely to happen when there is an increasing rate of acceptance of homosexuality. General attitudes toward gays and lesbians were an important predictor of support for LGBTIQ+ rights (Brewer, 2003; Castillo and Medina, 2016, p. 3). I expect that a lower level of acceptance of homosexuality might be an existing condition when policy did not change.

Data was obtained from the Global Acceptance Index-GAI 2021 by the Williams Institute (UCLA 2021), a database consolidating results from cross-national global and regional surveys that measure attitudes towards LGBTI people and rights (Latinobarómetro, Ipsos International, The World Values Survey and the Pew Global Surveys, among others). Missing values (BRA_1997, BRA_1999, CHIL_2021, and PER_2021) were imputed by repeating the last valid value.

The data suggest a very homogeneous rate of LOWHOMO. To create a differentiation in membership, as suggested by Oana et al. (2021), I have gone back to the cases, identifying Argentina, Uruguay, Chile, and Brazil as historically being more tolerant than the others and having the highest acceptance of homosexuality compared with the other countries. ARG_2010, when the first law was approved in the region, is a good reference point. The threshold was fixed at 6.5.

NOLEFT: even if findings on partisan influence remain mixed (Adam et al., 2020), scholars argue that left-wing parties are more sympathetic to LGBTIQ+ rights than conservative ones in terms of same-sex marriage (Fernandez and Lutter, 2013;

Calvo, 2007; Friedman, 2009; and see for the Spanish case Castillo and Medina, 2016). Also, according to Shawn Schulenberg's Lavender Tide and Pink Tide argument (2013), leftist governments have become closer to LGBTIQ+ rights. The findings of Friedman (2009) reflect that "governments show a mixed commitment to women's and LGBTIQ+ rights. But having the left in power does make a difference in some areas" (p. 430). Engeli et al. (2013) also state that when religious parties are not in government, more permissive regulations are more likely, and additionally, some studies indicate that conservative parties protect restrictive morality policy outputs (Fink, 2008; Castillo, and Medina, 2016). Therefore, I expect that a non-leftist party in government is an existing condition when policy change is hampered.

Data was compiled on the presence of a non-leftist party in government (NOLEFT), using the IADB - Political Institutions database (Cruz et al., 2021). The variable used was EXECRLC, related to party orientation with respect to economic policy, coded based on the description of the party in the sources: (1) Right: for parties that are defined as conservative, Christian Democrat, or right-wing; (2) Left: for parties that are defined as communist, socialist, social democratic, or left-wing; and (3) Centre: for parties that are defined as centrist or when a party's position can best be described as centrist. However, I made some corrections to the data based on academic texts, party manifestos and media publications available online that contain public interviews with political party leaders and presidents, as well as using my own knowledge of the region. We considered that many political parties have changed their positioning, for instance, some parties were defined by the IADB as centrist when they were centre-left, others were defined as leftist, being right-wing. (See Appendix B)

I calibrated NOLEFT with a crisp set, i.e. in a binary set: one for membership (Right or Centre Right) and zero for no membership (Left or Centre Left).

NOCLEAV: Engeli et al. (2013) state that "moral issues are particularly prone to entering the political agenda in countries whose party systems feature an established Christian Democratic party (the religious world), whereas countries in which the religious-secular divide is missing (the secular world) experience fewer and less intense political conflicts on moral issues." Policy change is more likely to happen when there is a religious cleavage, i.e. there is a very differentiated Christian or other religious party in the political system, and it seeks to set the moral agenda in the political arena. I expect, hence, to find that when there is no religious cleavage, policy change is more likely to be hampered.

Data was built qualitatively, identifying if a religious party existed in the National Congress when the bill was discussed and eventually voted on. I use public official information, complemented with information from academic texts, party manifestos, and media publications available online containing public interviews with political party leaders and presidents.

I calibrated NOLEFT AND NOCLEAV with a crisp set, i.e. a binary set: 1 for membership and 0 for no membership.

Results and Discussion

I examined 38 cases as configurational units, identifying a necessary condition and sufficient combinations of conditions that exist when a marriage equality bill was not passed in ten LATAM countries. The analysis of sufficiency yielded a truth table with 32 logically possible combinations. Ten of them have a consistency higher than

0.8, with a very high PRI (>0.51).⁵ Prior to producing results, using Enhanced Standard Analysis (ESA), I blocked all possible logical remainder rows from being included in the process of logical minimization, to avoid untenable assumptions being made. (Oana et al., 2021, p.130) To obtain an enhanced intermediate result, that includes all those remainder rows that went into the most parsimonious result, as long as they were in line with researcher’s theory-based directional expectations on single conditions, I employed the following counterfactual: despite no expectations about other conditions being in place, the non-existence of a religious cleavage contributed to the OUTCOME, i.e. the policy did not change. This was based on the theoretical reasons exposed when presenting the conditions. The enhanced intermediate result for the OUTCOME is as follows:

Table 3. Enhanced Intermediate Sufficient Result for the Outcome in R

MI: HIGHRELIG*LOWHOMO + HIGHRELIG*~HIGHGEND*~NOCLEAV + HIGHRELIG*~NOLEFT*~NOCLEAV					
	inclS	PRI	covS	covU	Cases
HIGHRELIG*LOWHOMO	0.931	0.923	0.786	0.303	CHI (2009), CRI (2012), CRI (2015), CRI (2016), ECU (2015), PER (2021); ARG (2004), ARG (2006), ARG (2007); CHI (2010); ARG (2000), ARG (2002); BOL (2015), BRA (1997), BRA (1999), BRA (2001), BRA (2007), BRA (2008), ECU (2008), PER (2015), VEN (2009), VEN (2014); BOL (2012a), BOL (2012b), BOL (2013); COL (2013), COL (2015), PER (2004), PER (2010)
HIGHRELIG*~HIGHGEND*~NOCLEAV	0.956	0.947	0.341	0.045	CHI (2014); BRA (2018), BRA (2019); CHI (2009), CRI (2012), CRI (2015), CRI (2016), ECU (2015), PER (2021); CHI (2010)
HIGHRELIG*~NOLEFT*~NOCLEAV	0.888	0.877	0.486	0.030	CHI (2014); CHI (2009), CRI (2012), CRI (2015), CRI (2016), ECU (2015), PER (2021); BRA (2015); BOL (2015), BRA (1997), BRA (1999), BRA (2001), BRA (2007), BRA (2008), ECU (2008), PER (2015), VEN (2009), VEN (2014)
Solution	0.924	0.917	0.899		

Source: Own elaboration

An intolerant region: higher religiosity and lower acceptance of homosexuality

Results show that each time a policy has been hampered, there was a HIGHRELIG. This is a necessary condition with a high consistency (0.950), high coverage (0.905), and relatively acceptable relevance of necessity (0.680). The plot (see

⁵ The Proportional reduction in inconsistency (PRI) “is a numerical expression of the degree to which a given condition X is a subset of only outcome Y rather than also of outcome ~Y.” (Oana et al. 2021, p. 96)

Annex B) does not show deviant cases in kind, and the negation of the outcome shows no necessary conditions. All cases where more inclusive marriage equality regulations have not been approved have HIGHRELIG levels (>66 percent). Only four of the 38 cases are situations where fewer than 73 percent of people recognised themselves as believers in a religion (CHI_20015, CHI_2021, URU_2007 and URU_2013). In the other 34 cases, the levels are over 80 percent, and in at least 21 cases, over 90 percent. ECU_2008 and PER_2004 top the list, at 96.10 percent and 95.80 percent respectively.

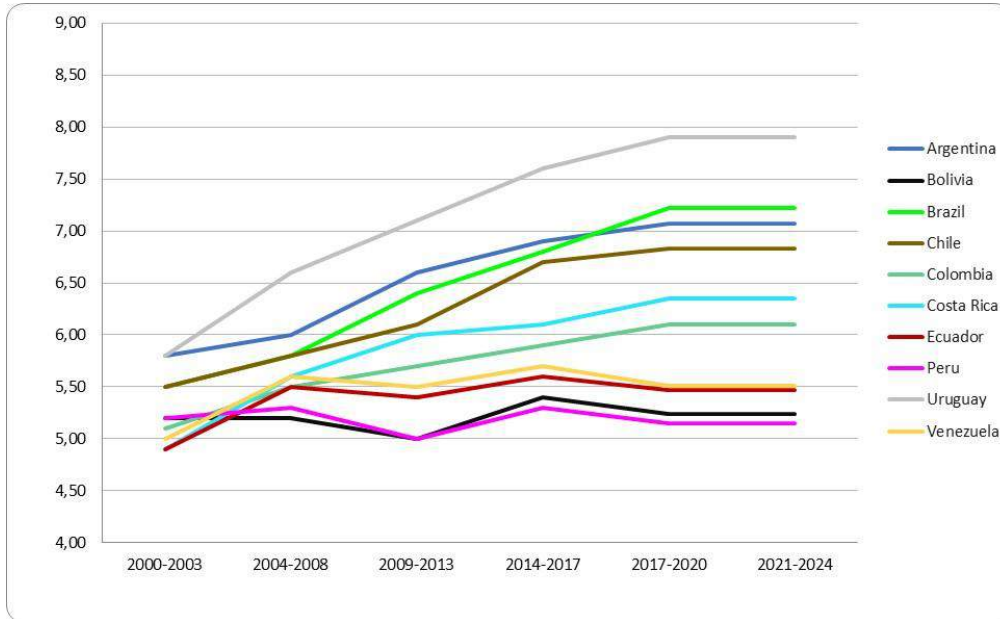
This unsurprisingly confirms our first expectation and aligns with the extant literature that put religious contexts at the forefront of more inclusive equal marriage policies being stalled in the region (Bohigues et al., 2022; Navarro et al., 2019). Since colonial times, LATAM has been mainly Catholic. Whereas Catholicism has declined, Protestantism has increased. Until the beginning of the 20th century, almost 94 percent of Latin Americans were Catholics and only one percent were Protestants. The number of evangelicals⁶ grew from 8.2 percent in 1995 to 22.6 percent in 2020. Of these, Pentecostals have had the most political presence over the last three decades, despite their prior rejection of politics – that had been considered a “worldly matter” (Bastian, 1997; Freston, 2006). This circumstance is not insignificant, considering that the political leaders of evangelical churches have often become candidates in elections and critical political actors. In the last 30 years, Brazil, Venezuela, Colombia, and Peru, among others, have seen evangelicals becoming visible politically. This aligns with Del Campo and Resina (2020) who stand that evangelicals have been “transformed into guardians of the most conservative values” (p.5) regarding abortion, marriage equality or minority rights in LATAM societies, and have supported rightist groups re-emerging in the region, or supported the turn-to-the-right of populism.

Moreover, 27 cases where policy reform was hampered occurred when there was a conjunction between HIGHRELIG and LOWHOMO (sufficiency). Several scholars recognise the direct relation between religiosity and lack of tolerance towards homosexuality (Vaggione, 2017; Machado, 2018; Lacerda, 2019).

It is noteworthy that levels of homosexual acceptance have varied over the past three decades. Flores (2021), using the Global Acceptance Index-GAI, reports an increase in acceptance across South and Central America since 1990, albeit more modest compared to the USA or Europe. This suggests that while LATAM countries may share some commonalities, their trajectories diverge (Flores, 2021). Indeed, our analysis of ten cases reveals a small increase in the index for Bolivia, Perú, Ecuador and Venezuela. None of them, apart from Ecuador, have approved marriage equality.

⁶ I am using evangelicals to refer to all Christian groups that centre their ecclesiastic practice in the task of evangelising and converting people. This includes Presbyterians, Baptists, Methodists, Pentecostals, Neo-Pentecostals, and free churches (Pérez Guadalupe, 2017, p. 24).

Graph 1. Global Acceptance Index GAI 2021 in ten countries under study

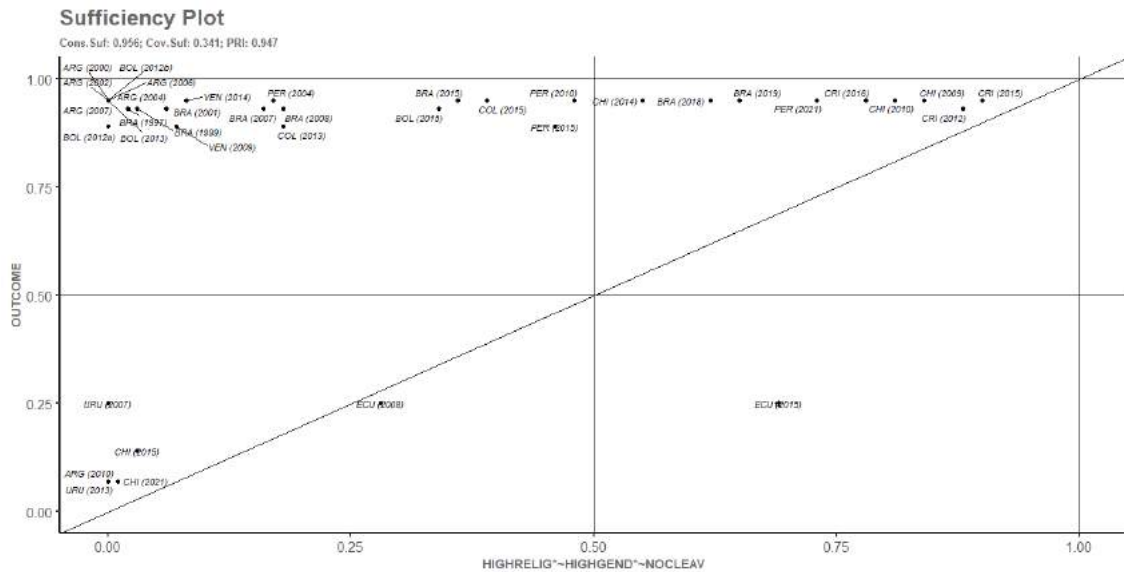


Source: Own elaboration based on GAI (UCLA, 2021)

This aligns with the findings of González-Rostani and Morgenstern (2023), who argue that the resistance of LATAM legislators to approve marriage equality is related to the prevalence of conservative religious beliefs. Conversely, they suggest that change is more likely in countries with lower levels of religiosity amongst legislators. Results in QCA show that in four of seven cases (CHI_2015, CHI_2021, URU_2007, URU_2014), the reform coincided with a period of lower religiosity. Chile and Uruguay are typical cases of countries where policy changes have occurred. Chile is a known case of rapid secularization between 2015 and 2021, mainly due to the delegitimization of the church, following the involvement of clergy in notorious child sexual abuse scandals (Rosas et al., 2019). Uruguay stands as a historical emblem of secularisation. This is due to both its low levels of religiosity and the construction of the republic upon the principle of a secular state (Caetano, 2013; Scuro, 2018).

The second term of the sufficiency solution reveals that in nine cases (in four countries), marriage equality legislation was not enacted despite lower levels of gender inequality (BRA_2018, BRA_2019, CHI_2009, CHI_2010, CHI_2014, CRI_2012, CRI_2015, CRI_2016, PER_2021). This occurred in combination with HIGHRELIG and a religious cleavage in the party system. In contrast, the results also show that low levels of gender inequality only translate into policy change when combined with lower levels of religiosity and higher levels of homosexual acceptance (CHI_2021, URU_2007 and URU_2013). In essence, these findings support existing theoretical explanations regarding the implications of gender inequality levels for positive change. However, they also reinforce the notion that religiosity remains a key factor, even in contexts where some advances in gender policies have been made. The case of ECU_2015 is a deviant one (Figure 4) requiring additional theoretical and empirical work.

Graph 2. Xplot for the Second Term of the Sufficient Solution from R



Source: Own elaboration

Unsecular worlds? A religious cleavage in the party system within a religious context.

At a glance, the second and third terms diverge from our second expectation, because they show that policy did not change when there was a religious cleavage in the party system. As we explained before, scholars state that it is more difficult for moral policies to enter the agenda when there is no religious cleavage (Engeli, 2013; Hurka et al., 2018).

I added information to the QCA results about the voting circumstances of the decisions: “Party Politics” when the representatives voted as a partisan block, or “Parliamentary Politics” when they voted in a conscience vote (Knill et al., 2015). The two cases with negative votes (COL_2013 and PER_2015) show a religious cleavage in the party system and parliamentary politics. The 21 cases not voted on at all also exhibit a religious cleavage in the party system. In isolation, cases of non-decision belong fundamentally to the Unsecular World.

Table 4. Four morality worlds in LATAM

VENUE		
Party Politics	Parliamentary Politics	NOT VOTED FOR
<p><i>Religious World</i></p> <p>ECU_2008 + ECU_2015 +</p> <p>~NOCLEAV (with a religious cleavage in the party system)</p>	<p><i>Unsecular World</i></p> <p>CHI_2015 + CHI_2021 + COL_2013PER_2015</p>	<p>BOL_2015 BRA_1997 BRA_1999 BRA_2001 BRA_2007 BRA_2008 BRA_2015 BRA_2018 BRA_2019 CHI_2009 CHI_2010 CHI_2014 COL_2015 CRI_2012 CRI_2015 CRI_2016 PER_2004 PER_2010 PER_2021 VEN_2009* VEN_2014</p>
<p><i>Traditionalist World</i></p> <p>NOCLEAV (without a religious cleavage in the party system)</p> <p>URU_2007 +</p>	<p><i>Secular World</i></p> <p>ARG_2010 + URU_2013 +</p>	<p>ARG_2000 ARG_2002 ARG_2004 ARG_2006 ARG_2007 BOL_2012a BOL_2012b BOL_2013</p>

* VEN_2009 has no information about how the vote went.

Source: Own elaboration

Nevertheless, that analysis is not considering other conditions. According to the second and third solution terms in QCA, the existence of a religious cleavage occurred in conjunction with a HIGHRELIG. This means that the cleavage in the party system suffers from the absence of a clear religious cleavage in society. That might explain why even left-wing parties did not support policy change. Instead of voting as a partisan block, many parties let parliamentarians cast a conscience vote in the National Congress. While this argument is in harmony with Pierceson's findings (2013), that some parties avoided social sanctions and transferred the responsibility of the decision to each individual representative, clearly contests the idea that the mere presence of a Democratic Party within the political system does not necessarily create a religious party cleavage. Highly religious contexts with public opinion expresses expectations based on religious values, and HIGHRELIG would, hence, in practice, standardise political parties in the face of moral issues, despite the existence of the Christian Democratic parties. HIGHRELIG appears to taint the entire political spectrum

and thus religious partisan divisions, at least on these moral issues, eventually tend not to be decisive.

Contrary to our theory-based expectations, the QCA solution shows the absence of a religious cleavage when policies changed in three cases in Argentina and Uruguay, countries with a long history of secularism. However, this result also appears in four cases corresponding to Chile and Ecuador. Therefore, in terms of positive policy change, religious cleavage in the party system in isolation is an innocuous condition.

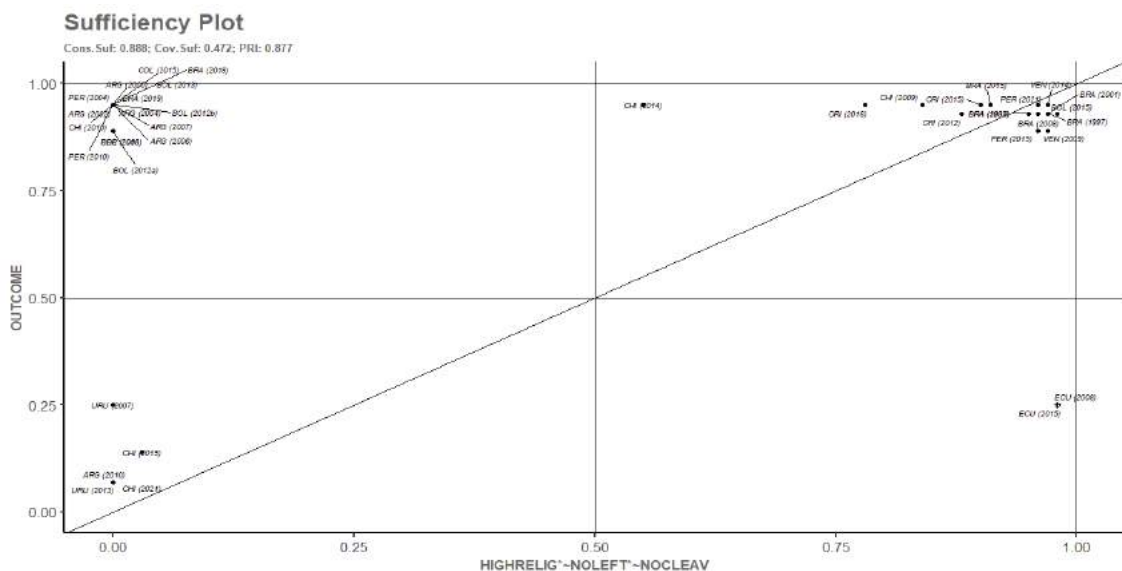
A "morally conservative" left.

Considering some scholars state that the existence of left-wing parties (at least Moderate ones) has been seen as a great opportunity for positive change in moral policies, in particular, for LGBTIQ+ issues (Castillo and Medina, 2016; Fernandez and Lutter, 2013; Calvo 2007; Friedman, 2009; Schulenberg, 2013a), It would be expected to find right or centre-right parties when policy did not change. However, findings allow us to show why the “mirror” strategy analysing cases is not correct. The mere absence of left governments does not explain the negative change. And single explanations are not enough.

The third term of the QCA contradicts the expectation. Results suggest there was a left-wing or centre-left party in government, along with HIGHRELIG and the existence of a religious cleavage when policy did not change. This occurred in 16 of 32 cases in Bolivia, Brazil, Chile, Costa Rica, Peru, and Venezuela.

This confirms the seminal analysis on the Lavender Tide done by Schulenberg (2013a): while Contestatory Left are more gay-friendly than Moderate Left (Weyland, 2010), so many Contestatory left governments have not gone further in Marriage Equality policies nor received enough support from their leaders.

Graph 3. Xplot for the Third Term of the Sufficient Solution from R



Source: Own elaboration

In LATAM, homophobia was widespread on leftist movements until the early twenty-first century (Schulenberg, 2013). Many left-wing parties and their leaders have been economically progressive but have remained conservative on moral issues. This contrasts with the United States and Europe, where stances to a wide range of social issues have been divided along party lines (Weyland et al., 2010; Schulenberg, 2013). The conjunction with a HIGHRELIG is not casual if we consider that left-wing politicians and human rights activists have been very close to Catholic organisations and liberation theology, in Brazil and Peru for instance. Catholic universities and professional organisations were spaces where leftists and Christians converged in building political positions, giving weight to religious values. Many leftist political leaders, particularly presidents and parliamentarians, have strongly resisted policy changes or performed strategic neutrality, keeping issues in the moral arena. Even supportive politicians were swayed by religiosity and potential voter punishment based on moral or religious arguments. (Pierceson, 2013).

Recently, this has begun to change, albeit gradually. Even moderate leftists in Argentina, Uruguay, Brazil, and Chile have become more likely to support marriage equality policy changes. In URU_2007, the Concubinary Union Law was approved under the presidency of Tabaré Vázquez, leader of the Encuentro Progresista-Frente Amplio-Nueva Mayoría, a conglomerate of the Uruguayan centre-left. In URU_2013, with José Mujica as the leader of the centre left Movimiento de Participación Popular, the marriage equality law was approved.

Conversely, the first term of the negative outcome solution is the case of CHI_2021 as one of positive change under right-wing rule – but this does not entirely contradict the general solution. The bill had been signed in 2017 by President Michelle Bachelet and was strongly promoted by her leftist government; it was approved during the government of Sebastián Piñera, who came to government representing a coalition of the conservative party and promoted the approval of the Bill in the National Congress as a matter of "urgency". Additional theoretical and empirical work is required to understand the Chilean case.

Conclusions

This configurational comparative study aimed to identify combinations of causal conditions present when a moral policy change did not occur in LATAM. It focused on contextual causal conditions, and on the marriage equality policy, very often moralised by conservative and religious groups.

To achieve this objective, the study examined attempts to pass bills in the National Congress of ten countries, which sought to move from restrictive to permissive regulations on marriage equality. The QCA was applied as a methodological strategy due to its relevance in finding combinations of conditions.

In that sense, this work constitutes a contribution to the study of non-decision policies from a cross-national perspective, rarely studied in the literature, overcoming the tendency to solely study single cases, with individual explanatory factors, as well as "mirror" approaches, which analyse and explain negative cases as mere negation or absence of the factors that explain positive ones.

The results align with the extant literature, identifying high religiosity as a necessary condition, i.e., every time there was no policy change in the National Congress, this condition was present. While Catholicism has declined, evangelical

affiliation has increased in the region, also penetrating the spaces of political decision-making.

The conjunction of a low acceptance of homosexuality with high religiosity highlights a context of high conservatism and intolerance, which often leads to non-decision. While in the last thirty years, countries where marriage equality was approved early exhibit an increase in such acceptance; in many others this increase is marginal.

This paper further contributes by demonstrating that, in contrast to “mirror” approaches, negative cases cannot be solely explained by the absence or negation of conditions that explained the positive cases. While in countries where policy changed, reforms were strongly promoted or supported by left-wing or centre-left political leaders, in many cases where policy did not change, left-wing leaders and parties remained conservative on moral issues, either due to their personal closeness to Christian churches or to the presence of religious leaders in political parties. Conjunction with religiosity is a key point here. When voting, left or centre-left parties preferred to leave the vote to the conscience of each representative, rather than voting as a party bloc, thus avoiding electoral losses by a very religious electorate. These findings are consistent with what some authors have argued about the behaviour of parties on moral issues. The left’s behaviour and its political discourse on moral policies in LATAM, nevertheless, requires further research.

Furthermore, policies did not change either when, along with high religiosity, there was a religious cleavage in the party system. High religiosity, with an increase in believers and evangelical leaders in politics, permeates the party system. The existence of Christian Democrat parties and progressive or left-wing secular parties might be only a label when religiosity is extended. In this sense, this paper contributes to the understanding that religious cleavages cannot be solely considered an isolated explanatory factor. It argues for the necessity of studying them in conjunction with religiosity to definitively establish their existence.

Findings open a door to the need to pay more attention to the close relationship between religiosity and political decisions in LATAM. A deep case study on a typical case like Peru could help us find proximate conditions and the causal mechanism, i.e. how marriage equality policy is hindered in a region where LGBTIQ+ population’s rights and freedoms have been sacrificed in the name of the family.

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Appendix A. Selected cases and bills.

Appendix B. Methodological Appendix