

## A Catholic Bishop as President of the State? The Paraguayan Case of Fernando Lugo

Biskup katolicki prezydentem państwa? Paragwajski przypadek Fernanda Lugo

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**Abstract:** The situation in which a Catholic bishop becomes president of a country in a 21<sup>st</sup>-century liberal democracy seems abstract. Nevertheless, it took place in Paraguay, in the second decade of this century, thanks to an unusual figure of public life – Fernando Lugo. The purpose of this article is to analyse the legal and factual possibilities of assuming the Office of President of Paraguay by a Catholic clergyman on the example of F. Lugo. The research problem is contained in the following questions: (1) Is it legally possible for a Catholic priest to assume the Office of President of Paraguay? (2) How do the laws of the Holy See and Paraguay regulate the exercise of political office by a clergyman? (3) How did F. Lugo's clerical and political career go? A case study against the backdrop of normative conditions confirms that this case is precedent-setting.

**Keywords:** presidential elections, Paraguay, Holy See, case study, Fernando Lugo

**Streszczenie:** Sytuacja, w której w demokracji liberalnej XXI w. biskup katolicki zostaje prezydentem państwa, wydaje się abstrakcyjna. Niemniej jednak miała ona miejsce w Paragwaju, w drugiej dekadzie tego stulecia, za sprawą niezwykłej postaci życia publicznego – Fernanda Lugo. Celem niniejszego artykułu jest analiza możliwości prawnych i faktycznych objęcia urzędu prezydenta Paragwaju przez duchownego katolickiego na przykładzie F. Lugo. Problem badawczy zawiera się w następujących pytaniach: (1) Czy istnieje prawna możliwość objęcia urzędu prezydenta Paragwaju przez duchownego katolickiego? (2) W jaki sposób przepisy Stolicy Apostolskiej i Paragwaju regulują kwestię sprawowania funkcji politycznej przez duchownego? (3) Jak przebiegała kariera duchowna i polityczna F. Lugo? Analiza przypadku (*case study*) na tle uwarunkowań normatywnych potwierdza, że przypadek ten ma charakter precedensowy.

**Słowa kluczowe:** wybory prezydenckie, Paragwaj, Stolica Apostolska, analiza przypadku, Fernando Lugo



The exercise of public office by the clergy seems to be – in Christianity as well as in liberal democracies – a relic of the past. While almost until the 20<sup>th</sup> century, also in Poland, there were situations in which clergy performed important state functions, not only in parliament, but also in the executive branch (Chylak 2017; Dębiński 2006, 2015; Piela 1992), such situations do not occur in the recent history of the democratic world.<sup>1</sup> This is due both to the provisions of the Holy See (Code of Canon Law (hereinafter: CCL) 1983) and to the legal provisions of various states, including Paraguay (Constitución (1992) de la República del Paraguay, hereinafter: Constitution 1992). Nevertheless, in the second decade of the 21<sup>st</sup> century, there was a precedent situation, connected with the analysed figure of the bishop, who – before the Holy See decided to transfer him to the secular state – was elected president of Paraguay (O'Shaughnessy, Ruiz Diaz 2009).

As it turns out, derogations are possible even from very strictly applied, written rules, as best demonstrated by the exceptional case of Fernando Lugo in Paraguay (Nickson 2008). In connection with the uniqueness of this situation, the purpose of the study was to analyse the legal and real possibilities of assuming the office of President of Paraguay by a Catholic clergyman on the example of F. Lugo.

The following research questions have been formulated for the implementation of the adopted research objective: (1) Is it legally possible for a Catholic priest to assume the Office of President of Paraguay? (2) How do the laws of the Holy See and Paraguay regulate the exercise of political office by a clergyman? (3) How did F. Lugo's clerical and political career go?

In this paper, four basic research methods are used. The first of these is an institutional and legal analysis combined with historical analysis – in the field of the documents of the Holy See and the electoral law in force in Paraguay. The use of these methods made it possible to indicate the legal

<sup>1</sup> In addition to the function of Episcopal co-priest in Andorra, which together with the president of the French Republic is performed each time by the bishop of the Spanish Diocese of Urgell. However, the Church recognizes this function as a historical exception, which does not violate canonical provisions, for two main reasons: (1) the function of co-priest is not an active political office, only a symbolic and ceremonial role, and the real power lies in the hands of the parliament and the government of Andorra; (2) this function does not result from the personal choice of the bishop, but from the episcopal office, so it does not violate the prohibition of personal involvement in politics. In this regard, the Holy See tolerates this situation as a unique and historical form of coexistence between secular and ecclesial Authority, which does not harm the Church's mission. For more information, see, Wiszowaty 2014.

conditions for the possibility of a clergyman to run in the presidential elections from the perspective of both subjects of international law. This was followed by a critical analysis of the literature on broadly understood theological and political thought, known as liberation theology, which had a significant impact on the activities of the Paraguayan bishop and then president. The article concludes with a case study presenting the extraordinary life story of F. Lugo and analysing how he was allowed to participate in the presidential elections despite his status as a clergyman at the time.

## 1. Canon Law in Relation to the Exercise of Public Office by Clergy

The ban on the exercise of state and public functions by clerics was not introduced suddenly. It is possible to point to its evolutionary character, which gradually developed until the official inclusion of this issue in the Code of Canon Law of 1917 (CCL 1917). It was a response to situations in which clerics placed secular duties over pastoral ones.

At the beginning of the XI century, the power of the bishop also included secular power, since often bishops were also princes. However, as early as 1075, Pope Gregory VII, in his document *Dictatus papae*, drew attention to the need for the Church to be independent of the state, opposing investiture, i.e., the appointment of bishops by secular rulers (Manteuffel 1994). This was the beginning of the processes that, after several centuries, led to the introduction of a ban on the holding of state functions by clerics.

In the 16<sup>th</sup> century, the Council of Trent played an important role. The council documents insisted on the reform of spiritual life, forbidding simony, neglect of pastoral duties and excessive contacts with secular courts. The council also stressed the obligation to reside in dioceses, which also indirectly contributed to the curtailment of political activity by clergy (Głowa, Bieda 2000; O'Malley 2014; Schatz 2001).

This process accelerated significantly in the 19<sup>th</sup> century. In his encyclical *Immortale Dei*, Pope Leo XIII (1885) emphasised that the Church is not a political organisation and cannot interfere in state affairs within the limits of the state's competence. At the same time, he stressed that the church should not give up the right to influence the conscience of citizens. Pope Pius X (1906) reinforced this message in his encyclical *Vehementer nos*, pointing out that the clergy should stay away from current politics in order to be able to fully fulfil their spiritual mission.

This message gained legal and canonical force in 1917, when the Code of Canon Law signed by Pope Benedict XV explicitly prohibited the exercise of public functions related to the exercise of secular power by clergy. Canon 139 of the 1917 CCL clearly states that clergy may not hold public offices that involve participation in the government of the state. An exception to this provision was a special dispensation from the Holy See (Canon 139 of the 1917 CCL).

Successive popes have also not changed their line of thinking. Pius XI (1930/1931) emphasised in his encyclical *Quadragesimo anno* that priests should act as shepherds of all, and not as spokesmen for a single social class or political party. Paul VI (Paweł 1975), in his exhortation *Evangelii nuntiandi*, stated that the Church cannot engage in current party politics, as this is not part of its mission.

The change in the Code of Canon Law was brought only by the pontificate of Pope John Paul II. The new document, promulgated in 1983, still constitutes the legal basis for the possibility for clergy to exercise public functions from the perspective of the Holy See. Canon 285 § 3 of the 1983 CCL explicitly states that "clergymen are prohibited from assuming public offices which involve participation in the exercise of secular authority." In turn, Canon 287 § 2 of the 1983 CCL indicates that clergy "cannot take an active part in political parties or in the management of trade unions, unless, in the opinion of the competent ecclesiastical authority, the defence of the rights of the Church or the promotion of the common good requires it." These records are unambiguous, and their pronunciation was further strengthened by the statements of the popes and the official documents of the Vatican in later years. As recently as 1988, John Paul II emphasised in his exhortation *Christifideles laici* that political, economic and social activity is the responsibility of the laity (Jan Paweł II 1988).

The Church's position did not change under the pontificates of two successive popes. In his exhortation *Sacramentum caritatis*, Benedict XVI (Benedykt XVI 2007) emphasised that priests cannot and should not engage in party politics. Pope Francis (Franciszek 2013) took a similar stance, pointing out in his exhortation *Evangelii gaudium*, as well as in many subsequent speeches, the need for the clergy to focus on pastoral activities.

The whole analysis of the position of the Catholic Church clearly indicates that clergy have a canonical ban on holding public functions and engaging in political life, which cannot be lifted in any way (Grabowski 2018). Both official documents and the statements of successive popes confirm this position, making it unchanged for more than 100 years.

## 2. How Did a Priest Become President? Analysis of Paraguay's Electoral Law

Paraguay's presidential elections are governed by the 1992 Constitution. Paraguay is a presidential republic in which the president serves as both head of state and head of government. The Constitution also provides for the office of the vice-president. The procedure for electing the head of state is determined by the Constitution, according to which the president is elected in direct and universal elections for a five-year term. According to Article 229 of the Constitution of the Republic of Paraguay, it is not possible to run for re-election: "The President of the Republic or the Vice-President may not be re-elected to the same office, nor even to another constitutional office" (Article 229 of the Constitution of 1992; own translation).

The electoral system in this election is based on the principle of a relative majority, which means that the candidate who receives the largest number of votes becomes president, regardless of whether he exceeds 50% of the support. According to Articles 228-234 of the Constitution of 1992 elections are held in one round, and their organization is handled by the Electoral Tribunal - Tribunal Superior de Justicia Electoral.

Passive suffrage in presidential elections in Paraguay is granted only to Paraguayan citizens by birth who are over 35 years of age, with clergy, military, judges and high-ranking civil servants required to resign from office or position at least six months before the election date (Article 197 of the Constitution of 1992). It is this last point that is problematic in the case study of F. Lugo, who won the presidential election in 2008, although formally he was still a Catholic clergyman.

After resigning his episcopal office in January 2005, F. Lugo announced publicly that he intended to become involved in political activities and resign from the priesthood. The Holy See has decided to retire him and to suspend him. In 2006, F. Lugo formally appealed to the Holy See with a request to transfer to the secular state, but Pope Benedict XVI refused, arguing that the Bishop's Sacrament has an indelible character - according to the teaching of the Church (Nickson 2008; O'Shaughnessy, Ruiz Diaz 2009).

However, F. Lugo decided to run for president in 2008 as the candidate of the centre-left Patriotic Alliance for Change (Alianza Patriótica por el Cambio). This decision has caused serious constitutional controversy. Although his candidacy was initially rejected on the grounds of his membership of the clergy, the Paraguayan Electoral Court ultimately ruled that F. Lugo no longer *de facto* held ecclesiastical office. The court allowed his

candidacy, citing the right of citizens to stand as candidates and the lack of a formal ban in the case of retired clergy (O'Shaughnessy, Ruiz Diaz 2009).

It was this decision that allowed F. Lugo to run in the presidential election, which he eventually won, receiving 42.3% of the vote (O'Shaughnessy, Ruiz Diaz 2009). Since this case caused serious controversy in the Catholic Church, clearly violating the provisions of the Code of Canon Law, the Vatican declared during the election campaign that F. Lugo was not entitled to perform clerical functions – although formally he still had the Bishop's Sacrament. In 2008, even before the new president was sworn in, Pope Benedict XVI decided not to excommunicate F. Lugo, but to transfer him to the secular state, citing an exception applied "for the good of the Church" ("pro bono Ecclesiae"; Katolicka Agencja Informacyjna 2008).

### **3. First a Catholic Bishop, Then a President – An Extraordinary Biography of an Extraordinary Politician**

The biography of F. Lugo, born in 1951 in San Solano, in the Paraguayan department of Itapúa (O'Shaughnessy, Ruiz Diaz 2009), initially resembled the biographies of many Catholic clergymen and hierarchs. At the age of 19, he entered a higher Theological Seminary run by the verbists (the Congregation of the Word of God). Seven years later, he was ordained a priest and sent to missionary work in Ecuador (O'Shaughnessy, Ruiz Diaz 2009), where he encountered liberation theology (Brzeziński 2008; Smyrgała 2014; Stefański 2013; Tomaszewski 2016), which had a significant impact on his later life and decisions – as with many other clergy in South America. Fernando Lugo himself identified himself with this trend, which was unequivocally rejected by Pope John Paul II as incompatible with the teaching of the Church (Suchocka 2016).

In 1983, F. Lugo was sent to Rome to study theology and sociology. He was educated at the Pontifical Gregorian University. After completing his studies in 1987, he returned to Paraguay, where he carried out pastoral work (O'Shaughnessy, Ruiz Diaz 2009). In 1994, by decision of John Paul II, he was ordained bishop and took over the Diocese of San Pedro, considered the poorest in all of Paraguay. Because of his commitment to helping the poorest, he has been called the "bishop of the poor" (Gott 2008). He held this position until 2005, when he decided to pursue

a political career and resigned from the office of bishop, at the same time asking the Holy See to transfer to the secular state and renounce the episcopal dignity (Nickson 2008).

Although Pope Benedict XVI accepted the resignation of Bishop F. Lugo, he refused to transfer him to the secular state – the priest retired and suspended (O'Shaughnessy, Ruiz Diaz 2009). Despite this, F. Lugo did not abandon his political ambitions and in 2007 announced his candidacy in the presidential elections, which took place a year later. Representing the centre-left committee, he won the election, defeating, among others, Blanca Ovelar from the Colorado Party (31.8%) and former general Lino Oviedo (22.8%; Lambert 2008).

In his political program, F. Lugo drew on liberation theology and his episcopal experience, basing his campaign on slogans and demands addressed to the poorest. He announced a decisive fight against corruption and a thorough agricultural reform expected by his voters (Ezquerro-Cañete, Fogel 2017; Hatab 2023). Probably, it was the electoral program and the activities of F. Lugo as bishop of the poorest diocese in the country that were of greater importance to voters than the unresolved issue of his clerical status. The presidency of F. Lugo was primarily marked by controversies related to his private life. In 2009, in the wake of the scandal, F. Lugo admitted that he was the father of a two-year-old boy who was born while he was still a priest. A year later, he was diagnosed with cancer, which he managed to overcome in 2012. In the same year, another scandal came to light – the president admitted that he was the father of a ten-year-old boy who was born when F. Lugo was still the bishop of the Diocese of San Pedro. These reports seriously discredited him as a clergyman (Shwako, Sivori 2021).

In the face of these events, and in particular the bloody clashes of 2012, the opposition-controlled parliament accused the president of political responsibility for the eviction of the local population in the Department of Canindeyú, during which seven policemen and nine civilians were killed. Impeachment proceedings were initiated against the president, culminating in his removal from office later that year, although the manner in which F. Lugo was dismissed met with significant criticism from most Latin American countries (Jatobá, Luciano 2018; Szucs 2014). However, the political career of F. Lugo continued – in 2013 he was elected to the Paraguayan Senate, and in 2018 he won re-election. However, he failed to win a seat in the 2023 elections. So it seems that this extremely colourful political resume will not be continued.

## Conclusions

The analysis made it possible to fully realize the stated purpose of the work, which was to study the legal and real possibilities of assuming the Office of President of Paraguay by a Catholic priest on the example of F. Lugo. The considerations taken show that the analysed case has a unique character against the background of situations occurring in democratic countries of the 21<sup>st</sup> century. The situation in which a Catholic bishop – although suspended and retired – runs for and succeeds in presidential elections seems abstract. Nevertheless, it took place in reality.

The goal of the research was made possible by answering the research questions posed in the introduction of this paper. The questions are as following: (1) Is it legally possible for a Catholic priest to assume the Office of President of Paraguay? (2) How do the laws of the Holy See and Paraguay regulate the exercise of political office by a clergyman? (3) How did F. Lugo's clerical and political career go?

In giving a detailed answer on the basis of the totality of the considerations, it should be pointed out that, although Paraguayan law did not provide for the possibility of a Catholic priest assuming the Office of President, the exceptional interpretation of the constitutional provisions by the Paraguayan Electoral Court made such a situation possible. The court ruled that since F. Lugo *de facto* no longer held any ecclesiastical office, he was eligible to run in the presidential election, which he ultimately won. As a result, the suspended Catholic bishop assumed the Office of President of the state.

At the same time, it should be noted that the provisions of the Code of Canon Law, in force since 1983, explicitly prohibit Catholic clergy from holding public functions. In this regard, the decision of Pope Benedict XVI to transfer F. Lugo to the secular state should be considered justified – it was a precedent exception dictated by concern for the good of the Church. In retrospect, the pastoral activity of F. Lugo raises some doubts. It seems that he treated his position and vocation primarily as a tool for achieving social goals. His entire career points to shortcomings in the Church's personnel policy.

Although F. Lugo's political career and presidency – like his spiritual and private life – were fraught with complications and difficulties that ultimately led to his removal from office through impeachment proceedings, the case of this Catholic bishop who became president of a country in the 21<sup>st</sup> century in a fully democratic manner remains an exceptional phenomenon. For this reason, it deserves a thorough scientific analysis.

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