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After eight years of legislative debate and a campaign of criticism from the Roman Catholic Church, Chile has become the last Latin American country to approve a law allowing divorce. The bill traveled a long road since it was first proposed (see NotiSur, 2003-08-08), going through eight years of preparation and analysis and twenty years of fruitless legislative efforts to recognize the dissolution of marital bonds in the judicial system.

The Ley de Matrimonio Civil replaces the law that has been in effect since 1884. The lower house of Congress approved the bill 70-13, with six abstentions, in mid-March, after it had passed through the Senate, with President Ricardo Lagos signing it shortly afterwards.

Annulment subterfuges relegated to the past

Lacking legitimate divorce procedures, Chileans have traditionally resorted to subterfuge to get out of unhappy marriages, including women who seek to be declared widows after their husbands leave them. The most popular tool has been civil annulment, which requires a couple to go to court and say their marriage violated the law for instance, that neither of them lived in the jurisdiction where they wed. Witnesses to a wedding have also been known to misspell their names or give an incorrect address so that the couple would have grounds for an annulment.

While some judges refuse to hear such cases out of religious convictions, most rule that the marriage never formally existed. More than 5,000 annulments are granted annually. Beneficiaries have included President Lagos and even some legislators who have expressed doubts about the divorce bill. The legal costs of an annulment average US$670, steep in a country where the minimum wage is about US$180 a month. The costs led divorce-law advocates to argue that the previous arrangement discriminated against the poor.

Church laments, advocates celebrate

President Lagos signed the bill making divorce legal on May 7, although it will not take effect for six months to give judges time to study the changes and to enable courts to be set up to hear cases. "This is an important day for Chile and its families," Lagos said during a crowded signing ceremony at the presidential palace. The chair reserved at the ceremony for Cardinal Francisco Javier Errazuriz remained empty, reflecting the Catholic Church's displeasure.

"This is a sad day for the church and the whole Catholic community," a church spokesman, the Rev. Pedro Fernandez, said. "It hurts us, because this law damages the family." Lagos made an indirect reference to the church's opposition to the law, saying, "We cannot impose the positions of one sector of our society on all Chileans." About 87% of Chileans consider themselves Catholic.
The church hierarchy opposed the bill, although they recognized its inevitable passage as early as last fall. Church efforts to run ads against divorce on the country's largest TV network failed when the state-funded network determined the campaign did not qualify as a community-service announcement.

The head of Chile's Women's Ministry, Cecilia Perez, was satisfied, however. She considered the initiative a significant step in feminine emancipation, saying, "Thousands of women are trapped in a conjugal partnership that does not allow the woman to conduct trade or business affairs without the appearance of her spouse, who has abandoned her years before."

Socialist Deputy Isabel Allende, who recently left the presidency of the House of Deputies, also responded to the law's detractors, saying that it would not cause divorce. "People separate when a love relationship has broken down, not because there is or is not a law," said the daughter of the late President Salvador Allende (1970-1973).

Commentator John Carey, associate professor of government at Dartmouth, said the church was still powerful in Chile, despite its failure to hold the tide back on the divorce law though it did keep the movement at bay for nine years. "In one sense, this is a defeat for the church, because it did publicly oppose passage of any legalization of divorce. But the bill's ultimate success is more a sign that Chile's previous practice of de facto divorce collapsed under the stupendous weight of its own hypocrisy than a sign of the church's weakness," said Carey.

**Battered wives step forward after law passes**

The divorce law has emboldened victims of domestic abuse who are mistreated at the hands of their spouses, evidenced by the fact that complaints for the crime have tripled since the bill's approval on April 7.

Ricardo Viteri Prado of the organization "Separados de Chile" says, "The average number of daily visits from battered married women has gone up 300% since the enactment of the new civil marriage law." Viteri says he deals with women who are systematically battered by their husbands and who want to implement a unilateral divorce. The law will permit judges to grant immediate divorce for child or spousal abuse, as for alcoholism, drug addiction, or homosexuality on the part of either spouse.

In Viteri's opinion, the majority of the battered women know of the existing laws against intrafamilial violence in Chile, but nonetheless they don't want to make use of them, because taking a temporary separation from their abusers generally results in more aggressive assaults once they return home.

"According to the battered wives, the cycle repeats itself endlessly, each time with greater violence, putting their own lives and the lives of their children at risk," Viteri said.

**President Lagos endorses "morning after" pill**
The gap between the Chilean government and the Catholic Church widened further in May when President Lagos endorsed the pill for emergency contraception, known as the morning-after pill, which will be supplied, with Health Ministry authorization, to women who have been raped beginning in mid-May.

Archbishop Errázuriz said that the state cannot contradict "what God asks for," but government spokesman Francisco Vidal said it was the duty of the executive to care for the health of all Chileans, independent of their religious beliefs. The debate reopened when the church distributed a letter that rejected the use of the pill, which interrupts pregnancies, under all circumstances. The government had announced that after May 15 the medicine would be delivered to women at basic health clinics, even if the women were minors, if they sought to avoid a pregnancy caused by rape.

The sale of the emergency pill stirred debate in Chile in 2001 and was the subject of a fierce battle in the courts, where conservative groups sought to impede its sale. Although the Supreme Court prohibited its commercialization under the name of Postinol, the Instituto de Salud Publica (ISP), or Public Health Institute, ultimately managed to get the courts to approve the sale of the drug under the name of Postinor 2.

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