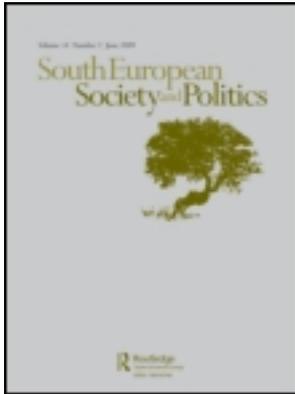


This article was downloaded by: [University of Malta], [Roderick Pace]

On: 18 December 2012, At: 08:16

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



South European Society and Politics

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/fses20>

Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta

Roderick Pace

To cite this article: Roderick Pace (2012): Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta, *South European Society and Politics*, 17:4, 573-589

To link to this article: <http://dx.doi.org/10.1080/13608746.2012.755761>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.tandfonline.com/page/terms-and-conditions>

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae, and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

SOUTH EUROPEAN ATLAS

Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta

Roderick Pace

The divorce referendum held in Malta on 28 May 2011 was another watershed in Maltese politics, particularly because it confirmed the secularising trends in Maltese society and exposed the complicated cleavages within the Maltese electorate. The result was a major political embarrassment for the ultra-conservative Prime Minister and leader of the Nationalist Party, particularly after he doggedly voted against the divorce bill in parliament notwithstanding the referendum result. The Catholic Church was also embarrassed after leading an aggressive ‘no’ campaign that did not resonate with the demands of society or the expectations of progressive Catholics. While the issue has severely affected the ruling Nationalist Party’s chances of winning the next general election, due in the first quarter of 2013, it may have forced the Church finally to contemplate serious reforms.

Keywords: Religion and Politics; Secularisation; Catholic Church; Maltese Labour Party; Nationalist Party; Divorce

In the referendum held on 28 May 2011, the Maltese people voted in favour of the introduction of divorce with 53.2 per cent in favour and 46.8 per cent against. In this small state, whose total population numbers 420,000 inhabitants and where the last general election had been won by a margin of less than 1,600 votes, the difference of over 14,500 votes between the ‘yes’ and ‘no’ camps in the divorce referendum (see Table 1) represented a rather convincing victory for the former. The result had a profound impact on Maltese society. Up to then, although the validity of divorce obtained overseas had been recognised in Malta since 1975, there was no domestic

Table 1 Results of the 28 May 2011 Divorce Referendum in Malta

| | Number of votes | Percentage |
|---------------|-----------------|------------|
| Yes | 122,547 | 52.7 |
| No | 107,971 | 46.4 |
| Invalid/blank | 2,173 | 0.9 |
| Total | 232,691 | 100.0 |

Source: Electoral Commission of Malta, www.electoral.gov.mt

divorce law. In fact, Malta and the Philippines were the only two countries in the world which did not have divorce legislation. In both cases, this was due to the strong influence of the Roman Catholic Church. In Malta, the Catholic religion has special status by virtue of Article 2 of the post-independence Constitution (1964), which states that

(1) The religion of Malta is the Roman Catholic Apostolic Religion. (2) The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong. (3) Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education.

The position of the Catholic Church in Malta was further strengthened over the years by a number of ‘concordats’ or agreements between the Maltese government and the Vatican. For the purposes of this article, the most important is the agreement concluded in 1993 providing for the recognition of Catholic marriages by the state and establishing the supremacy of ecclesiastical tribunals over national courts in the ‘annulment’ of marriage.¹ In cases of marital dissolution, if one of the parties had started a case of annulment before the ecclesiastical tribunals, then the civil courts could not hear the case. The overall effect of the concordat was to place the ecclesiastical courts above the civil courts in the case of annulment of marriage. This might be regarded as a convenient formula that prevented the danger of two legal jurisdictions giving different judgements on essentially the same case. Nevertheless, it placed the civil courts below the ecclesiastical tribunals on this issue. The enactment of divorce in 2011 was to restore the balance in favour of the civil courts, significantly shifting the balance between Church and state.

The Catholic religion is strongly embedded in Maltese society, a majority still claiming to be ‘practising Catholics’. However, despite the privileged position that the Church continues to enjoy in the Maltese legal order, its influence has been slowly declining over the year. The fact the referendum took place just seven years after Malta’s entry into the European Union (EU) may tempt some into thinking that there was a causal link between the two. It shall be argued in this article that the process of secularisation started long before EU membership, even before the outbreak of the Second World War. Hence, the referendum result may not be the tipping point of this decline but just another, albeit more visible, sign of an ongoing contraction of Church influence.

The referendum result surprised both the Catholic Church and the Nationalist Party (NP) government. The NP is of Christian Democrat inspiration and historically has often allied with the Church: indeed, its current leader and the Prime Minister, Dr Lawrence Gonzi, is a former president of Catholic Action, a lay Catholic organisation. Although both government and opposition participated in the campaign, voters did not split neatly along partisan lines but on secularist versus confessionalist ones. Furthermore, the referendum campaign led to persistent calls for a revision of the Constitution to separate state and Church more clearly. The anti-divorce stand taken by Prime Minister Gonzi and his vote against it in Parliament despite the referendum result seriously undermined his authority both within the NP and in the country. This is certainly going to have a bearing on the next general election, due in 2013.

This article begins by setting the referendum in the wider context of the changing position of the Catholic Church in Malta before discussing the divorce issue in Maltese politics in the post-independence era. This is followed by an account of the rather 'awkward' way in which the divorce issue gate-crashed the Maltese political agenda in July 2010 and the subsequent stands adopted by the main political parties. A presentation of the campaign and the chief actors in it, with particular emphasis on the role of the Catholic Church, is followed by a brief appraisal of the result and its likely impact on Maltese politics.

The Influence of the Catholic Church in Historical Perspective

The Catholic Church in Malta traces its origins to St Paul, who allegedly brought the Christian faith to the islands when he was shipwrecked on his journey to Rome. The Church plays an important social role and there is ample evidence to show that, generally speaking, it has contributed and continues to contribute to the common good. The first charitable institutions, orphanages, old people's homes, rehabilitation centres for the physically handicapped and for drug addicts, as well as educational institutions – including the University of Malta – owe their origins to the Catholic Church. Many of the most effective of the Maltese social welfare and educational institutions are those owned and/or run by the Church. However, historically, the Church has tried to ensure that national law, indeed the very Constitution itself, safeguard its autonomy and pre-eminent position. As long as the Maltese people accepted this arrangement, there were no problems. However, when Maltese society began to become more open as a result of the forces of globalisation and as the Maltese gradually became more secular in their attitudes, widening gaps between Church and society began to appear.

The Catholic Church in Malta has traditionally been very influential politically. Throughout the colonial era (1800–1964), Great Britain, although a Protestant power, avoided direct confrontation with the Church on sensitive matters and normally backed down as soon as an issue threatened to lead to a direct collision. Maltese politicians learned to do the same. Two political leaders who crossed the Church, Lord Gerard Strickland of the pro-British Constitutional Party in 1930 and Dom Mintoff of

the Malta Labour Party (MLP) in 1961, were both interdicted, which meant that they and their supporters, especially those who dared to vote for their parties at elections, were effectively barred from the sacraments. Cut off from the Church and often liberally painted as heretics, communists or *mazuni* (the Maltese word for freemasons), the hardships that befell these opponents of the Church left an indelible mark and inflicted a lot of ‘social shame’ on their families. This social exclusion was magnified significantly by the fact that in Malta’s small society it was impossible for such individuals to melt away into anonymity. Such high-handed Church interference in politics meant that elections held under the threat of ‘mortal sin’ were not really free.

Indeed in 1930 the British colonial authorities cancelled the elections scheduled for that year precisely for that reason, but they allowed Lord Strickland, the incumbent and victim of the Church’s ‘interdiction’, to head a caretaker government until the situation returned to semi-normality. In 1955–58, the Catholic Church opposed the MLP’s proposal for Malta’s integration with Britain, mainly because it feared that this would increase the influence of the Anglican Church in Malta. Then on 21 February 1960 the Archbishop of Malta, Michael Gonzi (uncle of the current prime minister), who had served as an MLP senator in 1921–24, together with the Bishop of Gozo issued a pastoral letter claiming that no sincere Catholic could be a socialist. The bishops did not like the MLP’s expanding links with socialist parties and organisations overseas. They equated this and Mintoff’s failed project to integrate Malta with Britain as an attempt to eliminate or weaken the Catholic Church in Malta. When the MLP criticised the 1960 pastoral letter, the Church reacted strongly by interdicting the leaders of the party and their media, declaring it a mortal sin to read the party newspapers or vote for the party. Church organisations and movements harassed MLP activities, often by tolling church bells to drown the voices of speakers during MLP rallies held in village or town squares.

This situation led the MLP to propose the incorporation of ‘Six Points’ into the Independence Constitution which would have led to the separation of Church and state. They included the introduction of civil marriage, parents’ right to exempt their children from religious classes at school, the right of all citizens to be buried in a cemetery (since those who died under interdiction were denied burial on holy ground), the empowerment of the police to enter churches to stop bells from ringing, the interpretation of public morality according to Western European standards, and elections being held free from the threat of ‘mortal sin’, with all citizens – including clergymen – being treated equally before the law. Ultimately, these points were not included in the Constitution because of the strong opposition of the Catholic Church and the other political parties that participated in the Independence Conference held in London. These parties were the NP and the small Democratic Nationalist Party, Progressive Constitutional Party and Christian Workers’ Party. All four were opposed to the ‘Six Points’ and none wanted a direct confrontation with the Church. This dispute was finally settled in 1969 and the Church pledged never again to impose mortal sin in an attempt to influence election outcomes.

In both these important episodes of Church intervention in politics, the political leaders concerned had to make a public gesture of peace with the Church, which showed the extent of the latter's influence. These 'peace overtures' led to a turnaround in the respective parties' electoral fortunes: Strickland returned to government in 1939 (although his political career came to a quick end because he passed away a year later) and Mintoff became prime minister when his MLP won the 1971 election. However, in both cases a significant number of Maltese citizens defied the Church and voted for the parties of their choice: in 1932, the Constitutional Party polled 31 per cent and in 1966 the MLP won 43.7 per cent of the preference votes cast. This suggests that social defiance of the Church's power and influence in Malta, laying the groundwork for secularisation to gain a stronger hold in later years, can be traced back at least to the 1930s. Thus, while the fact that the divorce referendum took place just seven years after EU membership may tempt some into thinking that there is a causal link between the two, in reality the process of secularisation started a long time before EU membership, even before the outbreak of the Second World War.

In fact, the tell-tale signs of a gradual 'secularisation' of Maltese society have been apparent for many decades. One cannot link this to a single cause, although among the many factors that have influenced this secularising trend one might cite Malta's growing openness to trade and international currents as a result of globalisation, as well as the development of the media and communications that have transformed the world into Marshall McLuhan's 'global village'. These played a decisive role in opening up the country's closed and insular society. Social anthropologist Jeremy Boissevain, in his extensive works on Malta, has argued that incoming tourism has led to the destruction of important traditional values by commercialising social relations and cultural manifestations (Boissevain 1977). Returning emigrants and foreigners settling in Malta have also contributed, since they tend to import new values into the island culture (Inguanez 2002). Another factor concerns the increasing mobility of the Maltese themselves, both as tourists and for business reasons who on their return may bring back new values they have encountered in foreign cultures. The number of trips overseas by Maltese citizens has increased from around 220,000 in 2004 to 347,287 in 2011.²

A major indication of the secularising trend has been the decline in Church attendance. A 2005 census, carried out by the Church itself, showed that the percentage of the population attending Sunday Mass had declined by 22.5 per cent to 52.6 per cent from 75.1 per cent in 1982 (Inguanez 2006). Another important indicator concerns the field of interest to this article, marriage and marital breakdown. As shown in Table 2, over the past 30 years there has been a growing trend in favour of civil marriage as opposed to Church or canonical marriage, the proportion of civil ceremonies rising from a negligible proportion in 1980 to just under one-third of the total in 2010. Table 3 shows the increase in separations and annulments during the decade 1995–2005, while Table 4 shows the limited role of religious annulments in recent years, the majority of couples preferring registered separations, civil annulments or divorce obtained abroad as a means of formalising marital breakdown.³

Table 2 The Rise of Civil Marriage in Malta, 1980–2010

| Year | Absolute numbers | | Per 1000 of population | | | Civil to total marriages(%) |
|------|------------------|-----------------|------------------------|----------------|------------------|-----------------------------|
| | Total marriages | Civil marriages | Marriage rate | Civil marriage | Church marriages | |
| 1980 | 2775 | 108 | 8.5 | 0.3 | 8.2 | 3.9 |
| 1985 | 2549 | 99 | 7.5 | 0.3 | 7.2 | 3.9 |
| 1990 | 2541 | 160 | 7.1 | 0.5 | 6.6 | 6.4 |
| 1995 | 2370 | 345 | 6.2 | 0.9 | 5.3 | 14.9 |
| 2000 | 2194 | 509 | 6.5 | 1.3 | 5.2 | 20.0 |
| 2005 | 2374 | 779 | 5.9 | 1.9 | 4.0 | 32.8 |
| 2010 | 2596 | 847 | 6.2 | 2.0 | 4.2 | 32.6 |

Source: Demographic Review (various) NSO, Malta, available online at: http://www.nso.gov.mt/statdoc/document_view.aspx?id=3102&backurl=/themes/theme_page.aspx

Table 3 Comparison of the Marital Status of the Maltese Population in the 1995 and 2005 Censuses

| Marital status | 1995 | 2005 | % change |
|------------------------|---------|---------|----------|
| Single (never married) | 84,718 | 100,803 | 19 |
| Married | 181,875 | 195,523 | 8 |
| Separated | 4,120 | 11,045 | 168 |
| Annulled/divorced | 978 | 2,309 | 136 |
| Widowed | 16,979 | 19,248 | 13 |
| Re-married | 706 | 810 | 15 |
| Total population | 289,376 | 329,738 | 14 |

Source: Statistics based on NSO figures published by Etienne Caruana from the website of the Catholic organisation Cana Movement, available online at: <http://www.canamovement.org/testing/Conferences/Etienne%20Caruana1.ppt>

Table 4 Divorce, Annulments and Separations in Malta, 2007–10

| | 2007 | 2008 | 2009 | 2010 |
|-------------------------------------|------|------|------|------|
| Divorce obtained abroad | 42 | 31 | 38 | 47 |
| <i>Annulments of marriage total</i> | 173 | 188 | 166 | 124 |
| Of which: | | | | |
| Religious | 33 | 38 | 49 | 29 |
| Civil | 140 | 150 | 117 | 124 |
| Registered separations | 586 | 535 | 527 | 566 |

Source: Demographic Review (various) NSO, Malta, available online at: http://www.nso.gov.mt/statdoc/document_view.aspx?id=3102&backurl=/themes/theme_page.aspx

The existing data show that although attitudes to the family and marriage are changing, the institution of marriage still appears to be very strong. The comparatively low incidence of marriage breakdown in the country prompted some of the opponents of divorce to claim it was not needed in Malta – a view with which the electorate was soon to show it did not agree.

Another factor that should be mentioned when considering the decline of religious influence was that in the two years preceding the divorce referendum, the Church's image had suffered considerably from the uncovering of several cases of child abuse involving Maltese clerics. While on an official visit to Malta in April 2010, Pope Benedict XVI held a meeting with some of the victims and, according to the UK *Guardian*, was 'moved to tears' by the accounts of abuse he heard (Winward 2010). The first prison sentences handed out in these cases were announced in August 2011, after the referendum was over. The issue, which had been boiling for some years, seems likely to have had an effect on public attitudes towards the Church and the social mores it preached and thus to have influenced the referendum.

The History of the Divorce Issue in Malta

The NP and the MLP have dominated Maltese politics throughout the post-war period. In 1966 they became the only parties to be elected to the House of Representatives and the situation has not changed since, although the small Green party, *Alternattiva Demokratika*, has tried unsuccessfully to break this mould since fighting its first election in 1992. Maltese elections and referenda are keenly contested by the two parties and won by narrow margins. Voter turnout is one of the highest in the world, reaching 93.3 per cent in the 2008 general election. Given the fact that this is a 'pure' two-party system, zero-sum calculations play a significant role in party strategies, which explains their political posturing on divorce. The clearest position on divorce was taken by *Alternattiva Demokratika*, which had declared in favour of it on the party's foundation in 1989 and has consistently included it in its electoral programmes ever since.

The MLP has traditionally favoured state regulation of marriage. It had proposed the introduction of civil marriage in 1961 and actually introduced it in 1974 when it was in government. In 1984, the party's women's section approved a motion in favour of divorce which was to be presented to the party's annual general conference. However, this was withdrawn following pressure by the party's leadership in order not to aggravate the already tense relations with the Church brought about by the MLP government's insistence that Church schools should not charge tuition fees. In 1996, a former deputy leader of the MLP tabled a divorce bill as a private member's motion in the House of Representatives, but this was also stopped in its tracks before a parliamentary debate could ensue. The short-lived MLP government of 1996–98 set up a national commission for the future of the family, one of whose objectives was to study ways of introducing divorce. The commission came out in favour of submitting a divorce bill to parliament, but the government again failed to follow up on this due

to internal party pressure. The return of the NP to government in 1998 definitely blocked all progress on divorce. Subsequently, public attention shifted to the EU membership negotiations and in 2003 to the membership referendum and national election that finally sealed the issue.

Divorce made a comeback after the 2008 election when Mr John Dalli, then NP minister for health and social policy and later EU commissioner, told the *Sunday Times of Malta* that it was high time for a discussion on divorce and that he intended to make a formal proposal on the matter to the prime minister (*Sunday Times of Malta* 2008). Prime Minister Gonzi reacted favourably to a debate without committing himself to a time-frame or to a definite position on it, adding,

My government agrees that the time is ripe for such a discussion to start. We have to address our evolving social realities. The way our society is developing makes this discussion even more important. However, we have to look at all aspects of divorce. (Camilleri 2008)

Two years later, the prime minister had still not honoured this commitment. Given Dr Gonzi's personal beliefs, he probably never intended to start a frank and open national debate on divorce.

Meanwhile, the MLP's new leader, Dr Joseph Muscat, made a conditional commitment in 2008 when he declared he was ready to introduce a private member's motion during the 2008–13 parliamentary term to legalise divorce, provided the NP allowed its MPs a free vote. Such a private member's bill could not be approved without at least one or more governing party MPs voting for it. Two years later, on 6 February 2010, Dr Muscat returned to the theme, this time pledging that a future MLP government would introduce a divorce bill in parliament and grant its MPs a free vote. He made this pledge at a Church-sponsored conference on the family, also attended by Prime Minister Gonzi and Archbishop Paul Cremona. Dr Gonzi reacted to Muscat's announcement by reiterating a pledge to legalise cohabitation by unmarried couples, which had been included in the NP's 2008 electoral programme and in the government's legislative programme as summarised in the President's 'Speech from the Throne' at the opening of parliament. This proposal was intended to remove some of the legal problems encountered by cohabitating persons, particularly when it came to inheritance, property ownership and the rights of bereaved partners. Separated persons who, without a divorce could not remarry, would thus have their new relationship regulated. Dr Gonzi calculated that the law on cohabitation would be sufficient to quench the thirst for a full-blown divorce bill. For his part, the Archbishop rejected both divorce and cohabitation on the grounds that they undermined Catholic teaching on marriage and the family (Stagno-Navarra 2010).

Divorce 'Gate-Crashes' the Political Agenda

The divorce issue gate-crashed the political agenda on 6 July 2010 when NP backbencher Jeffrey Pullicino Orlando announced at a press conference that he was

submitting a private member's motion in the House of Representatives for its legalisation. Pullicino Orlando's initiative came like a bolt out of the blue, for he had not informed his own party or the prime minister. The latter later claimed that he had been notified only after the event and then only through an SMS received on his mobile phone. The initiative stole the thunder from the Malta Divorce Movement, launched in 1997, and from the MLP leader, who had repeatedly stated he was in favour of the introduction of divorce but had not submitted a parliamentary motion to that effect. The Catholic Church, which relied on the NP to keep divorce at bay, was utterly surprised by Pullicino Orlando's move.

Although the Pullicino Orlando initiative concerned the introduction of a private member's bill, the issue rapidly focused on the question of a referendum. Both the main political parties lacked a mandate to enact a divorce law, since neither had included it in their 2008 election manifestos. Supporters of divorce argued this lack of a mandate could only be addressed by recourse to a referendum. For their part, opponents of divorce tried to block the issue, arguing that, since neither party had the necessary mandate, a divorce bill could not even be debated by parliament and should be postponed until after the next general election.

Alternattiva Demokratika, the extra-parliamentary Green party, endorsed the initiative without hesitation. The MLP was a little more ambiguous. From the outset, three MLP MPs declared their opposition to a referendum, stating that its result would not be legally binding. For this reason, the party stated it would allow its MPs a free vote on the matter. For historical reasons, the MLP may also have wanted to avoid a headlong political coalition with the Church, which might revive memories of the 1960s when the Church interdicted the party's leaders and imposed 'mortal sin' on anyone who voted MLP or read the party newspapers. However, while the party did not officially support the motion, its leader and the party organs and media, including the MLP-leaning media owned by the General Workers' Union (GWU), supported the 'yes' campaign as if it was the party line.

In the zero-sum calculations that characterise the Maltese bipolar political system, opposing divorce was as risky as supporting it. With its one-seat parliamentary majority, the NP government was in a very weak position to resist the debate. It could not turn the issue into a vote of confidence in the government, for that would create the risk that a parliamentary defeat would lead to early elections. When some NP MPs began to publicly support Pullicino Orlando's initiative, the likelihood of a government parliamentary defeat became a certainty.

Despite this, the more conservative elements within the NP did not hold back. Three of Malta's four Presidents Emeriti (retired presidents of the Republic), all former members of the NP, came out against divorce. In addition, one cabinet minister declared that he would resign from the NP should it back divorce. The most articulate opposition came from former party leader, former prime minister and President Emeritus Dr Fenech Adami, who stressed that matters of principle should not be decided by referendum and that respect for the people's mandate should not include 'a serious matter of values' (Massa 2010). While this stance was clearly grounded in his

religious convictions, it did not take account of the fact that the secular state has to legislate for Catholics and non-Catholics alike, or that many other political actions besides the question of divorce are also a 'matter of values', i.e. they involve some ethical or normative considerations. Fenech Adami's outlook, shared wholeheartedly by Prime Minister Gonzi, dictated the NP's stand throughout the divorce referendum campaign right up to the approval of the law in the House of Representatives in July 2011.

Paradoxically, this contrasts sharply with the party's 1987 *Basic Principles*, adopted when Fenech Adami was party leader, which clearly state,

However, a clear distinction between Church and State should be maintained. The State should never interfere in ecclesiastical matters. Neither should the Church authorities dictate how the state should conduct its own affairs. In fact, even in cases that directly concern moral values, the criteria to be adopted by the state in formulating the laws of the country are not exactly the same as those adopted by the Church when it teaches and demands a particular way of life of its members. (NP 1986, p. 82)

Had the NP followed its *Basic Principles*, it would have avoided a series of difficult situations, the most embarrassing of which was its continuous opposition to divorce even after the May 2011 referendum had returned a clear vote in its favour.

On 8 August 2010, an opinion poll published by the *Sunday Times of Malta* showed 58 per cent in favour of a referendum. Three days later, the MLP declared itself 'open to a referendum' but wanted the debate to focus on the contents of a divorce law. The NP announced that it might consider a referendum after the bill was discussed in parliament, although adding that the referendum would not be held if the divorce bill did not secure parliament's approval. On 12 February 2011 the NP Executive came out strongly against divorce and the prime minister announced that a referendum would be held after a vote on the bill in parliament. The MLP parliamentary group reacted by presenting a parliamentary motion proposing that a referendum be held before the parliamentary discussion of the bill and that the referendum question be based on three main points contained in the draft bill. On 17 February the Prime Minister wrote to the Leader of the Opposition proposing that the referendum question should be a simple 'yes' or 'no' to divorce (Office of the prime minister 2011). Eventually, following a marathon debate in ten parliamentary sittings, the opposition referendum motion was approved by 36 to 33, two NP MPs joining the opposition in voting for it (House of Representatives, Sitting no. 328, 16 March 2011). Thus, the referendum question followed the wording proposed in the opposition motion:

Do you agree with the introduction of the choice of divorce in the case of a married couple who has been separated or living apart for at least four years, and where there is no reasonable hope for reconciliation between the spouses, whilst at the same time ensuring that adequate maintenance is guaranteed and the welfare of the children is safeguarded?

This was important because public opinion surveys showed that if the question was a simple 'yes' or 'no' to divorce, more people would have voted against while many

voters would shift their vote to a 'yes' if reference was made to couples who have been separated or living apart for at least four years (Sansone 2011a).

The Campaign

Besides the political parties, the leading dramatis personae in the referendum campaign were the Church, the media and two movements, pro- and anti-divorce, respectively.

The Catholic Church certainly mishandled its participation in the public debate. Many priests overstepped the mark when arguing against divorce during their Sunday sermons. Soon after the divorce debate started in 2010, the Head of the Ecclesiastical Tribunals was quoted as saying during a homily that all those who applied a law on divorce 'would be committing a grave sin' (Sansone 2010). The public reaction to this was strong and critical, constraining the Church establishment to distance itself from these comments. The Bishop of Gozo also made a number of controversial public statements. In one particular homily, delivered on Sunday 15 May, his remarks against the proponents of divorce included the statement that those who did not follow Christ's teachings could not expect to receive the Eucharist (Sansone 2011b). This was taken as a sign of intolerance and a return to the Church's policies of the 1960s – a criticism that was not borne out by the facts.

During the campaign, the bishops issued pastoral letters (the last one issued on 21 May, seven days before the referendum) in which they reiterated the Church's teachings against divorce, but the tone was comparatively moderate. The heavy theological jargon of these letters also prompted an outburst from the founder of the Cana Movement, a Catholic organisation that caters for couples preparing for Catholic marriage and provides free counselling in cases of marriage breakdown, who appealed to the Church to simplify its discourse on divorce if it wanted to reach a wider audience. He also tried to calm some of the excessive statements of the 'no' side by saying that divorce 'does not mean that the Maltese Christian family and traditions will be ruined' (Xuereb 2011). Some of the larger campaign posters put up by extreme Catholics also provoked a reaction, at one point causing the Archbishop to intervene following complaints received at the Curia (*Sunday Times of Malta* 2011a). Immediately after the referendum result, the bishops issued a note expressing regret if the Church had caused offence by its stands (*Sunday Times of Malta* 2011c).

The anti-divorce movement, *ZwiegBlaDivorzju* (Marriage without Divorce), although inspired by the Church, stressed its independence from the latter. The movement was led by Catholic lawyers and supported by the Church's Cana Movement; the RTK (Radju Tal-Knisja) Church radio station was its main medium. Its exponents stuck to the traditional Catholic doctrine on the indissolubility of marriage. The Movement argued that divorce would make marriage just like cohabitation, a relationship that could be ended at will by either of the parties. Divorce would also lead to a 'divorce mentality' that would encourage people to embark on matrimony 'lightly', with the thought that they could always bail out if it did not work. The

Movement played on voters' emotions by regularly referring to the negative effects of divorce on children. Billboards depicted children appealing to voters, 'Vote for me, Vote against divorce'. *ZwiegBlaDivorzju* campaigned by participating in debates on the media, through articles and advertorials in the print media, and by using new social media and roadside billboards. It used its influence with Catholic organisations to its advantage and at times some of its more zealous adherents or those from other Catholic groups resorted to more 'extreme' action, such as billboards depicting Christ with the message underneath, 'Christ Yes, Divorce No'.

The pro-divorce movement *Iva* had a cross-party leadership including NP MP Jeffrey Pullicino Orlando, MLP MP Evarist Bartolo who co-signed the parliamentary initiative, and the leader of the Greens, Michael Briguglio. Later they were joined by other established personalities, foremost among them former NP minister Michael Falzon. This movement had the backing of the MLP-owned media, but not those owned by the NP. They employed the same campaigning tactics as their opponents, making particular use of social media. At first, the movement's main slogan was simply 'Yes to Divorce', which later became 'Responsible Divorce' and subsequently 'Yes to Divorce, yes to Marriage'. The campaign also played on voters' emotions by highlighting the plight of children in broken families and the suffering of women victims of domestic violence. Billboards depicted battered women with the message, 'Had she been your daughter, wouldn't you give her a second chance?' The pro-divorce camp was supported by other movements such as the Malta Gay Rights Movement



Figure 1 A Roadside Billboard Used by the 'No to Divorce' Movement Showing an Image of Christ with the Words, 'Christ Yes, Divorce No'. *Source:* Photograph courtesy of Darrin Zammit Lupi, photojournalist with Allied Newspapers Ltd, publishers of the *Times of Malta* and the *Sunday Times of Malta*.

(MGRM), which embraced a wider definition of family which is not restricted to the institution of marriage and considered divorce a civil right just like gay marriage (*Times of Malta* 2011). A group that called itself ‘Catholics for Divorce’ argued that while Catholics should be against divorce they had no right to impose their moral standards on others, and they called on fellow believers to vote in favour of divorce for this reason. The supporters of divorce also included some anti-clerical elements who would be ready to bash the Church for any reason simply because they disagreed with its teachings. These belonged to that category of secular thinkers who ignored the advice of Jürgen Habermas that

[W]hen secularised citizens act in their role as citizens of the state, they must not deny in principle that religious images of the world have the potential to express truth. Nor must they refuse their believing fellow citizens the right to make contributions in a religious language to public debates. (Habermas & Ratzinger 2005, p. 51)

The ‘independent’ print media, those which are not owned by the main political parties, provided a platform for all voices, though journalists frequently became entrapped by the debate when their *rapportage* acquired a particular slant in favour of one or other of the confronting forces. In between this ‘great divide’ stood a range of other shades of opinion, such as those Catholics who believed that it was up to individual citizens to decide in complete freedom whether they wished to adhere to the Church’s teachings on marriage and that it was the duty of the state to regulate marriage through civil law to avert chaos.

Result and Outcome

During what was essentially a 10-month campaign, following the July 2010 Pullicino Orlando initiative, there were some swings in public opinion on divorce. In a survey conducted by Malta Polls in October 2010, several months before the referendum was officially announced, 39.7 per cent of respondents declared they were opposed while 46.7 per cent said that they would vote in favour of divorce in a referendum (*Xarabank* 2010). A *MaltaToday* survey carried out in April 2011 showed the ‘yes’ campaign ahead (Debono 2011a) Another survey published on 9 May 2011 showed a fall in those intending to vote in favour and an increase in those against (Debono 2011b) On 22 May

Table 5 Voting Intentions (per cent) in the Divorce Referendum by Party Affiliation, Spring 2011

| Voting | February 2011 opinion poll | | | May 2011 opinion poll | | |
|------------|----------------------------|----|-----------|-----------------------|----|-----------|
| | Yes | No | Undecided | Yes | No | Undecided |
| NP voters | 50 | 45 | 6 | 25 | 60 | 15 |
| MLP voters | 77 | 15 | 8 | 72 | 15 | 13 |

Source: *Sunday Times of Malta* 2011b.

(six days before the referendum), a survey commissioned by the *Sunday Times of Malta* predicted a favourable, though inconclusive, result in favour of divorce with 42 per cent for, 35 per cent against and 20 per cent undecided (*Sunday Times of Malta* 2011b). Voters' party allegiances revealed in the *Sunday Times of Malta* survey showed that although a majority of MLP voters favoured divorce, NP voters were split 50:50 in February 2011 (Sansone 2011a) while by May the balance had clearly shifted, with 25 per cent in favour and 60 per cent against. Clearly a majority of MLP supporters favoured divorce while a majority of their NP counterparts were against (see Table 5).

In the event, as we have seen, the result was 53.2 per cent of the valid votes cast in favour and 46.8 per cent against. Voter turnout at 71.6 per cent was significantly lower than both the 93.3 per cent registered in the 2008 national election and the 78.8 per cent of the 2009 European election, instead more closely resembling the participation levels normally achieved in local elections. A glance at the territorial aspect of the vote reveals a very interesting pattern. The Maltese islands (Malta and Gozo) are divided into 13 electoral districts of more or less equal size, each returning five deputies to the House of Representatives. The first seven, located mainly in the south of Malta are MLP-dominated districts, while the other six, located in the north and on the island of Gozo, are NP-majority districts. A majority of votes in favour of divorce was registered in ten of the 13 electoral districts. The three districts that returned a 'no' vote all have a NP majority. The 'no' vote was strongest in the very conservative Gozo, where no less than 67 per cent voted against. As mentioned above, the Bishop of Gozo took a very strong public and often controversial stand against divorce in the national debate, while Gozo's 'double' insularity and small population (29,878 in 2010) may have contributed considerably to this outcome.

Table 6 The Vote on the Divorce Bill in the Maltese House of Representatives

| Second reading, 13 July 2011 | | | | | | | |
|---------------------------------------|-----|---------------|-----|-------------|-----|---------------------------|-----|
| Votes in favour | | Votes against | | Abstentions | | Did not attend Parliament | |
| NP | MLP | NP | MLP | NP | MLP | NP | MLP |
| 12 | 32 | 12 | 1 | 11 | 1 | 0 | 0 |
| Total 44 | | Total 13 | | Total 12 | | Total 0 | |
| Third and final reading, 25 July 2011 | | | | | | | |
| Votes in favour | | Votes against | | Abstentions | | Did not attend Parliament | |
| NP | MLP | NP | MLP | NP | MLP | NP | MLP |
| 19 | 33 | 11 | 0 | 5 | 0 | 0 | 1 |
| Total 52 | | Total 11 | | Total 5 | | Total 1 | |

Source: Minutes of Parliamentary Session No. 383 of 13 July 2011 and Session No. 386 of 25 July 2011.

After the referendum, the House of Representatives voted the divorce bill into law on 25 July 2011. The vote was approved by an overwhelming majority, as shown in Table 6. Two of the three MLP MPs who had opposed the referendum now changed their position and voted in favour of divorce while only one, Dr Adrian Vassallo, continued doggedly to oppose it. Thus, on the third reading, the whole MLP parliamentary group except Dr Vassallo, who stayed away from Parliament, voted in favour. The NP, in contrast, was divided. No fewer than 19 NP MPs voted in favour of the divorce bill, five abstained and 11, including the prime minister, voted against. The 11 opponents claimed their votes were not needed for the bill to be passed into law and for the result of the referendum to be honoured. Nevertheless, the prime minister was strongly criticised for this stance.

Conclusion

The NP has only itself to blame for ignoring the growing national pressure and indefinitely postponing the divorce debate. When the dam eventually burst, the NP decided to oppose divorce – despite the fact that the party's own *Basic Principles* dictated the opposite approach. The prime minister's stand and that of a few conservative diehards around him split the party, weakening his hold on both the NP and the country. Dr Gonzi's refusal on 'moral grounds' to vote in favour of the bill when the referendum had provided a clear affirmative result was compared to the persistent rejection by former MLP leader, Dr Alfred Sant, of the 2003 EU membership referendum result. For his obstinacy, Dr Sant ended up leading his party to a third consecutive electoral defeat – a fate that Dr Gonzi seems destined to share in the forthcoming national election.

The referendum indicated the extent of secularisation in Malta. Although the Catholic Church has lost a lot of its power, it is still very strong both as an institution and in religious practice. However, the referendum result has not left it unscathed. There is now acceptance at various levels that it must change its approach. Monsignor Charles Scicluna, who was ordained auxiliary bishop on 24 November 2012 and is likely to succeed the present Archbishop, told the *Sunday Times* that the Church could have done a better job in the divorce campaign by being more united in its message. He added, 'We need to be clear in our values but should be respectful in how we propose them. And we need to tell people that we are not here to impose, but we are here to propose and that these are the reasons why we are proposing them' (Scicluna 2012). The Bishop of Gozo, who upheld a very conservative Catholic position against divorce during the referendum campaign, also appears to be repositioning himself. At a bishops' synod in Rome in October 2012, he declared that it is of fundamental importance today for the Church to be present in the daily life of unmarried couples and of divorcees who have remarried and who want to continue with their journey of faith together with the rest of the Church (*Vatican Insider* 2012). This is considered by many as a radical opening by the Catholic Church to divorcees and cohabitating couples. In sum, the divorce referendum may at last have started a process of *aggiornamento* (keeping up with the times) in the Maltese Catholic Church as well.

Notes

- [1] According to the Church, an ‘annulment’ of marriage is different from a dissolution or divorce. If the parties can provide sufficient proof that one of eight conditions for a valid marriage have been broken, say, the consent of either party is proved to have been extorted, then the marriage is considered as having never happened and is annulled.
- [2] Statistics provided in press releases by the National Statistics Office (NSO) on ‘outbound tourism’ or Maltese residents travelling abroad for business or pleasure. The figures quoted include those who travel out of Malta and return on the same day, the latter amounting to 38,991 of the total recorded in 2011. Statistics on outbound travellers are available at www.nso.gov.mt/statdoc/document_view.aspx?id=2644 (accessed 30.11.2012).
- [3] The extent of these trends could be better appraised by reference to the 2011 census, but while the NSO began publishing the results in 2012 these did not include family statistics up to the time of writing this article.

References

- Boissevain, J. (1977) ‘Tourism and development in Malta’, *Development and Change*, vol. 8, no. 4, pp. 523–538.
- Camilleri, I. (2008) ‘Gonzi willing to start divorce debate’, *Times of Malta*, 15 July.
- Debono, J. (2011a) ‘Divorce: MT Survey shows gap narrowing between pro, anti-divorce camps’, *MaltaToday*, 18 April, available online at: www.maltatoday.com.mt/en/newsdetails/news/data/Divorce-MT-Survey-shows-gap-narrowing-between-pro-anti-divorce-camps (accessed 7th December 2012).
- Debono, J. (2011b) ‘Yes vote falls by 6 points – no edges ahead – full survey’, *MaltaToday*, 9 May.
- Habermas, J. & Ratzinger, J. (2005) *The Dialectics of Secularisation: On Reason and Religion*, Ignatius Press, San Francisco.
- Inguanez, J. (2002) ‘Immigration and asylum seekers statistics’, Institute for Research on the Signs of the Times (DISCERN), available online at: www.discrim-malta.org/research_pdfs/migrants.pdf
- Inguanez, J. (2006) ‘Sunday Mass attendance census 2005: a preliminary report’, DISCERN, available online at: www.discrim-malta.org/research_pdfs/census_2005.pdf
- Massa, A. (2010) ‘Divorce should not be decided through referendum’, *Sunday Times of Malta*, 11 July.
- NP (1986) *Fehmiet Bazici*, [Basic Policy], NP Information Office/Eagle Press, Tarxien, Malta.
- Office of the Prime Minister. (2011) ‘Prime Minister’s letter to the Leader of the Opposition’, Department of Information Press Release No. 0291, 17 February, available online at: www.doi.gov.mt/EN/press_releases/2011/02/Ittra_per_cent2017.02.11.pdf
- Sansone, K. (2010) ‘Judicial vicar warns judges who rule for divorce – “God being put aside”’, *Times of Malta*, 8 October.
- Sansone, K. (2011a) ‘Divorce: the Devil is in the detail’, *Sunday Times of Malta*, 6 March.
- Sansone, K. (2011b) ‘Beware wolf in sheep’s clothing – Gozo bishop’, *Times of Malta*, 17 May.
- Scicluna, C. (2012) ‘Church must change its language’, *Sunday Times of Malta*, 14 October.
- Stagno-Navarra, K. (2010) ‘Joseph Muscat promises divorce, free vote for MPs’, *MaltaToday*, 7 February.
- Sunday Times of Malta* (2008) ‘Mater Dei is a part-time hospital – minister to propose divorce discussion’, 13 July.
- Sunday Times of Malta* (2011a) ‘Archbishop addressing complaints about priests’, 8 May.
- Sunday Times of Malta* (2011b) ‘Unravelling the undecided’, 22 May.

- Sunday Times of Malta* (2011c) 'Bishops express regret if church caused offence', 29 May.
- Times of Malta* (2011) 'Gay Rights Movement backs divorce', 7 March.
- Vatican Insider* (2012) 'La Chiesa sia vicino alle coppie di fatt', available online at: <http://vaticaninsider.lastampa.it/news/dettaglio-articolo/articolo/malta-coppie-di-fatto-18965>
- Winward, F. (2010) 'Pope Benedict XVI reduced to tears after child abuse meeting in Malta', *The Guardian*, 18 April.
- Xarabank* (2010) 'Opinion poll – divorce survey conducted by Malta Polls 1 October 2010', available online at: [http://www.xarabank.com/UserFiles/File/Xarabank per cent20Survey per cent20 per cent20Divorce per cent20Referendum per cent202011.pdf](http://www.xarabank.com/UserFiles/File/Xarabank%20Survey%20per%20cent%20Divorce%20Referendum%202011.pdf)
- Xuereb, M. (2011) 'Church needs to simplify divorce talk', *Sunday Times of Malta*, 3 April.

Roderick Pace is Director and Jean Monnet Chair of the Institute for European Studies, University of Malta. Recent publications include a joint chapter with Stelios Stavridis and Paqui Santonja, 'The Role of Parliamentary Bodies, Sub-state Regions and Cities in the Democratization of the Southern Mediterranean Rim', in Stefania Panebianco and Rosa Rossi (eds), *Winds of Democratic Change in the Mediterranean?* (Rubbettino, 2012) and 'Euroscepticism in a Polarised Polity', in Susannah Verney (ed.), *Euroscepticism in Southern Europe: A Diachronic Perspective* (Routledge, 2011).