

Legal Pluralism in Family and Reproductive Rights in Mexico

Graciela Jasa-Silveira, Prof.

(Universidad de Sonora) (D.C.L. Candidate, McGill University)

Institutional Affiliation: Universidad de Sonora/McGill University

Mailing Address: 3160 Rue Lacordaire App. #1, Montreal, Quebec, Canada H1N2N3

Phone: (514) 303-4498

Email: graciela.jasa-silveira@mail.mcgill.ca; jasas@sociales.uson.mx

The recent decriminalization of abortion of pregnancies of up to 12 weeks has come about as a result of diversion within Mexico relating to religion and law. This division centers of two contradicting realities within Mexico: a national tradition of separation of Church and State (secularity) and an overwhelmingly Catholic population. Within this process of change, legal pluralism has been made evident within a legal and national tradition of uniformity, with the questioning of national conceptions of tradition, culture and family and the diversion brought on by attempts at the liberalization of reproductive rights in Mexico. However, this dispute is not an isolated event signaling the inherent pluralism, change or perhaps its only trigger. The objective of this paper is to analyze the type of change that Mexican family law is undergoing as well as the cultural and political implications that this phenomenon had prompted. The argument of legal pluralism in family law is provided by the description of five legal events divided in four cases that have recently taken place in the area of family law, culminating with the recent decriminalization of abortion in Mexico City and the continued struggle with abortion rights in Mexico. These events are highlighted with a description of the national conceptions of “secularity” as well as the centralist tradition of Mexican law, particularly in the area of family law.