THE PLACE OF RELIGION IN FAMILY LAW:
A COMPARATIVE SEARCH
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THE PLACE OF RELIGION IN FAMILY LAW:
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Edited by
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PREFACE

The increasing role of religion in the growing international discussion on diversity and multiculturalism led us to inquire into the legal frameworks in which religion is approached in a number of jurisdictions in order to find out what the scope and impact of the principle of religious freedom is. This concern was specifically related to the legal parameters affecting the influence of religion in family life and law. How did European states deal with the increasing interest in religion and the role of religion in the predominantly secular family laws of our day?

Our curiosity as to the true picture of the extent of law tolerating, accommodating, reconciling or even merely recognising the existence of religions and traditions in the area of family relationships, led us first to organise a one day Workshop to search for the place of religion in family law in March 2010. A number of scholars from various jurisdictions and interests were invited to participate in this Workshop, which was supported by Seedcorn Funding from the Adam Smith Research Foundation, University of Glasgow. We had a series of short presentations in the morning followed by a round-table discussion in the afternoon with the aim of incorporating a broad range of interests and opinions and highlighting the various ways in which religion and religious belief may influence or affect family relationships.

When it came to the production of this volume, we decided to fill the remaining gaps, as we saw them, by inviting some additional contributions from other scholars known to be involved in this field. Thus this volume now has 12 essays covering jurisdictions from the secular states with predominantly Muslim populations to Catholic and Jewish societies with semi-secular legal systems; from secular to Catholic and Jewish states. The search is for the place of religion in each of these both in historical and contemporary contexts. We hope that a diversity of countries and regions, and a number of different approaches our contributors take, will reflect a useful picture of recent, as well as historical, developments. This collection of essays highlights the religious dimension of law, the legal dimension of religion and the interaction or otherwise between secular law and religion in the field of family law, and, at the same time, also considers practical and topical issues.

The final part of the volume is a general and comparative assessment of our findings.

Jane MAIR and Eşin Örücü
30 March 2011
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CONTENTS

Preface .................................................................................................................. v
List of authors ....................................................................................................... vii

INTRODUCTORY OVERVIEW

INTRODUCTION TO THE PLACE OF RELIGION IN FAMILY LAW:
A COMPARATIVE SEARCH
Esin Örücü ........................................................................................................ 3

PART ONE
ACCOMMODATING A PLACE FOR RELIGION? ......................... 13

ISLAMIC LAW IN BRITISH COURTS: DO WE NOT KNOW OR DO WE
NOT WANT TO KNOW?
Werner Menski ..................................................................................................... 15
1. Introduction ..................................................................................................... 15
2. The core issue: barriers for knowledge ......................................................... 19
3. Methodological barriers ................................................................................. 26
4. Three case studies .......................................................................................... 29
   4.1. The adoption case of little Anas .............................................................. 30
   4.2. Ahmadi marriages in Pakistan ............................................................... 31
   4.3. Muslim divorce cases from Pakistan and Bangladesh ....................... 33
5. Conclusions ..................................................................................................... 34

THE PLACE OF RELIGION IN FAMILY LAW: THE INTERNATIONAL
PRIVATE LAW IMPERATIVE
Elizabeth B. Crawford and Janeen M. Carruthers .................... 37
1. Introduction ..................................................................................................... 37
2. Marriage .......................................................................................................... 38
   2.1. Polygamy .................................................................................................. 38
   2.2. Legal capacity to marry ......................................................................... 42
5. The "paradoxes" – a summary of the inter-relation between family law and religion in Sweden ................................. 95

FAMILY LAW AND RELIGION: THE RUSSIAN PERSPECTIVE, PAST AND PRESENT
Masha Antokolskaia ................................................................. 97

1. Introduction ................................................................. 97
2. The period of religious family law ..................................... 97
   2.1. Middle Ages: the period of pure religious family law .... 98
   2.2. New times: religious family law with some secular flavour ... 101
       2.2.1. Reforms of Peter the Great .......................... 101
       2.2.2. Russia "misses the train" of Enlightenment .......... 104
3. The period of secular family law in the militant atheistic environment .... 105
   3.1. Radical break with religious law ............................... 105
   3.2. Radical reforms of family law as an example of successful social engineering ........................ 108
   3.3. Evaluation of reforms: "excesses of the revolutionary period" or paving the way to the future? ..................... 109
   3.4. Stalin’s counter reform ...................................... 111
   3.5. From Stalin to perestroika .................................. 112
4. The period of secular family law in a religion-friendly environment ... 113
5. Concluding remarks .................................................. 115

HOW FAR CAN RELIGION BE ACCOMMODATED IN THE LAIC FAMILY LAW OF TURKEY?
Esin Örüç ................................................................. 117

1. Introductory overview .............................................. 117
2. Turkish laicism and family law ...................................... 122
   2.1. Turkish laicism .................................................. 122
   2.2. Family law ..................................................... 127
       2.2.1. Religious marriages .................................. 129
       2.2.2. Children ............................................... 135
           2.2.2.1. The problem of legitimacy of children born into religious marriages .......... 135
           2.2.2.2. Religious instruction ............................... 138
       2.2.3. Adultery .................................................. 139
       2.2.4. The position of the wife as an equal spouse .......... 142
           2.2.4.1. The wife-as-guarantor .......................... 142
           2.2.4.2. The woman's surname ........................... 144
           2.2.4.3. The wife’s right to work ......................... 145
3. Family law in the early years of the Turkish Republic ............. 146
PART THREE
SUPPORTING A PLACE FOR RELIGION? ................................. 159

RELIGION AND FAMILY LAW IN IRELAND: FROM A CATHOLIC
PROTECTION OF MARRIAGE TO A "CATHOLIC" APPROACH TO
NULLITY
Maebh Harding ................................................................. 161

1. Introduction ............................................................... 161
2. Pre 1937: two separate functioning systems ....................... 162
3. The Irish constitutional protection of marriage: a protection
   of Catholic values? ..................................................... 164
4. Judicial deference to Catholic values in the immediate aftermath
   of the 1937 Constitution ............................................... 169
5. Constitutional review 1967: a Catholic marriage law for Catholic
   people? ................................................................. 171
6. An explosion of nullity grounds: the high tide mark of canon law ... 173
7. A new secular age of divorce ........................................... 177
8. The end of subjective nullity ........................................... 181
9. Conclusions ............................................................... 183

THE INFLUENCE OF THE ROMAN CATHOLIC CHURCH IN
MALTESE FAMILY LAW AND POLICY
Ruth Farrugia ................................................................. 187

1. Introduction ............................................................... 187
2. Background ............................................................... 188
   2.1. Religion in Malta .................................................. 188
   2.2. Church–State relationship ......................................... 189
   2.3. Sources of Maltese family law .................................... 190
3. Definition of family ...................................................... 191
4. Intimate relationships ................................................... 195
   4.1. Marriage ............................................................. 195
   4.2. Annulment .......................................................... 197
   4.3. Divorce ............................................................. 201
   4.4. Cohabitation ......................................................... 203
5. The influence of the Catholic Church in Malta today ............... 204
JEWSFAMILY LAW AND SECULAR LEGAL ORDERS: THE
EXAMPLE OF GET REFUSAL
Matthijs De Blois .......................................................... 207

1. Introduction ................................................................. 207
2. Jewish law ................................................................. 208
   2.1. Jewish law on marriage and divorce ............................. 209
   2.2. The problems of get refusal ........................................ 211
3. Legislative incorporation: Israel; religious law as law of the State .... 212
   3.1. General ............................................................... 212
   3.2. The law of marriage and divorce .................................. 213
   3.3. The Israeli approach to the get problem ......................... 214
4. The approach to the get problem in Western secular jurisdictions .... 216
   4.1. General ............................................................... 216
   4.2. Legislative approaches to religious divorce law ............... 217
   4.3. Judicial approaches ................................................. 220
       4.3.1. Civil divorce proceedings .................................... 220
       4.3.2. Breach of contract ............................................. 221
       4.3.3. Tort ............................................................. 223
       4.3.4. Rejection of the claim ......................................... 225
5. Evaluative reflections ................................................... 226
   5.1. General ............................................................... 226
   5.2. Religious law and secular law ..................................... 227

PRAYERS IN THE PLAYGROUND: RELIGION AND EDUCATION IN
THE UNITED KINGDOM AND BEYOND
Frankie McCarthy .......................................................... 235

1. Introduction ................................................................. 235
2. The legal framework .................................................... 237
   2.1. Human rights ........................................................ 237
   2.2. Education law ....................................................... 238
   2.3. Equalities legislation .............................................. 239
3. Faith schools and the place of secular education ....................... 241
   3.1. (Non) faith schools in the UK .................................... 241
   3.2. Flaws in the accommodationist model ............................. 242
   3.3. Folgero and Lautsi: towards state neutrality? ................... 244
   3.4. Challenges to faith schools ....................................... 247
4. Delivering the curriculum .............................................. 250
   4.1. Religion and the school syllabus .................................. 250
   4.2. Delivering the curriculum: equalities law in conflict? ......... 252
5. School uniform and religious dress .................................... 254
   5.1. Restrictions on religious dress: the Strasbourg approach ....... 254
5.2. Restrictions on religious dress: the UK perspective 256
6. Conflict of rights: parents versus children 260
7. Conclusion 262

PART FOUR
REFLECTING A PLACE FOR RELIGION? 265

RELIGION IN THE HISTORY OF FAMILY LAW IN SCOTLAND
John Finlay 267
1. Introduction 267
2. Family law 270
3. The household 273
4. The influence of canon law 276
5. The significance of the reformation 277
6. The significance of Roman law 283
7. The language of the law 288
8. Post 1800 293
9. Conclusion 299

ACCOMMODATING RELIGION TO THE GAY EQUALITY IMPERATIVE IN FAMILY LAW
Kenneth McK. Norrie 303
1. Introduction 303
2. Christian approaches to gay and lesbian equality 308
3. The changing law relating to gay and lesbian people 311
4. Accommodating religious concerns 313
5. Accommodation as defeat 315
6. The principles underpinning accommodation 318
7. The coming of marriage 327
8. Conclusion 330

RELIGION, FAMILY VALUES AND FAMILY LAW
Michael Rosie and Fran Wasoff 333
1. Introduction 333
2. Religion and the trend towards secularisation 334
3. The politics of family law reform and the voice of faith groups 336
4. The family module of the Scottish Social Attitudes Survey 2004 337
5. Operationalising “religion” – affiliation and (claimed) practice 338
6. Religious adherence and family values 341
6.1. Marriage and cohabitation 341
6.2. Age effects ........................................ 342
6.3. The traditional marriage scale ....................... 343
7. Religious adherence and sexual moralities ............. 347
  7.1. Gay and lesbian adoption .......................... 350
8. Familial obligations ................................... 351
9. Discussion and conclusion ............................... 353

ASSESSMENT ............................................. 357

THE PLACE OF RELIGION IN FAMILY LAW: A COMPARATIVE SEARCH
Jane Mair .................................................. 359

1. Why search for religion in family law? .................. 359
2. Religion and family law: views from the past .......... 361
   2.1. Church and State .................................. 361
   2.2. Scripture as law .................................... 363
   2.3. The Church in the community ....................... 364
3. Religion and family law: current dilemmas ............ 365
   3.1. Accommodating a place for religion ............... 366
   3.2. Denying a place for religion ....................... 368
   3.3. Supporting a place for religion .................... 370
   3.4. Reflecting a place for religion .................... 372
4. Should there be a place for religion in family law: continuing debates? 374
   4.1. Religion and family law: a public/private dichotomy? 375
      4.1.1. Public space for religion ....................... 375
      4.1.2. The private nature of belief .................... 376
      4.1.3. Personal meaning of public relationships .... 377
   4.2. Religion and family law: form or function? ....... 378
      4.2.1. Form of family relationships .................. 378
      4.2.2. Function of family relationships .............. 379
      4.2.3. Form of religion ................................ 380
      4.2.4. Functions of religion .......................... 381
   4.3. Religion and family law: certainty or chaos? ....... 382
      4.3.1. Clear laws but chaotic meaning ............... 382
      4.3.2. Clear belief but chaotic laws .................. 383
5. The results of our search ................................ 384