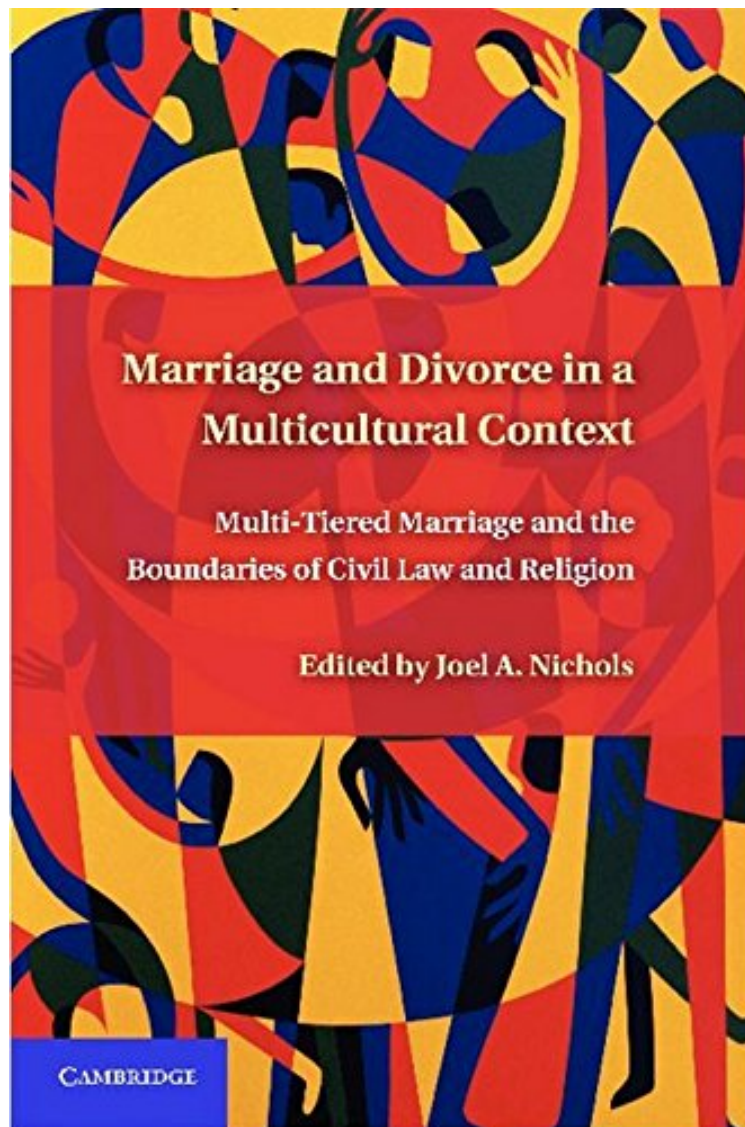


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## **Marriage and Divorce in a Multi-Cultural Context: Multi-Tiered Marriage and the Boundaries of Civil Law and Religion**

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**From Cambridge University Press : Marriage and Divorce in a Multi-Cultural Context: Multi-Tiered Marriage and the Boundaries of Civil Law and Religion** before purchasing it in order to gage whether or not it would be worth my time, and all praised Marriage and Divorce in a Multi-Cultural Context: Multi-Tiered Marriage and the

## Boundaries of Civil Law and Religion:

American family law makes two key assumptions: first, that the civil state possesses sole authority over marriage and divorce; and second, that the civil law may contain only one regulatory regime for such matters. These assumptions run counter to the multicultural and religiously plural nature of our society. They are also wrong. This book elaborates how those assumptions are descriptively incorrect, and it begins an important conversation about whether more pluralism in family law is normatively desirable. For example, may couples rely upon religious tribunals (Jewish, Muslim, or otherwise) to decide family law disputes? May couples opt into stricter divorce rules, either through premarital contracts or "covenant marriages?" How should the state respond when couples purport to do these things? Intentionally interdisciplinary and international in scope, this volume contains contributions from fourteen leading scholars. The authors address the provocative question of whether the state must consider sharing its jurisdictional authority with other groups in family law.

"This well-crafted volume creates an intelligent and incisive debate about one of the burning issue of our times, the proper relationships between civil and religious law. The contributors ask whether states should cede to religions some authority over marriage and divorce. Readers will find lively exchange, not consensus, as the authors examine Jewish, Muslim, Hindu and various Christian doctrines and practices across a wide array of contexts, with detailed analyses of the pluralism already present in North America. A must-read for anyone engaged with these questions." John R. Bowen, Dunbar-Van Cleve Professor, Washington University in St. Louis

"The institution of marriage is ancient and everywhere; it is also increasingly vulnerable and contested. It involves relationships that are intimate and private; at the same time, it makes contributions and has consequences that are social and public. It is both a sacrament and a state-action; it is both prior to, and pervasively structured by, the law. Responding to these facts and tensions, this engaging collection of interdisciplinary essays by a diverse array of legal scholars explores carefully the provocative possibility that marriage can and should be dealt with in different ways, in different communities, by plural authorities. They ask whether it is possible, justifiable, and desirable to separate marriage's private and religious dimensions from the coverage and concern of the state's power, and call our attention to both the attractions, and the dangers, of such a move." Richard W. Garnett, Professor of Law and Associate Dean, Notre Dame Law School

"I picked up what I expected to be a dry, predictable, academic treatment of marriage and found myself fascinated. The authors persuasively make the case that marriage varies across time, place and culture and that a rich legal tradition in many states and countries reconciles different religious practices with civil legal regulation. This book is foundational for anyone wishing to reconsider the relationship between marriage and the state." June Carbone, Edward A. Smith/Missouri Chair of Law, the University of Missouri at Kansas City School of Law

"This unique and multi-voiced collection of essays is an indispensable reader for anyone interested in legal pluralism (with)in family law. With an incisive and refreshing gaze, the authors challenge the traditional depiction of (civil) family law as located outside of (sacred) religious law, offering instead a vision of legal subjects as simultaneously imbedded in multiple governing regimes and competing discursive practices. Be prepared to chart relatively unmapped territory, as the centrality of law slowly shifts direction and brings you closer to the legal regulations experienced by the husbands and wives of our contemporary globalized world. A must read!" Pascale Fournier, Vice-Dean of Research, University of Ottawa

"It presents a scholarly discussion of the pros and cons of multi-tiered marriage with essays covering historical, legal, and religious dimensions of the issue. Nichols, and to some lesser extent his mentor John Witte, Jr, are advocates of hybrid legal approaches to marriage." John Farina, Journal for the Study of Marriage and Spirituality

"Balance and addressing both sides of the argument is a feature of the volume on the whole. Reading the chapters in succession, it is striking how often one's own questions or doubts about a particular perspective are picked up and addressed by a subsequent chapter. An even handed and measured tone strengthens the force of the individual arguments and contributes to the overall effectiveness of this important and stimulating conversation, where the participants are not only making their own views heard but also listening and seeking to respond to those of others." The Cambridge Law Journal

About the Author Joel A. Nichols is Associate Professor of Law at the University of St Thomas, Minnesota and a Senior Fellow at the Center for the Study of Law and Religion at Emory University. His scholarship explores the relationship of theology and religion to law - especially family law, constitutional law and international human rights. Professor Nichols holds degrees in both law and theology.