

THE PLACE OF RELIGION IN FAMILY LAW:
A COMPARATIVE SEARCH

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Prof. Katharina Boele-Woelki (Utrecht)

Prof. Frédérique Ferrand (Lyon)

Prof. Cristina González Beilfuss (Barcelona)

Prof. Maarit Jänterä-Jareborg (Uppsala)

Prof. Nigel Lowe (Cardiff)

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Prof. Walter Pintens (Leuven)

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Edited by

Jane MAIR
Esin ÖRÜCÜ



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Intersentia Ltd
Trinity House | Cambridge Business Park | Cowley Road
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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 Esin ÖRÜCÜ
30 March 2011

LIST OF AUTHORS

Prof. Masha Antokolskaia

Professor of Private and Family Law at VU University of Amsterdam, The Netherlands

Prof. Janeen M. Carruthers

Professor of Private Law, School of Law, University of Glasgow, Scotland

Prof. Elizabeth B. Crawford

Professor of International Private Law, School of Law, University of Glasgow, Scotland

Dr. Matthijs de Blois

Senior Lecturer at the Institute of Legal Theory, Department of Law, Utrecht University, The Netherlands

Dr. Ruth Farrugia

Advocate and Senior Lecturer in Civil Law, University of Malta, Malta

Dr. John Finlay

Senior Lecturer, School of Law, University of Glasgow, Scotland

Dr. Maebh Harding

Senior Lecturer, University of Portsmouth, England

Prof. Maarit Jäntherä-Jareborg

Professor of Private International Law and International Civil Procedure at Uppsala University, Sweden; Former Dean of the Faculty of Law, Uppsala University, Sweden

Dr. Frankie McCarthy

Lecturer, School of Law, University of Glasgow, Scotland

Dr. Jane Mair

Senior Lecturer, School of Law, University of Glasgow, Scotland

Prof. Werner Menski

Professor of South Asian Laws, SOAS, University of London, England

Prof. Kenneth McK. Norrie

School of Law, University of Strathclyde, Scotland

Prof. Esin Örüçü

Professor Emerita of Comparative Law and Honorary Senior Research Fellow,
University of Glasgow, Scotland; Professor Emerita of Comparative law, Erasmus
University Rotterdam, The Netherlands

Dr. Michael Rosie

Senior Lecturer in Sociology; Deputy Director, Institute of Governance, School
of Social and Political Science, University of Edinburgh, Scotland

Prof. Fran Wasoff

Emeritus Professor of Family Policies, Social Policy, School of Social and Political
Science and Centre for Research on Families and Relationships, University of
Edinburgh, Scotland

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