

What role, if any should religion play in the course of marriage or divorce

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What Role, if any Should Religion Play in the of Marriage or Divorce? The purpose of this paper is to provide a critical discussion on the issue of the role of religion in marriage and divorce. The format that this paper will utilize is to provide some background information on how major religions view divorce. After this point some arguments will be provided regarding what role religion should play in the ending of a marital relationship with regards to personal choice and the duty of the state to intervene. Without question, it is the case that religion does currently play a major role in marriage and divorce. Surprisingly, the major religions differ on the role of divorce. For example, according to the Jewish Virtual Library (2011) it is the case that divorce in the Jewish faith is strongly frowned upon but it is seen as a viable last resort, moreover under some circumstances divorce is even recommended. This process is in many regards very similar to the legal divorce that is employed by many Western cultures. In regards to Catholicism, according to Henneberger (2002) it is the case that Catholicism forbids divorce and even goes so far as to encourage lawyers who are Catholic to refuse divorce cases. Building on these previous points, many religions technically allow divorce they may strongly frown upon the practice, furthermore one must also take into consideration the fact that there may be a strong social stigma associated with divorcees, and within certain religious circles. It is the case that the cultural values of many nations were based upon religious values. Even though historically in the United States, there is a definitive separation of Church and State, one finds that (Historically speaking) certain legal issues were answered by religious tenants. For example the teaching of creationism was one considered acceptable in

American schools. Many modern Western nations have quite clearly outlined that there is a distinct separation between the role of Church and State. Where one religion may forbid a certain practice (Such as divorce) other religious may allow for said practices. In modern multinational nations such as the United States, if the nation were to be a religious theocracy this would create a great deal of infighting. It is upon this foundation that one could argue that it is the duty of the state to enact and enforce laws which they believe are in the best interests of all citizens. According to Makin (2007) the supreme court of Canada made a legal judgement favouring a 48 year old Jewish woman whose husband had vehemently refused to agree to a religious release from marriage for over 15 years. The reasoning behind the decision was that in the Canadian culture the plaintiff was regarded as having the right to remarry, and that decision should not be hindered by the stubbornness of a vindictive husband who simply would not grant this privilege to his ex partner. One further consideration that should be made is why it is important got the State and Church to be separate when it comes to major decisions such as divorce. As highlighted earlier, there is no single religious consensus on an issue such as divorce. Codifying the legal parameters of such an issue is important to avoid any sort of conflict within the nation that could result in the government favouring one religious opinion over another. One additional consideration is that there are several people who are atheists and as such should not be beholden to the tenants of religious doctrine as a means of directing how they are governed. By formally separating the State from religious authorities, effectively the government is better equipped to best accommodate the needs of all people

and not just those who prescribe to a specific faith. It should be noted that if people choose to conduct themselves in a certain way that abides with their own religious custom and as such have no desire to engage in a divorce, than that should be their right. However, I would argue that in this society it should be civil law and not religious law that settles any sort of dispute. So a person would not have to be wilfully bound to a partner without the opportunity to get a divorce. References Henneberger, M (2002) John Paul Says Catholic Bar Must Refuse Divorce Cases. New York Times: World [online] Available at <http://www.nytimes.com/2002/01/29/world/john-paul-says-catholic-bar-must-refuse-divorce-cases.html> Accessed on July 23rd 2011. Jewish Virtual Library (2011) Divorce. [online] Available at <http://www.jewishvirtuallibrary.org/jsource/Judaism/Divorce.html> Accessed on July 23rd 2011. Makin, K (2007) Top Court backs Wife in Bitter Religious Divorce. The Globe and Mail [online] Available at <http://www.theglobeandmail.com/news/national/article803112.ece> Accessed on July 23rd 2011.