Marriage and religious pluralism

The global world witnesses a huge variety of ways in which individuals and couples join to share their lives partially or totally. Marriage and family are terms and concepts, which correspond to a vast spectrum of possibilities, and yet they are far from encompassing the whole picture of modes of living together. Such a plural association of individuals and couples is less and less diluted in time and space. Especially in the West, there is rapid growth in new forms of shared life that are also territorially concentrated. This reflects the stark opposition between traditional marriage and innovative formulae, such as monogamous and polygamous marriages, civil partnerships and religious unions, heterosexual and homosexual families, authoritarian and permissive parenthood, formal and informal bonds, gender neutral relationships and families based on a sharp distinction between man and woman. Rapidly evolving and territorially concentrated diversity is also reflected in the many hybrid forms. This in turn results in the continuous quest for new routes towards personal and communitarian fulfillment. Cultural assumptions and customs can be a factor for diversification in a post-colonial world that is reframed by migration and globalization. Individual choices and interpersonal bricolage also contribute, along with the mutating trajectories of modernity and tradition. If such a dense and dynamic plurality is sometimes peacefully digested, it often happens that the proximity of diversity, and the contrast of opposed claims bring conflict. The plural picture of marriages and families is thus experienced through an adversarial relationship to the other. Depending on where one stands, the other is construed as the bearer of what we reject in our vision of how people join to live together: of modernism or traditionalism, of sexual obsession or perversion, of conservatism or avant-gardism, of secularism or religious bigotry, of legalism or anarchism, of Manichaeism or indifferentism, of absolutism or relativism.

Religions bear a huge responsibility. They preserve and trade deep wisdom, while witnessing in their history and theology both tradition and change. Confronted with the contemporary plurality of forms of living together, religions emerge in a threefold capacity: a) they represent a strong, polyphonic voice in the public debate, b) they are powerful actors in politics and society and c) they experience conflict and change in their own internal dynamics. In the debate in the West on civil partnerships, gender equality, sexual orientation, reproductive technologies, same-sex marriage, the religious resources are mobilized along two conflicting patterns. The prevailing pattern, with the exception of some Protestant churches, coincides with the opposition in the name of tradition and natural law against new forms of living together. Novelty is opposed on moral grounds, and even more so on political grounds, since the public arena – Parliaments and courts in particular – offer a better chance to win a battle, if not the war, than the desperately secularized society in the West, and especially
Europe. The members of the faithful are mobilized, since their visible protest in society is crucial, along with an essential discipline within the faith community. Theology reshapess history in order to build a new narrative that is fitting for the current priority and strategy. Irrespective of historical complexities, and fuelling nostalgia for a pre-secular lost golden age of couples and families in tune with the Creator, the nuclear heterosexual family is presented as a universal and a-historical truth. In advocating a traditional model of marriage and the family, religions and faith communities that represent the majority in a given context, resort to identity and culture. So they reject alternative forms of living together as a threat to the majority and a betrayal of the foundational character of the community at large. However religions can act very differently. They have the potential to engage in a conversation with the other that is beyond a fixation on cultural identity and theological orthodoxy. In this case there is no need to emphasize and exaggerate the alterity of the other. Rather, it becomes possible to propose an honest assessment of diversity, including the diversity within a given religious tradition or faith community. In this second pattern, religious resources are mobilized to avoid the risk of construing diversity in an adversarial mode. According to the French-Turkish sociologist Nilüfer Göle, ‘making the other different again in order to create one’s own identity, is a way of blinding oneself in the mirror of the other, of falling prey to illusion and destroying any possibility of finding common ground, of constructing a link between the self and the other’ (Nilüfer Göle, *Islam in Europe*, 2011).

Consequently, religion has the capacity to draw attention to the real experience of people, to subjectivity and social dynamics, to the relativity of the law and the search for a healthy articulation of the religious and the political responsibility in the law making process.

The struggle of religion with a plurality of matrimonial forms is reflected in recent legal developments, such as those seen in France and Britain with the legalization of same-sex marriage. Court cases are also a telling marker of the trajectories of religion, when copying with the new, plural landscape. This is the case for the Court of Strasbourg’s ruling establishing the precedency of the rights of the Catholic Church on the rights of a Spanish married Catholic priest, with the Grand Chamber still due to rule on the appeal. This is also the case in the decision of the Court of Strasbourg admitting the adoption by same-sex couples. Projected in the public arena, and assessed through legal developments, the contribution of religion to a global society at odds with matrimonial and family diversity is challenged: can such diversity be understood and transformed into a richness, thus moving from the mere fact of a plurality of forms of living together into a project of matrimonial pluralism? Or, as it would emerge from the prevailing pattern, is religion condemned to just oppose the plurality in principle, while adjusting to it in a schizophrenic reality?

The 2013 Onclin conference will examine the question through a four-fold analysis: Norman Doe and Mathias Rohe will provide a focus on developments in Christianity and Islam. Marie-Claire Foblets will present the perspective of legal anthropology. Sophie van Bijsterveld will offer a reflection on the articulation between religious laws and the law of the land.

Marco Ventura

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