ICLARS 2013 PROPOSAL FOR CONFERENCE 21-23 AUGUST 2013

I hereby propose a paper on the subtheme of Religious pluralism and the treatment of religious minorities.

Under this theme I would like to present a paper under the title *Marriage under the SA Constitution and Religious Legal Systems.* For this paper I want to continue my research that I did for the January 2013 Ghana Conference on Law and Religion in Africa. The title of my paper for that conference was *Law and Religion in Africa: Religions in South Africa and the South African Constitution – an Introduction for further research.* Both African religion and Christianity have deeply held religious and cultural convictions and rituals with regard to marriage. Apart from these religious positions there is also a rising view in society that marriage as such is not that important and can be replaced by other secular foundations, institutions and rituals. The question that the paper will seek to answer is: what is the legal position of African religion and Christianity with regard to marriage in the light of the Constitution, the laws of the land, and a rising secularism in South Africa.

In the first part of the paper I intend to describe and evaluate the Constitutional and legal position of marriages and civil unions in South Africa. In the second of the paper I intend to describe and evaluate the position of marriage and civil unions in African religion and how this position relates and functions with regard to the Constitution and other laws in SA. In the third part I intend to describe and evaluate the Christian position on marriage and civil unions and how this position relates and functions with regard to the Constitutions and other laws of the land. With regard to the Christian position on marriage and civil unions I will work comparatively given the fact of different denominations in SA. In the final part of the paper I intend to do a final evaluation with regard to the Constitutional and legal position of African religion as well as with regard to Christianity. I would also like to highlight some aspects that will need attention in future. Throughout the paper I intend to refer to the opinions of legal scholars, Christian theologians, African religion practitioners, court judgements and also the position set out in the South African Charter of religious Rights and Freedoms..

P Coertzen

Stellenbosch; 19 April 2013

Ref. Documents, Iclars 2013.