LS 101 — Chapter 10: Family Law and Social Policy — Marriage and Divorce

1 Sacred, Social, and Personal Concepts of Marriage

- The sacred concept sees marriage as a religious holy union.
- The contract is a contract the couple makes with some higher order.
- The authority resides with, for example, in Christianity, God and the Church.
- The social concept gives priority to family obligations, and emphasizes self-sacrifice.
- The authority here resides with kinship, parents, and elders.
- In the former two, divorce is stigmatized.
- The personal concept gives priority to individual rights and personal happiness.
- Laws regulating marriage and the family are largely a provincial responsibility. Divorce laws are federal statutes.

2 Defining Marriage

• Marriage is a socially legitimate sexual union that is public, undertaken with some idea of permanence, and involves mutual rights and obligations.