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Introduction to 'Sex, Marriage, and Family in the World Religions'

Don S. Browning, M. Christian Green, and John Witte, Jr.

Abstract:

This chapter introduces the main texts and teachings on sex, marriage and family life in six major world religions – Judaism, Christianity, Islam, Confucianism, Buddhism, and Hinduism. While each of these traditions offers unique perspectives on the fundamentals of domestic life, all of them have developed comparable teachings and practices on marital fitness and capacity, marital consent and property exchange, engagements and marriages, wedding and rituals, roles for spouses and children, sexuality and sexual expression, legitimate and illegitimate children, marital dissolution and post-marital support, death and inheritance. Many of these are ancient religious teachings and practices, however, are now heavily challenged by the forces of modernization and globalization.

Keywords: Marriage; Family Life; Sex and Sexuality; Divorce; Annulment; Celibacy; Judaism; Christianity; Islam; Confucianism; Buddhism; Hinduism; Modernization; Globalization; Marital Promises; Marital Consent; Marital Property; Women's Rights; Children; Children's Rights; Marriage Liturgies; Rituals; Marital Disputes; Kin Altruism; Intergenerational Care; Illegitimate Children; Post-Marital Support

Introduction

During the last several decades, a momentous debate has swept across the world over the present health and future prospects of marriages and families. This debate has been especially intense in North America and Europe, but analogous debates have erupted in parts of Latin America, Africa, Asia, and Australia. These debates are about real issues. There are powerful trends affecting both advanced and underdeveloped countries that are changing marriages and families and undermining their ability to perform customary tasks. These trends are often called the forces of modernization. Theories of modernization are now also being extended by theories of globalization. These processes are having disruptive consequences on families in all corners of the

earth. Older industrial countries have had the wealth to cushion the blows of this disruption, but family upset throws economically-fragile countries and their families deeper into poverty and disarray.¹

To be sure, there are other sources of family disruption and poverty besides the forces of modernization and globalization. Wars, oppression, enslavement, and forced poverty between and among cultures and religions are additional factors: the massive family disruptions in Bosnia, Afghanistan, Sudan, Rwanda, and Iraq, and before that in Vietnam, Cambodia, Sri Lanka, and apartheid South Africa are still fresh on our minds. But the disruptions in domestic arrangements caused by modernization and globalization as such are real and potentially devastating. Moreover, a significant subtext of the current world struggle with terrorism is the perceived conflict between modernization and certain family patterns in Islam and other religions and cultures.

Most social scientists now acknowledge that modernization, independent of factors such as war, poverty, and terrorism, can by itself be disruptive to families in certain ways. But many distinguished sociologists believe there is little that can be done to allay these ambiguous consequences. The social forces producing them, they believe, are simply too deep and powerful to be stopped or changed. We do not share this view. We argue that much can be done, but only if we understand the task as a complex cultural work—one that is like weaving a richly designed tapestry containing many threads. The threads needed for this cultural task are religious, political, legal, economic, and psychological. No one perspective can accomplish alone what needs to be done. But central to this task is the worldwide revival and reconstruction of the religious sources and dimensions of marriage and family life.²

This volume provides a number of the essential texts needed to start the dialogue about marriage and the family among the world's main religions. Included herein are classic canonical, theological, liturgical, legal, poetic, and prophetic statements on sex, marriage, and family drawn from the traditions of Judaism, Christianity, Islam, Hinduism, Buddhism, and Confucianism. We have viewed these axial traditions in their genesis, exodus and leviticus—describing and documenting the origin, evolution, and institutionalization of their sexual, marital and familial norms and habits. These texts are vital resources for students and scholars, religious and political leaders, international and domestic officials alike.

Modernization, Globalization, and the World Situation of Marriage and Family Life

¹ See Don S. Browning, *Marriage and Modernization: How Globalization Threatens Marriage and What to do About it* (Grand Rapids, 2003).

² See Steven M. Tipton and John Witte, Jr., eds., *The Family in Interdisciplinary Perspective* (Washington, DC, 2006).

Of course, not all the changes wrought by modernity are negative to families. In fact, many of them are very positive. Higher incomes for large numbers of families must be seen as a plus. Better health and longer lives for millions are goods that are universally affirmed. But these positive consequences are unevenly distributed; at the same time that modernization pulls many into a better material life, others lose ground. The new educational and economic possibilities for women that accompany modernity are also promising, but they do not always convert into concrete benefits. Improvements for some women are frequently accompanied by negative consequences such as the collapse of communal controls; the impoverishment of millions of mothers and their children due to abandonment, divorce, and nonmarital births; the increased violence of youth; new forms of coerced prostitution; and the growing absence of fathers from their children.³

The usual benefits of modernization in the form of better education and more jobs for both men and women must be supplemented by the worldwide revival and reconstruction of the institution of marriage and the family. Notice that this argument does not pit modernization *against* marriage and the family but endorses both modernization *and* marriage and the family. Some people will accuse us of wanting it all. Many people say that we cannot have both; it must be one or the other. Marriage, they insist, belongs to a premodern age, and family is now a self-defined social construct. To some extent we agree with these criticisms. Modernization cannot coexist with marriage and the family unless modernity is in some ways controlled and marriage and family are in many ways redefined.

Sociologists William Goode, David Popenoe, and Alan Wolfe have gained prominence by attempting to describe and assess the worldwide metamorphoses of marriage and family life. William Goode is a leading figure in American sociology. In two massive books written thirty years apart, Goode fearlessly collected huge quantities of data and developed a theory to account for family change in places as diverse as Western Europe, the United States, Asia, and sub-Saharan Africa. In 1963, he wrote *World Revolution and Family Patterns* which demonstrated the global movement away from extended-family patterns toward the convenient fit between industrialization and what he called the “conjugal” or “companionate” family.⁴ Goode also shared a thesis developed even more powerfully by the historical sociologist Peter Laslett of Cambridge University. This thesis holds that, in the nineteenth century, England and Northern Europe exported to the world a modernizing trend that joined a conjugal family pattern to a wealth-producing industrialization process. In nearly every country he studied for his 1963 volume, Goode found the extended family on the

³ For a discussion of Asian and American forms of coerced prostitution, see Rita Nakashima Brock and Susan Thistlethwaite, *Casting Stones: Prostitution and Liberation in Asia and the United States* (Minneapolis, MN, 1996).

⁴ William Goode, *World Revolution and Family Patterns* (London, 1964).

defensive. He saw instead trends toward smaller families, more women working in the wage economy, more equality between husband and wife, more mobility, more education for both sexes (especially for women) and less control over the conjugal couple by the extended family. This conjugal family pattern, he believed, had helped both to create and then to serve the emerging industrial order. Goode welcomed this new family form even though he acknowledged that there was no clear evidence that it would bring more happiness than older, extended, and patriarchal patterns. Goode celebrated this new, more individualized family pattern, not because it would bring more happiness, but because it would bring more freedom and the “potentialities of greater fulfillment.”⁵

Goode said all this in 1963. Three decades later in 1994 when Goode published his massive *World Changes in Divorce Patterns*, his optimism about world trends toward the conjugal model had become tempered for all parts of the globe, including the areas of northern Europe that gave this pattern its birth. The comfortable fit between this family form and industrialization that he described in 1963 was perceived as breaking down in the 1990s. He now saw industrialization and modernization as playing dirty tricks on the conjugal family, even in the West where their partnership once seemed to thrive. Modernity’s speed of change, its capacity to subdue intimate relations to the dictates of rational production, the mobility that it induces, and its tendency to move labor and capital around the world without respect for enduring human relations, had now made this old friend of the conjugal family pattern into a new enemy.

All Western and many non-Western societies are becoming what Goode calls “high-divorce societies.”⁶ Cohabitation and out-of-wedlock births have increased dramatically in Western societies and throughout the world. Hand-in-hand with these movements have been the growing poverty and declining well-being of significant percentages of women and children. This “feminization of poverty” has had negative social effects in wealthy countries, but it has had devastating consequences for poor ones. From one perspective, Frederick Engels seemed correct in his prediction that modernization in the form of a market economy would destroy families.⁷ Engels did not understand, some scholars are now adding, that modernization in the form of bureaucratization can have an equally devastating impact on families.

There are examples of stable high-divorce societies. Arabic Islamic countries, Goode claims, have historically been stable high divorce and family disruption societies because of the unilateral divorce privileges of males. This was also true, especially among newly wedded couples, in pre-modernizing Japan. In both societies, rejected women returned to the supports of their extended families—parents, brothers, and uncles. And in most cases, these

⁵ Ibid., 380.

⁶ William Goode, *World Changes in Divorce Patterns* (New Haven, CT, 1994), 336.

⁷ Frederick Engels, *The Origin of the Family, Private Property, and the State* (New York, 1972).

women remarried because of the high valuation of marriage in these societies.⁸ Goode nominates Sweden as another kind of stable high-divorce and family disruption society. Sweden's extensive system of social supports sustains divorced or never-married mothers, at least financially. It is clear that Goode would solve the emerging world family crisis by shipping something like the Swedish stable high family-disruption system to all countries of the world be they rich or poor, East or West, North or South.

American sociologists David Popenoe and Alan Wolfe have reviewed these same trends. They analyze the forces causing them in ways similar to Goode, but they propose vastly different solutions. Popenoe in his 1988 *Disturbing the Nest: Family Change and Decline in Modern Societies* measured family disruption in the United States and Sweden, with shorter forays into the low-divorce societies of New Zealand and Switzerland.⁹ Alan Wolfe in *Whose Keeper? Social Science and Moral Obligation* (1989) compared indices of family disruption in the United States and Sweden.¹⁰

Here are samples, and something of an update, of the kinds of statistics that worry Popenoe and Wolfe. Since the 1960s, the divorce rate has more than doubled in the United Kingdom, the United States, France, and Australia.¹¹ During this same period, nonmarital births increased from 5 percent to 33 percent in the U.S., from 4 percent to 31 percent in Canada, from 5 to 38 percent in the United Kingdom, and from 6 to 36 percent in France.¹² In the U.S. since 1960, the rate of out-of-wedlock births increased tenfold in the white community to 25 percent and increased three times in the black community, from 22 percent to a rate of 70 percent of all births today.¹³ The marriage rate in all advanced countries has declined significantly. In the United States, there has been a 30 percent decline in the marriage rate since 1960; overall, there has been an 11 percent decline in the number of people over age 15 that are married.¹⁴ Much of this can be explained by later marriages and increased longevity. But some of this decline is due to increased lifelong singleness and cohabitation.

The number of couples cohabiting has increased eight times since 1970 in

⁸ Goode, *World Changes*, 251-57.

⁹ David Popenoe, *Disturbing the Nest: Family Change and Decline in Modern Societies* (New York, 1988).

¹⁰ Alan Wolfe, *Whose Keeper? Social Science and Moral Obligation* (Berkeley, CA, 1989).

¹¹ *Demographic Yearbook* (New York: United Nations).

¹² Clarence Page, "When Marriage Goes out of Style" *Chicago Tribune* (February 7, 2001), A17. Page is quoting statistics provided by Senator Daniel Moynihan in a September 2001 speech before the American Political Science Association.

¹³ Tom Smith, "The Emerging 21st Century American Family" (Chicago, IL: National Opinion Research Center, University of Chicago, 1999), 3.

¹⁴ Barbara Dafoe Whitehead and David Popenoe, "Who Wants to Marry a Soul Mate: The State of Our Unions 2001," (Rutgers University, NJ: The National Marriage Project, 2001), 18. The marriage rate is measured by number of marriages per 1,000 of unmarried women age 15 and older.

the U.S.¹⁵ Cohabitation is almost a universal experience in most northern European countries. Studies in both the United States and Europe show, however, that cohabitation is much more unstable than marriage and correlates with higher divorce rates for couples who do go on to marry.¹⁶ Recent research has shown that in the U.S. a significant portion of births out of wedlock actually occur in cohabiting relationships; this suggests that the instability of cohabitation also contributes to the insecurity of the family environment for children.¹⁷ Increasingly, it appears that “responsible parenting” is becoming both the cultural norm and the core of government policy in European societies, with less and less interest in whether this parenthood takes place within or outside of marriage.

In the face of such statistics and trends, sociologist Linda Waite and journalist Maggie Gallagher strike a very different tone. They conclude in their recent book *The Case for Marriage* (2000) that a couple’s public and legal commitment to the formal institution of marriage appears in itself to contribute to the stability of the union.¹⁸ This point seems, for the most part, to have been lost in public conversations about the significance of marriage, both in the United States and in Europe. Furthermore, these authors summarize and extend the mounting evidence indicating that the deinstitutionalization of the family and the decline of marriage have alarming negative consequences for the well-being of women, children, men, and society as a whole. In the 1970s and early 1980s, American sociologists such as Jessie Bernard celebrated the new culture of divorce and nonmarriage as promising a future of creativity, experimentation, and freedom, especially for women.¹⁹ But by the late 1980s, research by feminist legal scholars Lenore Weitzman and Mary Ann Mason on the negative economic consequences of divorce for women cooled this earlier optimism.²⁰ By the mid-1990s, reports by demographers such as Sara McLanahan and Gary Sandefur showed that children in the United States not living with both biological parents were on average two to three times more likely to have difficulties in school, in finding employment, and in successfully forming families themselves.²¹ Income lessens these consequences, but only by 50 percent. Along the same line of the

¹⁵ Linda Waite, “The Negative Effects of Cohabitation,” *The Responsive Community* 10 (Winter, 2000), 31. For a comprehensive summary of cohabitation trends in the U.S., see R. Kelly Raley, “Recent Trends and Differential in Marriage and Cohabitation: The United States,” in Linda Waite, et al., eds., *The Ties that Bind: Perspectives on Marriage and Cohabitation* (New York, 2000), 19-39.

¹⁶ David Popenoe and Barbara Dafoe Whitehead, “Should We Live Together? What Young Adults Need to Know about Cohabitation before Marriage: The State of Our Unions 1999” (Rutgers University, NJ: The National Marriage Project, 1999); Popenoe, *Disturbing the Nest*, 173.

¹⁷ Pamela Smock, “Cohabitation in the United States: An Appraisal of Research Themes, Findings, and Implications,” *Annual Review of Sociology* 21 (Summer 2000): ___-___.

¹⁸ Linda Waite and Maggie Gallagher, *The Case for Marriage* (New York, 2000), 18. See further chapter 10 by Waite and Doherty herein.

¹⁹ Jessie Bernard, *The Future of Marriage* (New York, 1972).

²⁰ Lenore Weitzman, *The Divorce Revolution* (London, 1985); Mary Ann Mason, *The Equality Trap* (New York, NY, 1988).

²¹ Sara McLanahan and Gary Sandefur, *Growing Up with a Single Parent* (Cambridge, MA, 1994).

view of Waite and Gallagher on the importance of public commitments, recent research by sociologist Steven Nock shows that couples choosing Louisiana's covenant marriage gain a stabilizing marital benefit simply from their multiple public commitments.²² The apparent importance to marriage of publicly witnessed promises has been overlooked by those advocating the delegalization and privatization of marriage.

Although these are the kinds of facts that worry Popenoe and Wolfe, they advocate a different strategy than Goode. Popenoe accepts William Goode's theory that modernization weakened first the extended family and then eventually the conjugal couple—the core of the family itself. But he also believes that cultural values such as expressive and utilitarian individualism, independent of the social processes of industrialization, are the main factors fueling family disruption.²³ This leads Popenoe to see the world cure for family disruption in a massive cultural conversion; he envisions the possibility of a worldwide renunciation of over-determined individualistic aspirations and the birth of a new familism. Handling family disruptions around the world by imitating Sweden's relatively stable high-divorce society, as William Goode argues, is an option that Popenoe has considered but rejected as both economically unfeasible and culturally destructive. Evidence supporting his decision recently has been published in the British medical journal *The Lancet*.²⁴ In a study involving 1,000,000 Swedish children, those from single-parent families were two to three times more likely to have psychiatric problems, be suicidal, and have problems with alcohol and drugs. The excellent financial supports of the Swedish welfare system seem unable to compensate for the high rates of family disruption in that country.

Alan Wolfe rejects the Swedish alternative as well. He joins Popenoe in seeing the Swedish strategy as culturally destructive; it undermines marriage and family even as it attempts to save them. Wolfe uses the colonization theory of Jürgen Habermas to show how different expressions of modernization, whether in its market or bureaucratic forms, are almost identical in their negative effects on families. Colonization theory teaches that technical rationality enters into daily life from two perspectives—the efficiency goals of the marketplace and the control goals of government bureaucracy. Both disrupt the face-to-face interactions of the “life world” and the intimate spheres of marriage and family. From the market comes the increasing absorption of both men and women into the wage economy and the subsequent erosion of the time for, and benefits from, parenthood and stable marital relations. From state bureaucracy comes the control of the education of our children, the rise of the welfare state, its

²² Steven Nock, “Report on Covenant Marriage,” Lecture Given at the Marriage, Democracy, and Families Conference, Hofstra Law School, March 14-15, 2003.

²³ *Ibid.*, 46-48; Robert Bellah, Richard Madsen, William Sullivan, Ann Swidler and Steven Tipton, *Habits of the Heart* (New York, 1986), 32-35.

²⁴ Gunilla Ringback Weitoft, Anders Hjern, Bengt Haglund, and Mans Rosen, “Mortality, Severe Morbidity, and Injury in Children Living with Single Parents in Sweden: A Population-based Study,” *The Lancet*. 361 (January 25, 2003), 289-295.

preemption of family functions and its subtle encouragement of the transfer of dependencies from family to the state. Wolfe argues that Sweden is the leading example of colonization of the life world from the perspective of government bureaucracy; the U.S. is the leading example of colonization from the perspective of market rationality.²⁵ In the end, the results for families of these two forms of colonization are approximately the same—more divorce, more out-of-wedlock births and the declining well-being of children affected by these trends.

Wolfe joins Popenoe in distrusting Goode's great hope for a stable high divorce and family disruption society in the Swedish style for all parts of the world.²⁶ Popenoe and Wolfe have more faith in the prospects of cultural change and reconstruction as the way to address the family issue. On this note, they differ from many family sociologists in the United States such as Larry Bumpass, Andrew Cherlin, and Frank Fuerstenberg who acknowledge the sobering facts about family disruption but believe little can be done about them other than mitigating the pain of their consequences.²⁷ Indeed, Popenoe and Wolfe advocate a new moral conversation that would lead to a cultural rebirth of marital commitment, one tough enough and realistic enough to deal with the tensions of modernity.

The Place of Religion in the World Dialogue About Marriage and the Family

Popenoe and Wolfe's views are close to our vision of the need for a new cultural work, initiated principally from the communities of civil society, that would attempt to revive and reconstruct the institutions of marriage and the family, and to tie sexuality to these institutions. Their vision, however, is not fully developed. It does not give voice to the various sectors or spheres of societies that need to be included in this cultural work. And they both neglect the category of religion. If the family issue is first of all a cultural issue, as Popenoe and Wolfe believe, then religion, as it did in the past, must play a decisive role even today in the reconstruction of marriage and family ideals.

The reason for this is that most of the traditional forms and norms of sex, marriage, and the family now under attack grew out of millennium-old religious teachings and practices, and were sustained by religious beliefs and institutions. To be sure, Judaism, Christianity, Islam, Hinduism, Buddhism, and Confucianism alike adopted and adapted some marital and family patterns from earlier cultures. And, to be sure, religious authorities often worked hand-in-hand with secular authorities in the enforcement of their preferred sexual, marital, and familial norms and habits. But a good deal of the genesis, genius, and generativity of marriage and the family lies in the teachings and practices of the axial religions of

²⁵ Wolfe, *Whose Keeper*, 52-60, 133-42.

²⁶ Popenoe, *Disturbing the Nest*, 243-49.

²⁷ Larry Bumpass, "What is Happening to the Family? Interaction Between Demographics and Institutional Change," *Demography* 23 (November 1990), 486, 489, 493; Andrew Cherlin and Frank Fuerstenberg, *Divided Families* (Cambridge, MA, 1991).

the world. These religions provide something of the theological genetic codes of what marriage and the family have been and can be.

The texts included in this volume provide key points on the map of these theological genetic codes of sex, marriage, and the family. These codes differ in important ways, as you will see in reading these chapters, and they have accordingly produced various domestic patterns throughout the world. But there is more convergence than conflict in the teachings on sex, marriage, and family of the six axial world religions. Here are a few points of convergence that are worth considering:

First, each of these religious traditions confirms marriage as a vital and valuable institution and practice that lies at the heart of the family and at the foundation of broader society. To be sure, Confucianism and ancient Judaism permitted powerful men to have concubines. Christianity sometimes idealized the sexually abstinent marriage and, with Buddhism, commanded celibacy for some of its religious leaders. Islam permitted, sometimes encouraged, polygamous marriages, as did Judaism for a time and occasional Christian sects. All six traditions recognized that some adults were not physically, emotionally, or sexually suited for marriage at all. But all six religious traditions have long celebrated marriage as an essential institution, to which the vast majority of adults within the community are naturally inclined and religiously called.

Second, each tradition recognizes that marriage has inherent goods that lie beyond the preferences of the couple. One fundamental good of marriage, emphasized by Christianity, Hinduism, and Confucianism is that the husband and wife complete each other; indeed, they are transformed through marriage into a new person. Another fundamental good of marriage is the procreation and nurture of children. Children are sacred gifts to a married couple who carry forth not only the family name, lineage, and property, but also the community's religion, culture, and language. All these religions thus see a close relation between marriage and children, just as they saw a close relation, although not an identity, between marriage and sexual expression. And all these religions teach that stable marriages and families are essential to the well being of children.

Third, each tradition regards marriage as a special form of promise, oath, or contract. Indeed, these traditions have often made provision for two contracts – betrothals or future promises to marry and spousals or present promises to marry -- with a mandatory waiting period between them. The point of this waiting period is to allow couples to weigh the depth and durability of their mutual love. It is also to invite others to weigh in on the maturity and compatibility of the couple, to offer them counsel and commodities, and to prepare for the celebration of their union and their life together thereafter.

Fourth, each tradition eventually came to insist that marriage depended in its essence on the mutual consent of the man and the woman. Even if the man

and woman are represented by parents or guardians during the contract negotiation, their own consent is essential to the validity of their marriage. Jewish, Hindu, Confucian, and Muslim writers came to this insight early in the development of marriage. The Christian tradition reached this insight canonically only in the twelfth century, and Buddhism more recently still. All these traditions have long tolerated the practice of arranged marriages and child marriages, and this pattern persists among Hindus and Muslims today, even in diasporic communities. But the theory has always been that both the young man and the young woman reserved the right to dissent from the arrangement upon reaching the age of consent.

Fifth, each tradition emphasizes that persons are not free to marry just anyone. God and/or nature set a first limit to the freedom of marital contract. Parties cannot marry relatives by blood or marriage, nor marry parties of the same sex. Custom and culture set a second limit. The parties must be of suitable piety and modesty, of comparable social and economic status, and ideally (and, in some communities, indispensably) of the same faith and caste. The general law of contracts set a third limit. Both parties must have the capacity and freedom to enter contracts, and must follow proper contractual forms and ceremonies. Parents and guardians set a fourth limit. A valid marriage at least for minors requires the consent of both sets of parents or guardians -- and sometimes as well the consent of political and/or spiritual authorities who stand in *loco parentis*.

Sixth, in most of these traditions marriage promises were accompanied by exchanges of property. The prospective husband gave to his fiancée (and, sometimes her father or family as well) a betrothal gift, sometimes a very elaborate and expensive gift. In some cultures, husbands followed this by giving a wedding gift to the wife. The wife, in turn, brought into the marriage her dowry, which was at minimum her basic living articles, sometimes a great deal more. These property exchanges were not an absolute condition to the validity of a marriage. But breach of a contract to deliver property in consideration of marriage could often result in dissolution at least of the engagement contract.

Seventh, each tradition developed marriage or wedding liturgies to celebrate the formation of a new marriage, and the blending of their two families. These could be extraordinary visual and verbal symphonies of prayers, oaths, songs, and blessings, sometimes followed by elaborate feasts. Other media complemented the liturgies -- the beautiful artwork, iconography, and religious language of the marriage contracts themselves, the elaborate rituals and etiquette of courtship, consent, and communal involvement in establishing the new household, the impressive production of poems, household manuals, and books of etiquette detailing the ethics of love, marriage, and parentage of a faithful religious believer. All these media, and the ample theological and didactic writings on them, helped to confirm and celebrate that marriage was at heart a religious practice -- in emulation of the leader of the faith (in the case of Islam), in

implementation of moral instruction (in the case of Confucianism and Buddhism), in obedience to divine commandments (in the cases of Judaism, Christianity, and Hinduism).

Eighth, each tradition gave the husband (and sometimes the wife) standing before religious tribunals (or sometimes secular tribunals that implemented religious laws) to press for the vindication of their marital rights. The right to support, protection, sexual intercourse, and care for the couple's children were the most commonly litigated claims. But any number of other conjugal rights stipulated in the marriage contract or guaranteed by general religious law could be litigated. Included in all three traditions was the right of the parties to seek dissolution of the marriage on discovery of an absolute impediment to its validity (such as incest) or on grounds of a fundamental breach of the marriage commitment (such as adultery).

Ninth, each tradition emphasized family continuity and the strengths of kin altruism, albeit with different forms and emphases. Family continuity, legacy, and connections between ancestors and present and future generations were very pronounced in Judaism, Hinduism, Islam, and Confucianism. These came to particularly poignant expression in the burial and mourning rituals triggered by the deaths of parents, spouses, and children. Honor and exchange between the generations were emphasized as well, rendering intergenerational continuity and filial piety an enormously powerful welfare system with sacred sanction. Providing care and protection to needy children, parents, siblings, and even more extended family members were essential religious obligations in all six of these traditions. Even in Buddhism, which saw the family as a distraction, and in Christianity, which often viewed marriage and family life as a competitor with the Kingdom of God, family continuity and mutual support were still emphasized.

Tenth, most of these traditions drew a distinction between natural and fictive families, though this varied in its articulation. In Buddhism and Christianity, monastic groups were also fictive families. In Christianity, congregations were fictive families. But even then, there were often complex ways in which fictive families reinforced natural families. For instance, Buddhist monks would intervene with a natural family's ancestors, praying for merit from ancestors to natural families - natural families that themselves supported the fictive family of the monastery in order to gain merit from monks and through them from their own ancestors. Although congregations could become fictive families in Christianity, they also generally included and reinforced the strength of the conjugal couple, their offspring, extended family, and households.

Eleventh, most of these religions reinforced intergenerational honor and obligations, but they differed in degree and manner of this reinforcement. Confucianism and Hinduism gave special emphasis to this value, and Buddhism, which inherited many of its family values from Hinduism, followed suit, even though it also saw family as a distraction from higher spiritual pursuits. Even

though Judaism, Christianity, and Islam all emphasized honoring parents (father and mother), Christianity warned that family obligations could conflict with the will of God and the demands of the Kingdom.

Twelfth, these religions differ considerably on their respective views of sexuality and the erotic. Although all of these religions see sexuality as a potentially unruly force in human affairs, all affirm its rightful place when guided by certain constraints. They all viewed marriage, with few exceptions, as one of the most important such constraints, though this was no substitute for personal sexual discipline. Within marriage, religions varied with regard to their appreciation for erotic enjoyment, with Islam and perhaps Hinduism being the most forthright in their affirmation, but Judaism, Christianity, Buddhism, and Confucianism never completely losing an understanding of the role of mutual sexual satisfaction in marriage.

Thirteenth, each tradition kept an ample roll of sexual sins or crimes -- incest, bestiality, sodomy, rape, and pedophilia being the most commonly prohibited, with more variant treatment of concubinage, prostitution, and masturbation. A growing conflict in many religious communities today, particularly in North America and Western Europe, is whether to retain traditional prohibitions against homosexuality. Some denominations within western Christianity are now experimenting with the legitimization of same-sex unions, and comparable experiments are afoot in small segments of western communities of Judaism and Hinduism.

Fourteenth, each tradition draws a distinction between legitimate and illegitimate children. Legitimate children are those born to a lawfully married couple. Illegitimate children are those born outside of lawful marriage -- products of adultery, fornication, concubinage, rape, incest, and in some communities products of illicit relations between parties of different castes, races, or religions. Illegitimate children were historically stigmatized, sometimes severely, and formally precluded from holding or inheriting property, gaining various political, religious, or social positions, and attaining a variety of other public or private rights. In western societies, as well as in modern-day Australia, New Zealand, Japan, Korea, and parts of southeast Asia, illegitimate children have gained constitutional protections and state welfare provisions, and have benefitted from the expansion of adoption. But in some Islamic, Hindu, and Confucian communities, illegitimate children and their mothers still suffer ample social stigmatization, and they are still sometimes sentenced to "honor killings" or mandatory abortions or infanticide.

Fifteenth, these traditions varied in their handling of sex, marriage, and family depending on whether they perceived themselves to be a majority or minority religion. Judaism since the diaspora has viewed itself as a minority religion, and this affected some of its perspectives on sexual issues, especially in contrast to the official views of the state or the dominant religion. Buddhism has

seldom viewed itself as a dominant religion within a particular territory or state. On the other hand, Christianity, Islam, Hinduism, and Confucianism have all perceived their traditions at various times to be dominant, and this has affected the range of issues in sex, marriage, and family that they addressed. As majorities, these groups have often looked to the state to implement their basic teaching on sex, marriage, and family. In the twentieth century, secularism, socialism, and pluralism alike have eroded these state-sanctioned religious understandings of marriage and family. In some communities, such as Europe and Canada, dominant religious communities have largely acquiesced in these movements, or have had insufficient power to resist them. In other communities, such as Latin America, Russia, South Africa, and the Indian subcontinent, once dominant religious communities have developed their own internal religious legal systems to govern the marriage and family affairs of their own voluntary members.

Sixteenth, although the origins of Hinduism, Judaism, and Confucianism are obscure, Christianity, Islam, and Buddhism are more open to historical investigation. Early Christianity and Islam were more progressive in their treatment of gender issues, women, and children than later expressions of the religion, especially as it became more established by the state, closer to powerful political and economic interests, and therefore mirrored some of the hierarchical structures of empires, kings, and caliphs. Studying the origins of a religion is helpful in determining some of its basic impulses, directions, and resources on sex, marriage, and family. At the same time, religions do indeed complicate and mature as time passes. Understanding a religion from the perspective of its more complex later legal and philosophical developments, as in the case of twelfth- and thirteenth-century Judaism, Christianity, and Islam and later developments in Confucianism (neo-Confucianism) is crucial for understanding the wisdom of a religious tradition on sex, marriage, and family.

The Challenges of the New Century

In the course of the twenty-first century, sex, marriage, and family will likely become as important to the conscience of the world as nuclear power and environmental protection became in the course of the twentieth century. In the twentieth century, nuclear proliferation and environmental degradation came to pose such a dire threat to our physical well being that the world was forced to embark in earnest on crafting global protocols and protections. Although not nearly so dramatic and visible, the massive breakdown of marriage and the family throughout the world is beginning to pose a comparably dire threat to our social well being. Millennium-long institutions that provided a vital chrysalis of nurture and education for children, a sturdy bulwark of support and protection for spouses, an essential network of welfare for widows, orphans, and the poor are crumbling under the forces of modernization. Millennium-long constraints on sex are giving way to a growing global scourge of prostitution, pornography, and pedophilia that is inflicting staggering costs on the physical, emotional, and

economic health of the next generation. Millennium-long understandings of the nature of marriage and the family are being attacked by a relentless modernist march toward liberty, equality, and a "democracy of desire."

To be sure, modernization have helped to purge religious traditions of some of their patriarchy and paternalism. Some reforms have lifted ancient shackles of domestic oppression and abuse, particularly for women and children, and have exposed the outrageous exploitation of enterprising patriarchs and priests. Some reforms are bringing essential new rights to women, children, and the elderly and vibrant new hope to all parties regardless of their gender, birth, or marital status. And more reforms are still needed.

But these great axial religious traditions still have much to teach us.