

Viewpoints

1. There should be one legal system and no one should be able to use alternatives.

There should be one secular legal system based on the ideas of political and civil rights (idea of citizenship and equality before the law) and on the ideas of human rights. This system is based on enlightenment ideas and values of progress and equality of all and is the most fair and just system. Everyone is equal and everyone is treated the same. Alternative systems are inferior to this one and are based on religious or cultural beliefs that are outdated and usually have elements of inequality, especially gender inequality. If they were promoting same amount of equality and fairness they would not exist as a separate system but would be subsumed under the one secular legal system.

2. There should be one law for all, alternative arbitration and dispute mechanisms can exist on voluntary basis, but we need to be very careful they don't undermine the system.

There should be one secular legal system governed by political and civil rights but when it comes to personal law, we should allow people to have alternative provision in deciding on their disputes if it is on voluntary basis. This means that two people who share the same religion or culture and have certain idea of how to split inheritance money in a family or how to conduct a divorce, they should be able to do it as consenting adults. But this needs to be limited if decisions by such tribunals would infringe on the equality law and equal treatment. For example, if an arbitrator in such a tribunal decides that a daughter should not inherit any of the family money or receive less than what the secular law prescribed (equal to their siblings), this should not be allowed. In such a case the daughter should be allowed to appeal to legal courts if she feels she has been misled or treated unfairly.

3. Religious legal dispute mechanisms should have some role in the state legal system.

We should have legal pluralism that would accommodate to different religious and cultural needs when it comes to their own personal disputes. These tribunals decisions should be legally binding without ability to appeal to formal courts. If two consenting adults agree that they should be judged by a tribunal they have chosen based on their religion or culture, then this is the best option in the light of freedom of religion and belief. If a couple had a religious marriage ceremony and the husband who earns the money for the family wants to have a divorce without paying maintenance to the divorced wife (and this is a custom), then this should be legally binding (in UK law a spouse that had more income needs to pay maintenance to the divorced partner).

4. Religious legal disputes and courts should have full role in system.

The state should completely incorporate religious courts to be part of its legal system. This means that a person who belongs to certain organised worldview should automatically be mediated by the tribunal with their religious or cultural ethos. If a Roman Catholic, Muslim or Humanist come into dispute with someone in regards to personal law like marriage, divorce, inheritance or child custody they should be automatically judged by their religious courts and those decisions should be legally binding.

Scenarios

- a) In Narnialand there is one law for all based on ideas derived from their holy book "The way of the Lion". It is also legally pluralistic and the state allows that the disputes in personal law are decided by tribunals for those that consent to their arbitration. One of the teachings of their religion is that wives can initiate a divorce but the husbands are not allowed to. Also, upon the divorce, children automatically go to the wife as it is natural for children to be with their mothers. There are also tribunals that are governed by different ideas where two consenting adults can go and their decisions are legally binding (legally binding means parties must obey the terms written in the contract). For example, "Happy human council" code says that both the wife and the husband can initiate a divorce and the custody of the children is based on who can better provide for them or what is in the best interest of the children.
- b) In a country "Humanland" there is one secular law for all. It is based on human rights, civil and political rights and committed to non-discrimination and equality before the law. This means that in personal law when it comes to divorce, both partners can initiate it. When it comes to inheritance, all of the siblings receive the equal amount. When it comes to marriage both have the same rights and responsibilities and the child custody upon divorce is decided based on who can provide for the children the best or what is in the best interest of children. Informal tribunals whose decisions are legally binding do exist but they cannot make decisions based on laws that would be different to the secular law. They only exist because the legal court proceedings are overburdened and can take longer and they are just paying for the faster service.
- c) In a country "United Monarchy" there is one secular law for all that is based on human rights, civil and political rights and committed to non-discrimination and equality before the law as well. It also allows for some legal pluralism in the form of informal tribunals for consenting adults that is legally binding. But it also allows for these tribunals to make legally binding decisions that would be against some of the

Handout – Exploring Secularism

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civil rights and principles of non-discrimination that the secular law provides.

Religious group called "The first born" believes that the first-born child upon the death of the parents receives the whole inheritance and other siblings receive none.

If two consenting adults who are siblings decide they want to be mediated by a tribunal that follows their teachings and values, they are welcome to do it and the tribunal decisions are legally binding for them even though under general law they would receive equal amount.