

Civil and religious laws concerning divorce: the condition of women and their empowerment.

Adelaide Madera
Researcher in Ecclesiastical and Canon Law
Faculty of Law – University of Messina
Piazza S. Pugliatti 1
98100 Messina
+39 339 8886842
amadera@unime.it
ad_madera@tin.it

This paper examines the condition of women in religious systems, specifically their freedom to leave a marriage in countries where marriage and divorce are ruled by personal status laws (Israel, Islamic countries), and the efforts to accommodate religious specificities and practices in different legal contexts, which adopt a secular multicultural approach.

First, it studies the nature of religious and civil divorce, comparing a private, a public, and a mixed private-public approach.

Second, it analyses the possibilities of dissolution of marriage in religious systems, identifying some aspects of gender disparity, and in secular systems where gender equality is constitutionally required.

Finally it compares juridical tools to civilly enforce religious divorce and solve family disputes offered in different legal contexts (Israel, Islamic countries, Europe, USA), which are aimed to rebalance the exercise of a woman's freedom to leave a marriage and its conditions.