

Unofficial Family Law

Ann Laquer Estin
Professor and Aliber Family Chair
University of Iowa College of Law
416 Boyd Law Building
Iowa City, IA 52242 USA
1-319-335-6850
ann-estin@uiowa.edu

My paper explores a type of legal pluralism found in secular societies, including the United States, in which minority groups adhere to unofficial religious law norms within a larger framework of state family law. Official and unofficial law are sometimes closely interwoven, as with the formalization of marriage, and sometimes stand directly in opposition, as with laws prohibiting the practice of polygamy. In an intermediate position, these societies have seen a complex interaction between secular and religious law in the context of marriage dissolution. The different opportunities presented by each legal system may generate significant strategic behavior by individuals, and these risks have prompted careful collaboration between religious and secular authorities in a number of jurisdictions. In this collaboration, the secular state helps religious communities to define a space and an identity, and simultaneously seeks to establish the basic guarantees of citizenship within the larger society for all group members.