THE LEGISLATIVE AND CONSTITUTIONAL ATTITUDE TOWARDS POLYGAMY ACROSS EUROPE AND ITALY

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1. BACKGROUND ANALYSIS USING UN WOMEN CONSTITUTIONAL DATABASE

2. THEORETICAL APPROACH TO POLYGAMY: BETWEEN GENDER AND CULTURE

3. LEGISLATIVE APPROACH TO POLYGAMY: ITALY AND THE EUROPEAN CONVENTION OF HUMAN RIGHTS

4. DOES POLYGAMY EXIST IN ITALY? GENDER EQUALITY AND HIDDEN VIOLATIONS

5. CASES
| NOTION OF MARRIAGE |

- Africa: 4%
- Americas: 11%
- Europe: 6%
- Asia: 1%
- Oceania: 2%
- No: 77%
| NOTION OF POLYGAMY |
DOES POLYGAMY EXIST IN ITALY?

POLYGAMOUS MARRIAGES

Patriarchal model of family typical of Muslim and African societies

Polygamy is banned in Italy

→ Principle of equality

- Art. 3 Constitution
- Art. 29 Constitution

« [...] marriage is based on the moral and legal equality of the spouses [...] »
Does polygamy exist in Italy?

Polygyny: One man can have two or more wives

Polyandry: One woman can have two or more husbands

Gender Equality
Hidden violations

→ This compromise is impossible

Societies that accept polygyny actually prohibit polyandry
DE FACTO POLYGAMOUS MARRIAGES PRESENT IN EUROPE

→ 20,000 IN FRANCE
→ 15,000 IN ITALY

MOST OF THE TIME ONE MARRIAGE IS REGISTERED IN ITALIAN CIVIL LAW AND THE OTHERS ARE CELEBRATED IN MOSQUES OR DURING RELIGIOUS CEREMONIES
PROHIBITION OF POLYGAMY

NECESSARY FOR SAFEGUARDING WOMEN’S RIGHTS

FORBIDDENANCE UNFAIRLY IMPOSED

→ IS IT POSSIBLE TO FIND A BALANCE BETWEEN CULTURAL RELATIVISM AND GENDER EQUALITY?
CONCLUSIVE REMARKS

WHICH COULD BE THE CONSEQUENCES OF A POSSIBLE ACKNOWLEDGMENT OF POLYGAMY IN THE ITALIAN SYSTEM?

→ MASSIVE INCREASE OF IMMIGRATION FLOWS

→ INHERITANCE AND PENSION RIGHTS, PARENTAL DUTIES…

→ NEW INTERPRETATION OF THE PRINCIPLE OF FIDELITY BETWEEN THE SPOUSES