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**THE LEGISLATIVE AND CONSTITUTIONAL
ATTITUDE TOWARDS POLYGAMY ACROSS
EUROPE AND ITALY**

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**UNIVERSITÀ
DEGLI STUDI
DI MILANO**

SUPERVISOR:

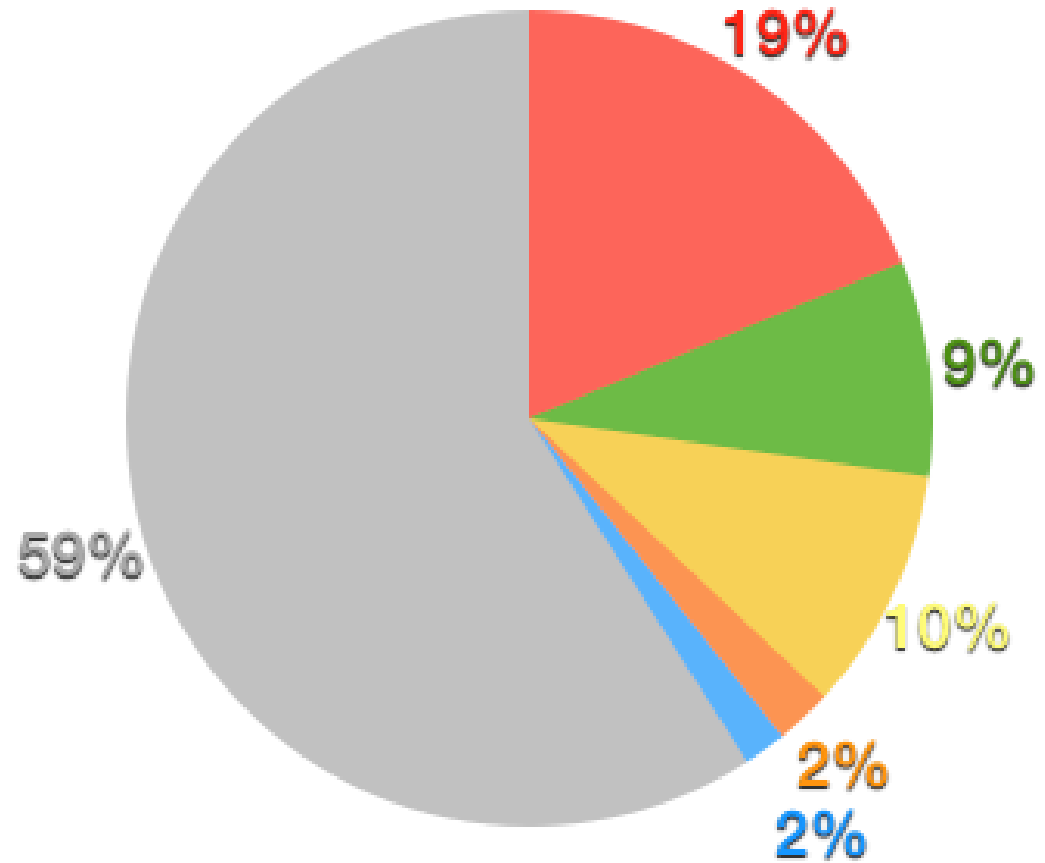
**PROF.SSA MARILISA D'AMICO
DOTT.SSA COSTANZA NARDOCCI**



| AGENDA |

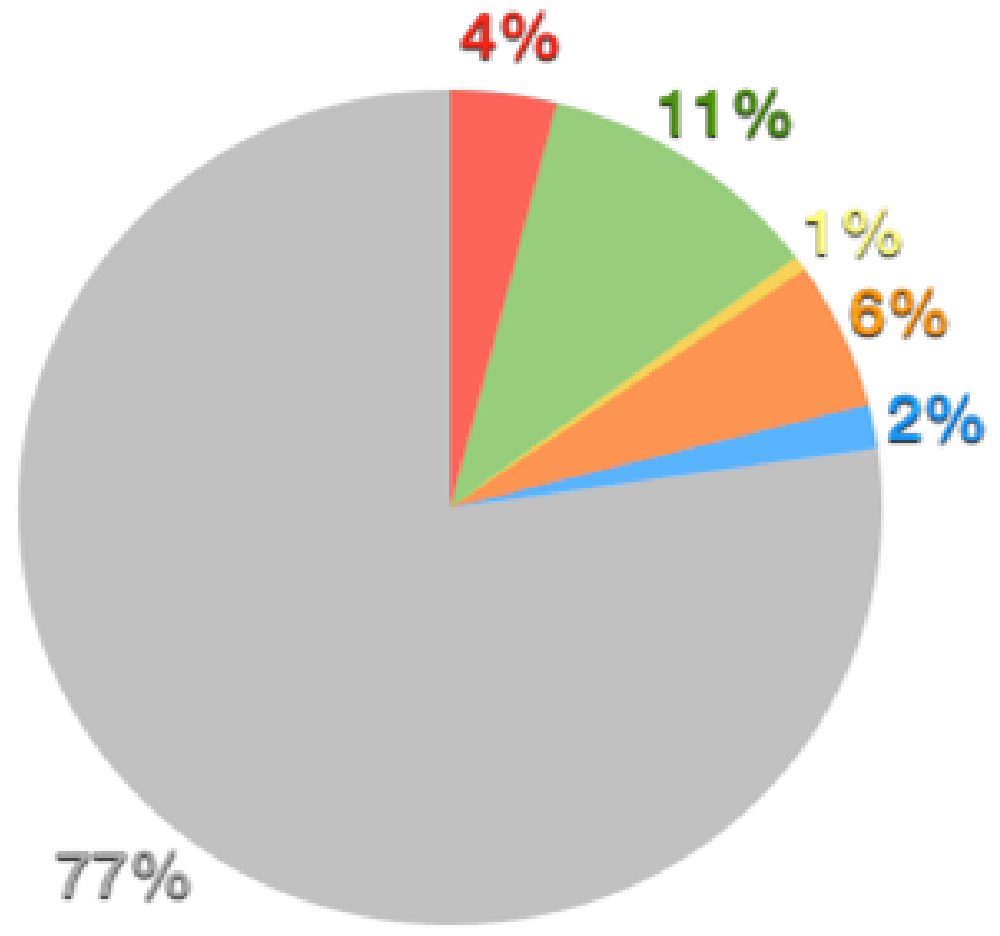
- 1. BACKGROUND ANALYSIS USING UN WOMEN CONSTITUTIONAL DATABASE**
2. THEORETICAL APPROACH TO POLYGAMY: BETWEEN GENDER AND CULTURE
3. LEGISLATIVE APPROACH TO POLYGAMY: ITALY AND THE EUROPEAN CONVENTION OF HUMAN RIGHTS
- 4. DOES POLYGAMY EXIST IN ITALY? GENDER EQUALITY AND HIDDEN VIOLATIONS**
5. CASES

| NOTION OF FAMILY |

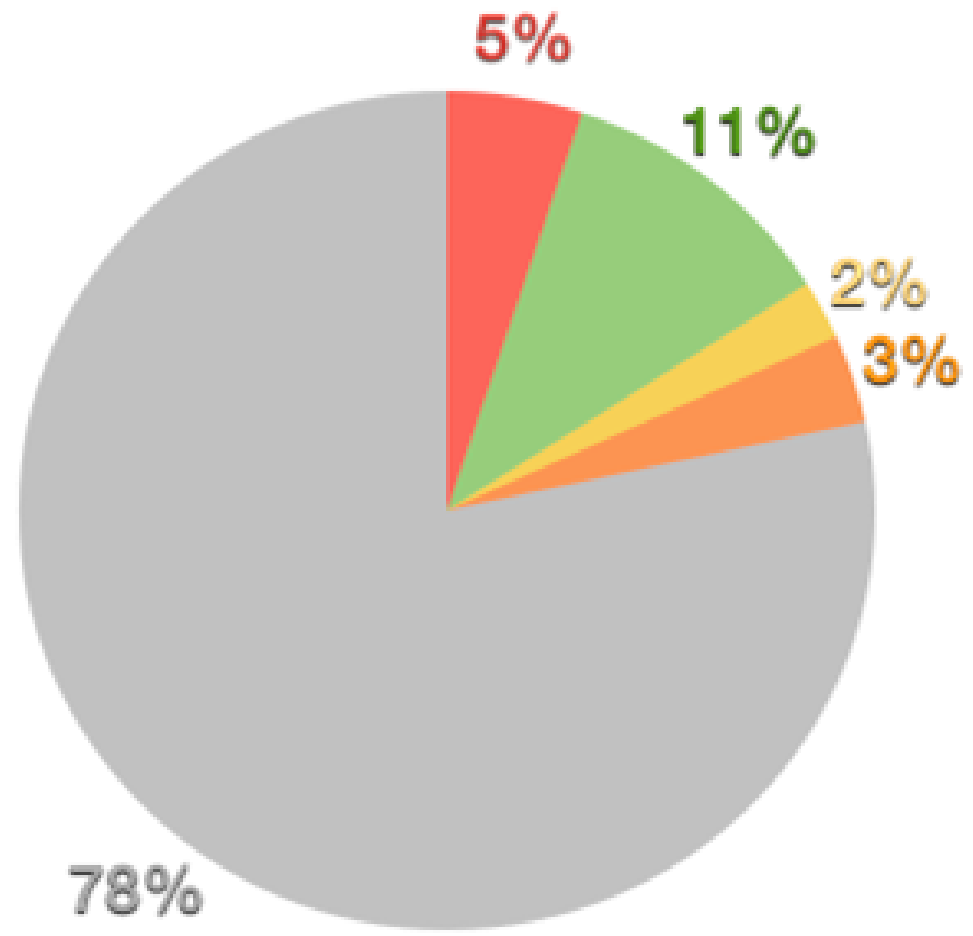


| NOTION OF MARRIAGE |

- Africa
- Americas
- Asia
- Europe
- Oceania
- no



| 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?**

Gender Equality

Hidden violations

POLYGyny

&

POLYANDRY

ONE MAN CAN
HAVE TWO OR
MORE WIVES

ONE WOMAN
CAN HAVE TWO
OR MORE
HUSBANDS

→ THIS COMPROMISE IS IMPOSSIBLE

**SOCIETIES THAT ACCEPT POLYGyny
ACTUALLY PROHIBIT POLYANDRY**

| **DOES
POLYGAMY
EXIST IN
ITALY?** |

Gender Equality

Hidden Violations

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**

**| CONCLUSIVE
REMARKS |**

PROHIBITION OF POLYGAMY

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graph TD; A[PROHIBITION OF POLYGAMY] --> B[NECESSARY FOR SAFEGUARDING WOMEN'S RIGHTS]; A --> C[FORBIDDANCE UNFAIRLY IMPOSED]
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NECESSARY FOR
SAFEGUARDING WOMEN'S
RIGHTS

FORBIDDANCE
UNFAIRLY
IMPOSED

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

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

| CONCLUSIVE
REMARKS |