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Ph.D in  
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**Abstract**

***Muslim women and families between law of God and secular law:  
Italian and European debate***

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My work is structured in four closely related parts. In the the first one, titled *Religion and Modernity*, I dwell on the importance of religious phenomenon for the sociology that since its origins has had a strong interest for religion, its meaning and its rule in the modern societies. Subsequently I focus on cultural pluralism of our contemporary societies, in particular on religious one. I upfront aim to stress that cohabitation of different cultural groups in the same country is a relatively new issue. Cultural differences are today more evident compared with the past and they are subject of claims of recognition that States have difficulty to give legitimacy. Similarly the cohabitation of different religious groups is not an exclusive mark of our contemporary societies. However religious pluralism that characterizes our contemporary societies is a very dynamic and complex process: new religious movements originated from USA, Japan, and India spread beside traditional religions followed in Europe. The research of new strategies by manage the new form of social and cultural pluralism, that aim to guarantee the participation of different cultural groups in the public sphere and the recognition of particular legal autonomy in these social areas that are crucial in the process of definition and preservation of cultural identity, is the subject of the lively debate on multiculturalism. So in this part I reconstruct the secularization theory on which liberal model is based, the different perspective of multiculturalism debate and I focus on the de-secularization theories elaborated by authoritative scholars as Jurgen Habermas, Peter Berger and Josè Casanova. My aim is to stress that we have to revisit the traditional and liberal model of separation of religious sphere and secular one.

In the second part, titled *Law of God and secular one between the secularization and de-secularization of religions*, I focus on law of God and its difference with secular one. In particular I analyze the relevance that secular issues have in the canon law, Jewish law and Muslim one. Than on the bases of Weberian sociology of law and the work of the German jurist Bockenforde, I reconstruct the secularization process of the law and the implications of the de-secularisation process theory in the legal sphere. Moving by the assumption that we need of new and alternative way to liberal one to conceive the relationship between religion and the other spheres, with particular regard to the legal one many scolars advance the thesis of legal pluralism as an avaluable strategy to mange the new form of social and cultural pluralism. In particular I focus on the *joint governant* approach elaborated by the Jewish jurist Ayalet Shachar. According to me it's a new way to share authority between the State and the groups which at the same time allows to accomodate the respect for the rights of the groups and the problem of Gender.

In the third part, titled *The role of family and woman in the definition process of Muslim collective identity. A challenge for Europe*, I focus on the analysis of the tensions that the presence of Islam causes in Europe. Trough its claims of social and legal recognition, Islam challenges western

conceptions of State, sovereignty, of relationship between man and woman and legal and social orders. The *affaire du foulard* that involved France and other European countries as Spain, Germany, is emblematic of the tensions that Muslim claims of social and legal recognition originate when they collide with laity principle and western view of life and world. Islam is today the second religion in Europe and so it legitimately strives to take part in the public space of political community where it is settled. So I focus on the main strategies and policies which European countries take to manage the presence of muslims communities, on islamic law, in particular on family one, and on vision of woman. My aim is to reason about the strategies taken till now to manage the tension caused by the claims of muslims communities concerning the role of family and of the woman. According to the perspective of legal pluralism, in particular to the *joint governance* one, the State and the groups can share authority in the family field. The group has authority for these issues concerning the definition of the borders and the belongings to a group as the marriage, and the State has authority in these issues concerning the redistribution of material resources. The fourth part, titled *Islam in Italy*, is dedicated to an analysis of Italian religious pluralism, in particular to the presence of Muslims in Italy and the public policies to manage their claims of legal and social recognition. So I reconstruct the debate on the presence of the crucifix in the schools and the question of the Muslim veil in the public space in order to point out the difficulties that Italian politics has when it deals the question of integration of Muslim communities.