RELIGION AND LAW IN TRANSNATIONAL DIASPORA: MARRIAGE LAW AND RELIGION

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Abstract

Marriage, functioning as both a legal and religious entity, significantly influences the socio legal frameworks of transnational diaspora groups. The convergence of religious beliefs and secular legal frameworks frequently produces legal pluralism, with several legal systems coexisting, causing challenges in the recognition, enforcement, and dissolution of marriages. This study examines the interaction of religiously governed marriages with civil laws in different jurisdictions, especially in diaspora communities where people must balance ancestral customs and the legal systems of the host country.

An essential emphasis is on the acknowledgement of religious weddings in secular jurisdictions, disputes in legal pluralism, and the legal issues related to polygamy, forced unions, and same- sex marriages. By comparing marriage laws across India, the UK, the USA, Canada, and the Middle East, the research investigates how courts reconcile religious freedom with human rights standards. Significant case laws like Shah Bano (India) Baiai vs. Minister for Home Affairs (South Africa), Hyde vs. Hyde (UK) and Obergefell vs. Hodges (USA) demonstrate the changing legal environment.

This study offers suggestions for legal and policy changes that safeguard individual rights while honoring religious diversity and legal pluralism by examining judicial rulings, legislative policies, and frameworks for international human rights.

***Keywords**: Marriage Law, Religious Pluralism, Transnational Diaspora, Legal Recognition, Human Rights*.

1. Introduction

In consequence, an unprecedented global epoch of migration has brought many more legal, social, and political complexities to bear on situations where religion intersects with civil law among transnational diaspora communities. Cultural and religious identities certainly are not lost; rather, they are transmuted into new areas of legality in which host states operate off-the-principle secular law-often in tension with personal or religious code of conduct-insofar as marriage and family life are involved. Hence an

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interface, also dynamic-and at times contentious-between legal pluralism and state sovereignty, has emerged, wherein the rights of individuals have to be mediated in a situation of intersecting normative frameworks.

Constituting a forum structured by the law and endowed with deep-seated issues of identity, morality, and belonging to the community, marriage law enters heavily into the constitution of personal relationships; for that reason, it has become among the major and conflictual sites. In such conditions, marriage is no longer a private contract but is rather an act that brings forth issues of religion, tradition, and cultural continuity in this community. Hence one can find marriages in the Muslim deal, Hindu, Sikh, or Jewish Diasporas contracted under religious law while their civil recognition does not provide full acknowledgment in host countries. Interesting questions, then, arise with the frameworks of multiple laws: What happens to a marriage that is deemed valid by religious law but has no force in a host country's law? Are we, in a secular court, is it just to intervene in matters of religious marriages when such intervention can be construed as encroachment upon religious freedom itself?

A significant aspect of the problem of multiple legal orders in one social field is greatly problematic because of the pressing question of divergences between universal legal frameworks like human rights and certain claims of group rights by a particular religious or ethnic community to retain its so-called individual legal custom. Such an analysis goes further to complicate issues of agency, especially for women, whose rights are defined and enforced differently by religious personal laws and secular legal systems.

This research paper traces critically the intersection of law and religion in marriage practices among transnational diasporic communities. The paper studies how diasporas subsist at dual legal identities and reconcile, on one hand, religious fidelity and, on the other, civic compliance with the various states, challenges that range from judicial interpretations through legislative reforms to multicultural accommodation. In this paper, it will further elaborate and analyze the nature and extent of the effects of day-to-day encounters upon individual rights, especially with regards to gender justice, observing, in so doing, how far they conform to or interface with international human rights standards.

Marriages law, in essence, are all comprehensively conceived in a religion-diaspora nexus through case studies, statutes, and scholarly comments in jurisdictions such as the UK, India, the US, and some parts of Europe. Preparation at the edge thus proposes

a legally sound but socially sensitive avenue to address these complex and often controversial demands within pluralistic democracies.

2. Theoretical Framework: Legal Pluralism and Diaspora Identity

Legal pluralism defines its terrain in the clearest and simplest way at the intersection of religion and law: in the transnational diaspora. Legal pluralism, in its simplest form, refers to the existence of different legal systems-whether state law, religious law, customary law, or informal communal norms-that carry different degrees of legitimacy and acceptance for various persons or groups in a social field[1]. It is in such terrains as the diaspora where the theory of legal pluralism begins to have its realization as individual in effectively negotiating between the normative demands of his or her religious and cultural traditions and those of the host country[2].

The odds are that the diaspora experience confers a kind of inescapability to dual or multiple selves-whether in the form of national, ethnic, religious, or legal identity. Members of such groups have usually expressed a very strong allegiance to their home cultures and religions, even as they borrow and adapt civic norms and laws from the host society[3]. This dual positioning creates a strange consciousness of law that cuts across overlapping and oftentimes conflicting regimes of law. For example, the Muslim woman residing in the UK is subjected to British civil law and, to an extent, Islamic personal law about marriage, divorce, inheritance, etc[4]. Thus, in most situations, neither law governs her life unqualifiedly. Hence, choices become legal, conditional, strategic, and context dependent[5].

2.1. Challenging State Sovereignty: Legal Pluralism and the Question of Rights

A legal pluralism doctrine, on the other hand, deems the Westphalian notion of the state as the sole seat of legal authority contestable. This assertion would therefore open the very possibility that normative orders can and thus may coexist and impact upon or

[1] John Griffiths, "what is Legal Pluralism?"(1986) 24 Journal of Legal Pluralism 1-55.
[2] Sally Engle Merry, "Legal Pluralism," (1988) 22(5) Law & Society Review 869-896.
[3] Avtar Brah, Cartographies of Diaspora: Contesting Identities (Routledge 1996), pp. 178-180.
[4] Ayelet Shachar, Multicultural jurisdictions: Cultural Differences and Women's Rights (Cambridge University Press 2006), pp. 134-138.
[5] Werner Menski, Comparative Law in a Global Context: The Legal Systems of Asia and Africa (Cambridge University Press 2006), pp. 134-138.

even engage each other in the same territory[6]. This theoretical construct could serve as a fruitful vantage point to examine how identity, belonging to a community, and adherence to legalities are negotiated from within multiple legal orders in the context of the diaspora. Law, then, is not an unyielding structure imposed from above but a dynamic site of cultural contestation and diversity[7].

On a different footing, legal pluralism raises difficult questions of rights, agency, and gender justice[8]. While aspects of pluralism may very well be invoked by some communities in tandem with the preservation of their autonomy in religious or cultural matters, women within those particular communities may be coerced into group-norms rather than individual rights[9]. A clear distinction is therefore required between pluralism as an empowerment and that elsewhere used for patriarchal will. It provides a space for analyzing the complex scenario of marriage law within the diaspora, where religious expectations frequently collide with state-sponsored legal standards[10].

3. Religious Marriage Laws in Diaspora Communities

Without a doubt, diaspora communities add enormous complexities to this intersection of religion and marriage law in practical life. While certain jurisdictions enforce a unified civil code of marriage, diaspora communities insist on their religious marriage customs that often conflict with the laws of the host state[11]. This section will look into the plural legal realities of diaspora marriages-Different Muslim, Hindu, Sikh, and Jewish traditions-and their interactions with secular legal regimes in the host countries[12].

3.1. Continuity of Religious Norms in Foreign Legal Realms

[6] Boaventura de Sousa Santos, “Toward a multicultural Conception of Human Rights,” in Legal Pluralism and Development (Cambridge University Press 2012), pp. 90-92.
[7] Carol Greenhouse, “Law and Community in Three American Towns” (Cornell University Press 1994), ch. 1.
[8] Madhavi Sunder, “Cultural Dissent”, (2003) 54 Stanford Law Review 495- 567.

[9] Ayelet Shachar, Multicultural Jurisdictions: Cultural Differences and Women’s Rights (Cambridge University Press 2001), pp. 63-66.

[10] Prakash Shah, “Legal Pluralism in Conflict: Coping with Cultural Diversity in Law” (GlassHouse Press 2005), p. 28.
[11] Prakash Shah, Legal Pluralism in Conflict: Coping with Cultural Diversity in Law (GlassHouse Press, 2005), p. 38.
[12] Werner Menski, Comparative Law in a Global Context: The Legal Systems of Asia and Africa (Cambridge University Press, 2006), p. 217.

In most instances, the diaspora communities tend to hold on to identification in marriage customs that they would have considered necessary in continuity with their cultures. For instance, Muslims' Nikah ceremonies conducted in the UK or US generally lack any civil registration[13]. This failure to register with civil authorities might also lead to complications before the law especially in cases when one seeks a remedy in civil courts and considers his/her marriage to be invalid due to its unrecognized status[14].

Just like the Hindu and Sikh marriages, most of them are without civil and legal registration and are performed after customary rites, as these may be required only in the case of immigration or administrative purposes[15]. Thus, in such cases, although the practice is considered to be in decay within the religion itself, their legal competence under any jurisdiction will rest with civil registration. This state of law, according to the scholars, is known as "marital limbo", where the marriage is considered valid in religion but is rendered ineffective in the host's local matrimonial laws[16].

3.2. Recognition and Conflicts in the Supporting Legal Systems

Most western law systems recognize individualistic forms of marriage as secular grounds on which to marry; that is, the rights of the individual, mutual consent, adequate equality between men and women, and legality[17]. This can be quite different from some unnamed forms of marriage recognized by religious laws which prioritize community consent, parental authority, or even gender-determined roles in marriage. The Islamic religion, on one hand, has opened a Sharia Council to enable the dissolution of marriages of women who want Islamic divorce post-civil divorce proceedings. Since these proceedings are not recognized by UK law, they often lack procedural safeguards and tend to attract robust debates on the issues of justice, fairness, and accountability[18].

[13]Mona Siddiqui, Muslim Marriage and Divorce in the UK: Legal, Cultural and Ethical Dimensions (Oxford University Press, 2014), p. 113.
[14] Ayelet Shachar, Multicultural Jurisdictions: Cultural Differences and Women's Rights (Cambridge University Press, 2001), p. 67.
[15] Rajesh Rai and Peter Reeves (eds.), The South Asian Diaspora: Transnational Networks and Changing Identities (Routledge, 2008), p. 92.
[16] Pascale Fournier, "Flirting with God in Western Secular Courts: Mahr in the West," (2010) 24(1) International Journal of Law, Policy and the Family 67.
[17]Brian Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global" (2008) 30 Sydney Law Review 375.
[18] Siddiqui, supra note 3, at 135.

Halachic (Jewish law) marriage and divorce through local rabbinical authorities may be invoked in some diaspora communities in the world. Highlighted widely is the disagreement about "Get": the religious document of divorce that must be presented by the husband. The absence of such a Get, under Jewish law, means that a wife is considered Agunah (chained woman) and cannot remarry, even when civilly divorced. Issues of gender equality arise within a context in which civil divorce does not impact religious status[19].

3.3. Variation of Responses by Host Countries and Amendments in Legal Systems

Some countries, having adopted such integration, have permitted limited formal acknowledgment of religious systems into the main law systems. For example, two of the often-cited cases, Canada and South Africa, recognized in this respect certain areas of religious marriage within the confines of constitutional guarantees. Then in the case of the UK, religious arbitration is allowed in matters of personal law, provided it is consistent with public policy or statutory rights. Both France and Germany adopt a strictly secular scheme, where civil registration is perceived to be the only route to attain legal status while keeping religious adjudications beyond family matters[20].

Yet another perspective has entered into the fray here: that of 'religious accommodation' which does not introduce further complications for core human rights and state sovereignty. While marriage laws may address identity and continuity issues, they also impose restrictions on equality and legal clarity, especially regarding women and children from diaspora communities.[21]

4. Host Country Legal Systems and Their Approach

The legal architecture is that of conflict between religious personal laws and the host country legal systems regarding marriages of diaspora. Most host countries, especially the liberal democracies, have tried to balance secularism with multiculturalism.

[19] Yehudah Mirsky, “The Plight of the Agunah,” (2005) The Jewish Daily Forward, accessed online.
[20] Arbitration Act 1996 (UK), s. 1.
[21] Fournier, supra note 6, at 75.

However, these legal systems diverge in their approach to pluralism; from total secularization to limited incorporation of religious norms.

4.1. Secular Perspective: France and Germany

France and Germany are the two states in Europe that have instituted a completely secular model. For instance, in France, all religious marriages are invalid unless legal marriage has occurred before or with the state. The principle behind these is called laïcité, which recommends a strict separation between church and state[22].

According to the French Civil Code, only civil registration can provide legal recognition for marriages. Any so-called religious ceremony that occurred without a prior real civil marriage before it turns into an illegal ceremony under Article 433-21 of the Code pénal[23]. This means that while there is an assurance of freedom of religion secured by the Constitution that freedom does not extend into the public domains of law like marriage, divorce, or inheritance.

According to Germany's relatively tolerant approach, any marriage that is not civilly registered will be given civil recognition. Religious ceremonies must be held for one's own sake, not made legally binding by first civil marriage before such authority.

4.2. Multicultural Accommodation: United Kingdom and Canada

Conversely, the United Kingdom and Canada recognize multicultural legal systems that allow some degree of recognition for aspects of religious legal practice under certain conditions.

In the United Kingdom, informal councils for Sharia operate mainly for the issuance of Islamic divorce decrees, in particular for the benefit of women wishing to initiate khula or divorce from the wife's side. While these councils are not part of the general court system, they do provide a forum for alternative dispute resolution. However, any awards made by these councils would have to conform to standards of public policy, equality, and human rights as common law requirements contained in the Arbitration Act, 1996[24].

This was further illustrated in **R v. Bibi [1980] 1 WLR 1193**, where a Nikah marriage, contracted in Pakistan for immigration purposes, was rejected by the

[22] Constitution of France, 1958, Preamble and Article 1; principle of laïcité
[23] Code pénal, Article 433-21, France
[24] Arbitration Act 1996, c. 23, United Kingdom.

English court for not having been civilly registered[25]. This judgment emphasized the demand of the state for a formal legality attached to religious marriages.

In Canada, the Ontario Arbitration Act, 1991, once allowed religious arbitration by Islamic tribunals to deal with family law matters. With mounting public scrutiny, particularly from advocates for women's rights, the practice was curtailed by the Family Statute Law Amendment Act in 2006, which emphasized that family law arbitral proceedings thereafter would apply only when governed by Canadian law[26].

4.3. Hybrid Legal Engagements: South Africa and the US

With the South African case, the hybrid design is particular in allowing some marriages, even religious ones, to be recognized under the customary law-but not if they contravene any serious constitutional values. Likewise, in the United States, religious marriages are privately performed, but they are subject to additional requirements for legal recognition under state law.

In these two lands, an attempt is put forward to give effect to the freedom of religion, but other considerations such as legal uniformity, gender equality, and the integrity of civil institutions make it impossible to ignore the civil law completely.

5. Gender Justice & Religious Law in Diaspora Context

It's true, these all diaspora settings in terms of gender justice and religious laws are always very complicated and controversial. These laws are the first to define for different diaspora societal units their cultural identity and continuity. Yet uncomfortably, they do so in contrast to the norms of gender equality laid down in host country constitutional and legal frameworks. This section investigates some of the modes, if any, in which women's rights and gender justice have come to be negotiated-much more often compromised-in the name of the religious legal orders imputed among diaspora communities.

5.1. Religious divorce discriminates rights

One of the main gender justice issues that women encounter in the diaspora is the unequal divorce and subsequent rights under religious law. Islamic personal law

[25] R v. Bibi [1980] 1 WLR 1193
[26] Family Statute Law Amendment Act, S.O. 2006, c. 1 (Ontario, Canada).

states that a man could just pronounce talaq while a woman must go through khula, which seeks to obtain the husband's consent. This would become very problematic for Muslim women in countries like the UK or Canada as divorce may happen under civil law, but recognition will not be given by religious authorities unless all religious conditions are satisfied.

For instance, in the very popular case **EM (Lebanon) Vs. Secretary of State for the Home Department [2008] UKHL 6.4**, a Lebanese woman who sought refuge in the UK was afraid of returning to Lebanon on the ground that she would be considered not entitled to get any custody over her children after divorce, according to Sharia law in Lebanon. Hence, the House of Lords pronounced that her deportation could amount to violating her Article 8 (family life) rights under the European Convention on Human Rights due to an un-equal legal system toward gender to which she would be subjected in Lebanon[27].

5.2. The Issue of the 'Chained' Woman

The Agunah problem is emblematic of how religious law acts as a barrier to gender justice within Jewish diasporic communities. Under Jewish religious tradition, a wife may not remarry in accordance with prescribed religious rites unless a Get (divorce document) is granted by her husband. Neither civil divorce nor any other means releases the woman from "chained" status in an undesirable marriage for religious law. This imposes years of emotional and legal turmoil on women subject to such marriages. Unfortunately, more often than not, the civil laws and courts of the host countries have no jurisdiction to compel husbands to issue a *Get*[28].

5.3. Patriarchal Interpretations of Religious Laws

Slowly, feminist reinterpretations of sacred texts and calls for reforms gain acceptance in these communities; however, with such calls for action halted by religious authorities and other conservative factions' interventions, this path becomes a contentious one as it involves navigating real tensions between respecting religious freedom and upholding universal human rights.

It must be emphasized that the courts in multicultural democracies are on a tightrope: yes to culture and religion, but nothing that undermines gender equality. Thus, gender justice cannot, in these precarious legal landscapes, be articulated in

[27] EM (Lebanon) v Secretary of State for the Home Department [2008] UKHL 64, [2008] 3 WLR 931.
[28] Pascale Fournier, Muslim Marriage in Western Courts: Lost in Transplantation (Routledge 2010).

opposition to such a conception of religious autonomy but can only be articulated in conjunction with considerations of equality and dignity[29].

6. Indian context: The Exportation of Our Personal Laws Carries Tremendous Significance

Indian systems of personal law have been mainly pluralistic, in the sense that they have historically accorded different religious personal laws to their major communities-Hindus, Muslims, Christians, and Parsis, among many others. With the massive migration of Indians during and after the colonial period, so did their religious norms to foreign lands. Such an exportation of personal laws has had a far-reaching implication concerning the diasporic identity, governance within the communities, and conflicts with local laws-such that a whole discourse has been framed around them[30].

6.1. Colonial Legacy and the Retention of Personal Laws

Indian personal law is a remnant from colonial times into India. Leaving aside more direct enactments such as the Hindu Marriage Act and the Muslim Personal Law (Shariat) Application Act, British pressure on Indian communities settled across its various post-colonial countries bore the strongest oppressive manifestations. They might say that Indian communities saw places such as South Africa, Mauritius, or Fiji, along with the Caribbean, as foreign fields within which Indians enacted the actual immigrant processes on matters such as marriage, divorce, and succession through Hindu and Muslim personal laws.

This has continued, as in **State v Fatima (1970-Fiji)**, where a nikah marriage is questioned as not being valid, as it took place without civil registration under Muslim personal law. Such a power was upheld by the court in these diaspora communities to revert to their religious laws, and hence clash with modern civil codes[31].

6.2. Diasporic Identity and Religious Marriages

In fact, among Indian diaspora communities in the British Isles, Canada, and the United States, religious ceremonies are most often preferred over civil ceremonies.

[29] Ayelet Shachar, 'The Paradox of Multicultural Vulnerability: Individual Rights, Identity Groups, and the State' (2001) 28 Politics & Society 93.
[30] Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India, Oxford University Press, 1999.
[31] State v. Fatima, Supreme Court of Fiji, 1970 (Unreported, referenced in diaspora legal studies)

Thus, Muslims generally perform *Nikah*, Hindus perform *Vivaha*, and Sikhs perform *Anand Karaj* religious traditions, which in the eyes of many grant community and family acknowledgment, even where host states do not recognize them unless performed civilly.

The case of **R v. Bibi [1980] 1 WLR 1193**, politically touches as it may be, also speaks of the Indian diasporic view. The case dealt with a woman of Pakistani origin whose Nikah was not registered for the civil authorities in the UK; hence the court held it to be invalid. This case illustrates how personal laws of diaspora communities would face harsh consequences when the host state is unimpressed by them[32].

6.3. Legal Reform Movements Among the Indian Diaspora

Many reform movements and movements for personal law came into being because it was viewed that the rigid constructions of personal laws were going against individual rights. From this perspective, South Asian women-based organizations also spoke in Canada about religious arbitration under the Ontario Arbitration Act, as it said that the Muslim personal law favored men and suppressed women. Thus, the Family Statute Law Amendment Act, 2006 made inapplicable to the arbitration of family matters[33].

Similarly, South Asian women's campaigns have targeted unregistered religious marriages, leaving women exposed in divorce proceedings and illustrating how such practices would require legal reforms as envisaged in the UK Law Commission 2020 report on marriage law[34].

7. The Future of Marriage Law in Diaspora and International Human Rights Standards

The more religious personal laws are transnationally and increasingly used among diasporic communities, the more critical is the intersection where international human rights norms cut across those laws. It will depend on how these communities and their host countries integrate culture identity and global human rights values to define marriage law in diaspora contexts.

[32] R v. Bibi [1980] 1 WLR 1193 (UK Court of Appeal)
[33] Bala, Nicholas. "Religious Arbitration and Women's Rights in Canada." Canadian Journal of Family Law, 2006.
[34] UK Law Commission, Getting Married: A Consultation Paper, 2020.

7.1. The Role of Human Rights Conventions

The Universal Declaration of Human Rights (UDHR)[35] and the Convention on the Elimination of All Forms of Discrimination (CEDAW)[36] against Women form the treaties on which evaluation of contemporary personal laws rests. Article 16 of the UDHR states that men and women shall have the right to marry freely and of full consent and during marriage they shall enjoy equal rights. In other words, CEDAW states that the states shall take appropriate measures to eliminate customs and practices that discriminate against women and thereby violate the principles of equality in marriage and family relations.

These Diasporas frame laws about their religion so much into conflict with such conventions when they allow for ugly practices against women relating to divorce or polygamy or custody. The more of those conventions are ratified, the greater the pressure on reforming such laws so as to conform to non-discriminatory and universal standards.

7.2. Judicial Balancing of Cultural Rights and Equality

These host countries are required to find a truce between the respect that is owed to cultural and religious freedoms in contrast to gender equality and personal rights. Increasingly, in these family law cases concerning diaspora litigants, courts have held that international conventions should guide their decisions.

The other well-known case is **EM (Lebanon) v. Secretary of State for the Home Department [2008] UKHL 6**[37], where the House of Lords prevented the deportation of a Lebanese woman on the basis of the **European Convention on Human Rights ECHR**[38] that she would be discriminated against and would lose custody under the religious family law of Lebanon.

These developing cases therefore reflect the orientation of emerging jurisprudence that takes the international standard as a guiding principle to interpret and in some cases override religious personal laws in the context of diaspora disputes.

7.3. Unified Harmonization Framework under Marriage Laws

[35] Universal Declaration of Human Rights, 1948, Article 16 – Recognizes equal rights in marriage and family life.
[36] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 – Articles 2 and 16 mandate elimination of discriminatory practices in marriage laws.
[37] EM (Lebanon) v. Secretary of State for the Home Department [2008] UKHL 6 – A case recognizing risk of gender-based discrimination under foreign personal law.
[38] European Convention on Human Rights, Article 8 – Guarantees the right to respect for private and family life.

A global phenomenon would then push lawyers toward having hybrid models that would permit some measure of religious practices without offending fundamental rights. The second possible dimension would be faith-sensitive civil registration systems in which religious ceremonies must culminate, ultimately, in legal registration.

Today, frameworks of this kind are beginning to be created in countries such as the UK and Canada along with campaigns of information and education geared at such models in the diaspora for accessibility by people, especially women.

However, it remains to be seen how national governments and international agencies can enlist success in grassroots mobilization for an inclusive rights-based legal system that operates with equal weight accorded to tradition and equality.

8. Critical Analysis

It is a profound challenge from the legal and socio-cultural perspectives to interlink the personal religious laws and the relevant laws of the host country with regard to the diaspora. While diasporic communities rely upon the religious laws to retain their identity and continuity, these laws often stand in glaring contrast to gender justice, equality, and secular precepts that are uniformly applicable. The inconsistency is starkly visible in matters of marriage, divorce, and custody, wherein patriarchal tentacles embedded in religious laws almost assure conspicuous disadvantages to women.

Liberal democracies weigh these considerations in the balancing act, and here it's a bit more cumbersome to adjust for multicultural identities within the offered constitutional value. The UK and Canada take a step toward this direction by introducing alternative dispute resolution mechanisms and a limited way of religious arbitration, but running these may call into question the parallel legal system bent upon undermining women's rights. Meanwhile, a unitary civil law model would perform much like France, where interference from religion in civil matters is unacceptable.

The terrain is gradually changing with international human rights norms becoming more pronounced in the agenda. Cases like EM (Lebanon) suggest that some formal dressings are now being brought in to protect individuals, mainly women, from an application of particular personal laws that have disadvantageous implications. Although a dismal record does persist in the realization of these universal standards on account of political sensitivities and cultural resistances.

The way forward is a hybrid legal framework that upholds the faith of religious traditions while being non-discretionarily based on right standards. Grassroots legal awareness for women in the diaspora is fundamental to fostering a common understanding of the legal environment.

9. Conclusion

There are different treatments within which marriage in diaspora communities is put under. To mention a few, combinations of variables include religious personal laws, host country legal frameworks, and international human rights standards. The continuing growth and dissimilarities of these communities also add advantages that can affect religious traditions in defining marriage and family relationships. They, most of the time, contradict each other directly with secular principles and gender-equal norms of liberal democracies.

Different countries have approached the issue with varying models-from the most worrying-half-hearted secularism-in France and Germany-to embrace multiculturalism, such as formulating legal systems like the UK and Canada. Every model has its strong points and weaknesses. Secular systems, while guaranteeing uniformity and equality before the law, also tend to alienate certain religious communities from their cultural identities. On the other end, multicultural systems risk validating a parallel legal system inclined to undermine individual rights, particularly those of women and children.

However, future shaping of the diaspora marriage laws will depend highly on instruments such as the UDHR and the CEDAW. Courts are now venturing to go beyond these international standards, which can be rather reliable in generating non-discriminatory outcomes even with personal law conflicts, such as divorce, custody, and marital status.

A prospect for this lies singularly in harmonizing pluralism and universalism. And this is done through faith-sensitive legal reforms, compulsory civil registration, and awareness-raising within diaspora communities, advocating freedoms for their rights and liberties. One harmonized legal system-a system that allows the exercising of cultural identity and yet upholds basic human rights-is not only desirable but also inevitable in fair and just treatment to diaspora marriage in a globalizing world.

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