

Jury report

Benedicta Deogratias

Dissertation Prize 2023

Stichting Feministisch Cultuurfonds Gender&wetenschap
Feminist Cultural Fund Gender&knowledge

Jury 2023

- Rosemarie Buikema, Utrecht University (chair)
 - Marian Mourits, Groningen University
 - Petra Rudolf, Groningen University
- Liesbeth Lijnzaad, Maastricht University
- Maria Grever, Erasmus University Rotterdam

The jury received a longlist of 7 dissertation submissions. These dissertations originated from a plethora of social sciences and humanities perspectives and were defended in Maastricht, Nijmegen, Utrecht and Amsterdam in the period between July 2018 and July 2022.

The jury was undividedly impressed by the quality and the diversity of each of these 7 dissertations. The level of the work and the diversity of approaches and topics is undeniably proof of the richness, the coherence and the academic quality of a field which is continuously growing and developing into innovative and highly relevant directions.

From these 7 submission the jury unanimously selected a shortlist of 2 thesis based on their academic quality, their academic and societal urgency, their accessibility and the expected impact of their dissemination plans.

Jury report Benedicta Deogratias

Benedicta Deogratias *Trapped in a Religious Marriage. A Human Rights Perspective on the Phenomenon of Marital Captivity*. Thesis defended at Maastricht University on April 4, 2019.

Trapped in a Religious Marriage by Benedicta Deogratias addresses marital captivity (MC) by using a human right centered approach. Marital captivity is a complex societal phenomenon which mainly concerns women and implies the loss of freedom and autonomy within the context of a marriage. In particular a marriage which legally may be dissolved but for religious reasons cannot be annulled. In these contexts women are forced to continue to be engaged in a relationship which they wish to break up.

In her thesis Deogratias thoroughly describes this phenomenon as it occurs in Christian, Jewish, Hindu and Muslim communities in both secular and non-secular states and argues that marital captivity has to be considered as a form of violence against women and thus as a violation of human rights.

The well-argued claim that marital captivity is a violation of human rights implies that states have the legal obligation to prevent marital captivity and to protect the victims. Cultural and religious aspects of marital captivity thus do not release states from the duty to protect its citizens from institutionalized violence is Deogratias' claim.

The human rights centered approach developed in this dissertation thus enabled to transform women's grievances that are rooted in culture and religion, into legally enforceable human rights. The adopted human rights discourse simultaneously allows for an objective reflection of cultural and religious arguments on gender and women's roles in society and offers legal arguments and practical solutions to resolve perceived conflicts between women's rights and cultural freedoms.

A well-known and much disputed conundrum in feminist theory and activism. Deogratias is the first to have situated and theorized marital captivity as an

example of these tensions between patriarchal cultural traditions and women's rights in the context of a human rights approach. In doing so her work undeniably contributed to the fact that in recent years the recognition of marital captivity as an issue of human rights in all its complexities lead to fundamental transitions in national and international legislation.

In the past years the research findings have significantly contributed to the development of legal provisions to prevent situations of MC in the Netherlands.

Only three months ago the Dutch government accepted the Marital Captivity Act which makes it possible to prosecute the (former) partner and family or community. This major achievement is undeniably also due to the work of Benedicta and her supervisors Susan Rutten and Kees Flinterman, here present. The research findings have also been used by the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe in the preparation of the recently published report on MC.

Also, the research results have been integrated in legal education at the University of Aruba. Moreover, the jury appreciated the fact that the dissertation is written in a crystal clear language. As such the dissertation continues to be relevant for an international audience and in legal education worldwide.

This unique combination of academic quality and unprecedented societal impact lead to the jury's unanimous decision to grant the 2023 Feminist Cultural Fund Gender and Knowledge Dissertation Award to Benedicta Deogratias!

However, we also want to formally stress that the jury was very impressed by and in awe of the original and meticulous feminist historical research of Sophie van den Elzen and therefore is happy to grant her an honorable mention which goes with 750 euro's to further disseminate her work!