NORDIC COHABITATION LAW

John ASLAND
Margareta BRATTSTRÖM
Göran LIND
Ingrid LUND-ANDERSEN
Anna SINGER
Tone SVERDRUP
Cohabitation is now widely and socially accepted in the Nordic countries. Legal distinctions between spouses and cohabitants are less and less frequent. This development has probably enticed some cohabitants to believe that they have a legal protection in a similar way as spouses – but they don’t. With the exception of Sweden, and to a certain extent Finland, the regulation of cohabitation in the Nordic countries is characterised by non-statutory law and discretionary compensation rules. Litigation in the wake of dissolved cohabitation testifies to a complex and often unclear legal situation, where some cohabitants risk leaving a long-term relationship empty-handed.

This book gives an account of the rules on cohabitation in all five Nordic countries. It describes inter alia the regulation concerning property law during cohabitation and on the financial settlement after the dissolution of cohabitation as well as the main features of inheritance law and child rights legislation for cohabitants. The legal developments towards the current state of the law are also described. Against this background the questions is raised whether the current rules in the Nordic countries are capable of solving the problems that arise in this legal context. In a final chapter the book includes suggestions for legal principles for the regulation of cohabitation.

The aim of the book is twofold. It gives an overall legal representation of the rules of cohabitation which can be useful both for lawyers, judges and other legal practitioners. But the discussion of legal policy and suggestions for solutions could be of interest for politicians and lawmakers interested in the Nordic region. Since legal culture and demographics are fairly uniform in the Nordic countries, it is possible to draw fruitful parallels between countries – in this field of law the Nordic countries can learn from each other, but others can also learn from us. The Nordic countries could actually be seen as a test case for different approaches to regulation of cohabitation.

The book is written by a group of Nordic professors including John Asland, University of Oslo; Margareta Brattström, Uppsala University; Göran Lind, Örebro University; Ingrid Lund-Andersen, University of Copenhagen; Anna Singer, Uppsala University; and Tone Sverdrup, University of Oslo. Professor Urpo Kangas, University of Helsinki and Professor Hrefna Friðriksdóttir, University of Iceland have made important contributions to the description of, respectively, Finnish and Icelandic law. Judge and adjunct professor Svend
Danielsen, Copenhagen, has read and commented the Danish sections. We are very grateful for the help we have received from our Nordic colleagues.

The various chapters of the book have an individual author, but contributions have been written in close cooperation and we all stand behind the concluding principles for the regulation of cohabitation. The book was previously published in the Scandinavian languages by Gyldendal Forlag in 2014. In the present work material available in March 2015 has been considered. Material available after that time has only rarely been taken into account.

Copenhagen, Oslo and Uppsala
June 2015

John Asland
Margareta Brattström
Göran Lind
Ingrid Lund-Andersen
Anna Singer
Tone Sverdrup
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<td>Dk</td>
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<td>FAB</td>
<td>Tidsskrift for familierett, arverett og barnevernetslige spørsmål (Journal of Family Law, Inheritance and Child Law Issues, Norway)</td>
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<td>Fi</td>
<td>Finland</td>
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<tr>
<td>HD</td>
<td>Högsta domstolen (Swedish Supreme Court)</td>
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<td>Høyesterettsdom, (Supreme Court Judgment, Iceland)</td>
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<td>Int.J.L. Pol. and Fam.</td>
<td>International Journal on Politics and the Family</td>
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<td>Is</td>
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<td>J. Mar. &amp; Fam.</td>
<td>Journal of Marriage and Family</td>
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<td>JP</td>
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Rt. Norsk Retstidende (Periodical containing the cases reported from the Norwegian Supreme Court)

RVL Retsvirkningsloven, Lovbekendtgørelse nr. 37 af 5. januar 1995 om ægteskabets retsvirkninger (Danmark) (Legal Effects of Marriage Act, Denmark)

Sc.St.L. Scandinavian Studies in Law

SCB Statistiska centralbyran (Statistics Sweden)

SOU Statens offentliga utredningar (Swedish Government Official Reports)

SSB Statistisk centralbyrå (Statistics Norway)

St.meld. Stortingsmelding (White Paper, orientations of the Parliament by the Government, Norway)

Sv Sverige (Sweden)

TFA: Tidsskrift for Familie- og Arveret (Journal of Family Law and Succession Law, Denmark)

TFR Tidsskrift for Rettsvitenskap (Journal of Jurisprudence, Norway)

U Úgeskrift for Retsvæsen (Weekly Law Journal, Denmark)

UB Utsökningsbalk (15.6.2007/705) and Utsökningsbalk (1981:774) (Enforcement Proceedings Act, Finland and Sweden)

ÄktB Äktenskapsbalk (1987:230) (Marriage Code, Sweden)

ÆL Ægteskabsloven, Lovbekendtgørelse nr. 147 af 9. marts 1999 om ægteskabs indgåelse og opgåelse (Marriage Act, Denmark)

ÄL Äktenskapslag (13.6.1929/234) (Marriage Act, Finland)