EUROPEAN FAMILY LAW SERIES

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Prof. Katharina Boele-Woelki (Utrecht)
Prof. Frédérique Ferrand (Lyon)
Prof. Cristina González Beilfuss (Barcelona)
Prof. Maarit Jänterä-Jareborg (Uppsala)
Prof. Nigel Lowe (Cardiff)
Prof. Dieter Martiny (Frankfurt/Oder)
Prof. Walter Pintens (Leuven)
EUROPEAN CHALLENGES IN CONTEMPORARY FAMILY LAW

Edited by
Katharina Boele-Woelki
Tone Sverdrup
What constitutes the European challenges in contemporary family law? The third CEFL Conference in Oslo from 7–9 June 2007 brought together more than 100 participants from 30 countries to provide answers to this question by addressing a wide range of issues that currently engage family lawyers in Europe. The conference was organised along the same lines as the two previous CEFL conferences held in Utrecht in 2002 and 2004. According to the CEFL, it is of the utmost importance that young researchers are invited to the general discussions concerning the process of the harmonisation of family law in Europe. Therefore, the CEFL has deliberately chosen two categories of presenters: recognized authorities on different aspects of family law on the one hand, and young researchers who have been selected after a call for papers, on the other. In this volume the reader will find their final written contributions.

The volume consists of five parts. Part one deals with the harmonisation of family law in Europe, especially the Nordic countries, and the United States. The general usage of the concepts of human rights, harmonisation and unification is among the subjects addressed in this part. Part two – children and their parents – deals with general aspects of the human rights of children, as well as specific questions arising from new family forms and the new technology of artificial fertilisation. This part relates to CEFL’s second working field, and the Principles regarding parental responsibilities, which were published in no. 16 of this series, are presented. Part three contains contributions on irregular marriages and the influence of multiculturalism, especially Muslim traditions, in different areas of family law. The fourth part – (property) relations between spouses and cohabitants – deals with a broad range of key questions in connection with economic settlements upon the dissolution of marriage and cohabitation. Finally, the fifth part is dedicated to cross-border family relationships and the different legal instruments in this area of private international law.

These issues represent European challenges in contemporary family law and they are, in different ways, related to the remarkable change in family life that has taken place in Europe in the last three or four decades. Hardly any other field of law has experienced such profound and deep social and demographic changes as family law in this short period of time: an explosion in the divorce rates and extramarital cohabitation and the resulting increase in the number of children born out of wedlock; women joining the paid work force en masse, influencing,
among other things, parental roles and property relations among partners; and
– more recently – the growing social acceptance of same-sex relationships and
new techniques of artificial insemination are just a few important features of this
development. We are in the middle of a “silent revolution” in family life in Europe.
And while these transformations take place, we experience a vast cross-border
movement of people – both within Europe, and in the form of migration from
other continents.

Some would maintain that it is impractical to develop principles of family law in
such a period of transition. Others would argue that it is more important than
ever to provide basic guidelines for a common legal framework for family life in
Europe. As we know, different opinions exist on these and other questions of har-
monisation. The contributions in this volume will, hopefully, enrich and inspire
these discussions.

The 3rd CEFL conference was organised in co-operation with the Department of
Private Law at the University of Oslo, and was largely financed by the Nordic
Council of Ministers, the Norwegian Ministry of Justice and the Norwegian Min-
istry of Children and Equality. We would like to extend our heartfelt gratitude to
all these four institutions for their substantial contributions.

Katharina Boele-Woelki and Tone Sverdrup
Utrecht and Oslo, December 2007
LIST OF AUTHORS

Maria Álvarez Torné
  Research assistant at the Department of International Law and Economics,
  University of Barcelona

Anne-Florence Bock
  PhD researcher and teaching assistant, University of Basel

Prof. Dr. Katharina Boele-Woelki
  Professor of Private International Law, Comparative Law and Family Law at
  the Molengraaff Institute for Private Law, University of Utrecht

Prof. Dr. Ted M. de Boer
  Professor of Private International Law and Comparative Law, University of
  Amsterdam

Prof. Dr. Dagmar Coester-Waltjen
  Professor of Law, University of Munich

Dr. Mariel Dimsey
  Associate at Lovells LLP, Frankfurt; former Research assistant at the
  University of Basel

Maebh Harding
  NUI EJ Phelan Fellow of International Law and PhD Candidate at University
  College Dublin

Dr. Michael Hellner
  Associate Professor of Private International Law, Uppsala University

David Hill
  PhD researcher at the University of Dundee, Research assistant at Napier
  University

Anna Horinová
  Postgraduate student (2nd degree), Masaryk University of Brno
List of Authors

*Dr. Kathrin Kroll*
  Academic Assistant, Institute for German, European and International Family Law, University of Bonn

*Dr. Göran Lind*
  Associate Professor, University of Uppsala, Manager of the Jura Law Institute

*Prof. Dr. Peter Lødrup*
  Professor of Law, University of Oslo

*Jo Miles*
  Fellow of Trinity College and University Lecturer in Law at the University of Cambridge

*Mosa Sayed*
  PhD researcher, University of Uppsala

*Prof. Dr. Lucy Smith*
  Professor of Law, University of Oslo

*Dr. Balázs Somfai*
  Senior lecturer, University of Pécs

*Prof. Dr. Tone Sverdrup*
  Professor of Law, University of Oslo

*Dr. Aspasia Tsaoussis*
  Visiting Assistant Professor, ALBA Graduate Business School, Attorney-at-law, Athens

*Dr. Machteld Vonk*
  Researcher/lecturer at the Molengraaff Institute for Private Law, University of Utrecht

*Prof. Robin Fretwell Wilson*
  Professor of Law, Washington & Lee University School of Law

*Dr. Eleni Zervogianni*
  Research Associate at the Faculty of International and European Studies of the University of Piraeus and at the Hellenic Institute of International and Foreign Law
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