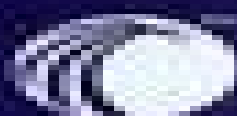


# Family Law *in* Europe



Second edition

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# Family Law In Europe

**A. G. Chloros**



## **Family Law In Europe:**

**Principles of European Family Law Regarding Divorce and Maintenance Between Former Spouses** Katharina Boele-Woelki, 2004 A book series dedicated to the harmonisation and unification of family and succession law in Europe The European Family Law series includes comparative legal studies and materials as well as studies on the effects of international and European Law making within the national legal systems in Europe The books are published in English French or German under the auspices of the Organising Committee of the Commission on European Family Law CEFL Three years after its establishment the CEFL presents its first Principles of European Family Law in the field of divorce and maintenance between former spouses The Principles aim to bestow the most suitable means for the harmonisation of family laws in Europe In this respect they may serve as a frame of reference for national European and international legislatures alike The Principles could considerably facilitate their task not only by virtue of the fact that the CEFL s in depth and comprehensive comparative research is easily accessible but also because most of the rules have been drafted in a way which Legislatures normally consider to be appropriate Book jacket *Common Core and Better Law in European Family Law*

Katharina Boele-Woelki, 2005 This volume contains twenty three contributions delivered at the CEFL s second international conference which took place in Utrecht in December 2004 The interventions written by both experienced family experts as well as young researchers cover those fields of family law that are closely related to the activities of the CEFL 1 divorce and maintenance between former spouses 2 parental responsibilities 3 informal long term relationships and 4 the revised Brussels II Regulation Furthermore the opening two contributions deal not only with essential aspects of the harmonisation process of family law in Europe but also with the CEFL s working method European Family Law Volume III Jens M. Scherpe, 2016-01-29 Family Law in a European Perspective examines core aspects of family law from a comparative European perspective marriage divorce cohabitation same sex relationships the financial consequence of divorce adoption parentage and surrogacy parental responsibility the child s welfare and law concerning older people These topics have been the most debated in family law over the past century They cover areas where national family laws have reacted or will need to react to the challenges of societal changes medical advances and institutional pressures including decisions of the European Courts The contributions show diversity in as well as developments towards a common European family law This book and the others in the set will serve as an invaluable resource for anyone interested in family law It will be of particular use to students and scholars of comparative and international family law as well as family law practitioners Contributors M Antokolskaia P Beaumont I Curry Sumner C Fenton Glynn J Ferrer Riba R George J Herring J Miles J M Scherpe C S rgjerd K Trimmings European Family Law Volume I Jens M. Scherpe, 2016-01-29 The Impact of Institutions and Organisations on European Family Law looks at the impact that institutions and organisations have had and continue to have on European family law In many ways the chapters in this volume provide the easiest explanation for the existence of a European family

law While there is no European body that could actually legislate definitively on family law even the European Union has no such mandate there are still some obvious institutions that have a very direct impact on European family law These can be divided into two groups namely those that have a direct impact such as the European Court of Human Rights and the European Union and those that have an indirect impact such as the Commission on European Family Law CEFL the Council of Europe and the International Commission on Civil Status ICCL CIEC as well as the private international law instruments of the Hague Conference HCCH and the EU Together with religion all of these institutions are contributing to the creation of a European family law This book and the others in the set will serve as an invaluable resource for anyone interested in family law It will be of particular use to students and scholars of comparative and international family law as well as family law practitioners

**European Family Law** Jens M. Scherpe, 2016     The Reform of Family Law in Europe A.

Chloros, 2013-06-29 In the last few years European Family Law has undergone considerable changes Although in the past law reform was slow since 1969 the impetus for reform has gathered momentum It is no exaggeration to say that the changes that have occurred in Europe in the last six or seven years have radically altered the very concept of the family in Europe As a distinguished scholar and former editor of the Family Law volume of the International Encyclopaedia of Comparative Law Professor Max Rheinstein has put it These transformations are not fully completed anywhere They have gone farthest in the countries of highest industrialization and in those of socialist rule But they have set in wherever industrialization has obtained a foothold The degree of modernization of family law may indeed be used as an index of a society's degree of Westernization Yet such is the force of traditional patterns of thought that although we are aware of distinct changes in various legal systems the underlying and implied assumption is that family law can still move within the traditional framework This is not surprising for until comparatively recently at least family law was not thought of as a suitable subject of unification It was claimed that there is a peculiar and distinct element which derives from the mores and innermost beliefs of each people from a sort of family Volksgeist that renders impossible the approximation or unification of family law

The Present and Future of European Family Law Jens M. Scherpe, 2016-01-29 The Present and Future of European Family Law explores the essence of European family law and what its future may be It compares and analyses existing laws and court decisions identifies trends in legislation and jurisprudence and also forecasts and in some cases proposes future developments It establishes that while there is at present no comprehensive European family law elements of an institutional European family law have been created through decisions by the European Court on Human Rights and by the Court of Justice of the European Union as well as other EU instruments At the same time an organic European family law is beginning to emerge The laws in many European jurisdictions have developed similarly and have grown together not only as a result of the aforementioned institutional pressures but also as a result of societal developments and comparable reactions to medical and societal advances and changes Hence there already is a body of institutional and organic European family law and it will

continue to grow This book and the others in the set will serve as an invaluable resource for anyone interested in family law It will be of particular use to students and scholars of comparative and international family law as well as family law practitioners

**Family Law and Family Policy in the New Europe** Jacek Kurczewski, Mavis Maclean, 1997 List of Figures and Tables

**The Reform of Family Law in Europe** Alexander George Chloros, Institut universitaire international, 1978-01-01

*The Europeanisation of International Family Law* N. A. Baarsma, 2011-09-06 Choice of law determines which national legal system applies to an international case Currently many choice of law rules in the field of family law are regulated by national law However these national rules of the EU Member States are more and more displaced by common European rules This book describes the changes brought by the Europeanisation of the choice of law on divorce From the conclusions drawn in the field of divorce the concluding chapter discusses the changes of Europeanisation of international family law in a broader perspective

**Perspectives for the Unification and Harmonisation of Family Law in Europe** Katharina Boele-Woelki, 2003 Is the unification and harmonisation of international family law in Europe necessary Is it feasible desirable and possible Reading the different contributions to this book may certainly inspire those who would like to find the right answers to these questions

*Convergence and Divergence of Family Law in Europe* M. V. Antokol'skai[a], 2007 This volume contains the written versions of presentations given at the international conference Convergence and Divergence of Family Law in Europe organised in Amsterdam in September 2006 The main objective of this conference was to instigate an in depth discussion regarding various facets of the convergence divergence discord Another objective was to give scholars the opportunity to present their respective views in the ongoing debate surrounding convergence divergence and deliberate harmonisation activities in the field of family law In the first part of this book the historical and theoretical issues of the convergence divergence debate and the controversy surrounding the cultural constraints argument are discussed The second part gives a picture of the contemporary role of convergence divergence tendencies on a regional level in various parts of Europe It starts with an overview of the recent trends in the renowned Nordic co operation in the approximation of family laws which is generally considered to be the most successful example of regional harmonisation of family laws in Europe The next article deals with convergence divergence tendencies in the development of the family law of the Spanish autonomous communities The following two contributions offer a summary of the convergence and divergence trends in Eastern Europe against the background of such sweeping events as the fall of the Soviet Union the disintegration of the Eastern block and the accession of a majority of the Central European countries to the EU The third part of this volume deals with the convergence and divergence tendencies in the following particular fields of family law marriage divorce same sex relationships establishment of parenthood and matrimonial property law

**Family Life and Family Policies in Europe** Franz-Xaver Kaufmann, 2002 This volume is a comparative study of family change in Europe and its dependency on social policy regimes The authors explore family discourse family law single parents gender

relations the new fathers divorce and abortion within the framework of national policies vis a vis the family Conventional wisdom assumes that policy decisions affecting the life situation of a population shape different opportunities for private living particularly in relation to children and the family But the authors argue it would be too simplistic to assume a direct causal link between welfare policies for the family and developments in the family sector Family change is in fact mediated by institutional factors as well as by cultural traditions and political intervention The chapters in this volume deal with the substantial and methodological problems of ascertaining the impact of different national policy regimes on family change

**European Family Law Volume II** Jens M. Scherpe, 2016-01-29 The Changing Concept of Family and Challenges for Domestic Family Law explores the changing concept of family with the current social political medical and scientific challenges for domestic family law discussed in over 20 European jurisdictions National reports describe the current law and legal development for horizontal the law of relationships between adults such as marriage divorce cohabitation same sex relationships vertical the law governing the relationships between adults and children such as parentage including artificial reproductive techniques and surrogacy parental responsibility and adoption and individual the law of names and recognition of gender identity family law They show that while considerable legal and societal diversity still exists within Europe family law in many areas is developing along similar lines with a convergence towards a European family law This book and the others in the set will serve as an invaluable resource for anyone interested in family law It will be of particular use to students and scholars of comparative and international family law as well as family law practitioners

*Comparative Law* Esin Örüçü, David Nelken, 2007-10-12 This innovative refreshing and reader friendly book is aimed at enabling students to familiarise themselves with the challenges and controversies found in comparative law At present there is no book which clearly explains the contemporary debates and methodological innovations found in modern comparative law This book fills that gap in teaching at undergraduate level and for postgraduates will be a starting point for further reading and discussion Among the topics covered are globalisation legal culture comparative law and diversity economic approaches competition between legal systems legal families and mixed systems comparative law beyond Europe convergence and a new ius commune comparative commercial law comparative family law the common core and the better law approaches comparative administrative law comparative studies in constitutional contexts comparative law for international criminal justice judicial comparativism in human rights comparative law in law reform comparative law in courts and a comparative law research project The individual chapters can also be read as stand alone contributions and are written by experts such as Masha Antokolskaia John Bell Roger Cotterell Sjef van Erp Nicholas Foster Patrick Glenn Andrew Harding Peter Leyland Christopher McCrudden Werner Menski David Nelken Anthony Ogus Esin r c Paul Roberts Jan Smits and William Twining Each chapter begins with a description of key concepts and includes questions for discussion and reading lists to aid further study Traditional topics of private law such as contracts obligations and unjustified enrichment are omitted as they are amply

covered in other comparative law books but developments in other areas of private law such as family law are included as being of current interest *European Human Rights and Family Law* Shazia Choudhry, Jonathan Herring, 2010-04-27 This book examines the potential impact of human rights in the way the law interacts with families Traditionally family law has been dominated by consequentialist utilitarian themes The most notable example of this occurs in the law relating to children and the employment of the welfare principle This requires the court to focus on the welfare of the child as the paramount consideration Hitherto the courts and to a certain extent family law academics have firmly rejected the use of the language of rights preferring the discretion and child centred focus of welfare However the incorporation of the European Convention on Human Rights via the Human Rights Act now requires family law to deal more clearly with the competing rights that family members can hold In addition it is clear that to date the courts have largely ignored or minimised the different demands that the HRA imposes on the judiciary and in particular judicial reasoning This book challenges that view and suggests ways in which the family courts may improve their reasoning in this field No longer can cases be dealt with on the basis of a simple utilitarian calculation of what is in the best interests of the child and other family members greater transparency is required The book clarifies the different rights that family members can hold and in particular identifies ways in which it may be possible to deal with the clash of rights between family members that will inevitably occur Whether this requires an abandonment of the utilitarian nature of family law or a reworking of it is a theme that runs throughout the book

*Harmonisation of Family Law in Europe* M. V. Antokol'skai[a], 2006 This book provides an overview of the developments in family law in Europe during the last two millennia It aims to examine the so called cultural constraints argument which suggests that family law is unsuitable for harmonisation because the family laws of the European countries are deeply imbedded in their unique national cultures and history It follows the path of the greatest ever harmonisation event in European legal history the creation of the medieval canon family law and shows how under the impact of pan European economic cultural and ideological trends medieval uniformity turned into present day diversity Everywhere in Europe the evolution of family law generally followed the same pattern from a traditional restrictive family law built upon communitarian transpersonal premises to a more permissive family law based upon modern personalistic ideology yet national differences seem not to be disappearing It appears however that this has little to do with the *Islamic Law in Europe?* Andrea Büchler, 2011 Cultural and religious identity and family law are inter related in a number of ways and raise various complex issues European legal systems have taken various approaches to meeting these challenges This book examines this complexity and indicates areas in which conflicts may arise by analysing examples from legislation and court decisions in Germany Switzerland France England and Spain Political and Legal Perspectives of the EU Eastern Partnership Policy Tanel Kerikmäe, Archil Chocia, 2016-01-23 This book examines EU Eastern Partnership taking into account geopolitical challenges of EU integration It highlights reasons for limited success such as systematic conflict of EU External Action In

addition the book analyses country specific issues and discusses EaP influence on them investigating political economic and social factors while seeking for potential solutions to existing problems The reluctance of the Eastern countries to the European reforms should not reduce political pro activeness of the EU The authors suggest that EaP strategies should be reviewed to be more reciprocal and not based solely on the EU laden agenda This book is one of the good examples of cooperation between scholars not only from EaP and EU countries but also from different disciplines bringing diversity to the discussion process     The Reform of Family Law in Europe A. G. Chloros,1978



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## **Table of Contents Family Law In Europe**

1. Understanding the eBook Family Law In Europe
  - The Rise of Digital Reading Family Law In Europe
  - Advantages of eBooks Over Traditional Books
2. Identifying Family Law In Europe
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Family Law In Europe
  - User-Friendly Interface
4. Exploring eBook Recommendations from Family Law In Europe
  - Personalized Recommendations
  - Family Law In Europe User Reviews and Ratings
  - Family Law In Europe and Bestseller Lists
5. Accessing Family Law In Europe Free and Paid eBooks
  - Family Law In Europe Public Domain eBooks
  - Family Law In Europe eBook Subscription Services
  - Family Law In Europe Budget-Friendly Options

6. Navigating Family Law In Europe eBook Formats
  - ePub, PDF, MOBI, and More
  - Family Law In Europe Compatibility with Devices
  - Family Law In Europe Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Family Law In Europe
  - Highlighting and Note-Taking Family Law In Europe
  - Interactive Elements Family Law In Europe
8. Staying Engaged with Family Law In Europe
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Family Law In Europe
9. Balancing eBooks and Physical Books Family Law In Europe
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Family Law In Europe
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Family Law In Europe
  - Setting Reading Goals Family Law In Europe
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Family Law In Europe
  - Fact-Checking eBook Content of Family Law In Europe
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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