

The ISFL Family Letter

September 1998

Published by the International Society of Family Law, Secretary-General, Prof. Lynn D. Wardle

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Message of the President

I am happy to report that the regional conference held June 27-29, 1998, in Prague was a success. Sponsored by the ISFL in conjunction with the Law Faculty of the Charles University, the conference drew around 100 family law experts from some 25 countries. Above all, the conference provided a forum for family lawyers from Eastern and Central Europe to discuss common problems arising in the field of family law after the Communist breakdown and to place those problems within the context of recent developments in family law in general. Thus we were pleased to welcome participants not only from countries such as Bosnia-Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Russia, Slovakia and Yugoslavia, but also from Austria, Great Britain, Germany, Greece, Japan, the Netherlands, South Africa, Switzerland, the USA and others. In particular, the reporters from Eastern and Central Europe expressed their regret that legislative reforms had sometimes been introduced without sufficient consultation with experts from the particular country. All in all, the atmosphere was very congenial and most of the reports of high academic standing. This was an excellent opportunity for the Society to increase its presence in countries in transition in this part of the world.

Looking ahead, I am pleased to say that preparations are well underway for the forthcoming Conference on Biomedicine, the Family and Human Rights, to be held August 27-29, 1999, at Oxford. The Conference conveners, Professors Marie-Thérèse Meulders-Klein (Louvain la-Neuve) and Ruth Deech of St. Anne's College, Oxford, encourage you to register and make your hotel reservations as quickly as possible. Oxford is not only a beautiful, but also a busy place in August, and we encourage early registration and room reservations. Further details are given in another section of this Newsletter.

Finally, I would like to announce that the next Executive Council meeting of the ISFL is scheduled to take place in Oxford on August 27, 1999. Professor Petar ◆arevi

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Report of the Secretary-General:

I want to confirm President Sarcevic's report of the successful regional conference for Central and Eastern Europe held in Prague this summer. The countries of central and eastern Europe were especially well-represented. The papers presented opened our understanding to issues in family law facing the new democracies during this transition period. The conference provided a very delightful occasion for family law scholars to exchange ideas and information, and to get acquainted with colleagues from abroad. Our thanks go to Professor Radnanova of the Charles University Faculty of Law, and Judge Haderka of the Czech Republic, for their hosting of that memorable conference.

Another regional conference (for North America) is planned for June 10-12, 1999, in Albuquerque, New Mexico, on the theme of *A More Perfect Union? Marriage and Marriage-Like Relationships*. Further information about that conference is included herein.

The regional (European) Conference on Biomedicine, the Family and Human Rights, scheduled for August 27-29, 1997, in Oxford, England, promises to be a very high-quality, important professional gathering. It appears that it will be co-sponsored by the Council of Europe. Some financial support has already been offered for the conference by a noted publisher. Further information about that conference is included herein.

Regional conferences are a very valuable way for our Society to serve its members and our profession in general. We welcome proposals for additional regional conferences in the years that we are not convening World Conferences.

Of course, in the year 2000 we look forward to the Tenth World Conference of the Society in July in Brisbane, Australia. The conveners of that conference, especially Stephen Parker and John Dewar, have provided much useful information in this issue of the newsletter so that members can make plans in advance.

Finally, please allow me to encourage *all members* to send me information about their professional accomplishments and publications for inclusion in the newsletter. This newsletter will be much more valuable to all of us if we all share such information with each other. That information allows us to learn what other good scholars are doing and writing about in family law, and often provides valuable comparative law sources for our own research. Lynn D. Wardle

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Report of the Treasurer

This is a rather expensive year for the Society. We had to pay a float for the next ISFL conference to be held in Brisbane in 2000 and for the conference in Prague. But although we had to eat into our capital, we are still in a good financial position. So don't worry! The ISFL conferences are an investment in our 'Family.'

To avoid unnecessary costs I hope you understand that it is absolutely necessary to send me (eventual) address changes as soon as possible. *Those who want to withdraw their membership should do so in time and at least two months before the end of their subscription period, so before November 1998!!* My address and fax number are in the subscription form and letterhead. Every member who has paid his subscription receives from me a membership card indicating the years of payment.

Soon I will send *second* reminders for the subscription for 1998-2000 to those members who still have not yet paid their dues for this year. Please, avoid unnecessary costs and pay (from now on) at my first request. I thank you in advance for your co-operation in this matter.

To promote the membership of our society you will find information and an inscription form in the membership booklet and in the International Survey. Please, promote our society with your colleagues and ask them to become an ISFL-member. The more members we have, the more profit we can offer to our members.

Paul Vlaardingerbroek, Treasurer

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Declaration concerning the financial situation of the International Society of Family Law. March 16, 1998.

The International Society of Family Law appointed both Mr. A. van der Linden, Associate Professor of Law, University of Utrecht, and me [Prof. Mr. M.J.C. Koens] to act as controllers of the financial documents and the financial situation of the Society in the year 1997.

The treasurer of the Society, Dr. Paul Vlaardingerbroek, put the relevant documents at our disposal.

We declare hereby that we checked these documents and the accounts. The accounts of the International Society of Family Law illustrate faithfully and reliably the present situation of the Society.

Prof. Mr. M.J.C. Koens Mr. A.P. van der Linden

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The Netherlands The Netherlands

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(Theo Koens added in the cover letter a personal note: "Both Ad and I checked the financial documents and the financial situation of the Society in that year and came to the conclusion that the treasurer, Dr. Paul Vlaardingerbroek - who must have spent many hours to register all the financial transactions of the ISFL - has kept up to date a faithful and reliable financial administration of the Society in 1997.")

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Report of The *International Survey Editor*:

(Information taken from the Report to the Executive Council, made in Berne, Switzerland, February 14, 1998)

The 1996 Survey contains articles from 313 jurisdictions, and contains 516 pages (more manageable than the 562-page 1995 Survey).

The 1997 Survey will be about the same size, and there will be good representation from Africa, America, Australasia and Europe.

By the beginning of 1998 the 1994 Survey had sold 196 copies and is still selling. By the same time, the 1995 Survey had sold 119 copies, and in time the volume of sales is expected to overtake the 1994 Survey sales. Andrew Bainham

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Martinus Nijhoff Publication Offer: We have been advised unofficially that the Martinus-Nijhoff publication of selected papers from the Cardiff conference, *Families Across Frontiers* (Migel Lowe & Gillian Douglas ed. 1996) may be purchased by members of the Society for the special price of £ 40.00 (almost a third off the official price). To confirm that report and for further information, please contact Martinus Nijhoff, P.O. Box 85889, 2508 CN The Hague, The Netherlands.

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Hart Publication Offer: The publisher of the book containing selected papers presented at the Ninth World Conference of the International Society of Family Law (in Durban) is offering the book to members of the Society at a 25% discount. *The Changing Family: Family Forms and Family Law*, edited by John Eckelaar (former ISFL President & current Executive Council) and Prof. Thandabantu Nhlapo (ISFL Executive Council), is being published by Hart Publishing, Oxford, England. The book contains an Introduction by Justice Albie Sachs (South Africa).

Increasing recognition of different family structures has posed dilemmas for family law and policy throughout the world. The problem often takes the form of conflicts between constitutional law or international human rights norms and between traditional forms of family association and emerging new forms of familial living. In this volume, leading family lawyers chart and analyse how family law in countries with a wide variety of different backgrounds has responded to these problems. Divided into six parts, the book examines the social and demographic context, the dynamics of legal assimilation of changes in social norms, the state and pluralism, constitutionalising family law, social and natural parenthood, and the reconciliation of changing norms and changing family forms. In doing this it provides many insights into the differences and similarities between developments in western and non-western countries and how all systems seek to reconcile official law and ideology with social behaviour.

Publication: October 1998; 634pp 234 x 156mm; ISBN: 1-901362-99-X; Paperback; £50; Reduced price to ISFL members: £37.50 (a 25% discount). Customers in the UK, please add £3 for postage and packing; customers elsewhere, please add £4 for postage and packing.

To order your copy, contact Hart Publishing, 19 Whitehouse Road, Oxford OX1 4PA, UK. Tel: +44 (0)1865 434459; Fax: +44 (0)1865 794882; e-mail: hartpub@janep.demon.co.uk

When ordering, please mention that you are a member of the ISFL. Payment may be made by cheque (payable to Hart Publishing), or credit card (Mastercard, Access, or Visa).

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Special Offer on New Title From Oxford University Press: *Law, Law Reform and the Family* by Dr Stephen Cretney, DCL, FBA, QC, is a collection of essays that examine the process and problems of law reform with special reference to the development of family law. The author, Stephen Cretney, one of England's most distinguished family lawyers, demonstrates the different pressures and influences that affect the development of the law, including the views of judges, the advice of civil servants and the requirements of Parliamentary drafting to an extent which has not previously been appreciated. Chapters deal with the Law Reform Commission and various modern family legislation.

This book is available at a 20% discount to ISFL members until December 31, 1998. Orders may be placed by 24-hour credit hotline: +44-(0)-1536-45434, or by fax -454518, or by email at book.orders@oup.co.uk. Please quote the following code with all orders: CSISFLOFFER98.

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summary Calendar of Upcoming Events:

Council of Europe, 4th European Conference on Family Law, "Family Mediation in Europe", Strasbourg, France, 1-2 Oct., 1999.

ISFL North America Regional Conference on Marriage and Marriage-like Relationships, Albuquerque, N.M. June 10-12, 1999.

ISFL Regional Conference on "Biomedicine, The Family and Human Rights," Oxford, England, August 27-29, 1999.

10th World Conference, "Family Law: Processes, Practices and Pressures," Brisbane, Australia, July 9-14, 2000.

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Upcoming Conferences & Calls for Papers:

Biomedicine, the Family and Human Rights Conference, Oxford, England August 27-29, 1999.

This is a preliminary notice of the regional ISFL Conference on Biomedicine, the Family and Human Rights to be held at St Anne's College, Oxford University, 28th to 30th August 1999. The Conference will consider the 1997 Council of Europe Convention on Human Rights and Biomedicine, and its impact on Family Law from European and international perspectives. There will be simultaneous translation of sessions French/English and vice versa. The conference will be preceded by a meeting of the Executive Council of the ISFL on Friday afternoon 27th August. On Monday 30th August the conference will conclude with a visit to the Cotswolds (Woodstock, Stratford-on-Avon and Oxford).

Plans for the conference also include a reception on Saturday evening and a banquet on 29th August.

Sessions will be devoted to the Convention on Biomedicine and its history; developments in biotechnology and artificial reproduction; psychological and anthropological aspects of the new developments; their impact on Family Law, with special reference to Affiliation and Family Responsibility; and the future of these developments illustrated by practical examples of difficult cases. Speakers will include judges, biologists and lawyers from civil and common law systems, and syntheses of the comparative law will be prepared.

Accommodation will be available from Friday night 27th August in new college rooms with private bathrooms, at no more than 50 pounds approximately for a single with breakfast and 75 pounds for a double with breakfast.

REGISTRATION: before May 31st 1999, registration fee £100 English pounds; after May 31st £120 English pounds. Banquet provisional price £30 pounds. Plans are being made for an optional visit to the Cotswolds following the conference.

Further details and registration forms obtainable by FAX to Principal's Secretary, St. Anne's College, Oxford OX2 6HS, Fax +44

1865 274895; E-mail: sandra.madley@st-annes.ox.ac.uk

Oxford is accessible from Heathrow airport by direct bus every half hour, from Gatwick airport every hour, and from Paddington railway station in London by train every hour.

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Marriage and Marriage-Like Relationships: North America Regional Conference in Albuquerque, N.M., June 10-12:

A North America Regional Conference will convene in *Albuquerque, New Mexico, June 10-12, 1999*. The Theme of the conference will be *A More Perfect Union? Marriage and Marriage-Like Relationships in Family Law*. The conference is intended to be inclusive, and examples of topics that might be addressed include: (1) Legal Status of Marriage and Marriage-like Relationships; (2) New Family Forms; (3) Children of Marriage-Like Relationships; (4) Custodial and Visitation Issues in Non-traditional Families; (5) Step-families; (6) Enforcement of Ante-Nuptial and Pre-Cohabitation Contracts; (7) Support Issues for Partners and Children; (8) Theoretical (or Economic or Sociological or Developmental) Perspectives on Marriage and Marriage-Like Relationships, and (9) Interjurisdictional Issues Concerning Marriage-Like Relationships, to mention just a few of the possibilities.

Call for Papers: Persons interested in presenting a paper at the Albuquerque conference should *send a one-page proposal* (1) giving the (working) title of the proposed paper, (2) identifying the author/presenter (name, title, affiliation, address, email, phone and fax numbers), and (3) describing or outlining in no more than one page the paper that is proposed for presentation. Send all paper proposals to Professor Marygold S. Melli, University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706 by post, or by Fax to (608) 262-1231, or by Email to msmelli@facstaff.wisc.edu. *The deadline for submission of paper proposals to Prof. Melli is December 15, 1998.* Responses will be sent to the proposers by January 7, 1999 regarding acceptances, panels, etc.

The conference will be held in the Sheraton Old Town in Albuquerque, New Mexico. The ISFL has obtained a special group rate of \$89.00 per night (single or double occupancy - mention ISFL when making your reservations) for persons attending this conference. For reservations call 1(800) 325-3535 or (505) 843-6300. The Sheraton Old Town is a beautiful Southwestern Hotel located in the center of the city's beautifully restored Historic Old Town, which has over many museums, galleries, restaurants and specialty shops. Spouses, partners and families accompanying the conference participants will find many enjoyable things to see and do and many delicious southwestern culinary delights in the Old Town. Also, Albuquerque is only a hour's drive from Santa Fe, location of many more historic Mexican and American cultural treasures. The southwestern art scene in New Mexico is vibrant and flourishing, and outdoor opportunities abound in the area for those who wish to come a few days early or stay over a few days. .

The conference will begin Thursday evening. Sessions will run all day Friday and until noon on Saturday, with a Friday luncheon and Saturday evening banquet. An opening reception will be given by the Dean of the University of New Mexico School of Law at the law school.

For Further Information About the Conference contact any of the following individuals:

Prof. Sheryl Sheible Wolf, University of New Mexico School of Law, 1117 Stanford Dr., N.E., Albuquerque, NM 87131-1431; Tel: (505) 277-7776; Fax -0068; Email: wolfsh@libra.unm.edu

Prof Allen Parkman, School of Management, University of New Mexico, Albuquerque, NM 87131; tel: (505) 277-5222.

Professor Sanford N. Katz, Boston College Law School,

885 Centre Street, Newton Centre, MA 02159, Tel: (617) 552-4372; Fax: -2615; Email: Katzs@hermes.bc.edu

Prof. Donald.J. MacDougall, Faculty of Law, University of British Columbia, 1822 East Mall, Vancouver, BC V6T 1Z1, CANADA, Tel: 1 604 822 2369; Fax: 1 604 822 8108

Professor Dominique V. Goubau, Faculté de Droit, Université Laval Quebec, Pavillon De Koninck, Sainte Foy, Quebec, G1K 7P4, CANADA; Tel: (418) 656-2131 (x-2384); Fax: (418) 656-7230; E-mail: dominique.goubau@fd.ulaval.ca

Prof. Nicholas M.C. Bala, Faculty of Law, Queen's University, Kingston, Ontario K7L 3N6, CANADA; 613/ 545-6000 x4275 tel; -6509 fax; Email: ncb@qsilver.queensu.ca

Prof. Marygold S. Melli, address above; or

Prof. Lynn Wardle, address on masthead.

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Tenth World Conference (2000 in Brisbane, Australia) plans:

The 10th World Conference will be held in Brisbane, Queensland, Australia from Sunday, 9 July to Friday, 14 July 2000. The conveners are Professors Stephen Parker and John Dewar, of Griffith University in Brisbane and they are assisted by an organizing committee with members from around Australia. (Note: the Olympic Games do not take place until September 2000, so there will be no conflict between the two events!)

The theme is to be "Family Law: Processes, Practices and Pressures". The idea behind this theme is that the Conference will focus on some procedural and practical issues in family law, as well as the substantive law. The Family Court of Australia wishes to support the conference and the conveners hope that a significant number of judges, legal practitioners and mediators will attend. The main purpose behind including "Processes" and "Practices" in the theme is, however, to draw scholars from various disciplines who are interested in empirical and theoretical issues about the operation of family law.

Members of the Society are urged to put the dates in their diaries and consider adding a holiday or study tour to their trip. July is mid-winter in Australia but the weather in Queensland is quite mild at that time of the year, with the day-time maximum of up to 20 degrees Centigrade. The weather is warmer further north and there are some great holiday destinations on the Great Barrier Reef in North Queensland. A first formal announcement of the Conference, together with a Call for Papers, will be sent in the near future. Further information is available, preferably by e-mail, from Professor Stephen Parker at S.Parker@law.gu.edu.au. His fax number is +07 3875 5598.

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Council of Europe Conference on Family. The Council of Europe has sent us notice of the 4th European Conference on Family Law, "Family Mediation in Europe", to be held in Strasbourg, France, 1-2 October, 1999. For information contact the Secretariat of the Conference on Family Mediation in Europe, Fax (33) 03 88 41- 27 94 or -3745 (Division I, Directorate of Legal Affairs), COUNCIL OF EUROPE, F-67075 Strasbourg Cedex.

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Other Events of Note:

Dr. Moses B. Oyebanji announces the establishment of the International Family Law Centre in Nigeria to promote research, conduct seminars and provide counseling services. The Centre has a library and a few rooms for researchers and guests to stay. He invites ISFL members to visit or even stay there. The Centre is in need of books, computers, fax machines, and a photocopier. Donations will be gratefully received. For further information contact Dr. Oyebanji at P.O. Box 10058, Marina, Lagos, Nigeria.

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Recent Publications of Note by ISFL Members:

(Compiled by the Secretary-General)

1. Family Law in General: History; Theories; Overviews

Gabriel Carcia-Cantero, *IX Congreso Mundial de "The International Society of Family Law," (9th World Congress of the ISFL)*, Vida Juridica, Anuario de Derecho Civil 1997.

Bea Verschraegen, Gleichheit im Familienrecht (Equality in Family Law) (Verlag Ernst und Werner Giesecking, Bielfeld,1997).

Paul Vlaardingerbroek, *The Netherlands (In)equality in Netherlands Family Law, The Influence of Human Rights Conventions on Family Law* in Bea Verschraegen, Gleichheit im Familienrecht (Equality in Family Law) (Verlag Ernst und Werner Giesecking, Bielfeld,1997) at 153-174.

Linda Nielsen, Denmark, *Equality Before the Law - Family Law* in Bea Verschraegen, Gleichheit im Familienrecht (Equality in Family Law) (Verlag Ernst und Werner Giesecking, Bielfeld,1997) at 175-187.

Joachim Hruschka, B. Sharon Byrd, & Jan C. Joerden, Jahrbuch für Recht und Ethik (Annual Review of Law and Ethics) Bands 1-4 (1993-1996) (Duncker & Humblot, Berlin).

2. Before/Creation of Spousal or Quasi-Spousal Relations

José Ramón de Verda y Beamonte, *El Derecho Fundamental a la no Discriminación en las Relaciones "Inter Privatos" (Su Incidencia en la Disciplina del Error Matrimonial) (The Fundamental Right to Non-Discrimination in Private Relationships, Their Incidents in Discipline of Matrimonial Error)*, Aranzadi Civil, No. 17, at 11-53 (1998).

José Ramón de Verda y Beamonte, *Error y Responsabilidad en el Matrimonio (Error and Responsibility in Marriage)*, Actualidad Civil, No. 2 at 27-57 (12-18 de Enero, 1998).

3. Before/Creation of Parent-Child or Similar Relations -0-

4. Spousal Relations in the Ongoing Family -0-

5. Parent-Child Relations in the Ongoing Family

John DeWitt Gregory, *Blood Ties: A Rationale for Child Visitation by Legal Strangers*, 55 Washington & Lee L. Rev. 351-402 (1998).

6. Termination/Post-Relations of Spouses & Quasi-Spouses

Barbara Stark, *Guys and Dolls: Remedial Nurturing Skills in Post-Divorce Practice, Feminist Theory, and Family Law Doctrine*, 26 Hofstra L. Rev. 293-376 (1997).

7. Termination/Post-Relations of Parents and Children -0-

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NOTE: The Secretary-General will publish notices of recent publications dealing with family law topics if the following information is sent to Prof. Lynn Wardle (address on masthead): Name of author, title of article or chapter, title of book or journal in which it is published, the volume and pages, the year of publication (and if the title of the article, chapter and/or book or journal is not in English a translation of the same into English -- so that the entry can be placed in the appropriate category).

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Personal Notes:

Stephanie Charlesworth conveys the very sad news that *Kate Funder* has recently died. Ms. Funder presented papers at the last three or four ISFL World Conferences, and was principal researcher for the Australian Institute of Family Studies. She seemed very well in Durban, but had a recurrence of a malignant condition shortly after she returned home. We join her many friends remembering her with affection and in feeling sadness and loss at her passing.

Mr. *Nazeem MI Goolam*, Senior Lecturer at the Dept. of Public Law, Vista University, Bloemfontein, South Africa will be engaging in a period of research at the Max Planck Institute in Heidelberg beginning in June 1999.

The immediate past-President of the Society, Prof. Dr. *Rainer Frank*, was recently honored in Paris with the *Medaille d'Honneur de la Ville de Paris* for his work as President of the C.I.E.C.

Professor *Z.W. Falk* (Hebrew University, Israel), who is an honorary members of the Society, visited Japan in May. He gave some lectures on religion and family in Kobe and Tokyo. Prof. *Koji Ono* and Prof. *Yukiko Matsushima* welcomed him.

Professor *Yukiko Matsushima* will attend the 4th European conferene of family law, "Family Mediation in Europe" in Strassbourg as a representative of the delegation of Japanese observers.

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