

The ISFL Family Letter


March 1999

Published by the International Society of Family Law, Secretary-General, Prof. Lynn D. Wardle
518 JRCB, Brigham Young University, Provo UT 84602 USA Fax: 801-378-5893, tel-2617
E-mail wardlel@lawgate.byu.edu

Message of the President:

It is a pleasure to report that our members are particularly active this year. Among other things, preparations are well advanced for two conferences: the ISFL North American Regional Conference "Towards a More Perfect Union" to take place June 12-14, 1999, at Albuquerque, New Mexico, and the ISFL International Conference "Biomedicine, Family and Human Rights" scheduled for August 27-30 at St. Anne's College in Oxford (UK). Both programs are excellent and I would like to thank the convenors for their efforts: M.T. Meulders-Klein and R. Deech (Oxford) and Lynn Wardle, Margo Melli, and colleagues (Albuquerque). I am confident that the reports and conclusions will have a major impact on future developments in the respective fields and I encourage as many members as possible to attend. Please note that space is limited at the Oxford Conference and thus early registration is highly recommended. Also, the next meeting of the Executive Council will take place at the Oxford Conference where we will celebrate the 25th anniversary of the ISFL.

I am pleased to announce that the 1997 edition of *The International Survey of Family Law* will be ready for distribution shortly and that preparations for the 1998 edition are already underway. Special thanks go to all the contributors and especially to the editor, Andrew Bainham, for this important scholarly work on behalf of the ISFL. It is imperative to continue the high standards of scholarship set by the founders of the Society.

Once more I emphasize how important it is for us to increase the visibility of the ISFL by taking an active role in research projects, meetings and conferences on family law issues at regional and international levels. For example, a number of our members are chairing sessions or presenting reports at the Fifth European Conference on Family Law organized by the Council of Europe and the Ministry of Justice of the Netherlands. The Conference, which will take place March 15-16 in The Hague, deals with civil law aspects of emerging forms of registered partnerships. Professor Petar arevi

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Report of the Secretary-General:

I am pleased to report that the webpage of the International Society of Family Law is fully operational and is being updated periodically. The URL (webpage address) is: <http://www.law.byu.edu/ISFL/Main.html>. (Brigham Young University is allowing the Society to publish its webpage on the BYU Law School server for free.) The latest version of the membership booklet, the latest version of the membership lists, and old editions of the newsletter are online. Also, the most current newsletter is published on the webpage a short time after it is printed and mailed to members. You also may communicate with me on the webpage. I hope that members of the Society will check the page and send me any comments.

I encourage members to send me their email addresses; it is quicker (and less expensive) to communicate via email than by post, telephone or fax machine. I would like to include the email addresses, as well as the post addresses, telephone numbers and fax numbers in the directory. Please send that information to me.

I express appreciation to the planning committee who are making the arrangements for the ISFL North America Regional Conference on "Towards a More Perfect Union," in Albuquerque, New Mexico on June 10-12. We have approximately 50 papers that will be presented during the conference, the University of New Mexico Law School is hosting a reception, and it should be an outstanding event. Taking advantage of the location, we will also have some presentations focusing on Native American family law issues. Sheryl Wolf and Allen Parkman of the University of New Mexico have been heroic in making logistical arrangements. Margo Melli, Sanford Katz, Nancy Polikoff, Nick Bala, Marsha Garrison and Don MacDougall have

worked willingly and well to arrange panels, make the plans, etc. Further details are included about the conference in this newsletter. We invite all interested ISFL members to register and join us.

I encourage all members to send me notice of their publications so that they may be included in the list of recent publications. Sometimes our modesty prevents us from telling others what we have written, but one of the great benefits that ISFL members enjoy is learning through the newsletter of scholarly and professional publications about family law issues by scholars around the world. So please lay aside your reticence and promptly send me (at the address on the masthead) notice, or a copy, your latest publications so that I may include them in the list of recent publications in the next newsletter.

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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PUBLICATION OFFERS:

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 Eekelaar and Thandabantu Nhlapo, is being published by Hart Publishing, Oxford, England. The book contains an Introduction by Justice Albie Sachs (South Africa).

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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ICDC Publication Offer: We have been advised by UNICEF that the United Nations Children's Fund International Child Development (ICDC) Centre in Florence, Italy, has a new website: <www.unicef-icdc.org>. Members of the Society are invited to visit it. The ICDC publishes a publications catalogue which may be of interest to ISFL members. The ICDC can be contacted at Piazza SS. Annunziata 12, 50122 Florence, ITALY, tel 39-055-234-5258, fax -244-817; Email <florence@unicef-icdc.it>.

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Canadian Journal of Family Law Publication Offer: The Canadian Journal of Family Law (Revue Canadienne de Droit Familial) is seeking good quality papers for publication. Published twice a year, this refereed journal published articles and commentaries pertaining to all aspects of family law from perspectives of law, medicine, psychology, political science, and other social science, from scholars and practitioners. Manuscripts may be submitted or inquiries addressed to Mandy Sigurgeirson, Senior Editor, Rm. 174, Faculty of Law, 1822 East Mall, University of BC, Vancouver, BC, CANADA V6T 1Z1 or by fax at (604) 822-8108, or Email at <cdnjfl@unixg.ubc.ca>.

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summary Calendar of Upcoming Events:

5th European Conference on Family Law, The Hague, *March 1999*.

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

10th World Conference, "Family Law: Processes, Practices

and Pressures," Brisbane, Australia, *July 9-14, 2000*.

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

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Upcoming Conferences & Calls for Papers:

Biomedicine, the Family and Human Rights Conference, St. Anne's College, Oxford, UK, August 27-30, 1999.

The ISFL Conference on Biomedicine, the Family and Human Rights, will be held at St. Anne's College, Oxford, UK. 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 27th August at 2:00 p.m. at St. Anne's College. On Monday 30th August the conference will conclude with tours of Oxford, Woodstock, Burford, and the Cotswolds.

Plans for the conference also include a civic reception on Friday evening 28th May and a banquet on 29th May.

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 English pounds approximately for a single with breakfast and 75 English pounds for a double with breakfast.

REGISTRATION: before May 31, 1999, registration fee 100 English pounds; after May 31st 120 English pounds. Banquet provisional price 30 English pounds.

Further details and registration forms obtainable by 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, NM, 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.

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 beautiful restored Historic Old Town, which has 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 an 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:

Professor Sheryl Wolf, University of New Mexico School of Law, 1117 Stanford Dr. NE, 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.

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

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.monash.edu.au.

Further information is enclosed.

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Council of Europe Conference on Family in Strasbourg, France, October 1-2, 1999.

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 NEWS OF INTEREST:

The Council of Europe is interested in having the Society establish a formal connection as an NGO (non-governmental organization) that will permit the Society to be aware of the activities of the Council of Europe and permit the Council of Europe to call upon the Society for expert scientific assistance.

Past President of the ISFL, Rainer Frank is now serving as the President of Commission Internationale de L'Etat Civil (CIEC). To mark the 50th anniversary of the CIEC, he will chair a Colloquy on "Current Problems in the Law of Persons in the CIES States" on Friday, March 26, 1999, at the Faculty of Law, Amphitheatre Aubry et Rau, Place D'Athenes, Strasbourg, France.

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PUBLICATIONS:

In the Fall of 1998, Hart Publications of Oxford, UK, published an attractive monograph containing

selected papers that were presented at the Ninth World Conference of the International Society of Family Law that was held in Durban, South Africa in July, 1998. "The Changing Family, Family Forms and Family Law," edited by John Eekelaar, Reader in Family Law at Oxford, and Thandabantu Nhlapo, Professor of Law at the University of Cape Town and member of the South African Law Commission, is a very handsome book, well-edited and published in a very impressive style, and features, in addition to more than ___ papers, an introduction by Justice Albie Sachs of the Supreme Court of South Africa, was spoke to and attended many session of the Ninth World Conference. The contents are divided into six parts examining 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. Materials addressing family law issues in both western and non-western countries are included. Coming out just over a year after the 9th World Conference, this may set a new record for prompt-publication of our world conference papers. The book bespeaks the tremendous work of both of the editors, Eekelaar and Nhlapo, to whom the Society is indebted for their capable, diligent work in getting this volume published. Papers published by members of the Society in this book are included in the list of publications, herein. Orders for the book (£37.50) may be sent to Hart Publishing, 19 Whitehouse Road, Oxford OX1 4PA, ENGLAND.

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Bruylant Publishers is pleased to announce the publication of *Liber Amicorum Marie-Thérèse Meulders-Klein, Droit Comparé des Personnes et de la Famille*. This volume contains numerous articles by many of the friends and scholars who have admired Professor Meulders during her distinguished career. The volume may be purchased (5.050 BEF) from Bruylant, Rue de la Regence, 67, B-1000 Bruxelles. Tel +32-2-512-9845 or fax +32-2 511-7202 or Email: Bruylant@popost.eunet.be.

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Recent Publications of Note by ISFL Members:

(Compiled by the Secretary-General)

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

Hohn Eekelaar and Thandabantu Nhlapo, Editors, *The Changing Family, International Perspectives of the Family and Family Law* (Hart Publishing, Oxford, 1998)

Marie-France Nicolas-Maguin, *Droit de la Famille (Family Law)*, editions La Decouverte, 1998.

Nigel Lowe & Gillian Douglas: *Bromley's Family Law* (9th ed., Butterworths, October 1998).

Matti Savolainen, *Family and Succession Law, Finland* (International Encyclopaedia of Laws, Supplement 3, W. Pintens, ed., 1998).

Lynn D. Wardle & Laurence Nolan, *Family and Succession Law, United States of America* (International Encyclopaedia of Laws, Supplement 5, W. Pintens, ed., 1998).

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

Brian Bix, *Bargaining in the Shadow of Love: The Enforcement of Premarital Agreements and How We Think About Marriage*, 40 *William and Mary Law Review* 145-207 (1998)

Lynn D. Wardle, *Loving v. Virginia and the Constitutional Right to Marry, 1790-1990*, 41 Howard L.J. 289-347 (1998).

Lynn D. Wardle, *Williams v. North Carolina, Divorce Recognition, and Same-Sex Marriage Recognition*, 32 *Creighton L. Rev.* 187-240 (1998).

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

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4. Spousal Relations in the Ongoing Family

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5. Parent-Child Relations in the Ongoing Family

Matti Savolainen, *The Hague Convention on Child Abduction of 1980 and Its Implementation in Finland*, 66 *Nordic Journal of International Law* 101-166 (1997).

François Boulanger, *Les rapports juridiques entre parents et enfants, Perspectives comparatistes et internationales (Legal Relations Between Parents and Children, Comparative and International Perspectives)* (Paris: Economica, 1998).

Nigel Lowe and Alison Perry, *International Child Abduction -- The English Experience*, 48 *Int'l & Compar. L. Q.* 127-154 (1999).

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

Rebecca Bailey-Harris, Editor, *Dividing the Assets on Family Breakdown* (Jordan Publishing Ltd., Bristol, 1998).

Peter Nygh, Frances Olsen and The Rt. Hon. Lord Justice Thorpe, contributed to *Dividing the Assets on Family Breakdown* (Rebecca Bailey-Harris, Editor, Jordan Publishing Limited 1998).

7. Termination/Post-Relations of Parents and Children

Janet M. Bowermaster, *Relocation Custody Disputes Involving Domestic Violence*, 46 *Kansas Law Review* 433-463 (1998). * *
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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 the material 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:

Petar Sarcevic attended the Family Law Conference in Strausbourg sponsored by the Council of Europe, Oct 2-4, 1998 on the topic of ADR in Europe. He addressed an opening sessions the first morning, and told the assembled delegates about the ISFL conference on ADR that had been held in 1982, reading some paragraphs taken from that conference. Also Yukiko Matsushima attended as an official member of the Japanest delegation of observers.

Bea Verschraegen, a member of the ISFL Executive Council, has been appointed full professor from 1st of November 1998 at the University of Vienna.

The Honorable Madame Justice Claire L'Heureux-Dubé was the recipient of the Prix de la Justice 1997" from the Canadian Institute for the Administration of Justice, and served as president of the International Commission of Jurists, Geneva in 1998. She continues to write extensively about a broad range of legal topics.

Stephen Parker (co-convenor of the forthcoming Tenth World Conference in Brisbane, Australia) will be gaining a new title and new responsibilities. In January of 1999 he became Dean, Faculty of Law, Monash University, Clayton, VIC 3168. His new email is S.Parker@law.monash.edu.au. This is an exciting challenge for Stephen as Monash University has the largest law school in Australia and does some excellent work.