

# Newsletter of the International Society of Family Law - March 2000

*Electronic Version*

Published every September and March by the Secretary-General of the ISFL, Professor Lynn D. Wardle, Brigham Young University School of Law, 518 JRCB, Provo, UT 84602 U.S.A., Fax: 801-378-5893, E-mail: Wardlel@lawgate.byu.edu

## **President's Message**

The Xth World Conference of the ISFL will take place at Brisbane, Australia from July 9 to 13, 2000. The preparations are in high gear, and I am confident that, as in the past, the Conference will be a highly successful event, serving as an international forum for the exchange of ideas and a meeting place for experts in family law from all continents. The success of the Conference will depend largely on the interaction between the convenors ( John Dewar and Stephen Parker), the scientific committee, and the reporters. However, the Conference cannot be successful without the involvement of highly motivated participants. Therefore, in the name of the Executive Council, I encourage as many of our members as possible, as well as non-members interested in the work of our Society, to join us at Brisbane. Please register as soon as possible, thereby contributing to the ultimate success of the Conference.

The Executive Council met in Modena, Italy in March. We were hosted by Prof. Maria Donata Panforti, who pampered us in the tradition of Italian law schools. There were a number of points on the agenda, including the number of reporters at Brisbane and the topics. In addition, two decisions were made that I would like to mention. First, I am pleased to announce that the XIth World Conference of the Society, to be held in 2002, will be organized jointly by our members from Denmark and Norway. We will inform you about the main theme and exact dates in due time.

Secondly, Prof. Yukiko Matsushima, one of our Vice Presidents and longstanding Executive Council member, announced her retirement from the Council. In recognition of her many years of dedicated service, the Executive Council members voted to make her an honorary member of the Society, a possibility provided for in our bylaws. We all join in thanking Prof. Matsushima for her tireless support and send her our best wishes for good health and many more years of rewarding work in the area of family law. We hope that she will continue to attend meetings and conferences of the ISFL.

Prof. Petar Sarcevic

\* \* \* \* \*

## **Secretary General's Message**

Welcome to a new century and a new millennium in family law!!! May it bring more love, tolerance, forgiveness, and mutual devotion in marriages; more commitment, caring, and sacrifice and patience in parents; more respectful and honorable behavior by posterity; more understanding and respect for prior generations; and more recognition in our laws and our legal institutions of the tremendous value of families and of their unmatched importance for the protection, development and welfare of individuals and the security and progress of societies.

Several organizational events and changes are in the air that merit some mention here.

The Tenth World Conference of the ISFL scheduled for July 9-13 in Brisbane, Australia merits top notice. We enthusiastically promote and strongly encourage all members to attend this conference. An excellent scientific program has been planned (with approximately 110 presenters already scheduled). We are excited about the opportunity to meet *ôdown underö* and get better acquainted with our members in that quarter of the globe. (It may be many years before we have the opportunity to revisit this part of the world for an ISFL world conference.

We encourage members to take full advantage of this event. Don't let the chance of a life-time slip away.) Also, some very appealing social activities are offered; one of the most intriguing is a day trip to a Koala Reserve near Brisbane. For further contact information or address/ e-mail data, see the notice under Conferences in this newsletter.

**We Need Your Email Addresses.** A proposal to transfer primary publication of this ISFL Family Letter from print/mail to electronic/e-mail was approved by the Executive Council in the last meeting at Modena. Beginning with the September 2000 issue, the newsletter will be sent to members primarily by e-mail. That will be (1) much faster, and (2) much less expensive (about \$1,000 per newsletter), and involve much less labor for the editor of the newsletter and his staff (secretaries, etc.). The change to electronic publication will result in speedier communication with members, should save the Society substantially, and could at least postpone any increase in dues. For a short transition period the Family Letter will be mailed (by slow, expensive post) to those members who have not provided their e-mail addresses to the Secretary-General or to the Treasurer, but after that transition period, it will be fair to charge a surcharge for those costs to members who do not provide an e-mail address to the Society and who must receive printed copies by mail. Therefore, please send your current e-mail address to either the Secretary-General (address in masthead) or to the Treasurer (and don't forget to advise us of any changes in it or in your other address information).

**Calling All Pioneers.** We are trying to identify all early members of the Society—those who participated in activities of the Society in or before 1975. A special luncheon honoring those pioneer members of the ISFL will be held at the Tenth World Conference in Brisbane. If you are such a member, or know of others who were involved in the activities of the Society in or before 1975, please convey that information to Sanford Katz, Stephanie Charlesworth, or Lynn Wardle. We would greatly appreciate getting as much information about the early members and activities of the Society as we can.

**Nominations.** Nominations are now being accepted for positions on the Executive Council or for offices of the Society. There are 19 elected members of the Executive Council. The elected officers include President, General Secretary, Treasurer, and six Vice-Presidents. Any two members of the Society may nominate a member to the Council, with the approval of the nominee. Any five members of the Society may nominate a member to be an officer, with his or her approval. Each candidate shall have the right to submit a statement of not more than 200 words which shall be included with the ballots (if received in sufficient copies not later than 70 days in advance of the General Meeting). Ballot should be sent to Society members 60 days before the General Meeting.

Nominations should be sent immediately to either Rainer Frank, Immediate Past President, at (Professor Dr. Rainer Frank, Rainer Frank, Immediate Past President, at his address information (Frank, Institut für Ausländisches und Internationales Privatrecht, Universität Freiburg, D-79085 Freiburg i. Br., GERMANY Tel: +49-0761-203-2192, Fax: +49-761-203-2194, Internet: frank@ruf.uni\_freiburg.de), or send the nominations to the Secretary-General (address on the Family Letter masthead). Ballots should be mailed out on May 12th, so the nominations should be received before then.

Prof. Lynn D. Wardle

\* \* \* \* \*

**Treasurer's Report**

August 20, 1999

At the recent Executive Council meeting in Modena, the Treasurer, Professor Paul Vlaardingerbroek, presented a financial report of how the Durban conference finances were handled in the Netherlands. He showed a positive result of about NGL 4.405 (about \$2,000). This does not include the money handled by South Africa. Dr. Vlaardingerbroek also provided the Council with the Treasurer's Report for 1999 showing a balance of just over NGL 100,000 (about \$45,000). A validating letter of audit of Theo Koens & A.P. van der Linden for 1999 (dated February 2000) was circulated and approved. The Council applauded the very good job Dr. Vlaardingerbroek has done as Treasurer.

[Audit Letter]

At the request of Prof. Mr. Paul Vlaardingerbroek, Mr. Ad van der Linden and I checked the financial documents and the financial situation of the Society in 1998. We came to the conclusion that the treasurer has kept up to date a faithful and reliable financial administration of the ISFL in 1998.

To confirm this I send you our declaration concerning the financial situation of the Society in the past year.

*Declaration concerning the financial situation of the International Society of Family Law, 1998*

The International Society of Family Law appointed both Mr. A. van der Linden, Associate Professor of Law, University of Utrecht, and me to act as controllers of the financial documents and the financial situation of the Society in the year 1998.

The treasurer of the Society, Prof. Mr. 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 financial situation of the Society.

Mr. M.J.C. Koens and Mr. A.P. van Linden,                      The Netherlands

\* \* \* \* \*

### **Report of the Editor of The International Survey of Family Law**

The last few months have been a period of transition for the International Survey. Following an extensive consultation involving the Society's Executive Council, Officers and Vice-Presidents, the decision was taken to enter a contract with new publishers, Jordans of Bristol, UK for the publication of future volumes of the Survey. I would like to take this opportunity, on behalf of the International Society, to thank the previous publishers of the Survey, Kluwer Law International, particularly for providing the Society with the initial opportunity of publishing the Survey as an annual volume. The new publishers, Jordans, will be known to many members of the Society worldwide as the publishers of the journal 'Family Law' and the 'Family Law Reports' in the UK. They have an extensive list of family law publications including many books and the journals 'The Child and Family Law Quarterly' and 'International Family Law.' The new contract offers much improved terms to the Society and the Society looks forward to a fruitful association with Jordans.

I am pleased to be able to report that the first volume to be published by Jordans is expected to appear in May/June 2000 in good time for the Brisbane conference. Regular readers of the Survey may be surprised initially to see that the forthcoming volume will bear the title 'The International Survey of Family Law (2000 edition).' After consultation with the Executive Council it was thought more appropriate that the title of each Survey should reflect the year of publication rather than the year surveyed. The Survey was out of date when in fact it was just

published. It is also the case that while some contributions which appear regularly do indeed review a calendar year, many do not but cover a wider time period. It was also felt that the start of the new Millennium and the change of publisher provided an opportune moment to effect this change. Readers should of course bear the change in mind and should not search in vain for missing 1998 and 1999 volumes.

The forthcoming volume will contain 30 articles. Following the Annual Review of International Family Law, these jurisdictions are surveyed: Argentina, Australia, Belgium, Botswana, Cameroon, Canada, Chile, China, Croatia, Czech Republic, England and Wales, France, Germany, Greece, Ireland, Italy, Japan, The Netherlands, New Zealand, Palestine, Papua New Guinea, Poland, Russia, Scotland, South Africa, Sweden, Switzerland, Ukraine and the United States.

The commissioning process remains by far the most difficult aspect of editing the International Survey. It has, thus far, always been possible to produce volumes with around 30 articles and genuinely worldwide coverage. But this process is becoming difficult to sustain on an annual basis. I am as always extremely grateful for new contacts in jurisdictions not previously covered and to all those who contribute articles to the Survey.

Dr. Andrew Bainham

\* \* \* \* \*

## CONFERENCES

The Tenth World Conference of the Society is scheduled for July 9-13 in Brisbane, Australia. Conference Brochures listing the program, schedule, hotels, etc., have been mailed to all members of the Society. If for any reason you have not received one (of if you would like another one), please immediately contact one of the co-convenors, Stephen Parker or John Dewar at the addresses below:

Professor John K. Dewar, Faculty of Law, Griffith University, Nathan, Queensland 4111, AUSTRALIA; E-mail: [j.dewar@law.gu.edu.au](mailto:j.dewar@law.gu.edu.au) OR Professor Stephen Parker, Dean, Faculty of Law, Box 12, Monash University, VIC 3800, Australia, Tel: + 61 3 9905 3357, Fax: + 61 3 9905 9216, E-mail: [S.Parker@law.monash.edu.au](mailto:S.Parker@law.monash.edu.au) OR contact the Conference Secretariat, Intermedia Convention and Event Management, P.O. Box 1280, Milton Qld 4064, AUSTRALIA, tel +61 (0)7 3858-5583, fax -5511 or -5518, Email [isfl2000@im.com.au](mailto:isfl2000@im.com.au).

\* \* \* \* \*

Seventeen of the papers presented at the 1998 Prague Regional conference of the ISFL are being published by California Western Law School; they should be published in about November 2000. Presenters who submitted their manuscripts after the conference for publication should contact the Secretary-General (at address/e-mail on masthead) if they have not yet heard from the California Western International Law Journal. Alternatively, they may contact the student editor of that issue of the law journal: Larry Gilbert, Executive Editor, California Western International Law Journal (2000-2001 Executive board), email: [lgilbe@law.cwsl.edu](mailto:lgilbe@law.cwsl.edu).

\* \* \* \* \*

## Recent Publications of Note by ISFL Member (Compiled by the Secretary-General)

### *1. Family Law in General; History; Theories*

Carol S. Bruch, *International Family Law as the Century Turns*, 33 FAM. L.Q. 607

(1999)

Linda Henry Elrod, "Epilogue: Of Families, Federalization, and a Quest for Policy," 33 FAM. L.Q. 843 (1999)

Leong Wai Kum, *The Family Law Library of Singapore* (Singapore, Butterworths, 1999) (CD-ROM contains about 3000 electronic pages including three Prof. Kum has published since 1997, viz., *Principles of Family Law in Singapore* (textbook), *Butterworths' Annotated Statutes of Singapore Volume 6 Family*, and *Cases and Materials of Family Law in Singapore* (casebook) together with a book containing his major articles published during 25 yrs of teaching the subject.)

Yukiko Matsushima, *Contemporary Japanese Family Law* (Menjiho Kenkyukai, Tokyo, 2000) (collections of articles and essays by Professor Matsushima about Japanese Family Law).

Marie Thérèse Meulders-Klein has been honored in a wonderful volume *Liber Amicorum Marie Thérèse Meulders-Klein* entitled *DROIT COMPARE DES PERSONNES ET DE LA FAMILLE* (Bruylant, Bruxelles 1998), 696 pp. Also included is a list of her publications during the entire course of her career.

Marie Thérèse Meulders-Klein *LA PERSONNE, LA FAMILLE ET LE DROIT, TROIS DECENNIES DE MUTATIONS EN OCCIDENT*, (The Individual, the Family and The Law: Three Decades of Mutation in Western Countries) (Bruylant Bruxelles 1999).

Kerry O'Halloran, *FAMILY LAW IN NORTHERN IRELAND*, Dublin, Gill & Macmillan, hb, pp 687, ISBN 0 7171 23189, 1997.

Christine Piper, "How do you define a family lawyer," vol. 19 *Legal Studies* 93-111 (March 1999) (attributes and skills of family lawyers and how they cope with tensions in family law)

Jordi Ribot, *Alimentos Entre Parientes y Subsidiariedad de la Protección Social*, (Tirant lo blanch. Valencia 1999) (discussing support obligations between relatives in the framework of Spanish social assistance law).

Jordi Ribot, "El fundamento de la obligación legal de alimentos entre parientes", *Anuario de Derecho Civil*, 1998\_III, 1105\_1177 (critical analysis of the rationale of relatives' responsibility laws in Spain in a comparative point of view).

Petar Sarcevic, "War and the Disintegration of the Family," 1 *JOURNAL OF LAW AND FAMILY STUDIES* 109-121 (1999).

Carl E. Schneider, "Family Law in the Age of Distrust," 33 FAM. L.Q. 447 (1999).

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

Margaret Brinig, *From CONTRACT TO COVENANT, Beyond the Law and Economics of the Family* (Harvard Univ. Press 2000, 382 pages).

Marsha Garrison, "The Technological Family: What's New and What's Not," 33 FAM. L.Q. 691 (1999).

Sanford N. Katz, "Emerging Models for Alternatives to Marriage," 33 FAM. L.Q. 663 (1999)

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

Marsha Garrison, "Law Making for Baby Making. An Interpretive Approach to the Determining of Legal Parentage," 113 *HARV. L. REV.* 835 (2000).

## **4. Spousal Relations in the Ongoing Family**

## **5. Parent-Child Relations in the Ongoing Family**

John DeWitt Gregory, "Whose Child Is It, Anyway: The Demise of Family Autonomy

and Parental Authority, 33 FAM. L.Q. 833 (1999).

Kerry O'Halloran, *THE WELFARE OF THE CHILD: THE PRINCIPLE & THE LAW*, Ashgate Publications, hb, pp 330, ISBN 1 85742, 1999.

spousal support, 12th edition 410 pages, 1999).

Barbara Bennett Woodhouse, "Child Custody in the Age of Children's Rights: The Search for a Just and Workable Standard, 33 FAM. L.Q. 815 (1999).

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

Margorie Engel, "Pockets of Poverty: the Second Wives Club - Examining the Financial [In]security of Women in Remarriages," William and Mary Journal of Women and the Law, Volume 5, Issue 2, Spring 1999.

Frank Martin, "Distribution of Marital Assets on Divorce in the Republic of Ireland" November, (1999) International Family Law, 109-20.

Christine Piper & Shelley Day Sclater, eds., *UNDERCURRENTS OF DIVORCE* 264 pp. (Ashgate/Dartmouth, 1999) (analyzes marginalized dimensions of divorce).

Bea Verschraegen, Staudinger/Verschraegen, BGB-Kommentar <sup>oo</sup>1569-1585b (nacheheliches Unterhaltsrecht), 12. Auflage, 410 Seiten (Commentary on the German BGB, <sup>oo</sup> 1569-1585b Post divorce spousal support, 12th edition 410 pages, 1999).

Lynn D. Wardle, "Divorce Reform at the Turn of the Millennium: Certainties and Possibilities," 33 FAM. L.Q. 783 (1999).

#### **7. Termination /Post-Relations of Parents and Children**

June Carbone, "The Missing Piece of the Custody Puzzle: Creating a New Model of Parental Partnership," 39 Sta. Clara L. Rev. 1091 (1999).

June Carbone, *FROM PARTNERS TO PARENTS: THE SECOND REVOLUTION IN FAMILY LAW* (New York: Columbia University Press, 2000) (arguing that the moral center of family law has shifted from adult partnerships to parental ties, but a full understanding of how adults need to relate to each other to make cooperative parenting work is still missing)

Karen Czapanskiy, "Interdependencies, Families and Children," 39 Santa Clara L. Rev. 957-1035 (1999).

\* \* \* \* \*

#### ***Publications in General***

The new electronic journal "Family and Children's Law Abstracts" will distribute, via e-mail, abstracts of working papers and of recently published and forthcoming articles and books in the field of family and children's law. The journal will also include announcements of professional meetings and job openings. If any of you would like to contribute abstracts of your own recent publications, send them by e-mail to [Mailto:Submit@SSRN.Com](mailto:Submit@SSRN.Com), or go to the SSRN website at <http://www.ssrn.com/> and submit them via the web submission form. The abstracts may pertain to work in progress, work that has been accepted for publication, or work that has just been published. (The form at the website is very easy; some people find it easier than e-mail.) Either way, please indicate that you would like your abstracts to appear in Family and Children's Law Abstracts.

To learn more about SSRN and LSN, please visit the SSRN website at <http://www.SSRN.Com>

The Co-Editors of Family and Children's Law Abstracts are June Carbone and Jane M. Spinak. June is a member of the Society. You can contact June at [June\\_Carbone@SSRN.Com](mailto:June_Carbone@SSRN.Com).

\* \* \* \* \*

Family and Conciliation Courts Review, published by Sage Publications, provides an international, interdisciplinary forum for the humane resolution of family conflict connected with court systems. The journal is for academics, judges, attorneys, mediators, agencies, psychologists, allied health practitioners, and medical professionals interested in family law and court practices and procedures. For information about subscriptions contact Sage Publications, Inc., Customer Service Dept. at (805) 499-9774, e-mail: [order@sagepub.com](mailto:order@sagepub.com), or visit our website at [www.sagepub.com](http://www.sagepub.com). Persons who would like to submit articles for publication consideration may contact the journal editor, Andrew Schepard, Editor, Family and Conciliation Courts Review, School of Law, Hofstra University, Hempstead, NY 11549-1210, ph# (516) 463-5890, fax# (516) 463-4054.

\* \* \* \* \*

Bruylant has published a new book containing many thoughtful essays about families, family law and family policies by Marie Thérèse Meulders-Klein, *LA PERSONNE, LA FAMILLE ET LE DROIT, TROIS DECENNIES DE MUTATIONS EN OCCIDENT*, (The Individual, the Family and The Law: Three Decades of Mutation in Western Countries) (Bruylant Bruxelles 1999). Copies may be ordered from Bruylant at: Rue de law R gence, 67, 1000 Bruxelles, BELGIQUE or by e-mail at [<Bruylant@posthost.eunet.be>](mailto:Bruylant@posthost.eunet.be) for 116,51 Euros (or 4,700 BEF). Orders may also be taken by fax (33-1) 5654-1649.

\* \* \* \* \*

#### **Personal Notes:**

Maria Donata Panforti has been appointed as the new director of the Dipartimento di Scienze Giuridiche at the University of Modena. (Donata will need a new bottle of aspirin.)

Bea Verschraegen was elected unanimously as president of the "Commission Internationale de l'Etat Civil" (international commission/organisation on questions of civil status, with seat in Strasbourg), and will be in that office from 1 January 2000, until 31 December 2001.

Bea Verschraegen's commentary on the German spousal support upon divorce in the "Staudinger-Kommentar" (the biggest commentary on the entire BGB in Germany) was recently published (1999) (410 printed pages, °° 1569 FF).

Professor Marie Thérèse Meulders-Klein has been elected as a member associate of the International Academy of Comparative Law. She also has twice been consulted as an expert on Family Law by the French Ministry of Justice.

Professor Paulo Lins E Silva, a member from Brazil, who recently completed service as President of the Inter-American Bar Association (Federacion Interamericana de Abogados), was honored last June with the Roy Wallace Award of the IABA, which is given in recognition of an outstanding lawyer of the Americas.

Madame le Professeur Jacqueline Rubellin-Devichi, Professeur l'Université Jean Moulin Lyon 3, et Directeur du Centre de droit de la famille reçu les insignes de Chevalier dans l'Ordre

de la Légion d'Honneur le MARDI 1er FEVRIER 2000, présente par Monsieur Raymond Barre, Député-Maire de Lyon.

Professeur Marie Thérèse Meulders-Klein has been awarded the distinction of *Commandeur de l'Ordre de la Couronne* (the Crown Order) in Belgium this year in recognition of her outstanding service.

The long-time Treasurer of our Society, Dr. Paul Vlaardingerbroek, was appointed head of the private law department (with 45 colleagues) in the Faculty of Law at Tilburg University in the Netherlands. The appointment took effect on January 1, 2000.

**Passings:**

It is with deep regret that we announce the passing of Professor Zeev Falk of Israel. The International Society of Family Law mourns the passing of Professor Falk because he was one of the early pioneers who took the initiative for forming an international society on family law. The first meeting for planning for the society took place in Birmingham in 1973, when Falk spent a period in England. We extend our condolences to his family. We shall miss him.