

The ISFL Family Letter

September, 2002

Published by the International Society of Family Law by Prof. Margaret F. Brinig, Editor, the Family Letter: Newsletter of the ISFL, College of Law, University of Iowa, Boyd Law Building, Iowa City, IA 52245 (319) 335-6811 FAX (319) 335-9098
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MESSAGE OF THE PRESIDENT: Address Given at the Copenhagen–Oslo Conference of the International Society of Family Law.

Distinguished members of the International Society of Family Law:

I wish to thank you for your confidence in me shown by electing me your President. I sincerely hope that I shall be able to lead the Society in the excellent way my predecessors have done since its inception in Birmingham twenty-nine years ago.

According to its By-laws, the overall aim of the Society is to sponsor and promote international co-operation in research on family law on a world-wide basis, by means of, for instance, international conferences, the collection and dissemination of information in the field of family law, including papers presented at conferences of the Society, and interdisciplinary communication and research.

Since its first World Conference in Berlin in 1975, the Society has, in my opinion, fulfilled these aims. We have considered "family law" in a wider sense, comprising family policy issues, the condition of the family as such, and the public law framework relating to family life. In this sense, "family law" has, I think, during recent decades become the most dynamic and forward-looking branch of law in a majority of countries. The rights and responsibilities of spouses are not the same today as they were fifty years ago. The concept of marriage is debated and under revision, while cohabitation in many parts of the world today has become an accepted way of life for a man and a woman. Social values and deep-rooted traditions are questioned. As scholars, we are privileged to be able to take part in this development and to discuss it with colleagues from all over the world. We learn from each other in a fruitful way, working towards our common goal of making family life a good and stable social institution to the benefit of the individual couples. However, we are also facing the problem of how to tackle in a humane way

and with a perspective for the future, the problems of those couples who wish to dissolve their marriage. As a non-political body, the International Society of Family Law offers a forum where these issues can be examined and debated by independent scholars.

Looking back on the themes of the conferences promoted by our Society, we see that the Society has been able to reflect this development. I note the theme of our first conference, "The Child and the Law", followed by "Violence in the Family", "Family Living in a Changing Society", "The Family, the State, and Individual Security", "The Family across Frontiers". When we for this Conference in Copenhagen and Oslo have chosen to focus on "Family Life and Human Rights", it was in an effort to focus on a new dimension in considering normative family law. In his speech to us this morning, Chief Justice Carsten Smith outlined in an excellent way the importance of human rights and its implementation into national law. The many Family Law cases before the European Court of Human Rights illustrate the global aspects of the international conventions which contribute to giving us all a better and safer life.

The majority of our members are scholars. We teach the younger generation law and the fundamental ethics and values of our respective legal systems. Beyond doubt, we have a considerable influence on shaping our students' basic attitudes towards these values. It is my firm belief that we need an international outlook in order to put our national traditions into a broader perspective. The work of this Society contributes to granting us this perspective.

It is encouraging to see that the members from Africa and Asia is growing. We now have members from 61 countries, and 45 countries are represented at this Conference. A better representation from the African and Asian countries among the officers of the Society should be a goal for the future. The fact that we really have become a world organization places obligations on us all. We wish to fulfill the expectations of our

members and further develop the aims set forth in our By-laws – to be a forum for Family Law discussions on a world-wide basis.

I again thank you for electing me your President. I look forward to the work that lies ahead, and to the tasks to be accomplished – not only by me, but by all the officers of the Society elected here today.

Prof. Peter Lødrup
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REPORT OF THE SECRETARY-GENERAL:

The Society's conference in Copenhagen and Oslo was a wonderful opportunity for members to meet each other and to learn about legal developments in the five continents represented at the Conference. Congratulations to the convenors, Professor Linda Nielsen (Copenhagen) and Peter Lodrup (Oslo), and to all their colleagues, staff and helpers, for the excellent organisation and the extremely enjoyable time that they arranged for us!

The Society elected Professor Lodrup as its new President and I am looking forward very much to working with him and the new Vice-Presidents and Council members over the next three years. There is much to do – the Council is keen to encourage the participation of younger family law scholars, and to widen and deepen the Society's membership in the developing world.

There are three main ways of bringing the existence of the Society to the attention of more potential members and of reminding them of the benefits of membership – the opportunities for meeting experts in their field, both within their own jurisdiction and from further afield; learning of new developments in family law around the world from the contributions edited by Andrew Bainham in our annual International Survey of Family Law; and keeping abreast of new publications and activities of family law scholars via this Newsletter.

First, existing members can ensure that new colleagues and post-graduate students are aware of the Society and are encouraged to join and gain the benefits of membership. Secondly, we can promote the Society through our organisation of, and participation in, our highly successful regional conferences. And finally, the Society can develop its internet presence to make its website, and the electronic transmission of information, as widely accessible as possible. I hope to work with the Editor of this Newsletter, Professor Margaret Brinig, in this endeavour. The first step in this process will be to update and correct our membership list as it appears on the web – so please remember to alert me if you do change your address details so that I can ensure this is done on a regular basis in the future and that the Treasurer and Newsletter Editor are informed.

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REPORT OF THE TREASURER:

Dear member,

In the beginning of this year I sent many reminders for the subscription for 2002-2004 and/or for previous years. However, not everyone returned the subscription form. Therefore, I will have to send new reminders and to make unnecessary costs. To avoid mailing costs, please return the form to me without any delay. If you have lost the form, please write to me (p.vlaardingerbroek@uvt.nl). Besides this I draw your attention for the following. If you moved to another address please let me know this immediately. Unfortunately I often receive letters back, because they couldn't be delivered because the addressee moved to another address.

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 2002!! Otherwise you will be charged for

the coming year(s). You will find my address and email number in the subscription form and letterhead. Within soon I will send *second* reminders for the subscription for 2002-2004/2006 to those members who still have not yet paid their dues for this year or even for the past year(s). Please note that I send (rather expensive) reminders to our members and that one reminder should be sufficient (!). To avoid unnecessary costs the members who do not pay their subscription after the second reminder will be deleted as member of ISFL. I thank you in advance for your cooperation in this matter. Unfortunately we had to delete a lot of members who had not paid their dues in the past years.

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 members of ISFL. The more members we have, the more profit we can offer to our members.

Paul Vlaardingerbroek, Treasurer
Prof. mr. Paul Vlaardingerbroek
Den Hooiberg 17
4891 NM Rijsbergen
THE NETHERLANDS
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Fax: (76) 5964545.
vlaardingerbroe@wish.net

ANNUAL SURVEY OF FAMILY LAW

— The Editor of the Annual Survey did not have anything new to report. The Annual Survey is being sent to the following universities:

1. Faculty of Law

Universitas Indonesia
Kampus UI Depok 16424
Jawa Barat,
Indonesia
Fax. : (62-21)7270052
efhau@makara.cso.ui.ac.id

2. Mercu Buana University (West Jakarta)

Jl. Raya Meruya Selatan
Kembangan Jakarta, 11650
Indonesia

3. China University of Politics and Law (CUPL)

No 25; Xi Tucheng Lu, Haidian,
Beijing, China, P.C 100088

4. East China University of Politics and Law (ECUPL)
1575 Wan Hang Du Rd
Shanghai 200042
People's Republic of China

5. National University of Vietnam
Centre for Legal Research and Services
Poli Centre Services
No 1, 17 Ta Quang Buu Str.
Hanoi, Vietnam

6. Royal University of Phnom Penh
Confederation Russia Blvd. Khan Tuol Kork,
Phnom Penh, Kingdom of Cambodia

7. Norton University
St. 118 & 19
Sangkat Phsar Chas, Khan Daun Penh,
Phnom Penh, Cambodia

8. Professor J G Mowatt, Dean, Faculty of Law,
University of
Durban-Westville, Private Bag X54001, Durban,
4000, South Africa

9. Prof J Hendricks, Executive Dean, African &
Democracy Studies,
University of Fort Hare, Alice, South Africa

10. Prof P E Franks, Dean, Faculty of Management
Sciences and Law,
University of the North, Private Bag X1106,
Sovenga, 0727, South Africa

11. Mr D Balatseng, Dean, Faculty of Law,
University of North-West,
Private Bag X2046, Mmabatho, 2735, South Africa

12. The Dean, Faculty of Management Sciences &
Law, University of
Venda for Science and Technology, Private Bag
X5050, Thohoyandou, 0950,
South Africa

13. Prof R Soni, Dean, Faculty of Law, University of
Zululand, Private
Bag X1001, Kwa-Dlangezwa, 3886, South Africa

14. University of Transkei, Private Bag X3031,
Butterworth, 4960,
South Africa

15. Mr Erik Haggqvist, PO Box 7864, Vientiane, Lao
PDR.

(Gift to the Library of the Faculty of Law and Political Science, PO Box 822, Vientiane, Lao PDR.)

16. University of Zimbabwe, Women's Law Department, Faculty of Law, University of Zimbabwe, P.O. Box MP
167, Mount Pleasant, Harare, Zimbabwe

17. Univ. of Nairobi, Faculty of law
The Law Librarian, C/o The Dean, Faculty of Law, University of

21. Makerere University in
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Kampala, P O Box 7062, Kampala, Uganda,

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University of Malawi,
P O Box 280
Zomba,
Malawi.

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University of Namibia
Private Bag 12201
Windhoek
NAMIBIA

24. Vilnius University
Dept of Civil Law and Civil Procedure
Sarletekio 9, 2040 Vilnius
Lithuania

25. University of Latvia

Dr. Andrew Bainham
Christ's College
Cambridge CB2 3BU
UK
Tel: +44 1223 33 4978
Fax: +44 1223 33 4967/4904

Nairobi, P O Box 30197, Nairobi, Kenya.

18. University of Dar es Salaam
The Law Librarian
Faculty of Law, University of Dar es Salaam
P O Box 35093, Dar es Salaam, TANZANIA.

19. University of Zambia
The Dean (for the University of Zambia Library),
Faculty of Law, University of Zambia,
P.O. Box 32379 Lusaka. Zambia.

Chair of the Dept of Civil Law,
Prof K Torgans,
Faculty of Law
Raina bulvaris 19, Riga LV-1586
Latvia

26. Addis Ababa University
The Office of the Dean (Mr. Getachew Aberra)
Faculty of Law Addis Ababa University,P.O.Box
1176, Addis Ababa, Ethiopia

27. University of Ghana
Faculty of Law Library
Registrars' offices,
PO Box 25,
Legon,
Ghana

29. University of Botswana
The Law Librarian,
c/o The Dean, Faculty of Law
University of Botswana
Law Department
P/Bag 0022
Gaborone
Botswana
Southern Africa

Suggestions for mailing complimentary copies to other schools should be sent to Gillian Douglas, or to the Editor:

**Association of American Law Schools,
Family Law Section Website**

At the Association's January meeting, the Section decided to launch a Website that would be available for the increasing number of academics using the internet. A very preliminary version is now available at <http://www.uiowa.edu/~mfblaw/aals.html>.

Section members attending the meeting provided some material that's included on the website. The Web Supervisor, Margaret Brinig, would be happy to include links, class materials, exams you don't mind being generally available, or anything else you'd like to supply. You may write her at margaret-brinig@uiowa.edu, and may attach electronic versions of any submissions.

The archived version link is <http://nla.gov.au/nla.arc-25226>.

RECENT PUBLICATIONS OF NOTE BY ISFL MEMBERS:

(Compiled by Associate Editor Laurence C. Nolan, Professor of Law, Howard University School of Law, 2900 Van Ness St., N.W., Washington, D.C. 20008, tel. (202)806-8064, fax 8428 lnolan@law.howard.edu)

UPCOMING CONFERENCES & CALLS FOR PAPERS:

The International Society for Family Law has scheduled its North American regional conference. Save the date now, and look for a call for papers soon.

Dates: June 26-28, 2003

Place: University of Oregon School of Law, Eugene, Oregon.

Conference Organizer: Leslie Harris
School of Law
University of Oregon
Eugene OR 97403
lharris@law.uoregon.edu

The online papers from the ISFL Conference 2000 held in Brisbane have been archived by the PANDORA archive of the National Library of Australia who's remit is to archive electronic publications of major research value in the Australian domain. The archived pages were on the Griffith University, Qld. website and the Library received permission to gather from there from Professor John Dewar.

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

Anders Agell, "Is There One System of Family Law in the Nordic Countries?," 3 European Journal of Law Reform 313 (2001).

David D. Meyer, "Self-Definition in the Constitution of Faith and Family," 86 Minnesota Law Review 791 (2002).

Nancy D. Polikoff, "Recognizing Partners But Not Parents / Recognizing Parents But Not Partners: Gay and Lesbian Family Law in Europe and the United States," XVII New York Law School Journal of Human Rights 711 (2002).

Jennifer Wriggins, "Domestic Violence Torts," 75 Southern California Law Review 121 (2001).

Bernadett Bordas, **PORODICNOPRAVNI ODNOSI U MEDJUNARODNOM PRIVATNOM PRAVU** (Family Law Relations in Private International Law

_ comparative and yugoslav conflict of laws)(ed. Forum, Novi Sad, 2000) 264pp. (N.B. This book is the first course book since the 1930's published in Yugoslavia dealing with international conflict of laws in family law matters.)

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

Margaret F. Brinig, "In Search of Prince Charming," 4 Journal of Gender, Race & Justice 321 (2001)

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

Margaret F. Brinig, "Moving Toward a First-Best World: Minnesota's Position on Multiethnic Adoptions," 28 *William Mitchell Law Review* 553 (2001).

Nancy D. Polikoff, "Breaking the Link Between Biology and Parental Rights in Planned Lesbian Families: When Semen Donors Are Not Parents," 2 *The Georgetown Journal of Gender and the Law* 57 (2002).

Elaine E. Sutherland, "Parentage and Parenting," in **FAMILY DYNAMICS: CONTEMPORARY ISSUES IN FAMILY LAW** (ed. Jane Scoular)(Butterworths, 2001).

4. Spousal Relations in the Ongoing Family

Margaret F. Brinig, "The Influence of Marvin v. Marvin on Housework During Marriage," 76 *Notre Dame Law Review* 1311 (2001).

Michele Angelo Lupoi, "Brussels II: New Rules for Transnational Matrimonial Disputes," in **ESSAYS ON TRANSNATIONAL AND COMPARATIVE CIVIL PROCEDURE** (Scritti sul diritto processuale civile transnazionale e comparato)(editors: Federico Carpi and Michele Angelo Lupoi)(Published by Giappichelli of Torino, 2001).

5. Parent-Child Relations in the Ongoing Family or Similar Relations

D. Marianne Brower Blair, "The Impact of Family Paradigms, Domestic Constitutions, and International Conventions on Disclosure of an Adopted Person's Identities and Heritage: A Comparative Examination," 22 *Michigan Journal of International Law* 587 (2001).

Margaret F. Brinig, "Troxel and the Limits of Community," 32 *Rutgers Law Journal* 733 (2001)

Susan B. Boyd, **CHILD CUSTODY, LAW, AND WOMEN'S WORK** (Toronto: Oxford University Press, 2002), pp. 304.

Alison Cleland & Elaine E. Sutherland (eds.), **CHILDREN'S RIGHTS IN SCOTLAND** (2nd ed, W. Green, Edinburgh, 2001), pp.368.

John P. Grant and Elaine E. Sutherland, "Children's Rights and International Instruments," in **CHILDREN'S RIGHTS IN SCOTLAND, 2nd edition**, (Alison Cleland and Elaine E. Sutherland, eds.)(W. Green, Edinburgh, 2001).

Laurence C. Nolan, "Beyond Troxel: The Pragmatic Challenges of Grandparent Visitation Continue," 50 *Drake Law Review* 267 (2002).

Elaine E. Sutherland, "Care of the Child Within the Family," in **CHILDREN'S RIGHTS IN SCOTLAND, 2nd edition**, (Alison Cleland & Elaine E. Sutherland, eds.)(W. Green, Edinburgh, 2001).

Elaine E. Sutherland, "The Child in Conflict With the Law," in **CHILDREN'S RIGHTS IN SCOTLAND, 2nd edition**, (Alison Cleland and Elaine E. Sutherland, eds.)(W. Green, Edinburgh, 2001).

Barbara Bennett Woodhouse, "Child Abuse, The Constitution, and The Legacy of Pierce v. Society of Sisters," 78 *University of Detroit Mercy Law Review* 479 (2001).

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

Margaret F. Brinig, "Domestic Partnership: Missing the Target?" 4 *Journal of Law & Family Studies* 19 (2002)

David S. Rosettenstein, "Exploring the Use of the Time Rule in the Distribution of Stock Options on Divorce," 35 *Family Law Quarterly* 263 (2001)

David S. Rosettenstein, "The ALI Proposals and the Distribution of Stock Options and Restricted Stock on Divorce: The Risks of Theory Meet the Theory of Risk," 8 *William and Mary Journal of Women and the Law* 243 (2002).

7. Termination/Post-Relations of Parents and Children

Margaret F. Brinig, "Feminism and Child Custody Under Chapter Two of the American Law Institute's Principles of the Law of Family Dissolution," 8 *Duke Journal of Gender Law & Policy* 301 (2001).

Thomas Oldham, "Limitations Imposed By Family Law on a Separated Parent's Ability to Make Significant Life Decisions: A Comparison of Relocation and Income Imputation," 8 *Duke Journal of Gender Law & Policy* 333 (2001).

Merle H. Weiner, "Navigating the Road Between Uniformity and Progress: The Need for Purposive Analysis of the Hague Convention on the Civil Aspects of International Child Abduction," 33 *Columbia Human Rights Law Review* 275 (2002).

Other Publications Notes:

Laura W. Morgan maintains two websites pertaining to family law at <http://www.supportguidelines.com> and at www.famlawconsult.com.

Bea Vershragen wrote a long contribution on "Family Law and the Council of Europe" published in the *International Encyclopaedia of Laws/Family Law* (2002).

NOTE: The Newsletter will publish notices of recent publications dealing with family law topics if the following information—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)—is sent to Prof. Laurence C. Nolan, Howard University School of Law, 2900 Van Ness Street, N.W., Washington, DC 20008; 202-806-8428 (fax); lnolan@law.howard.edu (e-mail).

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PERSONAL NOTICES:

Ruth Deech has been honored by the Queen for her service as Chair of the Human Fertilisation and Embryology Authority and is now known as Dame Ruth Deech, the equivalent of a man being knighted

Bea Vershragen has been elected "présidente honoraire de la Commission Internationale de l'État Civil" (honorary president of the International Commission on Civil Status) in March 2002. Shortly thereafter, she was elected "associated member of the International Academy of Comparative Law".

Since August 2001, *Dr. Aspasia Tsaoussis-Hatzis* has been teaching at the MSc Program in Business Studies for Law Practitioners of the Athens Laboratory of Business Administration (Greece). She was the local organizer of the 19th Conference of the European Association of Law and Economics held in Athens from September 19-21, 2002 (www.eale.org). *Dr. Tsaoussis-Hatzis* received her Ph.D. from the University of Chicago Law School under the supervision of Nobel Laureate Gary S. Becker

and Judge Richard Posner. Her dissertation deals with the unintended economic consequences of the Greek divorce law reform on homemakers (please visit http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=327973 to download the .pdf file).

Linda Nielson, Peter Lödrup and Anders Agell have jointly been given the task by the ministries of justice, meeting in the Nordic council, to carry through a preparatory study of the possibilities to reharmonise the family and inheritance laws in the Nordic countries. It implies comprehensive studies. Peter and Anders plan a book of approximately 300 pages on succession and marriage respectively. Linda is completing a book on child law, or at least the main parts of that area, with help for specific issues by Peter and Svend Danielsen. Anders is the overall editor and director of the project.