

The ISFL Family Letter
Spring, 2004

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

E-mail margaret-brinig@uiowa.edu

MESSAGE OF THE PRESIDENT:

The Executive Council of the ISFL met in Moscow April 17, 2002. According to our by-laws, the Council shall meet at least once a year. In my welcoming words, I noted that it was the first time the Executive Council (apart from those at the World Conferences) was held outside Western Europe. I see this as a symbol of the expansion of the Societies activities across the world. The meeting was organized in an excellent way by Olga Dyuzheva.

Looking back on our work for the last 25 years, it may be said that our activities rest on four pillars: The Conferences, world as well as regional, the published proceedings of the World Conferences, the twice-yearly Newsletter and the annual Survey of Family Law. In my view, the last year, I think we have lived up to expectations in respect of all of these. Regional conferences has been held i Oregon, Tossa del Mar and Lyon. They were all very well organized and great successes. In July this year a regional conference will take place in Beijing.

The book with 64 selected papers from the 12th World Conference is now available. It contains 1036 pages and in the near future will be sent free of charge to the participants of the conference, amongst others. The majority of papers printed in the book also include French abstracts.

The 2003 edition of The International Survey of Family Law was published last winter. 3/4 of the Society's income is spent on the Survey, which is sent to all the members of the Society.

The Newsletter comes regularly twice a year, and gives us useful information of recent events in the field of family law.

It may be asked if the Society should be satisfied with these four pillars and a membership of about 550. In my opinion, work should be intensified to increase the

number of members from certain European countries, especially from Eastern Europe and some regions of Asia and Africa. I invite all member to an open discussion on our activities and the membership coverage.

In Moscow, we discussed the title and organization of the 13 World Conference which is to be held in Salt Lake City during the days July 19-23, 2005. The Convenor, Lynn Wardle, will present the Conference in this issue of the Newsletter.

The 14th World Congress is to be held in 2008. The planning of this conference will start early next year. I invite those of our members who may consider to host this conference to contact me not later than February 1, 2005. I may, from my experiences of hosting the 12 World Congress, also be able to give information on the practical and economic aspects of hosting such a conference.

Peter Lodrup
President, ISFL
Professor Peter Lodrup
Institute of Private Law
PB 6706 St. Olavs pl.
0130 Oslo
NORWAY
phone (47) 22 85 97 26
fax (47) 22 85 97 20
Office e-mail peter.lodrup@jus.uio.no

REPORT OF THE SECRETARY-GENERAL:

The Executive Council met in Moscow on April 17. Members noted with pleasure the promotion of Baroness Brenda Hale, the first woman to sit on the Judicial Committee of the House of Lords - the highest court of the United Kingdom, and the appointment of Dame Ruth Deech as the first independent adjudicator for higher education in the U.K. The Council also noted

with sadness the death of Dr Jiri Hadera, of the Czech Republic.

One item that needs the attention of all members is the following. The Society is sometimes approached by publishers and other commercial organisations for permission to use our membership list to contact those who might be interested in products and services. We have recently received such an approach, by British publishers of the Journal of Social Welfare and Family Law - a well-respected academic journal - who would like to promote the journal to Society members. The Council agreed that this would be acceptable, subject to certain safeguards regarding control over the list, but also understood that no such use should be made against the wishes of members. (You may like to note that, currently, your details are in fact freely available on the Society's website in any event, but the Council agreed that the list should, if possible, become accessible only via a password, and Prof Lynn Wardle, who maintains the site, is exploring how this can be

REPORT OF THE TREASURER:

Dear colleagues,
 Herewith I send you the final result form the financial year 2003. Last year we had a small positive result. A lot of members have paid their subscription at my request in December 2003. However, unfortunately I had to notice that many members have moved without sending their new address. This takes me a lot of unnecessary time and extra costs for ISFL. Please send me your full address and preferably also your fax number and e-mail address. We try to keep the membership list updated and with your help we can succeed in that. If you change your address or if you want to be deleted as member, please send me a message as soon as possible. And if you know interested persons who want to become a member, I can send you the new subscription form.
 Within a short time I will send reminders to those members who have not yet paid their dues. If you might doubt about whether you paid or not, please write or mail me (p.vlaardingerbroek@uvt.nl). We do have the possibility to pay for 5 years. Many members choose for this opportunity, which will save you and the ISFL costs. I hope the Society is able to keep the amount of € 33000,- (the Euro is almost an equivalent to the U.S. dollar) as a minimum amount for 'dark' years.

done.)

I would therefore ask that, if you do NOT wish to have your contact details made available to this publisher (or any other organisations), you contact the Treasurer who will ensure that this is noted on our database. You do not need to contact him or me if you are happy for your details to be passed on.

The Council agreed that any further such requests for access to the list will always be considered on an individual basis, by the officers and Vice-Presidents of the Council. Please contact me, or one of the officers, if you have any views on this issue.

Professor Gillian Douglas
 Cardiff Law School
 PO Box 427
 Cardiff CF23 6AW Wales, UK
 Email DouglasG@cardiff.ac.uk
 Tel:+44(0)29 2087 4704
 Fax:+44(0)29 2087 4097

Balance ISFL 2003

	In:		Out:
Subscriptions	12115,931	Bank charges	232,24
Interest	225,61	Expenses:	
Royalties	668,04	Board	700,00
		Treasurer	450,00
		Family	131,04
		Letter	
		Survey	9922,45
		Interest	1,36
	-----+		-----+
Subsaldo	13009,58		11437,09
Positive result			1572,49
	-----+		-----+
Total	13009,58		13009,58
Total account 12/31/03			
Saldo Postbank	€ 3125,81		
Saldo Rabobank	€ 1550,57		
Saldo Robecorek	€ 29305,81		
	_____+		
	€33.982,19		

Prof.mr. Paul Vlaardingerbroek
 Den Hooiberg 17
 4891 NM Rijsbergen

1 Including provisions, costs, etc.

THE NETHERLANDS
Tel: (76) 5962381
Fax: (76) 5964545.
vlaardingerbroe@wish.net

Hugues Fulchiron and his colleagues in Lyon for all their efforts in producing the translations of the abstracts.

**Andrew Bainham, Christ's College
Cambridge, England**

REPORT OF THE SURVEY EDITOR
THE 2004 EDITION

I am pleased to report that the 2004 edition of the Survey is on schedule and is likely to be published at the end of June or early July. It contains 28 contributions and will be comparable in size and, I hope, quality to previous Surveys. On this occasion the Annual Review of International Family Law has been written for the first time by Dr. Ursula Kilkelly of the University of Cork, Republic of Ireland. The jurisdictions which are then covered (in alphabetical order) are:

Argentina, Australia, Botswana, Brazil, Colombia, Croatia, Egypt, England and Wales, Ethiopia, France, India, Iran, New Zealand, Northern Ireland, Republic of Ireland, Israel, Japan, Kyrgyz Republic, Lithuania, the Netherlands, Singapore, South Africa, Sweden, Trinidad and Tobago, Turkey, Ukraine and United States.

This has been an exceptionally fruitful year in terms of new jurisdictions covered. It is very pleasing that Iran, Kyrgyz Republic, Lithuania and Trinidad and Tobago are all appearing for the first time. I can also report that at the time of writing offers of articles for the 2005 edition are buoyant. This is not a cause for complacency but I am confident, even at this early stage, that the 2005 edition will be a strong one.

FRENCH ABSTRACTS

Je suis enchanté d'annoncer que l'édition de 2004 contiendra, pour la première fois, des résumés français des articles dans l'intérêt de nos membres francophones. J'espère que ceci paraîtra régulièrement dans le "Survey." Je suis reconnaissant au professeur Hugues Fulchiron et ses collègues à Lyon pour tous ses efforts en produisant les traductions des résumés.

I am delighted to report that the 2004 version of the International Survey will, for the first time, contain abstracts of the articles for the benefit of our French-speaking members. I hope that this will now become a regular feature of the Survey. I am grateful to Professor

Website Updates: A very preliminary version of the Website has been running for some time. At present, we are updating and reorganizing somewhat. The new version replaces the old one and can be found at <http://www.law2.byu.edu/ISFL/index.html>.

The American Association of Law School, Family Law Section Website is now available at <http://www.uiowa.edu/~mfblaw/aals.html>. Section members have provided material, but more suggestions would be welcome, including 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.

**European Regional Conference, October 9-10, 2003
Catalonia, Spain**

Convened by Professor Miquel Martín-Casals, the 2003 European Regional Conference was held in Tossa de Mar and Girona (Spain) in October 9 -10, 2003. The Conference received the support of several local institutions such as the Departments of Justice and Research of Catalonia, the Spanish Research Ministry and the University of Girona) and also of the European Law Academy (Trier) and the British Institute of Comparative Law (London). The general topic was "The Role of Self-Determination in the Modernisation of Family Law in Europe".

A call for papers was launched in April to discuss the existing trend towards the expansion of self-determination. In addition, a website was set up to provide additional information and to post the proposals of paper presented by potential speakers. The Scientific Committee selected 27 papers and more than 60 persons coming from 16 different countries took part at the

Conference.

Several panels on agreements between spouses, parental selfdetermination and children, cohabitation and selfdetermination, practical issues on premarital and marital agreements and on other issues were scheduled along the two days of the Conference. The organization handed out a copy of the working papers to all participants and they were invited to deliver their opinions. A very cooperative atmosphere was promoted by chairpersons and most of the participants engaged in exciting discussions after the presentations.

All additional information about the Conference program and the papers presented is available at the following website:
civil.udg.es/isfl/europeanregionalconference2003/index.htm.

UPCOMING CONFERENCES & CALLS FOR PAPERS:

Second Notice of Rescheduled Beijing Conference and Call for Papers International Society of Family Law Regional Conference in Beijing, China July 18-22, 2004

The International Society of Family Law (ISFL) is pleased to announce that it will hold its Regional Conference in Beijing, China, on July 18-22, 2004. (This is rescheduled from July 2003.) Professor Wu Chang Zhen, Professor Xia Yinlan, and Professor Yang Quinho, from the China University of Political Science and Law in Beijing are collaborating with Professor Lynn D. Wardle of the ISFL and Brigham Young University in planning and hosting the conference. Chinese family law professors, lawyers, and government officials as well as family law scholars from many other countries will participate in the conference. There will be translation and interpretation services. We invite interested academics and professionals (including judges and other government officials) to submit proposals to present papers at the conference, or to just register to attend the conference.

Conference Theme: “*Divorce: Causes and Consequences.*” (Specific subjects may include comparative divorce, legal principles, rules, procedures, practices, issues, and problems in divorce regulation and administration, and the causes and effects of divorce.)

Conference schedule: The conference registration will be on Sunday, July 18, 2004. Conference sessions will be on Monday and Tuesday (July 19 & 20). On Wednesday (July 21), conference

participants will be taken on a one-day field trip to visit a Chinese Family Court, a law firm or legal service center for women, the Great Hall of the People, and a university (law school) - as available. Thursday (July 22) will be for historical and cultural sight-seeing, and the hosts will arrange for some optional tours (to the Forbidden City, and to the Great Wall).

Conference site and hotel: The Beijing Friendship Hotel (a 4-star hotel) has been selected as the site of the conference, and the non-Chinese participants will also stay at this hotel. The website of the hotel is www.BJfriendshiphotel.com. The costs per room range from \$65 to \$100 per room. All participants must register and pay for their own rooms. An official of the China University of Political Science and Law will be liaison for making reservations.

Registration fees: The registration fee for all non-Chinese participants (*including all presenters*) will be 462US\$. This consists of two main expenses: (a) The general registration fees is 282US\$ which covers site and other expenses including the paper book (each participant will get one papers collection before the conference), meeting facility, equipment, copying, and sightseeing. (b) The translation fee for translating all the papers from Chinese to English (drafted in English by Chinese, simultaneous interpreters, rent for the equipment of simultaneous interpretation, etc., is 180US\$. So, the total registration fee of one participant will be 462US\$ (not including the lodging fee, which all participants must pay.) The conference registration fee would include lunch and/or dinner on all conference days. *Accompanying persons* will pay a fee of about 125 US\$ to cover the evening meals/ banquet and the field trip and sightseeing trip.

Paper Proposals: Family Law scholars and other academics and professionals interested in presenting, discussing and learning about “Divorce: Causes and Consequences” are invited to submit proposals to present papers at this conference. The paper proposal should contain a brief, one- or two-paragraph description of the proposed paper. The paper proposal should also provide the following information: Presenter’s Name, Title or Position, University or Institution where employed, post address, telephone, fax, and email, and a one-paragraph (75-word) mini-resume. The paper proposal (with contact information and mini-resume) should be submitted to Professor Lynn D. Wardle by email (preferably) at lynn_wardle@byu.edu or by fax or post to the contact information below. Paper proposals must be received no later than April 15, 2004.

Final Paper Guidelines: The final papers that are accepted for presentation should be 9- to 12-pages long, single-spaced, including endnotes (not footnotes). They will be translated into Chinese so that the local Chinese participants can read them and respond to them.

Convenor: Professor Lynn D. Wardle is the convenor, and co-ordinator for the non-Chinese

Notice and Call for Papers
for the 12th World Conference of the International
Society of Family Law
***Family Law – Balancing Interests, Pursuing
Priorities***
July 19 – 23, 2005, in Salt Lake City, Utah, USA

Theme: Family Law – Balancing Interests, Pursuing Priorities. Part of the fascination and frustration of family law is that many diverse and important interests must be recognized, weighed and managed, and policy priorities must be established and effectuated. Family law (like family life) often seems to involve a delicate high-wire “juggling act,” involving the balancing of many important interests while trying to make progress toward achieving priorities. The balancing of interests and pursuit of priorities in family law often reveals dichotomies and tensions, such as parent-child, spousal-parental, formal-informal, economic-non-economic, autonomy-commitment, rights-responsibilities, nuclear-extended, immediate-long-term, state-family, individual-family, career-family, past-present. Consideration of family laws, doctrines, rules, decisions and reforms from these perspectives can be illuminating. The theme is intended to be *broad and inclusive* and to accommodate papers dealing with a wide range of family law subjects. Papers concerning civil and common law, spousal as well as parent-child issues, traditional as well as nontraditional relations, existing laws as well as proposed reforms, economic as well as non-economic issues, and essential as well as adjective laws are invited.

Dates: The Conference will run from Tuesday afternoon, July 19 through Saturday noon, July 23, 2005.

Venue: The conference will convene at the *Little America Hotel* in Salt Lake City, Utah. The ISFL has negotiated three different room rates: \$69, or \$99, or \$120 per room, plus taxes (hotel taxes are approximately 11 percent); these special rates also

participants. He may be contacted at: 518 JRCB, Brigham Young University, Provo, UT 84602; telephone (801) 422-2617; fax (801) 422-0391; Email: <lynn_wardle@byu.edu>.

Further information: For registration details or further information, contact Professor Wardle.

apply for three nights before and three nights after the conference. The hotel is five blocks (about ½ mile) south of the main downtown shopping and tourist center of Salt Lake City, Utah. A light rail train runs through the town and stops at the hotel. There is no charge to ride the train from the hotel to the downtown tourist area, or the distance can be walked in about 10-12 minutes. The hotel has a nice swimming pool, garden areas, parking (both outdoor and underground), some ground floor rooms, a large hotel tower, a beautiful ballroom, and meeting rooms.

City and Region: Salt Lake City is a beautiful city located at about 4500 feet elevation on the western slope of the Wasatch range of the Rocky Mountains, beside the Great Salt Lake, one of the largest saline lakes in the world (much saltier than the oceans). The city has an ethnically diverse population of nearly one million (GMA), and is easily accessible by air (the international airport, just ten-minutes from the city center, is served by many major airlines, and is a “hub” for Delta Airlines), by train, and by automobile or bus. Salt Lake City is the cultural and political center of Utah and the crossroads of the American west (Interstate 15 coming out of Los Angeles, and Interstate 80, from San Francisco, intersect in Salt Lake City.) The City has abundant cultural offerings (museums, concerts), historic (pioneer) sites, parks, and inspiring attractions. Nearby mountains (just minutes away by car) provide a beautiful backdrop and great recreational opportunities. Utah is generally known as a safe and friendly state, the people have civic pride, concern for families, are hospitable, and a high percentage have lived in foreign countries and are fluent in other languages.

Salt Lake City is ideally situated for wonderful pre- and post-conference vacation travel. It is located in the “mountain west” amidst some of the greatest national parks in America (there are more national parks in Utah than in any other state). Zions Canyon, Bryce Canyon, and Arches National Parks (to name just three) are about four hours away by car; Anasazi Indian cliff ruins are in the same vicinity, and the fabulous water-filled canyons and cliffs of Lake Powell are just two hours further, as is the north rim of the breathtaking

Grand Canyon, (and also Las Vegas, Nevada for those who prefer bright lights to natural wonders). The majestic Grand Tetons National Park with the exciting Snake River is about five hours drive north of Salt Lake City, and an hour further is the incomparable Yellowstone National Park with its incredible geysers, hot pools, rivers, waterfalls, lakes, mountains, moose, elk, bears and other wildlife. Seven large ski/summer resorts are within an hour drive of Salt Lake City, and the 2002 Winter Olympics were hosted in and around Salt Lake City in 2002, adding to the recreational attractions. Dozens of campsites, trails, lakes and rivers are nearby.

Paper Proposals: Scholars and professionals who wish to present papers at the ISFL 12th World Conference are invited to submit proposals containing: (1) a one-page abstract of the proposed paper naming the presenter(s), (2) contact information: Name, Title or Position, University or Institution where employed, post address, telephone, fax, and email, and (3) a 50-75-word mini-resume or bio of the presenter(s). Proposals must be submitted by *March 15, 2005* by email (if possible) to **Professor Marygold Melli**, Email: <msmelli@wisc.edu>, or to her at Law School, University of Wisconsin-Madison, 975 Bascom Mall, Madison, WI 53706, USA, fax: 608- 262-5485, telephone: 608-262-1610.

Convenor: Professor Lynn D. Wardle, Email: <lynn_wardle@byu.edu>; 518 JRCB, Brigham Young University Law School, Provo, UT 84602; tel. (801) 422-2617; fax (801) 422-0391. **Conference Manager:** Ms. Marcene Mason, 553 JRCB, BYU, Provo, UT 84602; tel. (801) 422-2079; fax (801) 422-0391; Email:<masonm@lawgate.byu.edu>.

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)

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

Andreas Bucher, L'enfant en droit international privéé Basle etc. (Helbing & Lichtenhahn), Paris (L.G.D.J.) 2003 258 pages ISBN 3-7190-2203-X.

Margaret F. Brinig & Steven L. Nock, What Does Covenant Mean for Relationships? 18 Notre Dame Journal of Law, Ethics & Public Policy 137 (2004)

Mark Strasser, ADomestic Relations, Missouri v. Holland, and the New Federalism,@ 12 William & Mary Bill of Rights Journal 179 (2003).

Elaine E. Sutherland, AScotland: Some Dreams Realised, Some Disappointments,@ in INTERNATIONAL SURVEY OF FAMILY LAW (Andrew Bainham, ed.)(2003)/

Barbara Bennett Woodhouse, AEnhancing Children=s participation in Policy Formation,@ 45 Arizona Law Review 751 (2003).

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

Steven L. Nock, et. al, ACovenant Marriage Turns Five Years Old,@ 10 Michigan Journal of Gender & the Law, 169 (2003).

Katherine Shaw Spaht, ARevolution and Counter-Revolution: the Future of Marriage in the Law@, 49 Loyola Law Review 1 (2003).

Lynn D. Wardle, AIs Marriage Obsolete?,@ 10 Michigan Journal of Gender & the Law 189 (2003).

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

Twila L. Perry, APower, Possibility and Choice: The Racial Identity of Cultural Adopted Children (Reviewing Hawley Fogg-Davis, The Ethics of Transracial Adoption),@ 9 Michigan Journal of Race & Law 215 (2003).

Elaine E. Sutherland, Man Not Included - Single Women, Female Couples and Procreative Freedom, 15 Child and Family Law Quarterly (UK) 155 (2003).

Robin Fretwell Wilson, AUncovering the Rationale for Requiring Infertility in Surrogacy Arrangements,@ 29 American Journal of Law and Medicine 337 (2003).

4. Spousal Relations in the Ongoing Family

Margaret F. Brinig & Steven L. Nock, "I Only Want Trust": Norms, Trust and Autonomy, 32 Journal of Socio-economics 471 (2003)

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

Gerald J. Jogerst, Jeanette M. Daly, *Margaret F. Brinig*, Jeffrey D. Dawson, Gretchen A. Schmuck, and

Elaine E. Sutherland, "International Conventions Drive Domestic Law Reform? The Case of Physical Punishment of Children," in *FAMILY LAW: PROCESSES, PRACTICES AND PRESSURES* (John Dewar and Stephen Parker (eds.)) (Hart Publishing, 2003), pp.475-489.

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

7. Termination/Post-Relations of Parents and Children

Barbara A. Atwood, "The Child's Voice in Custody Litigation: An Empirical Survey and Suggestions for Reform," 45 *Arizona Law Review* 629 (2003).

William C. Duncan, "In Whose Best Interests, Sexual Orientation and Adoption Law," 31 *Capital University Law Review* 787 (2003).

Eva Ryrstedt, "Joint Decision: A Prerequisite or a Drawback in Joint Parental Responsibility?" 17 *Australian Journal of Family Law*, 155-207 (2003).

Barbara Bennett Woodhouse, "Enhancing Children's Participation in Policy Formation," 45 *Arizona Law Review* 751 (2003).

NOTE: The Newsletter will publish notices of recent publications dealing with family law topics if the following information is provided: 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). Please send 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).

Other Publications of Note:

Jerry G. Ingram, "Domestic Elder Abuse and the Law," 93 *American Journal of Public Health* 2131 (2003)

SANFORD N. KATZ, *Family Law in America*, was published by Oxford University Press in December 2003

MERLE H. WEINER (with co-author D. Marianne Blair), *FAMILY LAW in the WORLD COMMUNITY* (casebook), Carolina Academic Press (2003)(pp. 1261).

LEE TEITELBAUM, LESLIE HARRIS and JUNE CARBONE will publish the new edition of their casebook through Aspen publications in summer of 2004.

The European Family Law series is a book series dedicated to the harmonisation and unification of family and succession law in Europe. The series includes comparative legal studies and materials as well as studies on the effects of international and European law making within the national legal systems in Europe. The following volumes of the series are already published:

1. Legal Recognition of Same-Sex Couples in Europe

K. BOELE-WOELKI, A. FUCHS (eds.), 2003, Intersentia, Antwerpen, ISBN 90-5095-297-6

2 Family Law in Action vol. I - Grounds for Divorce

K. BOELE-WOELKI, B. BRAAT AND I. SUMNER (eds.), 2003, Intersentia, Antwerpen, ISBN 90-5095-295-x

3 Family Law in Action vol. II- Maintenance between Former Spouses

K. BOELE-WOELKI, B. BRAAT AND I. SUMNER (eds.), 2003, Intersentia, Antwerpen, ISBN 90-5095-296-8

4 Perspectives for the Unification and Harmonisation of Family Law in Europe

K. BOELE-WOELKI (ed.), 2003, Intersentia, Antwerpen, ISBN 90-5095-287-9

SVEND DANIELSEN, a honorary professor at the University of Copenhagen and former judge at a Danish court of appeal, has written about parental responsibility. The first book: "Nordic Children Legislation II, Parental responsibility" is part of a larger Nordic project supported by the Nordic Council of Ministers. The idea has been to try to revive the harmonization, which was an important Scandinavian feature in the beginning of the last century. ANDERS AGELL has written about marriage legislation and PETER LØDRUP about inheritance law. A fourth book about paternity and child support is expected to be published in the near future. The four

books - about 1600 pages - contain a comparison of the legislation in all the five Nordic states, Finland, Denmark, Iceland, Norway and Sweden together with proposals for harmonization and reforms. The suggestions have been discussed in the group of professors behind the books. Initially Linda Nielsen took part in the work and it has been followed by a Urpo Kangas, a professor of the University of Helsinki.

Another book by SVEND DANIELSEN, also financed by the Nordic Council of Ministers, deals with parental responsibility and contact in English speaking countries. The title is: "Parents obligations, Childrens rights". It is a comparison of the Children Act 1989, the Children (Scotland) Act 1995, part VII of the Australian Family Law Act, as revised in 1995 and current Canadian proposals for reforms. The book contains possible inspirations for future Nordic reforms.

NOTE: The Newsletter will publish notices of recent publications dealing with family law topics if the following information is provided: 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).

PERSONAL NOTICES:

Senior appeal judge (and ISFL member) Lady Justice Hale has been made a Lord of Appeal in Ordinary, Downing Street said in late October, 2003, according to the BBC.

DAME BRENDA HALE, 58, an ISFL member, who has been a Lady Justice of Appeal since 1999, became one of 12 Law Lords in January of 2004. We report on her appointment at some length because of its significance.

The Guardian Unlimited (UK), reported on October 23, 2003, in Clare Dyer, UK's first woman law lord appointed: Former academic a passionate advocate for diverse Judiciary:

Her appointment comes amid government moves to end the white, male, public school stranglehold on the judiciary, including a proposed independent judicial appointments commission with a brief to make the judges more representative of the people they serve.

Lord Falconer observed soon after he took over as lord chancellor in June that Britain had never had a woman in its top court, the House of Lords. "What other country can you say that about?" he asked.

The US, Canada, Australia and New Zealand all have women judges in their highest courts.

Canada, which had its first woman supreme court judge in 1982, now has three out of nine and is headed by a woman chief justice.

Dame Brenda, 58, who was tipped by the Guardian to become the first female law lord, has had an unusual career which could become more common under the plans to widen the pool from which judges are selected.

Unlike all her peers in the top court, who had long careers at the bar, she practised only briefly and spent most of her career after graduating from Cambridge as a university law teacher, rising to become a professor of law at Manchester University.

As Brenda Hoggett - the surname of her first husband, which she dropped when she became a high court judge to revert to her maiden name - she joined the Law Commission, the official law reform body, in 1984.

While there she spearheaded groundbreaking changes to the law on children, divorce and mental health, including the Children Act and controversial no-fault divorce reforms which were eventually dropped by the government.

She was vilified by the Daily Mail which questioned why a "dangerous feminist" was in charge of reforming the law of marriage.

In 1993 she was the first academic lawyer to be appointed to the high court bench when she was made a judge of the family division.

The mother of a grown-up daughter, she remarried in 1992 to Julian Farrand, the former pensions ombudsman, now a visiting professor at London Metropolitan University.

Dame Brenda has forcefully argued for more women judges, noting in a lecture published in the journal *Public Law*: "There are plenty of able lawyers around from whom to pick a judiciary which would be more reflective of the general population - more women, more religious and ethnic minorities, more varied social and educational backgrounds, more varied professional backgrounds.

"This matters because democracy matters. The judiciary may or should be independent of government and parliament but ultimately we are the link between them both and the people. We are the instrument by which the will of parliament and government is enforced upon the people.

"We are also the instrument which keeps the other organs of the state, the police and those who administer the laws, under control.

"It does matter that judges should be no less representative of the people than the politicians and civil servants who govern us."

RUCH DEECH, a member of the ISFL Executive Committee, has been appointed the first "Independent Auditor" for universities in the United Kingdom. The appointment is quite a kudo and acknowledges her skill at dealing with difficult cases (which she honed not only as Principal of St. Anne's, but also as the Chair of the Human Fertilization and Embryology Authority which regulated cutting-edge artificial reproductive technology in the UK.

The Journal of Social Welfare & Family Law

Free online access with all institutional subscriptions

To view a free online sample copy go to: www.tandf.co.uk/journals/titles/09649069.html

Visit www.sociologyarena.com

The Journal of Social Welfare & Family Law is concerned with those aspects of law and related processes which are of relevance to lawyers, to social workers and probation officers, and those involved in the caring professions, and to those interested in social policy and administration. The policy of Editors and of the Editorial Board is to provide a forum to which members of these professions and academics in related fields may turn for guidance, comment and informed debate.

Recent and Forthcoming Articles

Reforming mental health law and the ECHR: will the rights of mentally vulnerable adults be protected?

Judith M Laing

Adults, mental illness and incapacity: convergence and overlap in legal regulation

Peter Bartlett

Gatekeepers, proxies, advocates? The evolving role of carers under mental health incapacity law reforms

Kirsty Keywood

Standards, quality and accountability – the NHS and mental health: a case for joined-up thinking?

Jean McHale

Children's participation in family law proceedings: a step too far or a step too small

E. Kay, M.. Tisdall, R.. Bray, K. Marshall and A. Cleland

The street-level breakdown response to relationship breakdown: a lesson for national policy?

Ezra Hasson

Access to justice and social inclusion: the policy challenges in Wales

Charlotte Williams

EDITORIAL BOARD

GENERAL EDITORS

Jim Goddard, University of Bradford, UK

Christina M. Lyon, University of Liverpool, UK

SECTION EDITORS

Cases

Emma Hitchings, University of Bristol, UK

Current developments

Iain McDonald, University of the West of England, UK

Book reviews

Carol Hayden, University of Portsmouth, UK

Ombudsman's section

Richard Kirkham, University of Sheffield, UK

European section

Chloe Wallace, University of Leeds, UK

Jo Hunt, University of Cardiff, UK

ADVISORY EDITORS

Benoit Bastard, Centre de Sociologie des Organisations, Paris, France

Robert Dingwall, University of Nottingham, UK

Bill Felstiner, University of California, Santa Barbara, USA

Michael Freeman, University College London, UK

Brenda Hale, (Baroness Hale of Richmond), Lord of Appeal in Ordinary, House of Lords, UK

Adrian L. James, University of Bradford, UK

Stephen Leibfried, University of Bremen, Germany

Ruth Lister, University of Loughborough, UK

Mavis Maclean, Wolfson College, Oxford, UK

Linda Nielsen, University of Copenhagen, Denmark

Jan Pryor, Victoria University of Wellington, New Zealand

Bryan Rogers, Australian National University, Australia

Ake Saldeen, Uppsala University, Sweden

Mary Seneviratne, Nottingham Trent University, UK

Abstracting and Indexing

The Journal of Social Welfare & Family Law is currently noted in Applied Social Science Index and Abstracts (ASSIA); Caredata Abstracts; Multi Cultural Education Abstracts; Sociological Abstracts; Sociology of Education Abstracts.

Contributions

Manuscripts and editorial communications should be sent to:

Professor Christina M. Lyon, **The Journal of Social Welfare & Family Law**, School of Law, University of Liverpool, Chatham Street, Liverpool L69 7ZS, UK

Or to:

Dr Jim Goddard, **The Journal of Social Welfare & Family Law**, Department of Social Sciences and Humanities, University of Bradford, Bradford BD7 1DP, UK

TAYLOR & FRANCIS ONLINE SERVICES

SARA logo - Scholarly Articles Research Alerting

SARA is a free email contents alerting service designed to deliver tables of

contents for over 850 journals of your choice in advance of the printed edition. Registering for the service is simple and you can now request to receive alerts by keyword or by title.

For more information visit www.tandf.co.uk/sara

Online Access

Institutional subscribers to the print version of the 2004 volume can enjoy online access free of charge. For further information connect to www.tandf.co.uk/online

Online Sample Copies

A fully searchable sample copy of this journal is available by visiting www.tandf.co.uk/journals

LibSite

Visit the new Taylor & Francis web resource for Librarians and Information Professionals at: www.tandf.co.uk/LibSite

Arena

Visit www.sociologymarena.com for the latest research and information in your subject area including author resources, books, online journals, conferences and learned societies.

CrossRef



An international active reference linking service. Visit www.crossref.org for more information.

ORDERING INFORMATION

The Journal of Social Welfare & Family Law, Volume 26, 2004, 4 issues per year

Print ISSN 0964-9069

Online ISSN 1469-9621

Institutional Rate

US\$422 £256 (includes free online access)

Personal Rate

US\$108 £66 (print only)

Personal subscriptions are welcomed if prepaid by credit card or personal cheque. Subscription rates include postage/air speeded delivery.

The Sterling prices quoted apply in the UK and Republic of Ireland only.

Please complete in full the details on the attached Order Form and return to:

Routledge, Taylor & Francis Ltd
Customer Services Department
Rankine Road
Basingstoke
Hants
RG24 8PR
UK

Tel: +44 (0)1256 813002
Fax: +44 (0)1256 330245

OR TO

Routledge, Taylor & Francis Inc
Customer Services Department
325 Chestnut Street
8th Floor
Philadelphia, PA 19106
USA

Tel: +1 215 625 8900
Fax: +1 215 625 8914

By Email:
journals.orders@tandf.co.uk

Website:
www.tandf.co.uk/journals

**OR HAND THE ORDER FORM TO YOUR LIBRARIAN WITH A RECOMMENDATION TO
SUBSCRIBE**

ORDER FORM

1 Please enter my subscription to:

The Journal of Social Welfare & Family Law, Volume 26, 2004, 4 issues per year

Print ISSN 0964-9069

Online ISSN 1469-9621

Institutional Rate

US\$422 £256 (includes free online access)

Personal Rate

US\$108 £66 (print only)

Personal subscriptions are welcomed if prepaid by credit card or personal cheque.

Subscription rates include postage/air speeded delivery.

The Sterling prices quoted apply in the UK and Republic of Ireland only.

To request an online sample copy of *The Journal of Social Welfare & Family Law*, please visit the

Taylor & Francis website at www.tandf.co.uk/journals

2 PLEASE SEND MY JOURNALS TO:

NAME (BLOCK CAPITALS) _____

*INSTITUTION/COMPANY** _____

*DEPARTMENT** _____

STREET _____

TOWN _____

STATE/COUNTY _____

COUNTRY _____

POST/ZIP CODE _____

TELEPHONE _____

EMAIL _____

** Please complete this information only if you are taking out an institutional subscription.*

Please note: personal rate subscribers must give a personal address.

3 To receive information on related publications from the Taylor & Francis Group, please tick here**:

by email by post

**Your personal details will not be passed on to any third party.

