Marital Property In Civil And Customary Marriages
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Report of the Committee on Civil and Political Rights to the President's Commission on the Status of Women, October 1963
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Derived from the renowned multi-volume International Encyclopaedia of Laws, this concise exposition and analysis of the essential elements of law with regard to family relations, marital property, and succession to estates in Germany covers the legal rules and customs pertaining to the intertwined civic status of persons, the family, and property. After an informative general introduction, the book proceeds to an in-depth discussion of the sources and instruments of family and succession law, the authorities that adjudicate and administer the laws, and issues surrounding the person as a legal entity and the legal disposition of property among family members. Such matters as nationality, domicile, and residence; marriage, divorce, and cohabitation; adoption and guardianship; succession and inter vivos arrangements; and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice. The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with Germany. It will also be of great value to students and practitioners as a quick guide and easy-to-use practical resource in the field, and especially to academicians and researchers engaged in comparative studies by providing the necessary, basic material of family and succession law.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this concise exposition and analysis of the essential elements of law with regard to family relations, marital property, and succession to estates in Portugal covers the legal rules and customs pertaining to the intertwined civic status of persons, the family, and property. After an informative general introduction, the book proceeds to an in-depth discussion of the sources and instruments of family and succession law, the authorities that adjudicate and administer the laws, and issues surrounding the person as a legal entity and the legal disposition of property among family members. Such matters as nationality, domicile, and residence; marriage, divorce, and cohabitation; adoption and guardianship; succession and inter vivos arrangements; and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice. The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with Portugal.
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Elements of Thai Civil Law offers a clear and comprehensive overview of the main principles governing legal relationships between private individuals in Thailand.

Property: Cases and Materials features sweeping coverage in a single volume, from “old property” (such as the basics of estates in land and servitudes) to “new property,” including intellectual property, cultural property, and property in living things. The text provokes debate on fundamental questions such as the creation of property, information as property, collective vs. individual rights, and property as related to other bodies of law. Its coverage of intellectual property shows how the law grows and responds to social and technological change. Designed for flexibility, stand-alone chapters can be omitted if time constraints require. Property: Cases and Materials includes appellate decisions, statutes, regulations, administrative decisions, law review articles, and non-legal materials. Principal cases include Elvis Presley International Memorial Foundation v. Crowell, Popov v. Hayashi (Barry Bonds home run ball); People v. Chubbs (software for DNA matching), and Dred Scott v. Sandford. Key Features: Updated with more recent cases, including more cases from the twenty-first century than any other major property casebook. Improved coverage of natural resources law and intellectual property. Thorough update of all existing materials.

For over two decades, Casenote Legal Briefs have helped hundreds of thousands of students prepare for classes and exams year after year with unparalleled results. Known throughout the law school community as high-quality legal study aids, Casenotes popular series of legal briefs are the most comprehensive legal briefs available today. With over 100 Casenotes published today in all key areas, ranging from Administrative Law to Wills, Trusts, and Estates each and every Casenote offers:

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Derived from the renowned multi-volume International Encyclopaedia of Laws, this concise exposition and analysis of the essential elements of law with regard to family relations, marital property, and succession to estates in South Africa covers the legal rules and customs pertaining to the intertwined civic status of persons, the family, and property. After an informative general introduction, the book proceeds to an in-depth discussion of the sources and instruments of family and succession law, the authorities that adjudicate and administer the laws, and issues surrounding the person as a legal entity and the legal disposition of property among family members. Such matters as nationality, domicile, and residence; marriage, divorce, and cohabitation; adoption and guardianship; succession and inter vivos arrangements; and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice. The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with South Africa. It will also be of great value to students and practitioners as a quick guide and easy-to-use practical resource in the field, and especially to academicians and researchers engaged in comparative studies by providing the necessary, basic material of family and succession law.

Buy a new version of this textbook and receive access to the Connected eBook on CasebookConnect, including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. Learn more about Connected eBooks Written by a recognized expert on community property and family law issues in California, Grace Ganz Blumberg’s comprehensive casebook prepares students for the California bar examination and equips them for California practice in the areas of divorce, decedents’ estates, and debtor-creditor law. Community Property in California carefully balances cases, notes, questions, and problems for student comprehension. Because community
property is a relatively narrow subject involving the interplay of state legislation and case law, the casebook is structured to encourage students to develop and refine their analytic skills and to enable professors to guide their students in doing so. Comparative text puts California law into context by including references to sister-state law, the Uniform Marital Property Act and the marital property chapter of the American Law Institute's Principles of the Law of Family Dissolution. New to the 8th Edition: The California Supreme Court's 2020 decision, In re Brace, which upended almost a century of community property law, leaving many unresolved questions in its wake. Critical notes on the origins and subsequent development of the Pereira/Van Camp business apportionment doctrine. Further treatment of the Family Code section 4 rule requiring that current family law be applied to events occurring before its effective date, with particular attention to the enforceability of premarital agreements entered under prior law. Professors and students will benefit from: Problems and questions for stimulating class discussion Thorough preparation for the community property essay question on the California bar examination A casebook that students enjoy reading A focus on enhanced lawyering skills, with emphasis on problem solving

Designed for estate planning specialists and financial planners, International Estate Planning covers U.S. legal issues affecting estates, such as taxation, conflict of laws, community property and asset protection trusts. This eBook also provides analysis of selected countries chosen for their importance as potential sites for establishment of trusts or other investment vehicles (e.g., Bermuda and Liechtenstein), and as possible residences for U.S. nationals for business purposes. Each chapter is written by an expert in that country. Coverage includes: • U.S. estate, gift and income taxation of nonresident aliens • U.S. citizens with alien spouses - Qualified Domestic Trusts (QDOTs) • U.S. income taxation of foreign trusts • Separate chapters on U.S. tax treatment of foreign executives temporarily posted in the United States and of U.S. executives temporarily posted abroad • Conflict of laws rules used to determine which country's descent laws and taxes apply to specific dispositions of property • Use of trusts to safeguard assets • Will drafting for multiple jurisdictions, with suggested forms • Effect of treaties on estate planning

This book examines gender, state and social power in Indonesia, focusing in particular on state regulation of divorce from 1965 to 2005 and its impact on women. Indonesia experienced high divorce rates in the 1950s and 1960s, followed by a remarkable decline. Already falling divorce rates were reinforced by the 1974 Marriage Law, which for the first time regulated marriage for both Muslim and non-Muslim Indonesians and restricted access to divorce. This law defined the roles of men and women in Indonesian society, vesting household leadership with husbands and the management of the household with wives. Drawing on a wide selection of primary sources, including court records, legal codes, newspaper reports, fiction, interviews and case studies, this book provides a detailed historical account of this period of important social change, exploring fully the impact and operation of state regulation of divorce, including the New Order government's aims in enacting this legal framework, its effects in practice and how it was utilised by citizens (both men and women) to advance their own agendas. It argues that the Marriage Law was a tool of social control enacted by the New Order government in response to the social upheaval and protests experienced in the mid 1970s. However, it also shows that state power was not hegemonic: it was both contested and co-opted by citizens, with men and women enjoying different degrees of autonomy from the state. This book explores all of these issues, providing important insights on the nature of the New Order regime, social power and gender relations, both during the years of its rule and since its collapse.

Following its 2011 consultation on marital property agreements, the Law Commission has opened a supplementary consultation on needs and non-matrimonial property, Matrimonial Property, Needs and Agreements - A Supplementary Consultation Paper (Consultation Paper No 208). The earlier paper examined the legal status of financial agreements made by husbands, wives and civil partners, often known as 'pre-nups' and 'post-nups'. The most important question addressed in that consultation was the enforceability of such agreements. This extension to the project followed the recommendation from Sir David Norgrove's Family Justice Review Panel for a review of the law relating to financial orders. The review is looking at two specific aspects of the law relating to financial provision on divorce: (i) to what extent one spouse should be required to meet the other's financial needs, and what exactly is meant by needs; and (}

This book deals with a subject that has recently been the focus of debate and law reform in many jurisdictions: how much scope should spouses have to conclude
agreements concerning their financial affairs - and under what circumstances should such agreements be binding and enforceable? These marital agreements include pre-nuptial, post-nuptial and separation agreements. The book is the result of a British Academy-funded research project which investigated and compared the relevant law of England and Wales, Australia, Austria, Belgium, France, Germany, Ireland, the Netherlands, New Zealand, Scotland, Singapore, Spain, Sweden and the jurisdictions of the United States. In addition to chapters on these jurisdictions, the book includes a chapter on the 'English practitioner's view'. It also provides a comparative analysis of the different matrimonial property regimes and the rules on marital agreements that explores underlying themes and principles and makes recommendations for regulating marital agreements. A key theme is the function and effect of marital agreements in the different jurisdictions. Thus, each chapter first explains the underlying 'default' rules for ancillary relief/matrimonial property and maintenance. It then analyses the current rules for marital agreements, and gives a brief account of the private international law rules. The book provides a comprehensive source of reference on ancillary relief/matrimonial property and maintenance and the rules on pre-nuptial, post-nuptial and separation agreements in 14 jurisdictions. It offers guidance for academics and practitioners dealing with international matters, and a basis for discussions on law reform. 'I applaud the vision and perseverance of Jens Scherpe in having conceived this book and, with so much distinguished help, in now bringing it to birth. I will be using it for many years and I warmly invite my fellow family lawyers across the world to do likewise.' Foreword by The Rt Hon Lord Wilson of Culworth, Justice of the Supreme Court of the United Kingdom

This publication provides detailed guidance for lawmakers and policymakers, as well as civil society organizations and other stakeholders, to support the adoption and effective implementation of laws, policies and programmes to respect, protect and fulfil women’s rights to land and other productive resources. It is based on the results of an expert group meeting held in June 2012 in Geneva, Switzerland, where critical issues facing women today in relation to the enjoyment of their land rights were raised. Land itself can be understood to include farmland, wetland, pasture, rangeland, fishery, forest, as well as harvesting and hunting territories. Throughout this publication the phrase ‘women’s rights to land’ must be understood holistically and in a manner which is grounded in the international human rights framework, and in the context of intersecting forms of discrimination. While this publication focuses on women’s rights to land, it is also recognized that land is inextricably linked to women’s access to, use of and control over other productive resources, such as property, fisheries, livestock and game. Therefore, the publication also uses the phrase ‘women’s rights to land and other productive resources’ to reflect this broader context.

This book includes some of the papers presented and discussed at the European Regional Conference of the International Society of Family Law (ISFL), held in Tossa de Mar and Girona on the 9th and 10th of October 2003.


This consultation asks the public's views on a range of potential options for reforming the law of pre-nuptial, post-nuptial and separation agreements - contracts made by couples before or during their marriage or civil partnership that are intended to govern their financial arrangements if the relationship ends. Such agreements have attracted considerable attention in recent months after the judgment of the Supreme Court in Radmacher v Granatino, which went further than ever before in recognising their significance. But the Supreme Court's decision was made in the context of the existing legislation. As it stands, the law does not allow a couple to
prevent each other from asking the courts to decide how their property should be shared. And it is still down to the courts to decide on a case-by-case basis how much weight to give to any agreement the couple may have made. In many cases this can offer important protection but it can also lead to uncertainty and expensive litigation and there have been calls for statutory reform. The Law Commission is now asking whether the current legislation - which is a generation old - provides the right basis for determining the effect of marital property agreements, or whether a new approach is needed. Could reform bring more autonomy and certainty to couples who want to enter into such agreements, while retaining sufficient safeguards to protect vulnerable spouses and children?

This book deals with a subject that has recently been the focus of debate and law reform in many jurisdictions: how much scope should spouses have to conclude agreements concerning their financial affairs - and under what circumstances should such agreements be binding and enforceable? These marital agreements include pre-nuptial, post-nuptial and separation agreements. The book is the result of a British Academy-funded research project which investigated and compared the relevant law of England and Wales, Australia, Austria, Belgium, France, Germany, Ireland, the Netherlands, New Zealand, Scotland, Singapore, Spain, Sweden and the jurisdictions of the United States. In addition to chapters on these jurisdictions, the book includes a chapter on the 'English practitioner's view'. It also provides a comparative analysis of the different matrimonial property regimes and the rules on marital agreements that explores underlying themes and principlesand makes recommendations for regulating marital agreements. A key theme is the function and effect of marital agreements in the different jurisdictions. Thus, each chapter first explains the underlying 'default' rules for ancillary relief/matrimonial property and maintenance. It then analyses the current rules for marital agreements, and gives a brief account of the private international law rules. The book provides a comprehensive source of reference on ancillary relief/matrimonial property and maintenance and the rules on pre-nuptial, post-nuptial and separation agreements in 14 jurisdictions. It offers guidance for academics and practitioners dealing with international matters, and a basis for discussions on law reform. 'I applaud the vision and perseverance of Jens Scherpe in having conceived this book and, with so much distinguished help, in now bringing it to birth. I will be using it for many years and I warmly invite my fellow family lawyers across the world to do likewise.' Foreword by The Rt Hon Lord Wilson of Culworth, Justice of the Supreme Court of the United Kingdom

The contributors to Marriage in America, inspired by the philosophy of communitarianism, consider an extensive roster of innovative policies and practices that are intended to promote a more supportive atmosphere for American marriages. A wide range of viewpoints are represented, with essays by legal scholars, social scientists, public policy advocates, family activists, and government program administrators.

J. Shoshanna Ehrlich's Fundamentals of Family Law, Second Edition is a concise version of Ehrlich's Family Law for Paralegals, developed for use in shorter paralegal courses. The Fundamentals version provides students with the knowledge and skills they will need to be effective paralegals in a busy family law practice. Without sacrificing intellectual integrity and depth of topical coverage, the text is streamlined in order to emphasize the material that is essential for the transition from classroom to office. New to the Second Edition: Marriage (Ch. 1) includes new sections on: The retroactive application of Obergefell v. Hodges to backdate marriages of same-sex couple to when they would have married had it been allowed The debate over whether merchants can refuse to provide wedding-related services and goods to same-sex couples based on religious objections Whether the marriage consent age should be raised to protect minors from being forced into marriage against their will. Domestic Violence (Ch. 3) now covers: The use of electronic monitoring in domestic violence cases The possibility of allowing minors who are being forced into marriage to obtain civil orders of protection. Children coverage expanded to include: In Chapter 5, new sections on the appointment of attorneys to represent children in contested custody disputes and considerations of parental disability in best interest determinations In Chapter 11, new section on same-sex couples and the establishment of legal parenthood In Chapter 12, consideration of the emergence of medical child abuse and forced marriage as new categories of harm; expanded definitions of abuse and neglect, including medical child abuse and forced child marriage; and new section on “legal orphans” and the reinstatement of parental rights. Economic Issues updated with: New section in Chapter 6 on the due process rights of low-income parents in civil contempt cases for non-payment of child support. Chapter 7 expanded to include the backlash against “permanent” spousal support awards and the tax treatment of spousal support payments. Coverage of virtual assets
Studies legal property relations of married parties by looking at legislation in many states during the 1898-1899 years.

Louisiana Matrimonial Regimes is designed to explore the features of the community property regime, often lauded as one of the most beautiful and significant achievements of the civil law tradition. The community property regime is widely accepted as the marital property regime of choice for an astonishing number of countries, including France, Germany, Spain, Brazil, and countless others. Even on American soil, where the common law tradition has generally been favored over that of the civil law, the community regime has gained significant sway. Nine of our states have rejected the English-inspired marital property regime in favor of the community. This book invites the reader to study the details of Louisiana's regime of patrimonial rights and duties between husband and wife, and also to consider comparisons with the matrimonial regimes of other civilian and Anglo-American systems. Andrea Beauchamp Carroll is the Donna W. Lee Professor of Family Law at the Louisiana State University Paul M. Hebert Law Center. Before joining the LSU Law faculty, Professor Carroll clerked for The Honorable W. Eugene Davis of the United States Court of Appeals for the Fifth Circuit. She subsequently worked as an associate at the Dallas law firm of Baker Botts, L.L.P., handling appellate litigation. In 2003, Professor Carroll returned home to LSU Law, where she has been teaching and writing about family law, community property, and property for the last eleven years. Professor Carroll is the author of more than a dozen books and articles in her field, and has recently been published in the Indiana, Tulane, Brooklyn, and Cardozo law reviews. Her Tulane article on civil law property was honored at the 2005 Stanford-Yale Junior Faculty Forum. Professor Carroll is also active in law reform in Louisiana, as a Member of the Council of the Louisiana State Law Institute and the Institute's Persons, Children's Code, and Adult Guardianship Committees. She led the comprehensive revision of Louisiana's community property law in the area of reimbursement rights in 2009, the first substantial revision of Louisiana's community property rules since 1979. And she led a successful reform of Louisiana's child relocation rules in 2010. As Reporter of the Law Institute's Marriage and Persons Committee, Professor Carroll continues to work to improve the law related to marriage and the family. Professor Elizabeth R. Carter is the Judge Anthony J. Graphia and Ann Graphia Associate Professor of Law at the LSU Law Center, where she teaches and writes in the areas of matrimonial regimes, estates, trusts, and taxation. A graduate of Tulane University Law School and member of the Order of the Coif, Professor Carter graduated with the highest grade point average in the civil law curriculum and served as the research assistant to Professor A.N. Yiannopoulos. Her comment on Louisiana Civil Code article 466, published in Volume 80 of the Tulane Law Review, received the Dean Rufus C. Harris Award for the Best Writing on a Civil Law Subject. Professor Carter earned an L.L.M. in Taxation from the University of Alabama. She also has degrees in biology and Spanish from the University of Memphis. She serves on several Louisiana State Law Institute committees and maintains a private estate-planning practice. She has two dogs and a husband, in that order.
Landry Professor of Law (Emeritus) and former Vice Chancellor (1990-1992) at Louisiana State University's Paul M. Hebert Law Center. Since 1972, she has taught courses in the areas of family law and marital property law. In addition to overseeing the revision of Louisiana's community property law in 1978 and drafting Louisiana's covenant marriage legislation in 1997, she has worked with the Louisiana legislature on such varied topics as needs of women, rights of illegitimate children, "assisted conception," child support, no-fault divorce, and same-sex marriage. She has been the Reporter of the Louisiana State Law Institute's "Persons & Family Law" Committee since 1981 and also serves on the American Law Institute's Committee on the Principles of the Law of Family Dissolution. Through the years she has produced a significant corpus of publications pertaining to family and marital property law, including a treatise on Louisiana marital property law (co-authored with Lee Hargrave), which forms part of the Louisiana Civil Law Treatise Series, and most recently, Who's Your Momma, Who Are Your Daddies? Louisiana's New Law of Filiation, 67 LA. L. REV. 307 (2007). Andrea Beauchamp Carroll is the C.E. Laborde, Jr. Professor of Law at Louisiana State University's Paul M. Hebert Law Center. Before joining the LSU Law Center faculty in 2003, Professor Carroll earned a B.S. in Finance from LSU, where she graduated magna cum laude, and a J.D. from the LSU Law Center, where she was a member of the Louisiana Law Review and the Order of the Coif. After earning her law degree, Professor Carroll worked as an associate in the Appellate Section at the law firm of Baker Botts in Dallas, Texas, and clerked for The Honorable W. Eugene Davis of the United States Court of Appeals for the Fifth Circuit. Professor Carroll teaches and writes about the civil law, both in the context of substantive areas such as property and community property, and in the broader context of its interaction with common law systems. She has published a number of scholarly works on family law and community property, including, most recently, Incentivizing Divorce, 20 CARDOZO L. REV. 1925 (2009) and The Superior Position of the Creditor in the Community Property Regime: Has the Community Become a Mere Creditor Collection Device?, 47 SANTA CLARA L. REV. 1 (2007). Professor Carroll also led Louisiana's 2009 legislative reform on reimbursement in the community property context.

In a typical Wills, Trusts, and Estates (WTE) class there are both students who want to practice in WTE (either exclusively, or as part of a general practice), and those who need only to master the general concepts in order to pass the bar exam. Wills, Trusts, and Estates in Focus by Naomi R. Cahn, Alyssa DiRusso, and Susan Gary attends to the needs of both sets of students. For those who will practice in WTE, the concepts are presented in an engaging way and exemplified by realistic hypothetical scenarios that mirror practice and support the development of lawyering skills. For those who need only to pass the bar, the organization of the text is keyed to multi-state essay examination topics as presented on the multi-state bar exam. The well-crafted pedagogy of the Focus Series makes WTE concepts and procedure clear and accessible for all students. Case Previews shed light on each succinctly-edited case, provide legal context, and direct students to the issue at hand. Post-Case Follow-Ups review the decision and prepare students to apply the relevant legal principles to the set of exercises that follow, called Real Life Applications. Professors will appreciate the accessible approach of Wills, Trusts, and Estates in Focus, which combines straightforward narrative explanations with real-world examples, and problems designed to engage students in active learning. Features of Wills, Trusts, and Estates in Focus: Insightful authorship: The author team consists of three well-known academics with expertise in WTE and complementary areas such as family law, charities, elder law, and tax. All are elected Fellows of the American College of Trust and Estate Counsel (ACTEC), the leading professional organization of trust and estates attorneys. Conscious modernization of the WTE casebook that balances major landmark cases and 21st century authorities, including recent case decisions and developments in the law (such as the 2017 Tax Cuts and Jobs Act) Thorough coverage of core topics, combined with the Focus Series pedagogy Manageable problem sets that allow students to apply doctrine to realistic fact scenarios Research and drafting exercises that support the development of practice-based skills Professors and students will benefit from: Clear writing that promotes the learning outcomes of student competencies in knowledge and understanding of both the substantive and procedural law of WTE legal analysis and reasoning problem-solving how to exercise proper professional and ethical responsibilities with regard to clients and the legal system A balanced emphasis on practice readiness and bar-exam readiness An author team with experience writing for students, practitioners, and lay people A clear and logical book structure and chapter organization, with cross-references to related coverage in other chapters Appendices that provide examples of how doctrine maps on to practice, as in will contest pleadings and probate filings Teaching materials include: Teacher's Manual with straightforward case summaries and answers to all problems Sample 3-credit syllabus
This book shows six different realities of same-sex families. They range from full recognition of same-sex marriage to full invisibility of gay and lesbian individuals and their families. The broad spectrum of experiences presented in this book share some commonalities: in all of them legal scholars and civil society are moving legal boundaries or thinking of spaces within rigid legal systems for same-sex families to function. In all of them there have been legal claims to recognize the existence of same-sex families. The difference between them lies in the response of courts. Regardless of the type of legal system, when courts have viewed claims of same-sex couples and their families as problems of individual rights, they have responded with a constitutional narrative protecting same-sex couples and their families. When courts respond to these claims with rigid concepts of what a family is and what marriage is as if legal concepts where unmodifiable, same-sex couples have remained outside the protection of the law. Until forty years ago marriage was the only union considered legitimate to form a family. Today more than 30 countries have granted rights to same sex couples, including several that have opened up marriage to couples of the same sex. Every day there is a new bill being discussed or a new claim being brought to courts seeking formal recognition of same sex couples. Not all countries are open to changing their legal structures to accommodate same-sex couples, but even those with no visible changes are witnessing new voices in their communities challenging the status quo and envisioning more flexible legal systems.

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