

FROM PARTNERS TO PARENTS

THE SECOND REVOLUTION IN FAMILY LAW

JUNE
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From Partners To Parents The Second Revolution In Family Law

Melissa L. Breger



From Partners To Parents The Second Revolution In Family Law:

From Partners to Parents June Carbone, 2000 Examining the changes that have occurred in families family research and family law in the late 20th century this volume describes a paradigm shift in the legal and social regulation of the family to an emphasis on parents relationships to their children rather than to each other *Determining Legal Parentage* Yehezkel Margalit, 2019-04-25 Offering intentional parenthood as the most appropriate flexible and just normative doctrine for resolving the various dilemmas that have surfaced in the modern era **Property** Hanokh Dagan, 2011 This work offers an original understanding of property different from the dominant voices in the field yet loyal to the practice of property Dagan argues that property can and should serve a pluralistic set of liberal values **Paternity and American Law** Rosemarie Skaine, 2003 A father s role in the family has been defined in various ways throughout the history of the United States The English heritage of the first settlers encouraged patriarchal rule in the family As changing technology spurred the Industrial Revolution the father was propelled out of the home and into the workplace and his role became that of breadwinner Consequently mothers soon found their authority in the home heightened Both parents left the home when the World War II effort urged citizens into the factories and offices to serve the United States in a time of crisis This again led to a more aggressive female presence in society as well as the family As the father s role in the family changed so did the laws reflecting the father s rights Today the line is skewed as more often the establishment of paternity becomes a difficult process no longer defined by the old standards of marriage or adoption This text discusses the changes in paternity laws over time and the ways in which each era s societal norms have been reflected in those laws Custody legitimacy adoption and paternity are examined from a legal standpoint Child support visitation scheduling and third party parenting and visitation rights are also discussed Finally current trends that affect paternity laws are examined Major cases statutes and model acts that exemplify changes in paternity laws are listed in three appendices **Marriage Proposals** Anita Bernstein, 2008-12 The essays in Marriage Proposals envision a variety of scenarios in which adults would continue to join themselves together seeking permanent companionship and sustenance linking sexual intimacy to a long commitment usually caring for each other and building new families What would disappear are the legal consequences associated with marriage No joint income tax return no immigration privileges like the fianc e visa or the right to bring in a husband or wife no special statuses for prison visits or hospital decisions no prerogative to remain silent in court by claiming confidential marital communications no pension entitlements no marital benefits and detriments regarding criminal or civil liability The anthology makes a unique contribution amid the two marriage furors of the day same sex marriage and the Bush Administration s marriage movement that marrying is good and more marriages would be better for society Abolishing the legal category of marriage is the only policy suggestion in current American discourse that speaks to both causes Activists on both sides of the same sex marriage fight along with marriage movement partisans all seek improvement through law reform Marriage Proposals gives them a

viable reform abolition of marriage as a legal status for fighting battles in the courtroom and the streets Contributors include Anita Bernstein Peggy Cooper Davis Martha Albertson Fineman Linda C McClain Marshall Miller Lawrence Rosen Mary Lyndon Shanley and Dorian Solot

The Fragmenting Family ,2008-08-28 Brenda Almond throws down a timely challenge to the liberal consensus about personal relationships She maintains that the traditional family is fragmenting in Western societies and that this fragmentation is a cause of serious social problems Behind this phenomenon Almond finds a new ideology according to which the family is seen no longer as a natural procreative unit but rather as a social construction a set of legal and social relationships She gives an urgent warning about the danger of legal changes which weaken the contractual status of marriage and discount genetic and biological parenthood These changes threaten the parent child link which is fundamental to human life The Fragmenting Family challenges widespread beliefs about commitment and freedom in partnerships and parenthood Almond urges that we reconsider our attitudes to sex and reproduction in order to strengthen our most important social institution the family which is the key to ensuring healthy relationships between parents and children and a secure upbringing for the citizens of the future Anyone who is concerned about how the framework of society is changing anyone who has to face difficult personal decisions about parenthood or family relationships will find this book compelling It may disturb deep convictions or offer an unwelcome message but it is compassionate as well as controversial

Unequal Family Lives Naomi R. Cahn,June Carbone,Laurie Fields DeRose,W. Bradford Wilcox,2018-08-02 Across the Americas and Europe the family has changed and marriage is in retreat To answer the question of what s driving these changes and how they impact social and economic inequality progressives have typically focused on the economic causes of changing family structures whereas conservatives tend to stress cultural and policy roots In this illuminating book an international group of scholars revisit these issues offering competing and contrasting perspectives from left center and right while also adding a third layer of analysis namely the role of gender changes in women s roles male employment patterns and gendered family responsibilities in driving family change across three continents Unequal Family Lives Causes and Consequences in Europe and the Americas adds richness and depth to our understanding of the relationship between family and economics in the United States Europe and Latin America This title is also available as Open Access

Fragmenting Fatherhood Richard Collier,Sally Sheldon,2008-09-05 Debates about the future of fatherhood have been central to a range of conversations about changing family forms parenting and society Law has served an important yet often neglected role in these discussions serving as an important focal point for broader political frustrations playing a central role in mediating disputes and operating as a significant symbolic state sanctioned account of the scope of paternal rights and responsibilities Fragmenting Fatherhood provides the first sustained engagement with the way that fatherhood has been understood constructed and regulated within English law Drawing on a range of disparate legal provisions and material from diverse disciplines it sketches the major contours of the figure of the father as drawn in law and social policy

tracing shifts in legal and broader understandings of what it means to be a father and what rights and obligations should accrue to that status In thematically linked chapters cutting across substantive areas of law the book locates fatherhood as a key site of contestation within broader political debates regarding the family and gender equality Multiple visions of fatherhood evolving unevenly over time across diverse areas of law emerge from this analysis Fatherhood is revealed as an essentially fragmented status and one which is intertwined in complex ways with the legal cultural and political contexts in which discourses of parenthood are produced *Fragmenting Fatherhood* provides an important and unique resource speaking to debates about fatherhood across a range of fields including law and legal theory sociology gender studies social policy marriage and the family women s studies and gender studies

Autonomy in the Law Mortimer Sellers,2007-09-19 By juxtaposing European and American concepts of autonomy in the law as they are applied to families capital punishment and criminal trials authors reveal the common values that justify all legal systems This book sheds new light on the fundamental purpose of law by examining how European and American lawyers judges and citizens actually apply and should apply legal autonomy to litigation legislation and the law itself

The Relationship Rights of Children James G. Dwyer,2006-04-17 This book presents a sustained theoretical analysis of what rights children should possess in connection with state decision making about their personal relationships which the state does in numerous aspects of family law including paternity adoption custody and visitation termination of parental rights and grandparent visitation It examines the nature and normative foundation of adults rights in connection with relationships among themselves and then assesses the extent to which the moral principles underlying adults rights apply also to children It concludes that the law should ascribe to children rights equivalent though not identical to those which adults enjoy and this would require substantial changes in the way the legal system treats children including a reformation of the rules for establishing legal parent child relationships at birth and of the rules for deciding whether to end a parent child relationship

[The Cambridge Companion to Comparative Family Law](#) Shazia Choudhry,Jonathan Herring,2019-01-31 Offers a comprehensive overview of the key issues facing family law globally and explores how different countries have tackled them

Family Law and the Indissolubility of Parenthood Patrick Parkinson,2011-02-21 There are few areas of public policy in the Western world where there is as much turbulence as in family law Often the disputes are seen in terms of an endless war between the genders Reviewing developments over the last 30 years in North America Europe and Australasia Patrick Parkinson argues that rather than just being about gender the conflicts in family law derive from the breakdown of the model on which divorce reform was predicated in the late 1960s and early 1970s Experience has shown that although marriage may be freely dissoluble parenthood is not Dealing with the most difficult issues in family law this book charts a path for law reform that recognizes that the family endures despite the separation of parents while allowing room for people to make a fresh start and prioritizing the safety of all concerned when making decisions about parenting after separation

Defiant Dads Jocelyn Elise Crowley,2018-07-05 All across America

angry fathers are demanding rights These men claim that since the breakdown of their own families they have been deprived of access to their children Joining together to form fathers rights groups the mostly white middle class men meet in small venues to speak their minds about the state of the American family and more specifically to talk about the problems they personally face for which they blame current child support and child custody policies Dissatisfied with these systems fathers rights groups advocate on behalf of legal reforms that will lower their child support payments and help them obtain automatic joint custody of their children In *Defiant Dads* Jocelyn Elise Crowley offers a balanced examination of these groups in order to understand why they object to the current child support and child custody systems what their political agenda if enacted would mean for their members children or children s mothers and how well they deal with their members interpersonal issues concerning their ex partners and their role as parents Based on interviews with more than 150 fathers rights group leaders and members as well as close observation of group meetings and analysis of their rhetoric and advocacy literature this important book is the first extensive in depth account of the emergence of fathers rights groups in the United States A nuanced and timely look at an emerging social movement *Defiant Dads* is a revealing investigation into the changing dynamics of both the American family and gender relations in American society **Marriage Markets** June Carbone, Naomi Cahn, 2014-04-01 In this rigorous and enlightening account of why American families have transformed so much since the 1960s two leading scholars of family law argue that the changing economy rather than changing morals is at the root of family instability **The ^ASupportive State** Maxine Eichner, 2010-10-15 In this book Maxine Eichner contends that the family state relationship must factor into the standard liberal goods of freedom and equality She develops a supportive state model that allows families the freedom to pursue their own visions of the good life while requiring the state to enhance families capacity for caretaking In the end her vigorous defense of modern liberalism stands as a sharp rejoinder to the widespread conservative belief that diminishing the state s role in family life will benefit families *The SAGE Handbook of Neoliberalism* Damien Cahill, Melinda Cooper, Martijn Konings, David Primrose, 2018-02-26 Over the last two decades neoliberalism has emerged as a key concept within a range of social science disciplines including sociology political science human geography anthropology political economy and cultural studies The *SAGE Handbook of Neoliberalism* showcases the cutting edge of contemporary scholarship in this field by bringing together a team of global experts Across seven key sections the handbook explores the different ways in which neoliberalism has been understood and the key questions about the nature of neoliberalism Part 1 Perspectives Part 2 Sources Part 3 Variations and Diffusions Part 4 The State Part 5 Social and Economic Restructuring Part 6 Cultural Dimensions Part 7 Neoliberalism and Beyond This handbook is the key reference text for scholars and graduate students engaged in the growing field of neoliberalism **Marriage at the Crossroads** Marsha Garrison, Elizabeth S. Scott, 2012-10-15 The institution of marriage is at a crossroads Across most of the industrialized world unmarried cohabitation and nonmarital births have skyrocketed while marriage rates are at record lows

These trends mask a new idealized vision of marriage as a marker of success as well as a growing class divide in childbearing behavior the children of better educated wealthier individuals continue to be born into relatively stable marital unions while the children of less educated poorer individuals are increasingly born and raised in more fragile nonmarital households The interdisciplinary approach offered by this edited volume provides tools to inform the debate and to assist policy makers in resolving questions about marriage at a critical juncture Drawing on the expertise of social scientists and legal scholars the book will be a key text for anyone who seeks to understand marriage as a social institution and to evaluate proposals for marriage reform

Exploring Norms and Family Laws across the Globe Melissa L. Breger, 2022-03-28 Bringing together some of the world's leading family law scholars as well as bright and emerging minds in the field of global family law this book explores the differences and commonalities in the conceptualization and legal treatment of families throughout different legal traditions Each chapter delves into topics integral to family law jurisprudence and serves as a novel examination into a deep slice of family law Together the four parts and sixteen chapters create a melodious and intriguing examination of groundbreaking and cutting edge areas of law in the realm of the family The four parts primarily focus upon a major family law topic with the authors examining the laws across jurisdictions cross nationally or in some cases intra jurisdictionally It is through this comparative lens that we see how family law concepts are woven into the fabric of overall society around the globe This book is of interest to family law international law sociology and socio legal scholars

Soul, Self, and Society Edward L. Rubin, 2015-02-17 Morality is not declining in the modern world Instead a new morality is replacing the previous one Centered on individual self fulfillment and linked to administrative government it permits things the old morality forbid like sex for pleasure but forbids things the old morality allowed like intolerance and equality of opportunity

Intimate Associations J. Herbie DiFonzo, Ruth C. Stern, 2013 The rise in divorce cohabitation single parenthood and same sex partnerships along with an increase in surrogacy adoption and assisted reproductive technologies has led to many diverse configurations of families or intimate associations J Herbie DiFonzo and Ruth C Stern chart these trends over the past several decades and investigate their social legal and economic implications Drawing upon a wealth of social science data they show that by a number of measures children of married parents fare better than children in a household formed by cohabiting adults This is not to condemn nontraditional families but to point out that society and the law do not yet adequately provide for their needs The authors applaud the ways in which courts and legislatures are beginning to replace rigid concepts of marriage and parenthood with the more flexible concept of functional family roles In the conclusion they call for a legal system that can adapt to the continually changing reality of family life

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