

What comparative family law should entail

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Abstract

Since globalization is not only restricted to economic and political relationships, but literally 'hits home', it has become indispensable to look beyond national boundaries and to take international developments into account in the field of family law. Hence, comparative family law is blooming. The core part of this contribution to the special issue on 'Current Debates in Family Law around the Globe' is aimed at framing the context of comparative family law. The main questions are: How is comparative family law perceived by the academic community and practitioners alike? What should it entail? In the attempt to find answers to these questions, several comparative family law projects, which have been carried out both in Europe and in the United States, have been compared. Whereas family law experts in Europe decidedly contribute to the comparative law methodology debate, similar discussions seemingly do not take place in the United States. It has been examined why this may be the case.

Keywords

comparative family law; international family law; European family law; private international law in family matters; methodology

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