

CALL FOR PAPERS
for a special issue on
FAMILY DEMOGRAPHY AND FAMILY LAW

Deadline for submission of short and extended abstracts: 28 February 2022.

The IUSSP Scientific Panel on Family Demography and Family Law is preparing a special issue that is scheduled to be published in 2023.

The editors will welcome contributions on all topic family demography and family law and from all parts of the world.

Context

Over the last decades, family structure and family dynamics have undergone tremendous changes. In family demography, these changes are typically interpreted as the consequences of deep transformations in values, attitudes and norms. These are defined and measured at the level of the individual, typically using a questionnaire, and, when aggregated, they are usually interpreted either as characteristics of a population – for instance in cross-national comparisons – or as characteristics of different groups within a country, say men and women, the less educated and the well-educated, and so on.

Although these approaches have proven fruitful, they leave aside the formal context within which actors must make the decisions and the choices that will lead to demographic events such as entering in a conjugal relationship, leaving one or having a child. Although these choices and decisions are without any doubt rooted in economic contexts, influenced by individuals' values and attitudes, and conditioned by what they perceive as norms, the range of what is possible and the “cost” of any specific decision or choice are largely an institutional matter and are shaped by law. Some examples come easily to mind:

- The postponement of fertility would not have occurred the way it did if contraception and abortion had remained illegal as they both were until about 50 years ago in the majority of countries.
- In the West and to some extent in Latin America, the diffusion of unmarried cohabitation would probably not have occurred if the millennia-old distinction between legitimate and illegitimate children had not been abolished in many countries through a combination of legislative changes and court decisions.
- Divorce, separation and step-families would not be as common as they are today if most jurisdictions in the West had not, willingly or not, come to terms with unilateral divorce.
- In Asia, social and economic changes typically weaken the traditional ties between children and parents, which may lead either to a new enforcement of maintenance duties through the law or an increase of the social provision of welfare.
- In Africa, conflicts between customary law and formal law may foster, hinder or shape changes in family dynamics or force authorities to alter the balance between the two forms of law.

As some of these examples suggest, the relationship between the changes in the demography of the family and the changes in family law is not a simple matter of cause and

effect. Changes in law occur because of changes in behaviour as much as changes in law may favour changes in behaviour.

Purpose and Activities of the Panel

The purpose of the IUSSP Scientific Panel on Family Demography and Family Law is to foster the study of the connection between changes in family law and changes in family structure and family dynamics while assuming as little as possible about the specifics of the connection. A related purpose is to foster networking and eventually collaboration among researchers who are working on relevant topics but are not yet meeting in seminars or meeting sessions devoted to the field.

Until now, the panel has organised a workshop on *Family Dynamics and the Changing Landscape of Shared Custody in Europe* in 2017, two thematic sessions — on *Families, the Law, and Public Policy* at the PAA 2018 Annual Meeting and on *Family law, public policy, and family behaviour* at the 2018 4th Asian Population Association Conference — and a series of virtual sessions titled *International Seminar on Family Demography and Family Law all around the Clock* in late 2020. It is currently involved in the organisation of a new session on *Families, the Law and Public Policy* for the 2022 PAA meeting in Atlanta.

Purpose of the special collection

The purpose of the special collection is to assemble original contributions on relevant topics in one so that it can serve as a common starting reference for anyone who is interested in the topic.

For the purposes of the Panel and of the special collection, family law is mainly private law, i.e. what is normally regulated by the Civil Code of a country, or its laws on marriage, divorce, separation, filiation, maintenance between relatives and inheritance. These matters are commonly intertwined with matters of “social law” (*Sozialrecht, derecho social, droit social*) and proposals that deal with matters of private law and social law will be welcome, but the focus of the special collection is not on the relationship between the social provision of welfare and demographic behaviour.

Topics of interest for the special collection include, but are not limited to the following:

- Do legal restrictions that forbid divorce, impose delays or any other such constraints on divorce have an impact on the spread of unmarried cohabitation?
- Do the rules regarding marital property or maintenance duties towards ex-spouses have an impact on the choice of unmarried cohabitation over marriage?
- Did the abolition of illegitimacy for the purposes of maintenance duties and inheritance make it easier to have children without being married and is thus linked to the rise of unmarried cohabitation?
- Does the legal connection between state provided support (e.g., social assistance payments or health care services) and maintenance duties between spouses or partners have an impact on out-of-union births?
- Do the rules defining the role and duties of ‘stepparents’ towards stepchildren following separation have an impact on the formation of step-families?
- Are the legal regulations prescribing the number of ‘parents’ that a child can have linked to an increase in births following the use of reproductive technologies?

- Can the lack of legal recognition of surrogacy lead to children being given up for adoption in case of disagreement between intended parents and the surrogate mother?
- Did the introduction of same-sex marriage or same-sex registered partnerships have an impact on the processes of union formation and dissolution among same-sex couples?
- What was the impact of the introduction of adoption by same-sex couples or by single people on family formation?
- To what extent does international private law affect union formation and breakdown, and family formation?

The editors are will also welcome proposals that address international comparisons as well as those that use innovative methodological approaches applied to relevant topics.

Given the mission of the IUSSP and the title of the special collection, the editors expect contributions from all round the world.

Submissions:

The editors invite researchers in the field to **submit, by 28 February 2022**, a short 200-word abstract **AND** an extended abstract (2 to 4 pages, including tables) or a full paper, which must be unpublished. The editors will reply to the authors as soon as they accept their proposal. Authors whose proposal is accepted should send their completed manuscript no later than **30 June 2022**.

To submit and for further information, please contact the editors:

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