

1. Record Nr.	UNINA9910451440003321
Titolo	Legal recognition of same-sex partnerships : a study of national, European, and international law // edited by Robert Wintemute and Mads Andenæs
Pubbl/distr/stampa	Oxford [England] ; ; Portland, Oregon : , : Hart Publishing, , 2001
ISBN	1-4725-6242-9 1-280-80133-6 9786610801336 1-84731-249-7
Edizione	[1st ed.]
Descrizione fisica	1 online resource (806 p.)
Disciplina	346.01/6
Soggetti	Gay couples - Legal status, laws, etc Same-sex marriage - Law and legislation Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Based on a conference on national, European, and international Law held July 1-3, 1999 at University of London.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Introduction -- Robert Wintemute, Reader, School of Law, King's College, University of London -- 1. Same-Sex Relationships: An Australian Perspective on a Global Issue -- The Hon. Justice Michael Kirby AC CMG, High Court of Australia -- PART I THEORETICAL PERSPECTIVES -- Introduction: Theoretical Perspectives -- David AJ Richards, Professor, School of Law, New York University -- 2. Same-Sex Partnerships and Arguments of Justice -- Nicholas Bamforth, Fellow, Queen's College, University of Oxford -- 3. The Limitations of Liberal Neutrality Arguments in Favour of Same-Sex Marriage -- Chai R Feldblum, Professor, Georgetown University Law Center -- 4. Like Counting Stars? Re-Structuring Equality and the Socio-Legal Space of Same-Sex Marriage -- Davina Cooper, Professor, School of Law, Keele University -- 5. Recognition, Rights, Regulation, Normalisation: Rhetorics of Justification in the Same-Sex Marriage Debate -- Janet Halley, Professor, Harvard Law School -- 6. The Ideological Structure of the Same-Sex Marriage Debate (And Some Postmodern Arguments for

Same-Sex Marriage) -- William N Eskridge, Jr., Professor, Yale Law School -- PART II NATIONAL LAW -- Section A-United States -- 7. Legal Recognition of Same-Sex Partners Under US State or Local Law -- Arthur S Leonard, Professor, New York Law School -- 8. Lesbian and Gay Couples Raising Children: The Law in the United States -- Nancy D Polikoff, Professor, Washington College of Law, American University -- 9. The Hawaii Marriage Case Launches the US Freedom-to-Marry Movement for Equality -- Evan Wolfson, Freedom to Marry Project, New York (formerly Marriage Project Director, Lambda Legal Defense and Education Fund, New York) -- 10. The Freedom to Marry for Same-Sex Couples in the United States of America -- Mary L Bonauto, Civil Rights Director, Gay and Lesbian Advocates and Defenders, Boston -- Section B-Canada -- Introduction: Same-Sex Partnerships in Canada -- The Hon. Justice Claire L'Heureux-Dube, Supreme Court of Canada -- 11. Any Two Persons in Canada's Lotusland, British Columbia -- Donald G Casswell, Professor, Faculty of Law, University of Victoria -- 12. Becoming "Persons" in Canadian Law: Genuine Equality or "Separate But Equal?" -- Kathleen A Lahey, Professor, Faculty of Law, Queen's University -- Section C-Africa, Australasia and Latin America -- 13. Politics, Partnership Rights and the Constitution in South Africa . . . (and the Problem of Sexual Identity) -- Craig Lind, Lecturer, School of Legal Studies, University of Sussex -- 14. Let Them Eat Cake, and Ice Cream: Wanting Something "More" from the Relationship Recognition Menu -- Jenni Millbank, Senior Lecturer, Faculty of Law, University of Sydney -- Wayne Morgan, Senior Lecturer, Faculty of Law, Australian National University -- 15. The New Zealand Same-Sex Marriage Case: From Aotearoa to the United Nations -- Nigel Christie, Ph.D. Candidate, School of Law, University of Waikato -- 16. Brazil's Proposed "Civil Unions Between Persons of the Same Sex": Legislative Inaction and Judicial Reactions -- Marcelo Dealtry Turra, Adjunct Professor of Law, Universidade Candido Mendes, Rio de Janeiro -- Section D-Asia and the Middle East -- 17. Towards Legal Protection for Same-Sex Partnerships in Japan: From the Perspective of Gay and Lesbian Identity -- Akitoshi Yanagihashi, Legal Director, Japan Association for the Lesbian and Gay Movement (OCCUR), Tokyo -- 18. Contextualising the Same-Sex Erotic Relationship: Post-Colonial Tongzhi and Political Discourse on Marriage Law in Hong Kong and Mainland China -- Chiu Man-Chung (Andy Chiu), Assistant Professor, School of Law, City University of Hong Kong -- 19. Same-Sex Partnerships and Indian Law: Climate for a Change -- Poonam Saxena, Associate Professor, Faculty of Law, University of Delhi -- 20. Challenges to Compulsory Heterosexuality: Recognition and Non-Recognition of Same-Sex Couples in Israeli Law -- Aeyal M. Gross, Lecturer, Faculty of Law, Tel-Aviv University -- Section E-Europe -- 21. The Danish Registered Partnership Act, 1989: Has the Act Meant a Change in Attitudes? -- Ingrid Lund-Andersen, Associate Professor, Faculty of Law, University of Aarhus -- 22. "From Society's Point of View, Cohabitation Between Two Persons of the Same Sex is a Perfectly Acceptable Form of Family Life": A Swedish Story of Love and Legislation -- Hans Ytterberg, Associate Judge of Appeal and Ombudsman against Discrimination because of Sexual Orientation (HomO), Stockholm -- 23. Small Change: How the Road to Same-Sex Marriage Got Paved in the Netherlands -- Kees Waaldijk, Senior Lecturer, Faculty of Law, Universiteit Leiden -- 24. "Statutory Cohabitation" Under Belgian Law: A Step Towards Same-Sex Marriage? -- Olivier De Schutter, Professeur adjoint, Faculte de Droit, Universite catholique de Louvain -- Anne Weyembergh, Chercheuse, Institut d'Etudes europeennes, Universite libre de Bruxelles -- 25. The "Pacte Civil de Solidarite" in France: Midway Between Marriage and

Cohabitation -- Daniel Borrillo, Maître de conférences en droit privé, Université de Paris X (Nanterre); Centre National de la Recherche Scientifique (laboratoire CERSA, Université de Paris II (Panthéon-Assas)) -- 26. Spain: The Heterosexual State Refuses to Disappear -- Nicolas Perez Canovas, Professor of Civil Law, Universidad de Granada -- 27. The Law on Stable Unions of Couples in the Catalonia Autonomous Community of Spain -- Francesc Jaurena i Salas, Lawyer, Assistant to a Member of the Catalan Parliament, Barcelona -- 28. Italy Walking a Tightrope Between Stockholm and the Vatican: Will Legal Recognition of Same-Sex Partnerships Ever Occur? -- Gioia Scappucci, Ph.D. Candidate, Faculty of Laws, University College, University of London -- 29. At the End of the Fairy Tale, Will Heidi Stay Single? Same-Sex Partnerships in Switzerland -- Francois E Baur, Vice-Director, Legal Department, Swiss Federal Office of Culture; President, Pink Cross (Swiss Gay Federation), Bern -- 30. The First Will Be The Last: Legal Recognition of Same-Sex Partnerships in Austria -- Helmut Graupner, Lawyer; Vice-President, Austrian Society for Sex Research; President, Rechtskomitee Lambda, Vienna -- 31. Nice on Paper: The Aborted Liberalisation of Gay Rights in Hungary -- Lilla Farkas, Hungarian Helsinki Committee; Legal Defence Bureau for National and Ethnic Minorities, Budapest -- 32. The Legal Situation of Same-Sex Partnerships in Germany: An Overview -- Roland Schimmel, Lawyer, Schimmel Buhlmann, Frankfurt am Main -- Stefanie Heun, Legal Counsel, German Stock Exchange, Frankfurt am Main -- 33. From Individual Protection to Recognition of Relationships? Same-Sex Couples and the Irish Experience of Sexual Orientation Law Reform -- Leo Flynn, Legal Secretary, Court of Justice of the European Communities, Luxembourg (Lecturer, School of Law, King's College, University of London) -- 34. Same-Sex Partnerships in English Family Law -- Rebecca Bailey-Harris, Professor and Dean, Faculty of Law, University of Bristol -- PART III EUROPEAN LAW -- Section A-European Community Law -- 35. The Miscegenation Analogy in Europe, or, Lisa Grant meets Adolf Hitler -- Andrew Koppelman, Associate Professor of Law and Political Science, Northwestern University -- 36. Towards the Recognition of Same-Sex Partners in European Union Law: Expectations Based on Trends in National Law -- Kees Waaldijk, Senior Lecturer, Faculty of Law, Universiteit Leiden -- 37. Sexual Orientation Discrimination in Employment: An Evolving Role for the European Union -- Mark Bell, Lecturer, Faculty of Law, University of Leicester -- 38. Free Movement and Same-Sex Relationships: Existing EC Law and Article 13 EC -- Elspeth Guild, Professor of European Migration Law, Katholieke Universiteit Nijmegen; Partner, Kingsley Napley, London -- Section B-European Convention on Human Rights -- 39. Sex: Has It Any Place in Modern Marriage? -- Stephen Whittle, Reader, School of Law, Manchester Metropolitan University -- 40. Strasbourg to the Rescue? Same-Sex Partners and Parents Under the European Convention -- Robert Wintemute, Reader, School of Law, King's College, University of London -- PART IV INTERNATIONAL LAW -- 41. Will the United Nations Human Rights Committee Require Recognition of Same-Sex Marriages? -- Laurence R Helfer, Professor, Loyola Law School, Los Angeles -- 42. United Nations Human Rights Law and Same-Sex Relationships: Where to from Here? -- Kristen L Walker, Senior Lecturer, Faculty of Law, University of Melbourne -- Conclusion -- Robert Wintemute, Reader, School of Law, King's College, University of London

Sommario/riassunto

Should same-sex couples be permitted to marry? Or should a separate institution of "registered partnership" or "civil union" be created for them? Or should the rights and duties of unmarried different-sex

couples be extended to them? Should they be allowed to adopt each other's children, or jointly adopt an unrelated child? How should they be treated with regard to employment, social security, pensions, housing, immigration, taxation, inheritance, and divorce? These questions are being debated around the world, as lesbian, gay, bisexual and transgendered persons increasingly (but not uniformly) insist that they cannot be truly equal without equal treatment for the loving and lasting relationships they form with their partners. In "Legal Recognition of Same-Sex Partnerships", an international team of scholars examines both theoretical issues and the wide variety of legal developments in the United States, Canada, Brazil, thirteen European countries, Israel, South Africa, India, Japan, China, Australia and New Zealand, as well as under European Community and European Convention law, and United Nations human rights law
