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Nota di contenuto	1. Introduction -- Justifications -- Boundaries and questions -- Theoretical framework -- Chapter outline -- A final note -- 2. Conservatism and family law -- Introduction -- What is conservatism? -- The knowledge principle -- The change principle -- Conservatism and the family -- To what extent should the law support marriage and facilitate divorce? -- The clean break on divorce -- Should the State legally recognise same-sex relationships? -- The objection to same- sex marriage from natural law theory -- The conservative -- libertarian view -- The conservative assimilationist argument -- Going further: a classical conservative argument -- Concluding remarks -- 3. Marriage and divorce in transition: The Matrimonial and Family Proceedings Act 1984 -- Introduction -- The political context: the new right -- Thatcherism -- The new right, thatcherism and the conservative tradition -- The Conservative party and family policy prior to the MFPA 1984 -- The family policy groups -- Lessons from a letter to a child -- The Matrimonial and Family Proceedings Act 1984 -- Genesis of the Act -- The divorce time bar: previous law and criticisms -- The divorce time bar: law commission proposals -- The financial consequences of divorce: previous law and criticisms -- The financial consequences of divorce: law commission proposals -- Analysis of the bill in Parliament -- The conservative preoccupation with the expressive, or symbolic, function of law -- Conservatives mostly disregarded the impact of the

clean break -- Conservative distrust of experts and evidence -- Conclusion -- 4. Major change: family law and policy in the decade following the Matrimonial and Family Proceedings Act 1984 -- Introduction -- The major premiership: thatcherism after Thatcher -- Family law and policy prior to the Family Law Act 1996 -- Surrogacy Arrangements Act 1985 -- Children Act 1989 -- Human Fertilisation and Embryology Act 1990 the Gillick case -- Major change: some concluding thoughts -- 5. Divorcing rhetoric from reality: the Family Law Act 1996 -- Introduction -- The genesis of the Family Law Act 1996 -- The Law Commission reports -- The government's responses -- Main provisions of the Bill -- Analysis of the Bill in Parliament -- Pessimistic versus realistic assessments of the human condition -- Legislators' views of experts: a tension between trust and distrust -- Message-sending and the agency of law generally (again) -- Reece and a post-liberal interpretation of the FLA 1996 -- Concluding Thoughts -- 6. Commitment rewarded: The Civil Partnership Act 2004 -- Introduction -- The Conservative Party and homosexual law reform -- The Civil Partnership Act 2004: marriage-like, not marriage-lite -- The genesis of the Act -- The Bill in Parliament -- Official conservative position: conservative, liberal and libertarian strands -- The conservative dissent -- Sex in the shadows -- Class -- Concluding Remarks -- 7. An unnatural union: British conservatism and the Marriage (Same Sex Couples) Act 2013 -- Introduction -- From civil partnership to same-sex marriage: a short history -- The background to the Bill -- The main features of the Marriage (Same-Sex Couples) Bill -- Analysis of the Debates -- An Overview -- The diminishing of difference and the assimilation of the gay other -- Sex in the shadows (again) -- The centrality of religion in the debates -- Conservatives and conservatism in the commons second reading -- Conservative MPs in favour of the Bill -- Conservative MPs against the Bill -- Concluding Remarks -- 8. Conclusion.

Sommario/riassunto

What does conservatism, as a body of political thought, say about the legal regulation of intimate relationships, and to what extent has this thought influenced the Conservative Party's approach to family law? With this question as its focus, this book explores the relationship between family law, conservatism and the Conservative Party since the 1980s. Taking a politico- and socio-legal perspective, the discussion draws on an expansive reading of Hansard as well as recently released archival material. The study first sets out the political tradition of conservatism, relying largely on the work of Edmund Burke, before going on to analyse the discourse around the development of four crucial statutes in the field, namely: the Matrimonial and Family Proceedings Act 1984; the Family Law Act 1996; the Civil Partnership Act 2004; and the Marriage (Same Sex Couples) Act 2013. This work offers the first extended synthesis of family law, conservative political thought and Conservative Party politics, and as such provides significant new insight into how family law is made
