

# Table of Contents

## Preface

ix

## PART ONE CONCEPTS OF PARENTHOOD

Introduction	3
1. Cultural Dimensions of Kinship <i>by</i> Norbert Rouland (University of Aix-en-Provence, France)	5
2. The Rights of Fathers: Social and Biological Concepts of Parenthood <i>by</i> Ruth Deech (St. Anne's College, Oxford, England)	19
3. Biological and Social Parenthood in African Perspective: the Movement of Children in Swazi Family Law <i>by</i> Ronald Thandabantu Nhlapo (University of Cape Town, South Africa)	35
4. Are Parents Morally Obligated to Care for their Children? <i>by</i> John Eekelaar (Pembroke College, Oxford, England).	51

## PART TWO REGULATING THE ACQUISITION OF PARENTHOOD

Introduction	67
<i>Section One: The Legal Establishment of Parenthood</i>	
5. Parenthood and Science, <i>by</i> Anders Eriksson (Ministry of Justice, Stockholm, Sweden) and Åke Saldeen (Uppsala University, Sweden)	75
6. The Reform of Affiliation Law in France and the Benelux Countries <i>by</i> Patrick Senaev (Catholic University of Leuven, Belgium)	93
7. Establishing and Contesting Parentage: the Approach of Greek Law in Comparative Perspective <i>by</i> Ioannis Deliyannis (Aristotle University, Thessaloniki, Greece)	113
8. Legal Issues regarding Children of Assisted Conception in Korea <i>by</i> Has Sook Kim (Ehwa Women's University, Seoul, Korea)	135
9. Becoming a Parent in English Law <i>by</i> Gillian Douglas and Nigel Lowe (Cardiff Law School, Wales)	145

*Section Two: Issues of Ethics and Human Rights*

10. Law Reform and Human Reproduction in New Zealand:  
Implications for Parent and Child *by* Mark Henaghan  
(University of Otago, Dunedin, New Zealand) 167
11. Family Planning as a Human Rights Issue *by* Maja Eriksson  
(Faculty of Law, Uppsala University, Sweden) 191
12. Human Rights and Artificial Procreation by Donor *by* Cyril Hegnauer  
(University of Zurich, Switzerland) 207
13. The Right to a Child versus the Rights of a Child *by* Linda Nielsen  
(University of Copenhagen, Denmark) 213
14. Surrogate Motherhood *by* Martha A. Field (Harvard University,  
Cambridge, Massachusetts, U.S.A.) 223

*Section Three: Adoption (In Particular, Inter-Country Adoption)*

15. Adoption and the Abandonment of Children in the former Soviet  
Union *by* Olga A. Dyuzheva (Moscow State University, Russia) 235
16. Adoptees searching for their Origins: a new Development seen  
from an International Standpoint *by* Ingrid Baer (International  
Social Service, German Branch, Germany) 241
17. Ensuring the Rights of Children in Inter-Country Adoption:  
Australian Attitudes to Access to Adoption Information *by*  
Stephanie Charlesworth (Department of Social Work,  
University of Melbourne, Australia) 251
18. Inter-Country Adoption: the Indian View *by* Nirmala Pandit  
(University of Poona, India) 267

### PART THREE PARENTAL RELATIONSHIPS AND CHANGING FAMILY STRUCTURES

- Introduction 279
- Section One: Parents, Children and Divorce*
19. Marriage, Parenthood and the Law *by* Kathleen Funder  
(Australian Institute of Family Studies, Melbourne, Australia) 285
  20. Lone-Parent Families in Japan *by* Satoshi Minamikata  
(Niigata University, Japan) 299
  21. Children and Parents and Divorce *by* Martin Richards  
(Centre for Family Research, University of Cambridge, England) 307
  22. The Protection of the Child against the Negative Effects of Parental  
Conflict *by* Wanda Stojanowska (Institute of Justice, Warsaw, Poland) 317
  23. Toward a Restructuring of Custody Decision-making at Divorce:  
an Alternative Approach to the Best Interests of the Child *by*  
Marygold S. Melli (University of Wisconsin, Madison, U.S.A.) 325

24. Fatherhood and Motherhood: the Legal Balance in Hungarian Family Law *by* Emilia Weiss (Eötvös University, Budapest, Hungary) 339
25. International Child Abduction Cases: Experience under the 1980 Hague Convention *by* Carol S. Bruch (University of California, Davis, U.S.A.) 353

*Section Two: Children in Reconstructed Families*

26. The Evolving Rights and Duties of Step-Parents: Making New Rules for New Families *by* Lynn D. Wardle (Brigham Young University, U.S.A.) 375
27. The Legal Status of Step-Families in Continental European Countries *by* Jehanne Sosson (Catholic University of Louvain, Belgium) 395
28. Step-Parenthood and Biological Parenthood *by* Anders Agell (Faculty of Law, Uppsala University, Sweden) 407

PART FOUR  
PARENTS, CHILDREN AND THE STATE

- Introduction 423

*Section One: State Regulation of the Parent-Child Relationship*

29. The Constitutional Protection of Parental Rights: A Discussion of the Advantages and Disadvantages of According Fundamental Status to Parental Rights and Duties *by* William Duncan (Law School, Trinity College, Dublin, Ireland) 431
30. Children, Parents and the European Human Rights Convention *by* Lucy Smith (Faculty of Law, University of Oslo, Norway) 447
31. The Rights of Parents and Children in The Netherlands: Seeking a New Balance *by* Paul Vlaardingerbroek (Tilburg University, The Netherlands) 463
32. Child Protection Law and Fundamental Values: Mentally Retarded Parents *by* Kirsten Sandberg (Department of Public Law, University of Oslo, Norway) 477
33. Legal Intervention in Parent-Child Conflicts: the Emergence of No-Fault 'Divorce' in Child Welfare Law *by* Patrick Parkinson (Faculty of Law, University of Sydney, Australia) 487
34. Growing up in Britain: Adolescence in the Post-Gillick Era *by* Andrew Bainham (School of Law, University of East Anglia, Norwich, U.K.) 501
35. The Interaction of the Roles of Parents and Case Workers in the Lives of Mentally Retarded Children and Young People *by* Inger Pedersen (Former Judge, Denmark) 519

*Section Two: The Role of Parents and the State in the Provision of Financial and Social Resources for Children*

36. The Australian Child Support Scheme: Practicalities *by* Margaret Harrison (Institute of Family Studies, Melbourne, Australia) 533

37.	Family Law, Rights and Utility <i>by</i> Stephen Parker (Faculty of Law, Australian National University, Canberra, Australia)	547
38.	Children's Rights and Social Placement: A Crossnational Comparison of Legal and Social Policy towards Children in One-Parent Families <i>by</i> Wolfgang Voegeli (Hochschule für Wirtschaft und Politik, Hamburg, Germany) and Barbara Willenbacher (University of Hannover, Germany)	561

## PART FIVE PARENTHOOD IN CULTURAL DIVERSITY

Introduction		579
39.	Native Children and the Child Welfare System in Canada <i>by</i> Christine Davies (Faculty of Law, University of Alberta, Edmonton, Canada)	581
40.	Custody Disputes involving Tribal Indians in the United States: A Case Study of the Problems inherent in Custody Adjudications Involving Non-Isolated, Semi-Autonomous Population Subgroups <i>by</i> David S. Rosettenstein (Quinnipiac College, Bridgeport School of Law, Bridgeport, Connecticut, U.S.A.)	597