Abstract.

Is “Living Together, Loving Each Other” Enough for Law? (Reflections on Some “Brave New Families”)

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Legal family ties in western legal cultures are usually based either on blood or on will (not on any will, but on a specific legal one: marriage or adoption). Recent Family Law developments are introducing a new factor in many countries founded on a simple fact: “living together and loving each other”. Cohabitation (living together) and feelings (loving each other) seem to be the foundation of a renewed Family Law, and also of the so-called “new models of family”, thus extending the legal notion of family. This paper deals with these ideas, and, therefore, with the foundations of Family Law. The main questions are why and for what purpose law is interested in family. The answer will enable us to find out the most appropriate legal response. This paper tries to answer these questions, setting the strategic functions of the family as a framework. Then, it analyzes and assesses the efficacy of the different family models in achieving the law’s purpose. Finally, some proposals are presented for the revitalization of Family Law.