Cohabitation: Models of Reform in the European Context

"LES CONCUBINS SE PASSENT DE LA LOI,

LA LOI SE DÉSINTÉRESSE D'EUX". Napoléon

I. INTRODUCTION: THE 'DISCOVERY' OF COHABITATION

1. NAPOLEON AND THE MODERN WORLD: IGNORING COHABITANTS? 2. COHABITATION PROBLEMS REACH THE COURTS – AND APPEAR IN LEGISLATION. A PATCHWORK EMERGES.

II. EXISTING LEGISLATION ON COHABITATION –TWO BASIC MODELS

- 1. FORMAL COHABITATION
 - a) Two Problems, One Solution?
 - b) Advantages of the Formal Model
 - c) Why the Formal Model Fails
- 2. INFORMAL COHABITATION
 - a) Violation of Private Autonomy?
 - b) Paternalism vs. Private Autonomy

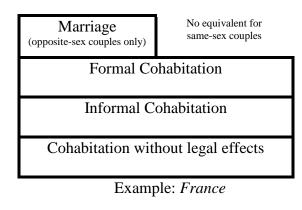
IV. EXTENT OF THE LEGAL RULES

IV. WHAT IS "COHABITATION" ANYWAY?

V. CONCLUSION

Basic Structures: Marriage and Cohabitation

Formal Cohabitation



Marriage (opposite-sex and same-sex couples)
Formal Cohabitation
Informal Cohabitation
Cohabitation without legal effects

Examples: Netherlands, Belgium (Spain)

Informal Cohabitation

Marriage (opposite-sex couples only)	Registered / Civil Partnership (same-sex couples only	
Informal Cohabitation		
Cohabitation without legal effects		

Example: Sweden