

Cohabitation: Models of Reform in the European Context

„LES CONCUBINS SE PASSENT DE LA LOI,
LA LOI SE DÉINTÉRESSE 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

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|---|---------------------------------------|
| Marriage (opposite-sex couples only) | No equivalent for same-sex couples |
| Formal Cohabitation | |
| Informal Cohabitation | |
| Cohabitation without legal effects | |

Example: *France*

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|---|--|
| 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*