

Jurcys on Economic Analysis of Party Autonomy in Family Law

Paulius Jurcys (Kyushu University Graduate School of Law) has posted Party Autonomy in International Family Law: A Note from the Economic Perspective on SSRN.

This paper aims to contribute to the discussion concerning the scope of party autonomy in international family law. It is suggested to adopt a wider view and analyse the principle of party autonomy from the efficiency perspective. In particular, this short note questions the widely accepted assumption that agreements in family law are very similar, if not identical, to other forms of market transactions. In order to facilitate the debate, it is suggested to take into consideration that some forms of agreements perform signaling function and therefore should be treated differently from other forms of market transactions. It is argued that such a perspective could help identify the surplus value of the agreement. The paper concludes with some further thoughts about the implications of the signaling and surplus value to the discussion on party autonomy in international family law.