Rethinking Family Law Through a European Human Rights Lens: A New Collective Volume

What does it mean to respect family life in modern Europe? With families increasingly diverse and cross-border by nature, the concept of family law is undergoing profound legal, cultural, and institutional changes. A newly published academic volume — El Derecho de Familia a la Luz del Derecho Fundamental Europeo al Respeto a la Vida Familiar — offers a rich and timely exploration of this transformation.

Edited by María Victoria Cuartero Rubio and José Manuel Velasco Retamosa, this book brings together leading voices in European family law, private international law, and human rights to examine how the fundamental right to respect for family life (Article 8 ECHR, Article 7 EU Charter) is reshaping family law across jurisdictions.

This collective volume is notable for its interdisciplinary scope and comparative approach. Contributors address legal challenges that sit at the intersection of: Family Law (marriage, parenthood, equality, succession); Private International Law (cross-border family relations, recognition of status); Fundamental Rights Law (interpretation of Article 8 ECHR); European Union Law (Brussels II ter Regulation, work-life balance directive); Family Policy & Socio-Legal Perspectives (gender equality, LGBTQ+ rights, surrogacy).

The book features contributions from a distinguished panel of legal scholars and practitioners, including: Rafael Arenas García (UAB); Katarina Trimmings (University of Aberdeen); Margherita Salvadori (University of Turin); Amélie Benoistel (Paris); Afonso Patrão (University of Coimbra), alongside a wide range of Spanish and international legal academics.

The volume is divided into four thematic parts, each exploring a key area of contemporary family law from a fundamental rights perspective:

1. Evolving Family Models (How are legal systems adapting to non-traditional families, cohabitation, reconstituted households, and gender dynamics within

family law?)

2. Equality, Non-Discrimination & Diversity (Topics include discrimination in inheritance, recognition of same-sex parenthood, and the intersection of sexual/gender identity and private life under the ECHR)

3. Identity, Parenthood & Cross-Border Legal Status (Chapters address the legal recognition of parentage, surrogacy, nationality, and the right to personal identity — all within the context of European mobility)

4. European and International Cooperation (Focus on Brussels II ter, forum non conveniens, judicial cooperation, and the cross-border recognition of family rights in an EU context).

While the majority of the chapters are written in Spanish, the volume also includes important contributions in English and French, reflecting the book's comparative and international character. For example, Katarina Trimmings contributes a chapter in English on Article 8 ECHR and children's identity rights; Margherita Salvadori writes in English on the Italian ban on surrogacy and its cross-border effects; Amélie Benoistel contributes a chapter in French on reserved heirship and the ECHR.

This volume is more than a scholarly collection — it's a map of the evolving European legal landscape on family life. Its strength lies in combining legal theory with practical analysis, using the right to family life as a unifying framework across jurisdictions.

For those working i.a. on cross-border custody or parental rights cases, legal recognition of same-sex or surrogate families, harmonisation of family law within the EU, or human rights protections in private family disputes, the book provides important insights.

Full text available here:
https://ruidera.uclm.es/server/api/core/bitstreams/7cd3dc93-51aa-4c8f-9df1-142fdd00ede3/content