

Swennen, F., Goossens, K. D. M., & Van Hof, F. (Eds.). (2023). *Rethinking Law's Families and Family Law*. Edward Elgar Publishing.

Rethinking Law's Families and Family Law examines the evolving relationship between family law and modern family structures, challenging conventional legal definitions and advocating for a more inclusive, pluralistic approach. It explores how legal systems struggle to accommodate LGBTQ+ families, cohabitation, and multi-parenting while addressing cultural, religious, and societal influences that create legal tensions. Key issues include reproductive technologies, transnational families, and the balance between state intervention and personal autonomy. Supported by empirical evidence from various jurisdictions, the book provides a strong theoretical framework, making it a valuable interdisciplinary resource in law and social sciences.

The main thesis of *Rethinking Law's Families and Family Law* is that traditional legal frameworks for defining and regulating family law are outdated and inadequate in addressing the complexities of modern family structures. The authors argue that family law must evolve to reflect the fluid, pluralistic, and diverse nature of contemporary families, which include LGBTQ+ partnerships, cohabiting couples, multi-parent arrangements, and transnational caregiving networks. The authors advocate for a more inclusive and adaptable legal approach that moves beyond rigid biological and marital definitions of family, balancing legal pluralism, human rights, and cultural norms. Through comparative analysis, they highlight the challenges and opportunities of modernizing family law while ensuring autonomy, protection, and international legal cooperation.

The book critically examines traditional definitions of family and argues that these outdated frameworks no longer reflect the realities of modern society. It highlights how family

structures have diversified beyond the nuclear model to include LGBTQ+ families, cohabiting partners, multi-parent arrangements, and transnational caregiving networks. As a result, legal systems worldwide must adapt to accommodate these shifts.

A key focus of the book is legal pluralism in family law, recognizing that many countries operate under multiple family law frameworks. The authors provide empirical evidence from India, Malaysia, and South Africa—places where religious, customary, and state laws frequently come into conflict. Additionally, the book offers a comparative analysis of Western and non-Western approaches, revealing significant variations in how societies regulate family relationships.

The book also explores parenthood and legal recognition, emphasizing how different jurisdictions define legal parenthood. Drawing on data from Canada, the Netherlands, and the UK, the authors examine policies on adoption, surrogacy, and multi-parent families. They further analyze case law concerning LGBTQ+ parental rights, demonstrating how some legal systems have embraced inclusivity while others maintain rigid biological or marital requirements for parental recognition.

Another central theme is marriage, cohabitation, and alternative family structures. The book contrasts traditional marital frameworks with emerging relationship models. Case studies from Scandinavian countries illustrate progressive legal approaches that grant cohabiting couples rights similar to those of married partners. In contrast, legal systems in the US and Eastern Europe often reinforce marriage as the primary, legally recognized family structure.

The role of the state in family law is also examined, with the authors exploring the tension between state intervention and family autonomy. Studies from Nordic countries highlight proactive government policies that regulate family dynamics, ensuring legal protections for

children and partners. Conversely, the US emphasizes individual autonomy, leading to inconsistencies in family protections across states. This comparison raises important questions about the extent to which governments should regulate family relationships versus allowing individuals to define their own family structures.

Finally, the book addresses transnational and comparative family law issues, particularly those arising from migration. The authors analyze legal conflicts related to international custody disputes, recognition of foreign marriages, and surrogacy laws. Data presented in the book highlight how some countries actively support cross-border surrogacy, while others prohibit or heavily regulate the practice. The role of the Hague Convention on International Child Abduction is also discussed, demonstrating how international legal frameworks attempt to resolve cross-border parental disputes.

By examining these themes, the book provides a comprehensive analysis of how legal systems worldwide navigate the complexities of contemporary family structures. *Rethinking Law's Families and Family Law* is a well-researched, interdisciplinary book that provides valuable insights into the evolving nature of family law. It makes a strong case for legal adaptability, inclusiveness, and pluralism but could benefit from more concrete policy recommendations and broader accessibility.

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