

Contextualizing Family Law Reform in UK

*Hsiao-Tan Wang**

Abstract

This paper sets up to explore the divorce law reform of UK, focusing on the shift in its underlying assumptions, objectives and techniques. The main argument centres around the second part of the Family Law Act 1996 which was withdrawn in 2001 after experimental pilots have shown its ineffectiveness. The discussions in this paper focus on the processes participated by the professionals and reflections made by different parts of society. There are three main issues identified in this paper. First, the divorce law reform in 1996 in Britain was formed mixed with four different approaches about family law and society and thus results to the contradictions in its possible practices. Second, the development of British family law from 1969 to 1996 was around the socio-legal debates between 'utilitarianism' and 'rights' discourse, especially in the area of legal practices. On the other hand, a new debate around individual autonomy/community values has raised the question of law's intrusion in family issues, including its possibility and limitation. Third, socio-legal study in the area of family law has developed empirical as well as theoretical approaches which may provide meaningful indications for the development of family law in Britain.

Key Words: Family Law Act 1996 in UK, divorce law reform, law and social policy, Human Rights Act 1998 in UK, utilitarianism/rights discourse of family law, socio-legal study

* Assistant Professor of Faculty of Law at the National Chung Hsing University