

Family Law: A Very Short Introduction

By Jonathan Herring

Questions for Thought and Discussion

- Discuss in your group how you understand marriage? Why do people get married? Is the legal aspect very important?
- Should any two adults be permitted to marry?
- Should unmarried couples be treated under the law in the same way as married couples?
- Is an attack between domestic partners more serious, less serious or as serious as an attack by a stranger in the street?
- To what extent is domestic abuse simply a private matter?
- Should one spouse be able to divorce another without proving any kind of fault?
- What makes someone a parent: the blood tie or the actual care of a child? Should the law be open to accepting a child has more than one mother or more than one father?
- When would it be appropriate for the court not to order that a child spend an equal amount of time with each parent?
- On separation, a mother claims the father has been abusive to her and the children. She refuses to allow the father to see the children because she is terrified of him. He denies every being abusive. There is no evidence revealing who is telling the truth. If you were the judge what would you do?
- In cases involving children should the interests of the child be the only concern of the court?
- Which decisions should children be allowed to make for themselves? Why is sixteen or eighteen the age at which a child becomes an adult? Would it be better to use a test of maturity, rather than an arbitrary age?
- Does it make sense to talk of children's rights? Who should enforce children's rights?
- In what sense should parents have rights?
- In what kind of cases is it appropriate for the state to remove children from the care of their parents?
- On divorce, why should one spouse be expected to pay the other anything? Should the law presume that on divorce the assets the couple own are divided equally between them?
- What do you think family life will look like in the future?

Other books by Jonathan Herring

Caring and the Law (Hart, 2013)

Family Law 6th ed. (Pearson, 2013)

Criminal Law 5th Ed. (Oxford University Press, 2012)

Medical Law and Ethics 4th Ed. (Oxford University Press, 2012)

Older People in Law and Society (Oxford University Press, 2009)