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Jonathan Herring

Relational Autonomy and Family Law



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ISSN 2192-855X ISSN 2192-8568 (electronic)
ISBN 978-3-319-04986-1 ISBN 978-3-319-04987-8 (eBook)
DOI 10.1007/978-3-319-04987-8
Springer Cham Heidelberg New York Dordrecht London

Library of Congress Control Number: 2014934678

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Printed on acid-free paper

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Abstract

This book explores the importance of autonomy in family law.¹ It argues that traditional understandings of autonomy are inappropriate in the family law context and instead recommends the use of relational autonomy. The book will start by explaining how autonomy has historically been understood, before exploring the problems with its use in family law. It will then set out the model of relational autonomy which, it will be argued, is more appropriate in this context. Finally, some examples of practical application will be presented. While the book will use examples from English law, the issues raised and theoretical discussion are relevant to any jurisdiction.

¹ This draws from previous work including Herring (2010) and Herring (2009).