

Clare McGlynn. ***Families and the European Union: Law, Politics, and Pluralism***. New York City: Cambridge University Press, 2006. Pp. 230. \$60. ISBN: 0521613355.

The past two decades have witnessed an unprecedented expansion of the subject matters of European Union (EU) law. From the strictly economic focus of the Treaty of Rome, the EU competencies now address areas such as age discrimination and protection of the environment. Within this scenario, the family has been no exception. From the few indirect references contained in the Treaty of Rome, where provisions related to the family were mainly part of the free movement rules (Article 39 et seq.), and the European Court of Justice's timid acknowledgement of the social importance of the family (Case 249/86, *Commission v. Germany*, [1989] ECR 1263), the situation has drastically changed. The Treaty of Amsterdam has clearly put on the agenda judicial cooperation in civil matters (such as family law) in so far as it is necessary for the proper functioning of the internal market (Article 65). The regulation of the family has been reiterated in more recent documents: the Charter of Fundamental Rights which, *inter alia*, recognized the social and economic

importance of the family (Article 33) and the Lisbon Treaty. These documents have set the framework for a codified EU family law and have triggered a wealth of academic discussion in this area.

There are certainly compelling reasons for including the family in the realms of EU law. To mention only one of them, a unified market of 25 countries cannot ignore the 'transnational family', in which within a single family unit, more than one nationality coexists. Furthermore, should the couple experience some sort of breakdown which jurisdiction will apply? Would it not be easier to rely on a common set of rules? Yet, is codification in this area advisable? McGlynn provides a convincingly strong criticism of this point as she argues that a codification in this area might well imply a lowering of standards provided by domestic provisions. She also warns us that an EU family law would very likely be based on outdated concepts and ideologies which are regrettably embedded in both the legislation and case law.

Families and the European Union provides a competent and stimulating discussion. Although this area of law has increasingly become the focus of academic research, this is the first book that offers a comprehensive analysis of family law and policies in the EU. The book explores both 'grown ups' and children family law, and it places them in a historical, social and legal context.

The main strength of *Families and the European Union* lies in its strong conceptual background. As this is a fast-changing area, it could prove difficult to write a book with any sort of shelf life. Yet, by providing a very strong conceptual background, *Families and the European Union* will not go out of date. It will provide a useful complement to other specialist works in the area, such as that of Helen Stanford, Louise Ackers and Katharina Boele-Woelki.

Finally, *Families and the European Union* is very well researched and provides the reader with an invaluable wealth of sources. It is written in a clear and engaging style. It will be of interest not only to students and academics

but also to practitioners and policy-makers; more generally to anybody who has an interest in this area.

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