

*Marriage Law in Western Countries: Some Juridical Challenges*

Carmen Garcimartin

Profesora Titular de Universidad (Associate Professor in Law)

School of Law, University of La Coruña (Spain)

Facultad de Derecho. Campus de Elviña. 15071-La Coruña (Spain)

Phone: +34-981-167000 ext. 1554. Cell Phone: +35-680-355805

Email address: cgarcimartin@udc.es

In most western countries, marriage is experiencing legal changes that are leading this institution to lose its juridical features. The attempts to introduce same-sex marriage, the legal recognition of factual unions, and a wide acceptance of non-fault and unilateral divorce, might make us wonder whether marriage can be still considered as a union of a man and a woman to establish a community of life, tendentially stable and fecund.

The debate on these issues has been held on ideological and emotional grounds at large. However, if we analyzed the reasons to uphold those innovations carefully, we find that they are not so accurate from a juridical perspective. Then, it is necessary a deeper reflection about the possibility and convenience of granting them legal status, and, besides, the basis for the protection of marriage according to its own shape.