Shortly after the commencement of the project in October 2004, the inaugural meeting of the project Advisory Board meeting was held. This comprises experts drawn from the jurisdictions we are researching – France, the Netherlands, Sweden and England and Wales- and includes Stuart Bridge (Law Commissioner for England and Wales), Professor Katharina Boele-Woelki (University of Utrecht), Dr Margareta Brattstrom (University of Uppsala), Maitre Olivier Herrnberger (Paris) and Cheryl Morris (Law Society). Developments and events related to the project were discussed, including the proposed reform of the community of property law in the Netherlands, and a conference organised by the Commission on European Family Law (CEFL) in Utrecht, Holland, December 2004. Crucially, the meeting also provided contact names and suggestions as to how to establish contacts with Notaries and Advocates in the three foreign jurisdictions.

Holland, December 2004
Three members of the project team attended the conference of the Commission for European Family Law at the University of Utrecht. The first set of interviews were carried out in Holland immediately afterwards. The interviews elicited useful data regarding the community of property regime, in particular that it was well regarded and that the proposed reform found little favour with the majority of lawyers and notaries.

France, January and March 2005
Interviews were then conducted in Paris with Notaires and family lawyers in January 2005 and in March 2005). The interviews showed once again broad satisfaction with the default community of property system, although it was stressed by the majority of the interviewees that a separation of property regime was more likely to be expressly adopted by professional couples.

Sweden, March 2005
In March 2005 Professor Cooke gave a seminar at Uppsala University, Sweden at the invitation of Dr Margareta Brattstörm. Following on from the seminar, interviews were carried out in Stockholm with Swedish family lawyers. The Swedish interviews yielded slightly different data due to the deferred nature of their community of property system. Again it was felt that the system worked well, as it was a reflection of the endeavours of both of the couple for the duration of their marriage.

Interim findings
One of the striking features elicited from all three jurisdictions was the link between conceptions of marriage as a partnership or joint venture and the matrimonial property regime operational in each country. Equally, the issue of the harmonisation of family law in Europe may have academic support but such enthusiasm was absent from the practitioners. The socio-economic status of the couple also has a bearing on whether they opt for separation or community. These largely centre on concerns regarding the potential liability for the debts of the business or professional activities of the other spouse. Many of the respondents found it surprising that England and Wales did not have
a matrimonial property regime, and were interested in the wide discretionary powers
given to judges. Preliminary issues arising from the data reveal the link with other areas
of law such as succession, taxation and to a limited extent social security.

The first phase of the project is nearing completion and our findings from our research so
far will form the basis for the second phase, consisting of interviews to be carried out in
England and Wales as part of a study of the potential feasibility and acceptability of a
community of property regime here.

Comparative empirical research is still comparatively rare, and as a research team new to
this type of work our Advisory Board of Experts drawn from the jurisdictions we are
researching has to date proved invaluable and is a research strategy we would
recommend to others.

Augustina Akoto
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