This special issue of *Feminist Legal Studies* is drawn, primarily, from papers given at the second “Cohabitation Workshop” held at the Law School, University of Kent (U.K.) in September 2005. The workshops are designed to bring together scholars working in areas of law, sociology and social policy who are interested in issues arising from shared domestic lives. Although, as a form of shorthand, we have always referred to them as the ‘cohabitation workshops’, we have not limited our work to what has been traditionally understood by the use of this term: it has been important to us that we covered not only issues relating to same-sex as well as opposite-sex couples, but also issues arising from domestic arrangements which involve no sexual partnership but are comprised of either units arranged around friendship or mutual aid (especially, but not exclusively, when involving a caring function). Central to our on-going discussions has been the issue of legal involvement in ‘recognising’ domestic units – of, on the one hand, privileging some forms (marriage or those partnerships which most closely resemble marriage) or, on the other hand, regulating relations within the domestic unit by imposing on that unit presumptions about interdependency and its consequences. Central to these discussions about the relevancy of law have been the following questions: Why family law rather than using other areas of law? And, as family law is extended to cover forms of partnerships other than heterosexual marriage, to what extent is the centrality of marriage to family law challenged or, at least, modified? Thirdly, can these changes be part of a pattern which insists upon, and enables, the re-inscription of marriage as a partnership freed, at last, from the

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1 The case note by Beth Goldblatt was not presented at the workshop but is a timely addition to the special issue because of the interesting and pertinent issues raised by the South African cases which successfully challenged the (heterosexual) common law definition of marriage as unconstitutional.
burden and excesses of its patriarchal origins? Will ‘stretching’ simply incorporate those partnerships most analogous to the marriage model? Will heterosexual marriage remain a privileged site – or will this process of stretching actually prove transformative?

Aspects of all these questions are evident throughout the collection of papers presented here: which include papers dealing with trends in jurisdictions other than England and Wales, and papers dealing with same-sex relations, as well as ones dealing with opposite-sex relations. However, there is a particular context to this collection and a particular reason for its timing. In the summer of 2004, during the passage by the U.K. parliament of the Civil Partnership Act (which allows for the registration of same-sex relationships), the government referred the issue of law reform for cohabitation (that is domestic partnerships without either the status of marriage or civil partnership) to the English and Welsh Law Commission. The Commission is scheduled to present a consultation paper in the summer of 2006: following which there will be a 3-month period of consultation. It is our hope that in producing this collection of papers now, we will be encouraging feminists to think about and discuss the issues involved and to consider putting in responses to the Law Commission paper.

It will be obvious to the reader of this edition that the writers of the papers do not share one perspective: in fact, for us, that has been the strength of our work together. We share a commitment to feminism, but our understanding of how this might be translated into law reform in this area differs. Our experience of the workshops has been one of robust debate, out of which many of us have modified our opinions and been led to ask new questions and consider new material: it may or may not be that we will build a consensus between us. All we know at the moment is that we have greatly valued the space to come together as feminists to discuss these issues. These papers represent some of that work and the issues covered: but only a fraction of it and we have had to make a selection of the work based not on merit but rather on pertinence to the context in which this volume took shape.

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2 For a fuller discussion on the notion of ‘stretching’ the marriage model, see Bottomley and Wong (2006).