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## Book Review: *A Parent-Partner Status for American Family Law* by Merle H. Weiner

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## BOOK REVIEW

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**Merle H. Weiner, *A Parent-Partner Status for American Family Law* (New York: Cambridge University Press, 2015).**

**Frances E. Chapman\***

Merle H. Weiner starts with a very interesting premise in her new book, *A Parent-Partner Status for American Family Law*. She notes in her introduction that:

[d]espite the fact that becoming a parent is a pivotal event, the birth or adoption of a child has little significance for parents' legal relationship to each other. Instead, the law relies on marriage, domestic partnerships, contacts, and some equitable remedies to set the parameters of the legal obligations between parents. With high rates of nonmarital childbirth and divorce, the current approach to regulating the legal relationship of parents is outdated. . . . This book is the first of its kind to propose a new 'parent-partner' status for American family law.<sup>1</sup>

Although many American legal concepts are not easily translated into a Canadian perspective, this is an idea worth discussion. Weiner provides a personal aspect to this topic explaining that she married her husband after "four weeks of courtship," but that they have been raising two children for the

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<sup>1</sup> Merle H Weiner, *A Parent-Partner Status for American Family Law* (New York: Cambridge University Press, 2015) at Prologue.

last nineteen years.<sup>2</sup> Although parenthood has been the central tenet of their relationship, she notes that she and her husband are legally obligated only as spouses.<sup>3</sup> Thus, Weiner's central premise began with the simple idea that it was odd for society "to give so little attention to the relationship of two people joined together by a child."<sup>4</sup>

What is Weiner's solution to this quandary? She explains that parenthood should create legal obligations regardless of the type of relationship that parents have chosen—including marriage, cohabitation, or potentially even friendship.<sup>5</sup> The reason for this shift, Weiner argues, is the increasing divorce rate that seems to suggest marriage is not providing sufficient regulation between parents, and consequently she calls for a new status.<sup>6</sup> This new status comes with legal and social consequences between the parents, and in particular creates five specific legal obligations including:

1. A duty to aid (which addresses the personal well-being of parent-partners);
2. A duty not to abuse (which also addresses the personal well-being of parent-partners);
3. A duty to engage in relationship work at the transition to parenthood and at the demise of the romantic relationship (addressing the health of the parent-partner relationship);
4. A duty of loyalty when contracting (which addresses economic issues); and

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<sup>2</sup> *Ibid* at 1.

<sup>3</sup> *Ibid*.

<sup>4</sup> *Ibid*.

<sup>5</sup> Weiner, *supra* note 1 at 2.

<sup>6</sup> *Ibid*.

5. A duty to prevent unfairly disproportionate caregiving (again addressing economic issues).<sup>7</sup>

The simple reality that Weiner attempts to attack is that “[t]oo many children grow up with parents who have no family law relationship to each other . . . the sad reality [is] that children often lack parents who have any legal obligations to each other of an enduring nature.”<sup>8</sup> Weiner sets the stage for her argument in this chapter by relying on sociology, psychology and statistics to show that many children rely on “pure luck” to determine whether their parents’ relationship will be supported by “social norms that encourage the parents to work together as a supportive team for the benefit of that child.”<sup>9</sup> Weiner argues that more than luck should be involved in this important role.

While all of the research and statistics in this text are American, there is relevant information to ponder for a Canadian audience. Should we reconsider our definitions of family? Should we ascribe additional legal relationships to those who may choose to enter into a parental relationship with each other? One main difference in our legal systems is the ability of Canadian law to recognize co-habiting spouses to an extent that is not currently recognized in the United States.<sup>10</sup> However, it is

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<sup>7</sup> Weiner, *supra* note 1 at 3.

<sup>8</sup> *Ibid* at 23–24.

<sup>9</sup> *Ibid* at 30–31.

<sup>10</sup> Thank you to a reviewer for pointing out that there were proposals made in Quebec by the Comité consultatif sur le droit de la famille (chaired by Prof. Alain Roy) in its June 2015 report. In June 2016, the Justice Minister did not move on the recommendations, but there was a striking proposal to establish an obligatory parental regime that would apply to parents beyond the status as conjugal partners. There would be certain obligations and protections (while together and on the dissolution of the relationship between the parents) and the possibility for compensation where one parent had invested disproportionately in parenting. There was also a status for parents of a child who were never

also interesting to note that “marriage’s dominance is epitomized by the fact that marriage is the only legally recognized, state-sanctioned status that exists in all fifty states for binding two intimate partners together as family.”<sup>11</sup> With the obvious exception of “common law” cohabitating spouses, this is also true of Canada.

Although there are some interesting elements for Canadians, there are some very important differences discussed throughout. Weiner divides her argument for a parent-partner status in three parts. Chapters 1-4 concern background on the need for the parent-partner status; chapters 5-8 conceptualize the new status and the benefits; and chapters 9-12 address the legal obligations and potential ramifications.

#### **THE EFFECT OF PARENTHOOD (CHAPTERS 1-4)**

Chapter 1 begins with the reality that parenthood significantly changes a couple and their lives, not only on a social basis, while Chapter 2 recognizes the legal ramifications of parenthood. Weiner engages in an exploration of the history of marriage and the new status that would not focus on marriage, but on the parents’ core obligations regardless of a personal status between partners. Simply, Weiner states that despite the transformation that begins upon parenthood, “marriage, not parenthood, is currently the act that generates the widest spectrum of mutual rights and obligations between two adults.”<sup>12</sup> Certainly, the

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in a relationship or never lived together. See Guillaume Bourgault-Côté, “La réforme du droit familial paralysée: Québec refuse de s’engager à amorcer la modernisation du Code de la famille”, (Quebec: La Devoir, June 7, 2016), online: <[www.ledevoir.com/non-classe/472739/droit-de-la-famille-quebec-met-la-reforme-sur-la-glace](http://www.ledevoir.com/non-classe/472739/droit-de-la-famille-quebec-met-la-reforme-sur-la-glace)>.

<sup>11</sup> Weiner, *supra* note 1 at 40.

<sup>12</sup> *Ibid* at 18.

importance of marriage from a social and religious standpoint has long been recognized by the courts; the U.S. Supreme Court case of *Maynard v. Hill* in 1888 called marriage “the most important relation in life.”<sup>13</sup> One only has to look to the proliferation of wedding programs on television, and the billion dollar wedding industry to find proof.

Some might ask why Weiner would not use the now common modern term of “co-parent.” She explains that this term has limited meaning, referring to those who are not romantically linked but raise their children cooperatively.<sup>14</sup> Weiner also discusses “parallel parenting” where the parents parent individually without supporting the other parent (often leading to the children being “confused, overwhelmed or even resentful”).<sup>15</sup> The lack of language surrounding the relationship of parents to the parent-partner status leads Weiner to argue that the “invisibility of the relationship, as reflected in our language, is arguably attributable to the legal insignificance of the relationship.”<sup>16</sup> Thus, there is merit to the suggestion of a new term.

Weiner draws a historical distinction between the marriage relationship, which is created by choice, and the parental relationship, which can be less of a choice (more likely just biology.) She argues that the ability to opt out of the parental relationship should be very limited (only where the child’s best interests are not affected).<sup>17</sup>

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<sup>13</sup> *Maynard v Hill*, 125 US 190, 205 (1888).

<sup>14</sup> Weiner, *supra* note 1 at 33. Similarly, Weiner also notes the colloquial phrases of “my baby’s daddy” or “baby mama” do not focus on the relationship between parents.

<sup>15</sup> *Ibid* at 201.

<sup>16</sup> *Ibid* at 33.

<sup>17</sup> *Ibid* at 39.

Chapter 3 acknowledges the reality in the United States that 41% of children are born to unwed parents and women are marrying at a rate of 50% less than they were in 1970 than 2010.<sup>18</sup> 70% of Americans no longer think that marriage is for the purpose of bearing children, and half of “non-marital children” are born outside of cohabitating relationships, showing that cohabitation is also not a choice made by many parents.<sup>19</sup> Many have posited that laws on marriage are enough, but Weiner makes the apt point that the “law of marriage applies to spouses whether or not they have children.”<sup>20</sup> However, the multitude of differences between the American and Canadian models of family law means that Canada has less need for such reform. For example, Weiner notes that the U.S. Constitution still differentiates between “marital and non-marital” children.<sup>21</sup>

Chapter 4 looks at law reform organizations that have focused on cohabitation or other relationships between the parents without focusing on the bond of parenthood. The author then canvasses some proposals for reform including one by the American Law Institute (ALI), which is made of up 4,000 lawyers, judges and law professors. However, the ALI, in its reform proposals, fails to categorize parents with a child in common as a family unless they were married or in another family status (cohabiting for a period of time etc.). Weiner concludes that in every one of the reform movements she studied, the focus has been on the status of parenthood and not just the couples’ relationship to one another. Weiner explores what Margaret Mead called a “Marriage in Two Steps” with an “individual marriage” being the first step to learn about the other individual with easy access to divorce, and then potentially a

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<sup>18</sup> *Ibid* at 4.

<sup>19</sup> *Ibid* at 5.

<sup>20</sup> *Ibid* at 64.

<sup>21</sup> *Ibid* at 87.

“parental marriage” in which children are produced.<sup>22</sup> The parental marriage would take longer to contract and would involve economic responsibility.

Although Weiner acknowledges that a parental marriage is similar to a parent-partner status, Mead included very few implementation details, and hers (and other reforms) fails to recognize the parental relationship outside of marriage. Reformers who do want to take the status away from marriage often fall on the spectrum of eliminating marriage all together (Professor Martha Fineman for example) and relying only on contract, property, tort and criminal law.<sup>23</sup> Weiner once again emphasizes that the parent-partner model is both novel and compelling.

#### **WHAT ARE THE BENEFITS OF A PARENT-PARTNER STATUS? (CHAPTERS 5-8)**

Parent-partner status is defined in real terms in Chapter 5. Weiner builds on the foundation of other scholars who have defined what is essential to a co-parenting relationship, and she identifies the key elements of a potential parent-partner status as: flexibility, fondness, acceptance, togetherness, empathy, and commitment with a responsibility to “treat each other supportively, fairly and respectfully as they act as a friendly, cooperative team.”<sup>24</sup> Interestingly, Weiner states that the status would not exist beyond eighteen years, noting that “the first eighteen years would hopefully establish a good parent-partner relationship that would endure even without the legal framework.”<sup>25</sup>

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<sup>22</sup> *Ibid* at 102.

<sup>23</sup> *Ibid* at 105.

<sup>24</sup> *Ibid* at 139.

<sup>25</sup> *Ibid* at 141.



Weiner takes the approach in Chapter 5 that parents should not be able to opt in to their parental responsibilities (many would choose not to contract with each other, or they would have difficulty finding a lawyer at 1:00 am to allow them to do so)<sup>26</sup> or opt out of them (which has the potential for fraud),<sup>27</sup> because of the voluntary nature of “child creation” (with the notable exceptions of rape as differentiated from other accidental methods like the failure of birth control).<sup>28</sup> Weiner advocates for an involuntary commitment, and states that these obligations “between parents based on their consensual sex would be neither unfair nor unjust.”<sup>29</sup>

In order to mark this change in status, Weiner suggests a “voluntary celebration ceremony” after the birth of children. The effect of such a ceremony would be fivefold: 1) noting the parents’ role change; 2) reinforcing the commitment to the parent-partner status; 3) educating the parties to their legal obligations; 4) noting the social norms which accompany the status; and 5. involving the community in the success of the new relationship.”<sup>30</sup> I anticipate another potential billion-dollar industry in the making for what Weiner describes as a “second wedding.”<sup>31</sup>

Chapter 6 looks at the benefits to children through vignettes, and suggests that all children would benefit from this new status as research has long found that children benefit when their parents are in supportive partnerships (regardless of their

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<sup>26</sup> *Ibid* at 158–59.

<sup>27</sup> *Ibid* at 159.

<sup>28</sup> *Ibid* at 6.

<sup>29</sup> *Ibid* at 171.

<sup>30</sup> *Ibid* at 7.

<sup>31</sup> *Ibid* at 180. Assuming, of course, that the couple wants an elaborate wedding.

romantic relationship). This chapter examines whether “bad parents” would get a status as “unacceptable reproductive partners” which could come with legal tools for bad behaviour. Weiner posits that the parent-partner status would help “blah fathers” as the status would encourage the couple to work together to increase the father’s “competency.”<sup>32</sup> Weiner’s argument is that if we give a name (other than co-parent) to this status and use social means of enforcement, people will start to conform to it. This is a lofty goal, and Weiner does not focus on how long this will take to accomplish,<sup>33</sup> but she does note that today’s young adults might be primed to make this change given their views of parenthood.<sup>34</sup>

Chapter 7 goes beyond the benefits for children and explores the benefits for society as a whole. Economists have theorized that “non-marital childbirth and divorce” cost as much as \$112 billion a year, whereas a parent-partner status would deter “uncommitted” parents who were unwilling to enter into an eighteen-year parenting relationship.<sup>35</sup> However, Weiner’s reliance on a “new moral message” is problematic and crosses the line into possible religious overtones.<sup>36</sup>

Weiner anticipates the benefits of the status would be threefold:

1. The message would be given that it is wrong to have unprotected sex unless you are willing to enter into an eighteen-year parenting relationship;

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<sup>32</sup> *Ibid* at 222.

<sup>33</sup> *Ibid* at 232.

<sup>34</sup> *Ibid* at 234.

<sup>35</sup> *Ibid* at 8, 237.

<sup>36</sup> *Ibid* at 238.

2. Traits of an ideal parent-partner would be communicated;
3. Triggering of legal consequences of those who do not fulfil their parent-partner responsibilities.<sup>37</sup>

The reliance on the rational actor in this chapter may be overblown. Especially when it comes to sexual activity, Weiner places too much focus on a cost-benefit analysis.<sup>38</sup>

Chapter 8 tackles the admittedly “lofty” topics such as love and civic responsibility, arguing that the status would increase the partners’ love for one another. Weiner uses game theory to eliminate “selfish behaviour” by modelling “civic virtue” amongst citizens modelling consent, responsibility, and virtue.<sup>39</sup> Eliminating selfish behaviour through the status is also questionable. Although laudable, the thought that parent-partners will fulfill their responsibilities because of gratitude to the other parent is again a lofty ideal that would materialize for few.<sup>40</sup> However, this chapter picks up on an idea that was plaguing the book throughout: is this new status simply “obedience to the unenforceable?”<sup>41</sup> Weiner suggests that marriage is largely obedience to the unenforceable (picking up the idea of Hafen), but this really is the central problem. How can we regulate the unenforceable nature of this parent-partner status?

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<sup>37</sup> *Ibid* at 8–9.

<sup>38</sup> *Ibid* at 259.

<sup>39</sup> *Ibid* at 10.

<sup>40</sup> *Ibid* at 311.

<sup>41</sup> *Ibid* at 315.

### WHAT ARE THE LEGAL OBLIGATION OF THE STATUS? (CHAPTERS 9-12)

This section of the monograph starts with a restatement of the recommended obligations including:

1. Create the social role;
2. Guide behaviour in the areas that they address;
3. Transmit the message of a cooperative and supportive partnership;
4. Increase interactions with those who reinforce the role; and
5. Cause individuals to take notice of the status.

In particular, Chapter 9 returns to the first two physical and psychological obligations (as described above):

1. A duty to aid;
2. A duty not to abuse.

This chapter reinforces the need for parent-partners to assist one another—which, interestingly, is consistent with tort law—which the author suggests should be done through statute.<sup>42</sup> Weiner notes that parent-partners would be eligible for orders of protection, and she would create a crime for the abuse of a parent-partner, which in practice would have to be differentiated from any other assault. Weiner engages in a stimulating discussion of tort and criminal law and how they can be used to buttress this parent-partner status. Particularly, she engages in an important discussion of the protection of a parent-partner from psychological abuse. This is one of the key turning points of the text, and one of the most important take-aways. Although the discussion of the American use of protection orders is less germane for Canadian readers, the thought-provoking

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<sup>42</sup> *Ibid* at 11.

discussion of different types of coercion is particularly remarkable.

Chapter 10 returns to the transition to parenthood and the demise of the romantic relationship as two key elements of the status, and would assist with counselling or education that would strengthen this relationship. This would include things like “friendship” counselling to ensure the strength of the parenting relationship.<sup>43</sup> Of course Weiner concludes that coerced counselling would not be effective, and would be “inconsistent with the norms of acceptance and flexibility” that come with a parent-partner status.<sup>44</sup> This, and the recognition that some batterers would use litigation against the victim, are important points to remember, and Weiner suggests separate counselling for each partner as a possible solution if the parents are willing. Having counselling at the point of the birth of the child rather than on the dissolution of a romantic relationship is a very interesting idea.

Chapter 11 looks at the financial implications and the implications of sharing equally in the providing of care to the child. Weiner creates an obligation to “give care or share”<sup>45</sup> with the other parent, and create compensation for the parent who may do a disproportionate amount of caregiving. She notes that she leaves this element for last, as it is the most controversial. Weiner calls for additional safeguards in prenuptial agreements when there is a child or there is a pregnancy involved.<sup>46</sup> Weiner notes that the “clean break” approach to divorce in recent history encourages disentanglement, while those in the parent-partner status would not have this possibility and society should not

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<sup>43</sup> *Ibid* at 12, 382.

<sup>44</sup> *Ibid* at 362.

<sup>45</sup> *Ibid* at 411.

<sup>46</sup> *Ibid* at 401.

“encourage parents to think that they deserve a clean break from each other.”<sup>47</sup>

Chapter 12 concludes with some other unaddressed concerns, including the need for individual autonomy. Weiner explores whether women would be hurt by “privatizing dependency, entrenching gender roles, disadvantaging them in the custody context, or removing their ability to become single mothers by choice.”<sup>48</sup> Weiner engages in a thought-provoking discussion of autonomy and the “dark side of autonomy” that considers whether absolute autonomy is a good thing. She again considers whether an entrenchment of gender roles would result. Weiner also considers whether this status would increase abortions, non-marital births, or children without legal fathers, and ultimately concludes that it will not. In fact, she anticipates that non-marital birth and abortion may decline.<sup>49</sup>

#### NOVEL IDEAS

Weiner makes some astute observations (sometimes premised on very old torts concepts). Of particular note is her grounding of the dependency-causation responsibility of a parent to a child. Although Weiner notes that a beachcomber has no duty to save a person drowning at her feet, tort law does impose obligations on the person who is responsible for that drowning. This is an interesting analogy to children and “causing” those children to exist.<sup>50</sup> But the simple fact is that we have recognized the fiduciary relationship of parents and children in tort law for a significant period of time. The material on psychological

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<sup>47</sup> *Ibid* at 419.

<sup>48</sup> *Ibid* at 13. Weiner does not go into detail, but a new status for those who choose to be single parents may be considered.

<sup>49</sup> *Ibid* at 519.

<sup>50</sup> *Ibid* at 165.

coercion provides an additional element to imposing a status and the possible ramifications.

There is also a section in chapter 10 on “covenant marriages” that is a particularly American creation where couples commit to a special type of marriage which requires efforts to save a relationship before they seek a divorce.<sup>51</sup> Interestingly, one study found that those who engaged in counselling had a higher rate of divorce and separation than those in standard marriages who did not engage in counselling.<sup>52</sup> Having a new type of marriage may not be the answer, but Weiner’s discussion of “friendship counselling” and encouraging parent-partners to think about each other differently has some merit.<sup>53</sup> Weiner’s suggestion that adolescents should learn about this status in school is where more change may be possible.<sup>54</sup>

### CRITICISMS

Some of the suggestions in this monograph are what could be termed obvious. For example, Weiner notes that parents would have to honour court orders as to the custody of children or the termination of parenthood by the court.<sup>55</sup> Similarly, she defines “partner” as distinct from a “partnership” in corporate law (which was not something I had necessarily contemplated as fundamental to this discussion).<sup>56</sup>

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<sup>51</sup> *Ibid* at 376.

<sup>52</sup> *Ibid* at 377.

<sup>53</sup> *Ibid* at 165.

<sup>54</sup> *Ibid* at 391.

<sup>55</sup> *Ibid* at 141.

<sup>56</sup> *Ibid* at 141.

Although many of the ideas in theory are very interesting—such as using private rights and obligations to encourage gender-balanced caregiving—in practice these big goals are not so easily achieved.<sup>57</sup> Other benefits to the government like the identification of conflicts of interest and social security fraud are important, but there are other ways to achieve these ends than a parent-partner status.<sup>58</sup> Some of the vignettes, though thought provoking, were dubious in their applicability to reality (e.g., donating part of one’s liver to an ex-spouse in order to fulfill the parent-partner requirement of aiding the other parent when need be).<sup>59</sup>

I find Weiner’s discussion of morality and “rampant” premarital sexual activity somewhat troubling.<sup>60</sup> Although she notes that an abstinence message is not effective, she claims that the parent-partner status would have a contemporary moral message that birth control or abstinence would be essential until a person is ready to have a child and an eighteen-year parent-partnership.<sup>61</sup> She talks of the consequences of a high number of unplanned pregnancies and how this status would alleviate this problem, but one only has to contemplate that many unplanned pregnancies would also occur under the parent-partner status<sup>62</sup> and the same question emerges: how do you enforce compliance?

I think Weiner identifies her own biggest criticism in her pithy statement that “Anthony Weiner’s indiscreet photos,

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<sup>57</sup> *Ibid* at 149.

<sup>58</sup> *Ibid* at 152.

<sup>59</sup> *Ibid* at 188. This vignette is based on an actual story from the news, but has limited broader applicability.

<sup>60</sup> *Ibid* at 239.

<sup>61</sup> *Ibid* at 242.

<sup>62</sup> *Ibid* at 247.



Monica Lewinsky's little blue dress, and John Edward's love child remind us that people sometimes lack sexual self-control or make bad decisions."<sup>63</sup> However, Weiner often puts these considerations on the back burner to focus on the delay in timing of sex with the parent-partner status and the discussions it could foster between couples about birth control that would reduce deception in actors.<sup>64</sup> Many could say this is wishful thinking.

The discussion of love in Chapter 8 was well-done, and cross-discipline work is absolutely fascinating, but I do not know if it was a reach, as the author notes, to put "love" and "law" in the same sentence, further, stating that love is not only permissible but expected in the parent-partner status is going too far.<sup>65</sup> Although the examples of love and the law (same-sex marriage, adoption) are well-taken, this gargantuan step in status with the expectation (and legislation?) of love may be a step way too far for many.<sup>66</sup>

Weiner also addresses one of the other main criticisms involving the government imposing a status or imposing relationship work on individuals; is this constitutional?<sup>67</sup> Although Weiner does a good job of dispelling the criticism, the questions remain to some extent.

Weiner is correct that financial obligations expected in the parent-partner status are controversial. Expecting a judge to assess past caregiving in monetary terms for an award, and calculate future caregiving payments is quite radical for the

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<sup>63</sup> *Ibid* at 262.

<sup>64</sup> *Ibid* at 263.

<sup>65</sup> *Ibid* at 287–88.

<sup>66</sup> *Ibid* at 292.

<sup>67</sup> *Ibid* at 387.

hands-on parent.<sup>68</sup> Weiner explores this difficulty in Chapter 12, but the reader is still left questioning whether there would ever be an equitable payment for childcare by the parents. Her analysis of gain theory, loss theory, and compensation theory (unjust enrichment) are comprehensive. However, the question remains whether this model would entrench gendered caregiving and a possible hierarchy of worth, valuing work outside the home more than that within the home, as women may feel there are “cultural expectations that they are ultimately responsible for this caregiving work anyway” and the higher earner would simply pay for something that he/she did not want to do, while the lower earner would not be able to afford the other parent’s labour.<sup>69</sup>

### CONCLUSION

Weiner adds new life to the phrase that many modern couples have adopted—“we’re pregnant!”—and whether you love it or hate it, there are dictated roles for parents from pregnancy to adulthood that might work nicely with a new status.<sup>70</sup>

While all of the research and statistics in this text are from U.S. numbers, there is some food for thought for a Canadian audience. Should we reconsider our limited definitions of family? Should we ascribe additional legal relationships to those who may choose to enter into a parental relationship with each other? Again, Canadian law recognizes cohabiting spouses to an extent that is not currently recognized in the United States, eliminating some of the arguments for a Canadian audience.

Although the state by state discussion of parental rights may not be of more than passing interest to Canadian readers, this gem of an idea is still very provocative. It seems very likely,

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<sup>68</sup> *Ibid* at 431.

<sup>69</sup> *Ibid* at 455.

<sup>70</sup> *Ibid* at 209.

as Weiner notes, that the concept of “illegitimacy” has “almost certainly inhibited the creation of a parent-partner status,”<sup>71</sup> and that this antiquated basis to marriage and parentage needs to be reconceptualised.<sup>72</sup>

It is difficult to deny that “marriage at present does not convey the message that the parents should have a permanent, cooperative, and supportive relationship throughout the child’s minority.”<sup>73</sup> There is little to disagree with in the spirit of parents acting with a “heightened obligation of honesty and fair dealing when contracting with each other.”<sup>74</sup> This book is extremely well researched. Every time the reader says “well, what about . . .” Weiner has a rebuttal. This book is ultimately wonderfully interesting and full of pop culture references (including the Gil Buckman character from *Parenthood*,<sup>75</sup> Kourtney Kardashian of *Keeping up with the Kardashians*,<sup>76</sup> and *Teletubbies*<sup>77</sup>).

As times change and definitions of parenting expand and look different than they did in the past, co-parenting has also tested the boundaries of how we define relationships between parents. There are restrictions on where parents may move (for example) when talking about custody and the location of the other parent. So, there are definitely restrictions and legal links between parents that should not be ignored. What Weiner attempts to do is go beyond those present relationships, but it

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<sup>71</sup> *Ibid* at 56.

<sup>72</sup> Which seems all the more important given that in 2014, eight states still have “fornication laws.” See *Weiner, supra* note 1 at 58.

<sup>73</sup> *Ibid* at 65.

<sup>74</sup> *Ibid* at 86.

<sup>75</sup> *Ibid* at 220.

<sup>76</sup> *Ibid* at 248.

<sup>77</sup> *Ibid* at 501.

could be argued that this is unnecessary given that the state of co-parenting in Canada today.

Weiner ends her book where all criticisms must lead, noting that it is all “subject to challenge” whether “a status would be a good way to foster socially desirable norms, that society could agree on a sufficient number of appropriate obligations to constitute a status, that the status would affect people’s behavior, and that the status would do more good than harm.”<sup>78</sup> Although there are so many more unanswered questions, this is a thoroughly researched tome and Weiner is as critical of herself as any critic can be. *A Parent-Partner Status for American Family Law* is a real achievement, thoughtfully put together, and very entertaining for the pop culture fanatics among us.

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<sup>78</sup> *Ibid* at 520.