

Summaries

Justitiële verkenningen (Judicial explorations) is published six times a year by the Research and Documentation Centre of the Dutch Ministry of Security and Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 4, 2015) is *Forbidden love*.

Love with hurdles. On undesirable relationships in the past

J. Kok

This article offers an overview of four centuries of 'forbidden relations' in The Netherlands. From the late sixteenth century onwards, the dominant Calvinist church tried to 'purify' the Dutch nation by persecuting all forms of fornication, adultery, incest, and sodomy. The French period (1795-1813) separated church and state, and removed several forms of forbidden relations from the penal code. But social control on relations remained intense. An 'ideal' marriage was based on equality of the spouses in terms of social background, religion and age. Parents as well as the local community made sure young people made the 'right' choice. Competition between religious groups intensified in the late nineteenth century and mixed marriages became even more problematic. In the 1960s and 1970s all this began to change, and many rules and norms regarding partner choice were relaxed. An example of the changes over time are unmarried cohabitations which transformed from a crime (sanctioned by banishment) to deviant behaviour (sanctions through withholding poor relief) to a more or less normative 'trial marriage'.

The paedophile relationship

Jules Mulder

This article reflects on the various aspects of paedophile relationships. It is for a large part based on the author's 30 years of clinical experience with the treatment of paedosexual men. The characteristics of paedophile relationships are examined and how they usually develop. What does the paedophile seek in a relationship with a child and vice versa? The prohibition of paedophilia and its consequences for the

paedophile are also discussed. Paedosexuality is banned because of the supposed damage for the child involved. But what causes this damage? And what is the possible damage caused by the prohibition? Finally the author shows the interacting of elements like desire and love as well as manipulation and secrets. The friendship with an older man can be very valuable for a child, which is reflected in many books and movies on this topic. In this sense a paedophile relationship can be appropriate. But this applies only if the adult has enough self control to refrain from giving in to sexual desires, since a paedosexual relationship can never be appropriate.

The loves of sex workers: pimps or partners?

M. Verhoeven and B. van Gestel

In this article we show what relationships may exist between sex workers and their partners. These relationships are diverse and sometimes complex by the presence of both intimacy and intimidation or violence. From the women's perspective these relationships are not primarily defined as 'violent' and 'involuntary', they also provide them love, protection and security. From a governments perspective with a focus on human trafficking and exploitation of sex workers, these relationships are quickly mistrusted. In the latest measures to prevent exploitation, all sex workers are questioned about their relationships. Although this may be important for the identification of potential exploitation, in practice the opposite happens: women keep silent about their relationships towards government officials. In other words, an increasing focus on combating exploitation may enforce the stigma on relationships of sex workers.

Marriage migration from Turkey and Morocco in decline

L. Sterckx

Between 2001 and 2012 there has been a sharp drop in marriage migration from Turkey and Morocco. The number of migration marriages fell particularly sharply in the years after 2004, after changes were made in the legislation concerning marriage migration: the income and age requirements were raised and passing a pre-entry test became conditional to obtaining a visum. This article aspires to explain this decline of migration marriages among co-ethnics of Turkish and Moroccan origin in the Netherlands. As the strongest decline in the number of migration marriages coincides with the introduction

of stricter conditions for marriage migration, the author states that these changes in the law acted as a catalyst for a change in mentality among migrant families of Turkish and Moroccan origin.

The prohibition of cousin marriages. Attitudes of Turkish and Moroccan Dutch youngsters

J. Priem

This article describes the attitudes of Turkish and Moroccan Dutch regarding cousin marriages, using two qualitative studies. Last year the Lower House of the Dutch parliament passed a bill involving a ban of cousin marriages. The main reason for the ban is that many of these marriages are supposed to be concluded forcibly. The new law will mostly affect immigrant groups, since such marriages occur frequently in this population. This article describes the significance for the enforceability of the ban for these groups as well as the attitudes towards cousin marriage. Legitimacy problems seem to arise because a part of the Turkish and Moroccan Dutch respondents feel that the state should not interfere with the individual choice for a marriage partner. Yet there is also evidence for regulatory compliance on normative grounds, even among those who oppose the bans, due to democratic procedures and religious norms.

Great diversity and some equality: non-marital legal family formats for same-sex couples in Europe

K. Waaldijk

This article gives a compact overview of developments in national and European law regarding same-sex partners. Over the last decades, new *legal family formats* (such as registered partnership and de facto union) have been made available in a growing number of countries. The number of countries that have opened up marriage to same-sex couples is also growing. Authors of comparative family law have proposed various classifications of the new legal family formats. Meanwhile, an increasing number of EU laws now acknowledge non-marital partners. The European Courts have been asked several times to rule on controversial differentiations between different legal family formats or between same-sex and different-sex partners. In the case law of the European Court of Human Rights one can find examples of *affirmative eloquence* which suggest that more steps towards full legal recognition of same-sex families could be expected.