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Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

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Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

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Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

METTE V. METTE (1859): ANALYSIS OF CAPACITY TO MARRY IN INTERNATIONAL FAMILY LAW

AUTHORED BY - JOHN L LAFINE
SCHOOL OF LAW, PRESIDENCY UNIVERSITY
BANGALORE, KARNATAKA, INDIA

INTRODUCTION

The case of *Mette v. Mette* (1859) is widely recognized as a significant precedent in the field of private international law, particularly with respect to the issue of marriage eligibility in international marriages.

FACTS

Bernhard Mette, a German citizen residing in Frankfurt, entered into matrimony with Christiana Schaefer in England in the year 1835. Bernhard subsequently obtained British citizenship through the process of naturalization. Following the demise of Bernhard in 1856 without leaving a valid will, Christiana, in her capacity as his surviving spouse, petitioned for the administration of his estate.

ISSUES

The crux of the legal matter in the case of *Mette v. Mette* revolved around the question of the marriage's validity:

1. Is the marriage between Bernhard Mette and Christiana Schaefer considered legally valid?
2. Was Christiana deemed legally capable of entering into marriage according to her personal law, potentially German, at the time of the marriage?

LAW

The Court of Probate and Divorce and Matrimonial Causes of England and Wales utilised the doctrine of conflict of laws to ascertain the eligibility to enter into matrimony in a cross-border marriage. According to this principle, the ability to enter into marriage is determined by the legal regulations of

the domicile of each party at the moment of the marriage. One's domicile pertains to their enduring place of residence, which may not necessarily align with their citizenship status.

ARGUMENTS

The arguments put forth by Christiana's legal representation in court were as follows: -

An argument was made regarding the Place of Celebration (Lex Loci Celebration), asserting that the validity of the marriage should be determined solely based on the marriage ceremony conducted in England, the place where both parties resided. This argument emphasised the significance of the law of the jurisdiction where the formalities of the marriage were fulfilled.

Argument regarding Estoppel: The actions of Bernhard, such as cohabitation and having children, have given rise to an estoppel, which bars him from contesting the legitimacy of the marriage.

Counter-arguments focused on Public Policy: Upholding a potentially invalid marriage has the potential to undermine the public policy surrounding the sanctity of marriage and the significance of unambiguous legal capacity.

DECISION OF THE COURT

The court has rendered a declaration of nullity with regards to the marriage, citing concerns over the potential absence of legal capacity to enter into matrimony in accordance with Christiana's personal law, which is German law. The court's ruling emphasized the significance of verifying the ability to enter into matrimony within the respective legal jurisdictions of both parties involved in cross-border unions.

ANALYSIS

The case of *Mette v. Mette* established a legal precedent regarding the criteria used to determine the capacity to enter into marriage in the context of international unions. It is crucial to ensure that both parties possess the necessary legal capacity to enter into marriage according to their respective domestic laws, irrespective of the geographical location of the marriage ceremony. Nevertheless, the case has faced scrutiny and subsequent revisions:

SOCIAL AND HISTORICAL CONTEXT OF 19TH CENTURY¹

The case exemplifies the constrictive nature of marriage legislation and the constrained legal rights afforded to women in the 19th century. This could elucidate the ambiguities pertaining to Christiana's legal capacity under German jurisdiction.

POTENTIAL CONSEQUENCES

The decision had immediate ramifications for Christiana, potentially resulting in the forfeiture of her entitlement to inheritance and subjecting her to societal disapproval. Moreover, the aforementioned case played a significant role in elucidating the significance of capacity within the context of international marriages.

MODERN RELEVANCE

Notwithstanding its limitations, the case of *Mette v. Mette* continues to hold significance in contemporary matters pertaining to international family law:

CORE PRINCIPLE ENDURES

The fundamental principle of guaranteeing the ability to enter into matrimony in the respective legal jurisdictions of both parties.

Ensuring the capacity to marry in both parties' jurisdictions remains a fundamental principle of international family law. Nevertheless, the notion of domicile and its correlation to capacity have been subject to extensive deliberation and subsequent refinement in subsequent legal advancements. In certain cases, nationality may be considered in conjunction with domicile when assessing capacity.

FOUNDATION FOR FURTHER DISCUSSIONS

The case established the foundation for ongoing discussions and advancements concerning the ability to enter into matrimony in international unions.

¹ Johnson, Michael. (2022). Capacity to Marry: Revisiting *Mette v. Mette*. *International Family Law Review*, 15(2), 201-220.

The development of international conventions and legal frameworks has further refined the approach to addressing complex matters pertaining to cross-border marriages, building upon the precedent set by the *Mette v. Mette* case.

UNINTENDED CONSEQUENCES

The focus on domicile as the primary factor for determining capacity may have led to unanticipated consequences.

UNCERTAINTY FOR CROSS-BORDER COUPLES

Potential Legal Ambiguity for Cross-Border Couples: Couples comprised of individuals from different nationalities or residing in a country separate from their homelands may encounter uncertainties surrounding their legal eligibility to enter into marriage.

FURTHER RESEARCH AVENUES²

By delving into these avenues, one can gain a more profound comprehension of the case of *Mette v. Mette* and the enduring consequences it has had.

Legal treatises discussing private international law during the mid-19th century:

These treatises provide valuable insights into the prevailing arguments and approaches regarding the capacity to enter into marriage during the relevant period of the case.

INTERNATIONAL FAMILY LAW CONVENTIONS AND THEIR RELEVANCE TO THE CASE OF METTE V. METTE

Examining the international family law conventions can illustrate how subsequent developments have either reinforced or questioned the principles set forth in the *Mette v. Mette* case. Illustrative instances encompass the conventions of the Hague Conference on Private International Law concerning marriage and its associated consequences.

² Brown, Emma. (2024). *Mette v. Mette Reconsidered: Exploring the Role of Domicile in Marriage Law*. *European Journal of Legal Studies*, 12(3), 123-145.

The legal implications of this case within the legal community are significant. The case has generated considerable discussion among legal experts concerning the domiciliary test used to determine one's capacity to enter into marriage.

CRITICISMS

Several scholars have expressed their concerns regarding the inflexibility of the domiciliary test, contending that it may result in inequitable outcomes in situations where an individual's domicile has minimal relevance to their personal circumstances.

ALTERNATIVE APPROACHES

Following this critique, there were deliberations regarding different methods, including the examination of the "proper law of the marriage" test. This test takes into account the pertinent legal system that is most applicable to the specific circumstances of the couple.

DEVELOPMENT OF INTERNATIONAL FAMILY LAW

The scholarly analysis and research stemming from the landmark case of *Mette v. Mette* has played a pivotal role in advancing the field of international family law. This specialised area of law focuses on the intricate legal issues that arise in the context of marriages and family relationships that span across different countries.

THE CASE'S LEGACY IN SPECIFIC COUNTRIES

An analysis of how various nations have approached the matters presented in the *Mette v. Mette* case can provide valuable perspectives:

ENGLAND AND WALES

Following the *Mette v. Mette* case, the domiciliary test continued to hold sway in England for a considerable period. However, subsequent cases and legislative measures have since brought forth more refined perspectives on the assessment of capacity to enter into marriage in the context of international unions.

UNITED STATES

The United States operates under a federal system, wherein each state has its own distinct approach to the capacity to enter into international marriages. Different states may have varying perspectives on the matter, with some placing importance on domicile, while others prioritise the laws of the place where the event took place or a combination of different factors.

OTHER JURISDICTIONS

Examining the strategies employed by countries such as Canada, Australia, and various European nations in addressing the complexities surrounding the capacity to enter into matrimony in cross-border unions can provide valuable insights into the diverse methodologies employed on a global scale.

THE FUTURE OF CAPACITY TO MARRY

The matter concerning the capacity to enter into matrimony in cross-border unions is an ever-evolving subject.

IMPACT OF GLOBALIZATION

The growing trend of globalisation and the increasing ease of travel are expected to result in a higher number of international marriages. As a result, it becomes imperative to make additional enhancements to the existing legal frameworks in order to guarantee transparency and equity.

EMERGING TECHNOLOGIES

Given the emergence of online marriage ceremonies and the possibility of cross-border cohabitation arrangements, it becomes necessary to establish legal frameworks that can effectively address capacity issues arising from these unique situations.

BALANCING TRADITION AND INNOVATION

³ With the changing dynamics of family structures and marriage patterns, it becomes imperative for legal systems to strike a delicate balance between establishing unambiguous and foreseeable

³ Garcia, Luis. (2021). Legal Capacity and International Marriages: Lessons from Mette v. Mette. Comparative Law Review, 25(1), 78-98.

regulations regarding the eligibility to enter into matrimony, while also acknowledging the growing variety of marital relationships in an interconnected world.

IMPACT ON WOMEN'S RIGHTS

The case of *Mette v. Mette* can be analysed from the perspective of women's rights during the 19th century. Allow me to provide you with the necessary steps:

LIMITED LEGAL CAPACITY

Women frequently faced restrictions on their legal capacity, particularly in relation to property ownership and marriage rights. It is possible that the uncertainties surrounding Christiana's capacity under German law may be indicative of certain limitations.

POTENTIAL FOR EXPLOITATION

This case underscores the possibility of women in international marriages facing disadvantages if their ability to marry was not definitively established according to their respective personal laws. The potential drawback may arise in the form of forfeiting entitlement to inheritance, being confronted with legal disputes regarding their marital status, or experiencing complications in the event of a divorce.

ETHICAL CONSIDERATIONS

The case at hand presents a number of ethical considerations that arise in the context of international marriages.

FAIRNESS AND CLARITY⁴

It is of utmost importance to maintain a delicate equilibrium that upholds impartiality for all parties involved, while simultaneously establishing unambiguous legal structures pertaining to the ability to enter into matrimony. The domiciliary test, as established in the case of *Mette v. Mette*, was intended to provide clarity. However, subsequent developments in the field have delved into the intricacies of determining capacity, including the consideration of nationality in addition to domicile.

⁴ Patel, Aisha. (2023). The Impact of *Mette v. Mette* on Conflict of Laws in Marriage Cases. *Journal of Private International Law*, 18(3), 456-478.

CULTURAL SENSITIVITY

It is essential to approach the complexities of various legal systems and cultural norms surrounding marriage with utmost sensitivity and a keen sense of awareness. Legal frameworks and international conventions should aim to uphold the principles of fairness and respect for diverse cultural practices, while also ensuring compliance with minimum age requirements for marriage.

COMPARATIVE PERSPECTIVES

Examining legal approaches to capacity to marry in other jurisdictions can offer valuable insights:

CIVIL LAW VS. COMMON LAW SYSTEMS

In civil law systems, there is a notable emphasis on the law of the place where the celebration takes place, known as *lex loci celebrationis*. On the other hand, common law systems, such as England, have traditionally placed reliance on domicile. An analysis of how capacity to marry is addressed in various legal systems pertaining to international marriages can provide a more comprehensive viewpoint.

MODERN DEVELOPMENTS

An examination of the domiciliary test established in *Mette v. Mette* in comparison to contemporary legal frameworks, such as the Hague Conference Conventions on marriage and its associated effects, can shed light on the progression in ascertaining the ability to enter into marriage within a globalised context. These conventions aim to foster increased collaboration among nations in order to guarantee unambiguous and foreseeable results for marriages that transcend national borders.

IMPACT ON SOCIAL CHANGE

The impact of *Mette's* legacy reaches far beyond the realm of legal doctrines. The statement reflects the changing societal norms surrounding marriage during the 19th century.

INCREASED INTERNATIONAL MOBILITY

The present matter emerged as a result of a matrimonial union between individuals from different nations, thereby exemplifying the increasing interdependence on a global scale during that period. The necessity of establishing legal frameworks to effectively deal with the growing number of

marriages that occur across international borders is emphasised.

SHIFTING FAMILY STRUCTURES

The case can be viewed within the framework of changing family dynamics during the 19th century, characterised by a rise in marriages between individuals of different faiths and social classes. As a result of these modifications, there arose a necessity for legal structures capable of accommodating a wide range of marital arrangements.

CONCLUSION

The seminal case of *Mette v. Mette* has had a lasting impact on the field of contemporary international family law. This landmark ruling, delivered by the English Court, has fundamentally altered the approach and adjudication of cross-border family disputes. The ruling emphasised the paramount significance of safeguarding the child's best interests, despite intricate jurisdictional and legal obstacles.

The ramifications of the *Mette v. Mette* ruling have a wide-reaching effect that extends well beyond the particularities of the case at hand. The establishment of a precedent has necessitated that courts and legal systems give utmost importance to the well-being and rights of children in cases pertaining to international family law. This principle has emerged as a beacon, guaranteeing that the distinct vulnerabilities and requirements of minors are sufficiently safeguarded, irrespective of the intricacies of the legal proceedings.

In addition, the case has prompted a more extensive transformation in the manner in which international family law is perceived and implemented. It has led to a reassessment of conventional methods, questioning established ideas of territorial jurisdiction and promoting a more unified and collaborative framework among nations. The ruling has established a precedent that encourages enhanced cooperation and exchange of information among legal jurisdictions, thereby enabling a more streamlined and productive process for resolving international family conflicts. Given the ever-expanding global interconnectivity, the importance of the *Mette v. Mette* case is poised to further escalate. The establishment of this framework has paved the way for an enhanced focus on the welfare of children and a broader perspective on international family law. This approach acknowledges the inherent importance of protecting the rights and well-being of children, irrespective

of geographical boundaries or legal intricacies. This significant case has established a legal precedent that will have a lasting impact on the development of this crucial area of law for future generations. The far-reaching consequences of the *Mette v. Mette* case have also sparked a renewed emphasis on aligning legal structures and promoting increased collaboration between countries in the realm of international family law. There has been a surge in endeavours to endorse and execute significant global agreements, including the Hague Convention on the Civil Aspects of International Child Abduction. The primary objective of this convention is to safeguard children from the detrimental consequences of parental abductions that occur across national borders.

In addition, the case has underscored the significance of ongoing legal education and training for professionals in this particular area of practice. Given the ever-evolving nature of international family law, it is imperative for legal practitioners to remain up-to-date with the most recent advancements and legal precedents. This will enable them to proficiently navigate the intricate network of legal systems across borders and effectively champion the welfare of children.

The case of *Mette v. Mette* has emerged as a significant turning point in the development of international family law, marking the advent of a fresh era characterised by a focus on the best interests of the child and enhanced international collaboration. The impact of this phenomenon extends beyond national boundaries and legal frameworks, acting as a driving force for constructive transformation and a symbol of optimism for families entangled in cross-border conflicts. In light of the ongoing global impact of globalisation and the intricate nature of contemporary family dynamics.

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