



Member of Qatar Foundation

***“The Jurisprudence of Extended Families, Extending
Families, and Intergenerational Solidarity.”***

April 30 – May 1, 2012

Doha, Qatar

Abstracts and Bios

Monday, April 30, 2012

Session I: Family Laws and Jurisdiction

Chair: H.E. Noor Al Malki

What Is a Family? Towards a Definition Based on Morality and Belief

Dr. Scott FitzGibbon

Bio:

Scott FitzGibbon is a graduate of the Harvard Law School (J.D.), where he was an Articles Officer of the Harvard Law Review, and of Oxford University (B.C.L.), where he studied legal philosophy. He is a professor at Boston College Law School, a member of the American Law Institute, and a member of the International Society of Family Law. He is the Editor in Chief of the International Journal of the Jurisprudence of the Family and Vice President of the International Academy for the Study of the Jurisprudence of the Family.

He is the author of “Marriage and the Good of Obligation” (American Journal of Jurisprudence, 2002); “A City Without Duty, Fault or Shame,” in RECONCEIVING THE FAMILY: CRITICAL REFLECTIONS ON THE AMERICAN LAW INSTITUTE'S PRINCIPLES OF THE LAW OF FAMILY

DISSOLUTION ; "Educational Justice and the Recognition of Marriage," and "Parent, Child, Husband, Wife: When Recognition Fails, Tragedy Ensues", 2011

Abstract:

We are specially connected to ancestors, and descendants, and to blood relatives. We and they comprise a family, an association of persons which implies special obligations, one from which each member derives some substantial portion of his or her self-understanding and towards which each devotes much care.

Can an account -- a definition -- be given which could form a ground for the explanation and justification of the remarkable flex and stretch of the familial obligation and persona across space and time?

This paper proposes that central among such elements -- basic to the definition of family -- is an element which is here referred to as "juristic knowledge": reasoning and belief about the firmer and more law-like aspects of practical reason. It further proposes that among the primary objects of this familial cognition is belief about the procreative project. This paper proposes that the elements here proposed best explain and justify familial obligation and ground the familial character.

Legislation and laws related to the family in Qatar, Reflections on the policies and practices

Ali Al Marri

Bio:

Dr. Ali Bin Samikh Al - Marri is the chairman of human rights committee in Qatar (NHRC) as well as the Chair of the Sup-Committee on Accreditation (SCA) from 2011-2015. Dr. Al Marri served as Vice president of the Asia Pacific Forum(APF)2011-2013. He is the chairman of Arab human rights experts committee, league of Arab States and holds a P.H.D in Political Science from Cairo University in 2006 as well as a Master Degree in Political science in 2002.

Abstract:

The State of Qatar reaffirms on the importance of the family as the basic unit of society, as stated in Islamic law and by the Permanent Constitution of the State, God says in the Holy Quran: O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa (Eve)], and from them both He created many men and women and fear Allah through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship) . Surely, Allah is Ever an All-Watcher over you."verse (1) * Nisa *.

Then, the text of Article (21) of the permanent Constitution of the country: "The family is the basis of society. Founded on religion, morality and patriotism, and the law regulates the

means to protect and strengthen its structure, strengthen its ties and protect maternity, childhood and old age in its shadow." The paper presented and discussed three topics:

1. The importance of family and its role in security, stability and progress of society.
2. Family in the State of Qatar and the national development strategy of the State (2011-2016), and contained in the national vision of the State of Qatar 2030, the overall strategy of the family in the State of Qatar and finally
3. Legislation of the State of Qatar on the family.

What is the Juridical Ground of Familiarity Today? The Swing that Goes from the Biological Ties to Affection, Friendship, Contract or Even Neighbourhood

Dr. Ursula Cristina Basset

Bio:

Ursula Cristina Basset: Lawyer, PhD in Juridical Sciences. Professor and Researcher (Pontificia Universidad Católica, Universidad Nacional de Buenos Aires). Director of the Postgraduate Career in Family Law (Universidad Católica de Salta). Member of the Directive Board of the International Academy for the Study of the Jurisprudence of the Family. Member of the Executive Board of the International Society of Family Law. Member of the Institute of Bioethics of the National Academy of Moral and Political Sciences (Buenos Aires, Argentina), Member of the Subcomission of Reform of the Civil Code (Argentina), Author of several publications in Family Law and Bioethics.

Abstract:

The concept of family is becoming a crux interpretum. The more marriage declines as a founding institution of family law, the less are there identifiable boundaries of the concept of family to be found. As familiar bonds fade, familiar solidarity that could be previously enforced by law loses its very foundation. However, the emergence of artificial reproductive techniques has disrupted the coherence of the legal system of affiliation, weakening the social significance of biological ties. As life expectancy grows, and the birth rate falls, the sustainability of social solidarity is called into question. The traditional family is no longer there to take care of the elderly and the handicapped.

Our presentation will aim to explore and analyse what are the grounds for a familiar juridical obligation between citizens in the actual trends of family law, by an examination of legal institutes in modern family law.

Family within Islam (Rights and duties)
Dr. Amina Al-Jabber, Dr. Asmaa Al- Attiyah

Bios:

Dr. Amina Mohamed Al-Jabber is an Ex-Professor in family jurisprudence, faculty of Sari 'a, at Qatar University and Deputy Dean, Faculty of Sharia and Islamic Studies from 2000 – 2003. She is Member of the Muslim Scholars Union, Qatar Branch and Member of the Al-Azhar scholars Union, Arab Republic of Egypt, Cairo. Dr. Ameena has been a Member of the committee ,Reviewing Qatari Family Law

Dr. Asmaa Al- Attiyah is an Associate Professor of Special Education Diploma Program Department of Psychological Sciences - Faculty of Education - University of Qatar. She is also a Member of the Academic Accreditation - Faculty of Education - University of Qatar and the Chairman of the Committee of graduates Faculty of Education 2007-2011. Dr. Asmaa is Member of the National Committee for Human Rights - the State of Qatar and a Board member of the Learning Center (Awsaj Institute of Education) - Qatar Foundation for Education, Science and Community Development as well as a Board member of the Social Rehabilitation Center (Owain) - State of Qatar.

Abstract:

The importance of talking about the family in the midst of the conflict of civilization and the cultural, physical and moral degradation which impact heavily on all aspects of human life in general and the family in particular is being highlighted. Hence the importance of this paper which seeks to shed light on the protection of the family which is the real nucleus which forms a proper human society in Islam. The formation of the family starts since the first step of thinking of founding a family and choosing the right partner as well as the operational terms starting with the marriage contract and finally reproduction, custody, care and fixation of the family and all its members as well as the minimizing marital problems and ways of dealing with these problems in a way that achieves marital, family and social harmony.

Session II: Family Courts and Extended Families

Chair: Dr. Ousama Abdel Hadi

Family Courts in Qatar
Judge Fawaz Al Gaatal

Bio:

Judge Fawaz Bakhit Mubarak AL-Gaatal holds a Master of Laws from the University of Case Weston Ohio, 1999 and a Bachelor of Sharia and Islamic Studies from the University of Qatar in

1986. He studied English for a year at the Institute of Aomst Manchester in England, 1997 and Trained for two years in the Ohio Court of year 2011. He is currently the President of the Court; Court of First Instance and Head of the first Family Court. He is also a member of the Commission on Human Rights on civil society.

Abstract:

ايماننا من دولة قطر بأهمية الاسرة ودورها في التنمية المستدامة ، حيث أنها اولى مؤسسات التنشئة الاجتماعية وأهمها ، لما لها من دور هام في تحقيق التوافق النفسي للأبناء ، وحفاظا على الاسرة وكيانها والتصدي لكافة التحديات التي تواجهها جاءت كثير من القوانين والتشريعات في دولة قطر اضافة الى الخطط والبرامج والمؤسسات المعنية بها ، ومنها محاكم الاسرة .وتهدف ورقة العمل هذه الى التعرف على محاكم الاسرة بدولة قطر من حيث النشأة والتطور ، والاهداف والهام.

Extended Families and the Expressive Function of Law

Dr. George Dent

Bio:

George W. Dent, Jr., has been a Professor of Law at Case Western Reserve University Law School since 1990 and the Schott-van den Eynden Professor of Law since 1998. Before joining the faculty at Case Professor Dent taught at New York Law School. Professor Dent holds a B.A. (1969) and J.D. (1973) from Columbia, and an LL.M. from New York University (1981). Before entering academia he clerked for Judge and practiced corporate law. Professor Dent has published extensively in the areas of corporate and securities law; law and religion; and family law. *No Difference? An Analysis of Same-Sex Parenting*, __ *Families We Choose? Visions of a World Without Blood Ties*, 2 INTERNATIONAL JOURNAL OF THE JURISPRUDENCE OF THE FAMILY 13 (2011); *Straight Is Better: Why Law and Society May Justly Prefer Heterosexuality*, 15 TEXAS REVIEW OF LAW & POLITICS 359 (2011); *Is Traditional Marriage Unconstitutional?*

Abstract:

The extended family is under stress from two directions. One is the movement to deprive the concept of “family” of any objective meaning, including particularly any connection to real marriage or biological relationship, and to substitute a subjective definition of “family” as “families we choose”--i.e., as any group of adults that chooses to call itself and the children they control a “family.” The second, and statistically more important, is the declining birth rate across most of the globe.

The law has great difficulty dealing with the first phenomenon and even greater difficulty dealing with the second. At least in liberal societies, the state has limited tools to deal with couples who bear children and cohabit without marrying.

The extended family cannot flourish without a strong culture of (real) marriage, which should therefore be the first goal of an effort to preserve the extended family. Beyond that there

are many steps that could be beneficial even if they do not create enforceable rights.

Shorten Legal Family vs. Extended Social Family

Dr. Carmen Garcimartin

Bio:

Carmen Garcimartín is a lawyer with a PHD in Jurisprudence from the Santiago De Compostela in Spain. Her experience varies between teaching, administrative and research and is currently an Associate Professor at the University of La Coruna in Spain.

She is a member of the Spanish Royal Academy for Jurisprudence and Legislation and has been granted by the Regional and National Government of Spain a two year research grant and served as the Secretary of Department of Public Law at the University of La Coruna. She is also a member of several National Research Projects and is a visiting scholar at the Università La Sapienza in Rome; the National University of Ireland in Galway and the Catholic University of America in Washington D.C.

Dr. Carmen has published four books on Relations between Church and State and Marriage Law as well as more than twenty five chapters of books and articles in Spanish, European and USA Journals, and several reviews in European Journals. She has been invited as a Keynote Speaker in National and International conferences in Spain, Iran, Italy and Lithuania and has presented in Mexico, Granada (Spain), Washington D.C., London, Copenhagen, Buenos Aires, and now I would like to welcome her to present her paper in Doha, Qatar.

Abstract:

The idea of family has evolved in the last century from the extended family towards a narrower concept, the so-called nuclear family. This evolving situation had an impact in the Law. There are increasingly less juridical restrictions in a number of areas. Criminal law also took a restrictive approach to the issue.

However, the social pressure is now pushing for a wider involvement of the extended family, remarkably due to the financial crisis. Very often, people turn to the extended family as an ultimate resource in cases of special need.

There is a compelling interest in this action if we take into account that the welfare State seems to be collapsing. In times of economic growth the State provided for most of the basic needs, and therefore family support appears as non essential from an economic point of view. Now, family is replacing the State because the latter cannot universally grant those basic needs. This way, the family is gaining again a primary role in the society.

Juveniles at Risk
Dr. Fawzi Khamis

Bio:

Dr. Fawzy Khalil Khamis is an Advocate-General in the Court of Cassation of Lebanon. He took many of the judicial positions, including President of the Court juvenile delinquency in Beirut (2004-2009). The President and member of several committees took over the preparation of draft laws on the protection of the juveniles, traffic laws and informatics. He has issued a number of judicial decisions in bold and important topics of public freedoms and the protection of crime information and juveniles which have had a great impact locally and internationally. He is the author of the book "Protection of Juveniles at risk in light of law and jurisprudence in Lebanon" (2009), the first book of its kind to address this issue.

Abstract:

The first specialized study in juvenile at risk cases and the description of the situations of risk. What are the functional and quality competences of the juvenile judge in the protection of juveniles at risk? Then how the juvenile judge intervenes and puts his hand on the call or file protection concerning the juvenile at risk. What are the procedures followed by the juvenile judge in cases of these Juveniles. What are the measures of protection that can be taken by the juvenile judge? Will these measures be included in the statements of criminal record for the juvenile? Is it possible to extend the deadline protection measures beyond the age of eighteen? Can a juvenile judge take precautionary measures against the juvenile at risk? The study also addresses methods of reviewing decisions concerning the Protection of Juveniles and whether the juvenile judge is capable to impose expenditure on the Juvenile's parents as well as ordering family psychotherapy? How do the implementation of the resolutions and the provisions of the juvenile judge that are taken in order to protect juveniles at risk are carried on and are the legal guarantees to implement the resolutions of protection that were already judged.

Session III: Family Law: Ruling and the Concept of Parenthood

Chair: Dr. Ursula Cristina Basset

Principles of Qatar Family Law

Dr. Imad Kattan

Bio:

Dr. Imad Kattan received his PhD in Law from University of Strasbourg , his thesis has been published in European University . He was Associate Dean for Academic Affairs in College of law at Damascus University from 2003 to 2007; then during 2007 to 2009 he was the National

Director in Modernization of Litigation Procedures in the United Nations Development Program jointly with Ministry of Justice in Syria. Dr. Kattan is currently Assistant Professor of Civil Law, Family Law and Law of Procedures in Civil and Commercial Matters.

Abstract:

Family law was passed in Qatar to reflect how the State of Qatar is really interested with the family and promoting its stability as well as reform, protection from cracking, and working to resolve what is being said of disputes between its members. There is no doubt that the historical context, social, religious and cultural heritage upon which was released the Qatari family law, was reflected to a large extent on the principles and rules enshrined. The Qatari Family Law contains Article 301 which deals with marital relations and the consequent rights and duties, and the resulting effects, in addition to the children; their right in kinship, custody, alimony, as well as the provisions of the Wills and Inheritance.

We will review the above, and focus on what can be touching the theme of the Symposium from issues such as alimony and custody of relatives.

Should The State be Neutral When Families, Based on Religious Understandings, Seek to Shift Duties of Support upon Divorce or Death from Spouses to the Extended Family?

Dr. Robin Fretwell Wilson

Bio:

Robin Fretwell Wilson is the Class of 1958 Law Alumni Professor of Law and Law Alumni Faculty fellow at Washington and Lee University School of Law, where her scholarship focuses on family law and children and violence. She is the editor of four recent books, including *RECONCEIVING THE FAMILY: CRITICAL REFLECTIONS ON THE AMERICAN LAW INSTITUTE'S PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION* (Cambridge University Press, 2006); *THE HANDBOOK OF CHILDREN, CULTURE & VIOLENCE* (Sage Publications, 2006, with Nancy Dowd and Dorothy Singer). Her work has been featured in the *New York Times*, the *Washington Post*, the *Los Angeles Times*, and the *Wall Street Journal*. A member of the American Law Institute, she has worked extensively on behalf of state law reform efforts. In 2007, she received the Citizen's Legislative Award for her work on changing Virginia's consent law. Professor Wilson is the past Chair of the Section on Family and Juvenile Law of the Association of American Law Schools.

Abstract:

Greek newspapers reported that new Family Law reforms jettisoned the practice of allowing Sharia Law to govern family matters for a Muslim enclave of over 110,000 living in Western Thrace. Thus, since the Treaty of Lausanne until now, Muslims in Greece enjoyed

unique independence from the Greek government, looking to three Muftis .

This paper will test the claim that the State can be neutral to the source of support for widows and divorced women and children upon divorce. It argues that state has a protective function to play for dependents and that allowing religious doctrines to govern wealth distribution at divorce or upon death circumvents such protections and may subject divorced women and widows in certain belief systems to certain or near-certain poverty.

This paper concludes that policymakers should proceed cautiously before removing the distribution of wealth upon divorce or death from state oversight and placing it within the control of religious groups.

“Juristic Family Rulings: A Study of *Maqasid al-Shari’ah*.”

Dr. Rasha Al- Disuqi

Bio:

Dr. Rasha al-Disuqi, is Associate Professor at the Faculty of Islamic Studies and director of the Contemporary Jurisprudence Program at QFIS. She is currently supervising six Masters Theses and has taught over ten courses at QFIS. She has obtained her doctoral from the University of Wales, U.K., has taught at highly prominent institutions as California State University and Al-Azhar University, the most celebrated institution in Islamic Studies. She is published extensively in the United States, and internationally in distinguished Arabic journals. She is author of the best seller, *The Resurgent Voice of Muslim Women*, and *Muslim Family Fiqh*. As a recognized scholar in the area of women and the family, her most recent research papers are “Violence Against Children” published in *International Council for Jurisprudence*, and “Reproductive Health: A Study in the Objectives of Shari’ah,” “Woman and International Agreements,” both published in the *Cairean, The Contemporary Muslim*. She has been invited as a speaker in hundreds of lectures on university campuses in the United States, Canada, Turkey, China, Cairo and South Africa.

Abstract:

This paper unfolds the multi-faceted nature of *Shari’ah*, projecting achievement of multiple goals in protecting, both nuclear and extended family. It is divided into an introduction and four sections. The first discusses juristic rulings establishing goals of family formation, integration of mercy and affection, balancing rights and duties, parental and children’s rights. The second, explains the *Shar’i* goals of protecting honor and lineage, the importance of agnation, illegalizing adoption, and explaining rulings on honor violations and family penal law philosophy. The third section, elaborates on the crucial role lineage plays in protecting uterine relations, how *Shari’ah* guards extended family relations setting penalties against committing major sins of severing them. It explains the sacredness of inheritance rulings in rights of

descendants and grand- parents. This brief exposition concludes that Allah's plan for humanity is encapsulated in family juristic rulings embraced in *Shari'ah* to guarantee vicegerency.

Working Towards a European Concept of Parenthood and Parental Responsibilities

Dr. Nigel Lowe

Bio:

Nigel Lowe LLB, LLD, Barrister of the Inner Temple

Professor of Law and Head of Cardiff Law School, Cardiff University, Wales, UK. He has been a member of the Executive Committee of the International Society of Family Law since 1993 and was Vice President and the Convenor of the ISFL's World Conference in Cardiff in 1994. Member of the UK's International Family Law Committee, Sometime Consultant both to the Hague Conference on Private International Law and the Council of Europe.

Author of numerous books, reports and articles including:

The Plan for the Child – Adoption or Long-term Fostering (2002, with M Murch)

An editor of Clarke Hall and Morrison *on Children*. Is involved in three international projects; helping to draft a new Council of Europe Recommendation on The Legal status of Children and Parental Responsibilities based on his report; drafting 10armonizing principles of European Family Law regarding Property relations between Spouses with the Commission on European Family Law (CEFL).

Abstract:

The paper will comprise an examination of the work I have been doing for the Council of Europe with regard to the drafting of a new Recommendation on The Legal Status of Children and Parental Responsibilities. It will discuss the main provisions of the proposed Recommendation and will explain some of the major difficulties in the negotiations and in particular about what provision, if any, should be made in respect of same-sex couples and international relocation issues.

Tuesday, May 1st, 2012

Session I: Intergenerational Solidarity: A Legal Approach

Chair: Prof. Scott FitzGibbon

**Intergenerational Justice, Extended Families, and the Challenge of the Statist
Paradigm**

Dr. Lynn Wardle

Bio:

Lynn D. Wardle is the Bruce C. Hafen Professor of Law at the J. Reuben Clark Law School at

Brigham Young University where he began teaching in 1978. His primary fields of teaching and writing are family law, comparative family law, biomedical ethics and law, conflict of laws, and U.S. constitutional history. Professor Wardle was President (2000-02) and Secretary-General (1994-2000) of the International Society of Family Law (ISFL), and serves on the ISFL Executive Council. He is a member of the American Law Institute, and serves as the founding President of the International Academy for the Study of the Jurisprudence of the Family. Some recent publications include *Fundamentals of the Jurisprudence of the Family: Building on Rock or Sand?* 1 Int'l. J. Jurispru. Fam. 223-258 (2010); *The Boundaries of Belonging: Allegiance, Purpose and the Definition of Marriage*, 25 B.Y.U. J. Pub. L. 287-315 (2011).

Abstract:

Intergenerational justice may be one of the driving issues of the 21st century. Issues of distributive justice between adults and children, between aging and future generations are receiving more attention from academics and policy makers. Duties of one generation to succeeding generations may be fulfilled or neglected in legal policy.

Recognition of extended families promotes intergenerational justice. Extended families manifest a form of natural justice. Extended families have functioned for millennia as valuable support systems for nuclear families, especially to safeguard and benefit children.

The legal history of extended families in formal laws and legal systems reflects an ongoing conflict between familism and statism, and changing notions about the relative value of family and state. As legal recognition of the roles of the extended family has diminished, legal recognition of the roles, power and responsibility of the state over vulnerable family members has increased. What began as a liberating trend, however, has become in many ways an oppressive regime.

The Hierarchy of Authority based on Kinship, Age, and Gender in the Extended Family

Dr. Kaltham Al Ghanim

Bio:

Dr. Kaltham Al Ghanim is associate professor of sociology at Qatar University. She has carried field research related to urbanization, culture and human development, political participation. She is Author of three specialized academic books and numerous papers in areas of interest such as domestic violence, marriage, and gender. Her interests cover a wide range of issues including folklore studies, local culture, and sustainable development. Currently, she leads several research projects funded by various national and international institutions.

Abstract:

Almost all aspects of life in the Arab Gulf States, including family, have been touched by

the rapid unstoppable social change. However, certain aspects of the family remain intact. That is, although the nuclear family, has replaced in the past few decades, the extended form of family structure, family still plays a powerful role in the life of men and women in the Arab Gulf States.

Family still shows a high degree of unity, purpose, and integration between its members. Although the number of people is living in the same household is shrinking (aka nuclear family), the connection remains strong, and the value system that governs the extended family is still in action. Also, the hierarchy of authority and relations based on kinship still exists and plays a major role in the individual's lives. Patriarchal social system, where males in the family have the ultimate authority and decision-making in the household, has been not impacted by the rapid social change. Children belonged to their father's name and the adult women such wives, mothers, sisters, and aunts subject to males' authority in the family such father, husband, brothers and uncles.

This paper discusses the social and economic foundations of the hierarchy of authority in the Arab Gulf States' extended families. Further, the paper explores the factors that determine social positions, roles, and expectations associated with family members, especially women, based on age, gender, and kinship.

A legal approach to Genetics as a challenge to intergenerational solidarity

Dr. Jorge Nicolás Lafferriere

Bio :

Jorge Nicolás Lafferriere: Lawyer (Universidad de Buenos Aires), Doctor in Juridical Sciences (Pontificia Universidad Católica Argentina –UCA-). Director de Investigación Jurídica Aplicada de la Facultad de Derecho de la Pontificia Universidad Católica Argentina, Profesor Protitular de Principios de Derecho Privado (UCA y UBA). Director de la Revista Prudentia Iuris. Director del Centro de Bioética, Persona y Familia. Former Academic Secretary of the Pontificia Universidad Católica Argentina.

Abstract:

The new developments on genetics challenge in different ways the goal of intergenerational solidarity. With the artificial reproduction techniques, the transmission of human life has shifted from the mutual donation of man and woman to the field of desire and production. In this change, genetics involves the possibility of selecting the desired traits of children. This can be accomplished by the selection of gametes, the genetic preimplantation diagnosis or eugenic abortion. The problem of who should pay for “bad genes” arises additional questions and generates new pressure to eliminate people who present genetic disadvantages. Reproductive techniques also imply a disruption of intergenerational biological ties. In this way, the temptation of shaping the genetics of the new generation has become a new

issue for the juridical sciences. We aim to analyze in which ways does this challenge to intergenerational solidarity occur, the juridical principles involved in this situation and the implications of solidarity in this field.

Arab Family: Transitioning from Binding Extended family Allegiances and Ties to a Model of Congenial Mutual Cooperation Relations

Dr. Zuheir Hatab

Bio:

Dr Zuhair Hatab is a professor at the Lebanese University - Institute of Social Sciences since 1975 till today. He served as the director of the Institute of Social Sciences at the Lebanese University since 1993 till 1995, the first section, as well as editor of the Arab Thought / Arab Development Institute - Beirut.

Since 2001 he has been a consultant to the League of Arab States, ESCWA and the Cooperation Council for the Gulf States. He also drafted the strategy for the Arab family, commissioned by the League of Arab States in 2003. He holds a doctorate from the Sorbonne University in Paris, in 1974. Among his accomplishments is his contribution to the development of an Arab strategy for the elderly in the conference of elder people in Arab family, 2009 and in developing the draft National Strategy for the Jordanian family 2004.

Among his important publications: “The manifestations of gender and its properties”, for the Ministry of Social Affairs, 1998, “Communication in order to Enable the Arab Family to perform its renewable functions” which was given at the Regional Meeting of Experts on empowerment of the family Arab, ESCWA - Beirut.

Abstract:

The paper is divided into the following sections:

- Concepts employed by the research derived from the reality of Arab societies:
 - A - Extended family, parental authority, and the system of integration and solidarity.
 - B - Transforming family, nuclear family in the human rights community, and the system of mutual family cooperation.
- Internal factors and familial pressures leading to a weakening of family solidarity system between the generations in the Arab family.
- Contemporary challenges and the need for mutual generations' cooperation in the Arab family to remove it.

Qatar Family Law and the Extended Family

Dr. Moataz Ahmed Sheir

Bio:

Dr. Moataz Ahmed Sheir holds a Master's degree in Public Law from the Faculty of Law, the University of Alexandria, Egypt (1995). He also holds a certificate of first place in the training courses held for nearly 300 judges and a consultant of the Egyptian State Council, which was organized by the International Organization for the Development Act IDLO.

During his career he held numerous positions, among them agent of the Attorney General. He was the Judge and President of the Court of the State Council, until he reached the rank of Vice President of the Egyptian State Council in 2008. He is the Legal Advisor of the Supreme Council for Family Affairs in the State of Qatar and participated in the preparation of several draft legislative instruments related to family affairs in the State of Qatar.

Abstract:

This paper will study the importance of discussing this topic and defining the concept of the extended family, as well as addressing the research problem and its plan.

There is no doubt that the Qatari family as part of the community has gone through social and cultural changes, Economic changes had a significant impact on their development, in addition to expanding the scope of education and its quality, in addition to the breadth of contact with other cultures, all these aspects led to fundamental changes in the size of family that has controlled the pattern of moving towards the nuclear family (the nucleus) compared to the pattern of disappearance of the extended family.

Session II: Extended Families: Case Studies around the Globe

Chair: Dr. Carmen Garcimartin

The Extended Family Under Peruvian Family Law: Between Tradition and Globalization

Dr. Ana Maria Olguin Britto

Bio:

Ana María Olguín Britto is a lawyer with Master Degree in Studies of the International Community and Public International Law (Lateranense Pontifical University in Italy), Master in Sciences of Marriage and Family, Candidate to a Doctor Degree in People and Family Law (University of Zaragoza in Spain).

Professional experience in the Public Sector in entities like Department of Health and in the

Department of Woman and Social Development, Municipal Defender for Children and Teenagers.

Also and in the Private Sector in Benites, Market and Ugaz Law Firm in the City of Lima. Currently working as a Professor of Family Law and as Director of the Institute of Sciences for Marriage and Family at Saint Toribio of Mogrovejo Catholic University in Chiclayo, Peru.

Abstracts:

Family law in the Peruvian legal system maintains a special legal tradition, because it is not only the legacy of Hispanic heritage which belongs to the Roman-Germany law system but it also received a Pre-Hispanic influence; getting a cultural synthesis, as a mixed identity, and the recognition of the family as a natural institution, and a social and legal person.

Because of the current phenomenon of globalization which tends to standardise situations and realities, family law in Peru has a lot of challenges to face, specially those ones which are related to its constitutional legal identity which can be better observed in contrast to other systems, which finally demonstrates its reference to the human nature underlying the historical and cultural affairs.

These reflections are developed on this work, not emphasizing fully on the topic at hand but using it as a base to contribute to the contemporary debate.

Extended Family within the changing life patterns in Qatari Society

Dr. Wesam Othman

Bio:

Wesam Al-Othman, associate professor in the Social Sciences department, Sociology program. Masters in Social Anthropology and PHD in Medical Anthropology. published various research papers, most notably environmental awareness among the students of the university of Qatar 2010, Dress from the Gulf States 2010, Woman and decision making within the family 2006, Social factors resulting in cancer 1996, Charting the emergence of environmental legislation in Qatar , which is still being published. Acquired many research scholarships such as Kaligy dress in Gulf countries (research head) from the college of Arts and Sciences, Qatar university 2006, Milk Kinship (UREP) as a supervising member 2009, Kinship concepts (UREP) as a supervising member 2011, in addition to involvement in the Human-policy interactions biodiversity conservation contexts and their socio-cultural and environmental implications ,focusing on the Al Reem biosphere reserve in western Qatar project (NPRP) as a supervising member 2011.

Abstract:

This study aims to identify the nature of the extended family in the Qatari society and to identify the most important functions that are carried out by them, this is done through comparing and

contrasting the two types of families ; the extended family and nuclear family. The study in this field has taken place by focusing on an interview with a group of individuals in extended families - ten people- and another group of individuals in the nuclear families - also ten people- to identify the function of each family and its impact on the lives of the individuals living within it and in Qatari community as well. In addition to checking the role of each family and how it functions and roles are being accepted in the scientific community especially in economic terms related to the distribution of income and economic contribution, as well as in social terms related to decision-making, cooperation and social participation in which in order to answer the questions that spin - on the one hand - about the reality of the existence of the extended family in the Qatari society in the traditional sense and is known in the specialized literature and the questions that spin - on the other hand - on the reality of the existence of the nuclear family as indicated by the means and in its scientific heritage.

The Consequences of the Attempts to Re-define the Notion of Family in Polish Law

Dr. Piotr Fiedorczyk

Bio:

Dr. Piotr Konrad Fiedorczyk graduated in 1991 from Warsaw University, Faculty of Law and Administration. In 1999 he obtained doctor's degree. He teaches history of Polish and European law. He is specialized in history of law, and especially in history of family law in the 20th century Poland. He also makes research on history of family law in communist and post-communist countries. This year he will publish a book on history of family law in communist Poland. He is an author of 80 publications on history of law, history of family law (about 30), and contemporary family law (about 15). About 16 of them were published abroad. In years 2000-2002 he served as Vice-Dean of the Faculty of Law.

He is also legal counselor. From 2011 he is the Chairman of the Supervisory Board of Polskie Radio Bialystok S.A. Member of the ISFL from 2005, from 2011 he is the member of the Executive Committee of the ISFL.

Abstract:

Polish Family and Guardianship Code of 1964 is a relatively old legal act. The beginnings of it start in deep communist era. It is still in power, but it was amended several times.

The notion of "Family" in the Code is quite clear, although the Code does not contain the definition of family. The legal term "family" is used 22 times, in different contexts. You may argue that family comes only from marriage and the Code is consequent in such "traditional"

understanding of family. You may however discuss if in some context the notion of family in the Code is wider, especially by making distinction of “immediate family” in article 134.

Unfortunately, in new legal acts, the definition of family is wider. The reason for this is quite obvious – the legislator cannot ignore facts that there is more unmarried couples having children. The result is that in fact we have two kinds of families in legal acts: the “Code family” and family constructed in the administrative law.

**Changing Patterns of Qatari Family Formation and their Implications:
New Evidence from Qatar’s 2010 Census and Civil Registration Data**
Badria Ali Al-Harami, Pinar Ucar , Dr.Richard Leete

Bios:

Badria Al-Harami, is the social researcher at Social Development Department of General Secretariat for Development Planning. She contributed to several research projects of GSDP such as Qatar’s Third Human Development Report, Qatar National Development Strategy 2011-2016 and Qatar’s Population Projection.

Prior to joining General Secretariat for Development Planning, Badria worked as a mathematics teacher.

Dr. Richard Leete is currently the Director of the Department of Social Development at the General Secretariat for Development Planning. He is responsible for providing strategic, policy and technical leadership in relation to the Social, Human and Environmental Development pillars of the Qatar National Vision 2030 and Qatar National Development Strategy 2011-2016. He formerly served as the Resident Representative of the United Nations Development Programme for Malaysia, Brunei Darussalam and Singapore between October 2003 and March 2007. He concurrently served as the Resident Co-coordinator for the United Nations’ Operational Activities for Development in Malaysia, as well as UNFPA Representative.

Richard Leete obtained his Ph.D. in Economics (field of Population Studies) from the London School of Economics and Political Sciences, University of London. In June 2007, His Majesty the Yang di-Pertuan Agong XIII awarded Dr. Richard Leete the Darjah Kebesaran Panglima Jasa Negara (PJN) (Honorary) that carries the title Datuk.

Abstract:

Qatar has experienced spectacular economic growth over the past decade. Between 2004 and 2010, real GDP grew by an annual average of around 16.2%, and over this period Qatar’s economy grew faster than any other. Measured in purchasing power parity terms, its per capita GDP is now among the highest in the world. With huge and increased revenues from its exports of gas and oil, Qatar has invested heavily in economic and social infrastructure, as well as, in the

well-being of its people. There have been remarkable increases in all socio-economic indicators and resultant gains in human development. Accompanying the various modernization changes, family formation and childbearing behaviour are also in transition.

Against this background, this paper examines changes in period and cohort trends in nuptiality and fertility of Qataris. Utilizing time-trends in civil registration data and population census data, the paper will review the pattern of changes in Qatari marriage and fertility behaviour. It applies demographic techniques, including multivariate analysis of socio-economic and cultural variables, to explain the factors associated with the changes. The paper will conclude with an assessment of the implications of demographic changes for population and social policy, and the linkages to the programmes of Qatar's National Development Strategy, 2011-2016.

**Live and Die in Solitude Away from the Family –
Issues Relating to Unattended Death *Kodokushi* in Japan**

Dr. Teiko Tamaki

Bio:

Teiko Tamaki Associate Professor of Socio-legal Studies at the Faculty of Law, Niigata University (Japan) where she studied and took LL.B., LL.M. and LL.D. Her research interest lies in the area of Socio-legal Studies and Family Law, and comparative studies on issues of family matters between Japan and UK. She became a member of ISFL since 2001. She has given papers on topical issues of Japanese family law at international and regional conferences of ISFL in 2002 (Copenhagen/Oslo), 2008 (Vienna) and 2010 (Lyon) and the International Symposium of Family Jurisprudence in 2010 (Bratislava, Slovakia) and 2011 (Valletta, Malta). She also participated as a national reporter on the topic of same-sex marriage in one of the Civil Law sessions at the 18th International Congress of Comparative Law (Washington). She has been appointed as one of the Founding Member of the Advisory Board of the IASJF since October 2011.

Abstract:

Since the disclosure of an unspeakable incident that a 111-year-old resident in Tokyo was found as “mummified skeletal remains lying in his bed” while his family members were living in the same house in July 2010, such cases of neglecting and hiding a parent's death and body have become prominent in the news.

It was more understood as a result of the long-lived society that *kodokushi* (unattended death) could be the case where an aged person whose spouse was already deceased had no regular contact with others and died solely without being noticed for some time. However, the other type of cases namely *kodokushi* (unattended death) of younger generation cases have been

reported in recent years.

By investing the two phenomena of *kodokushi* (unattended death) cases, this paper explores what is missing amongst each family/household member in terms of their mutual responsibility as a member of family in modern Japanese society.

Session III: Family, Duties, Rights and Intergenerational Solidarity

Chair: Dr. Richard Leete

From Caregivers to Watchdogs: The Silent Generation

Dr. Paul Galea

Bio:

Paul Galea is a licensed clinical psychologist and holds the post of senior lecturer at the Faculty of Theology and at the Department of Psychology of the University of Malta. He graduated in psychology from the Pontifical Gregorian University in Rome and holds a Ph.D in Pastoral Counseling from the Loyola University of Maryland, USA. He did his internship at Towson State University Counseling Center and at the Johns Hopkins University School of Medicine in Baltimore, Maryland, USA in the *Sexual Behavior Consultation Unit* at the Department of Psychiatry and Behavioral Sciences. His area of research has been in the family and marriage. Amongst his publications is the development of the ‘Commitment to Partnership Scale’, a test meant to gauge the level of commitment amongst couples which is currently used in marriage preparation courses in Malta.

Abstract:

It has often been the case to associate kinship and the extended families to traditional societies. With the increased complexity of family life this perception is changing. Furthermore, with the shrinking of the family and greater longevity, vertical ties with one’s respective parents and grandparents are more likely to develop than horizontal ones with siblings and cousins.

Intergenerational relations involving grandparents, their children, and their grandchildren will play a larger role in family life. Until late in old age, parents provide more assistance to adult children and grandchildren than they receive also because they are probably in a better position to do so. As a result, there will be more support from grandparents to their children and grandchildren than in the past as well as substantial responsibility for the caring of grandchildren. This will also increase the complexity of social problems.

The paper will examine the various consequences and implications that the extended family and grand parenting are having on the various members and at different levels of society.

RECLAIMING FAMILY: A Case for Generative Solidarity

Dr. Jo Imbong

Bio:

Prof. Jo Aurea M. Imbong is a lawyer by profession. She is the University Legal Counsel and a Lecturer at the University of Asia and the Pacific and a faculty member of the Ateneo de Manila University. She is the Chief Legal Counsel to the Catholic Bishops' Conference of the Philippines, and Consultant to the Bishops' Conference's Episcopal Commission on Family and Life, and the Office on Women. She served as Trustee of the Philippine Alliance Against Pornography, is the Executive Director of the Family Media Advocacy Foundation, and Vice-Chair of Professional and Cultural Development for Women. Organizer of St. Thomas More Society, an association of lawyers to defend the right to life, marriage, and traditional values. For her pro bono work in Family Rights advocacy, she was the recipient of the Fr. Paul B. Marx Pro-Life Award from Human Life International-Philippines, the Blessed Pedro Calungsod Pro-Life Award from His Eminence, Ricardo Cardinal Vidal.

Abstract:

The family has always been the seedbed of life, nurturance, and human growth. Ties of affinity and consanguinity—spousal, parental, intra-generational, inter-generational—are the delicate strands of bonding that hold generations together. But the fabric could unravel: generations disconnect from each other, and where relationships still thrive, roles are blurred while responsibility for care and nurturance is abandoned. At the core of these failures lurks a simmering and overpowering hostility to new births and to added progeny. A new birth is no longer a cause for jubilation as children are considered accidents and large families a burden. From the center of it all—the family—things fall apart. In many countries, the disappearance of family is not abated as country policies and systems trigger an accelerating momentum of massive depopulation worldwide.

The family is meant to be a pulsating and generative social force. The times call for a radical conversion to a dynamic generative social responsibility. It can be carried out only through an ethic of generative solidarity.

Duties vs. Rights: Differing Models of Family Law

Dr. J. David Bleich

Bio:

J. David Bleich, Ph.D. Professor of Law, Benjamin N. Cardozo School of Law; has taught at the University of Pennsylvania, Hunter College, Rutgers University and Bar Ilan University; ordained, Woodrow Wilson Fellow; Post-Doctoral Fellow, Hastings Institute for Ethics, Society and the Life Sciences; Visiting Scholar, Oxford Center for Post-Graduate Hebrew Studies;

Association of American Law Schools; Contributor, *Encyclopedia of Bioethics*; Member, New York State Task Force on Life and the Law; Member, Committee on Ethics, Hospital for Joint Diseases and Medical Center; Member, Bioethics Committee, Metropolitan Hospital; Author, *Contemporary Halakhic Problems* (5 vols.), *Bioethical Dilemmas* (2 vols.), *Judaism and Healing*, *Time of Death in Jewish Law*, Editor, *With Perfect Faith: Readings in the Foundations of Jewish Belief*; Editor (with Fred Rosner).

Abstract:

It is almost axiomatic that the fundamental distinction between Jewish law and western legal systems is its emphasis upon duties rather than upon rights. That dichotomy serves to explain many aspects of divine mores governing extended and blended families.

In western societies virtually aspects of family life, including support and custody, are ultimately determined by provisions of law. In Jewish law, legal regulation governing such matters is sparse. Lacunae in establishment of rights are filled with extensive and detailed moral duties.

Since many areas of interfamilial interactions are governed by moral, rather than legal, obligations the parameters and exact nature of those duties are not always precisely defined. In practice, a paucity of case law and precedent results in social conventions and mores that are born of cultural factors and applied with varying degrees of uniformity.

Are facts thicker than blood?

Dr. Carlos de Aguirre

Bio:

Carlos Martínez de Aguirre is currently a *Catedrático* (professor) of Civil Law at the University of Saragossa (Spain), since 1992. Formerly, he was a *Catedrático* (Professor) of Civil Law at the University of Extremadura (Cáceres, Spain, 1990-1991), and a *Profesor Titular* (Associate Professor) of Civil Law at the University of Saragossa (1986-1990). He received a doctorate in Law from the University of Saragossa in 1984. His current research interests include Family Law (marriage, unmarried couples, same-sex relationships, filiation and parenting, adoption, children protection), and the Law of the Person (legal concept of “person”, legal status of human embryo, legal status of handicapped). He is the President of *The International Institute for Family Research – The Family Watch*, which is a think tank founded in 2007, and committed to do research on family issues, and to find solutions to the problems it faces (www.thefamilywatch.org).

Abstract:

Legal family ties are usually based either on blood or, in some cases, on will (not on any will, but on a specific legal one: marriage or adoption). Recent Family Law developments are

currently introducing in many countries family-like legal ties based on facts, aiming to give them almost the same legal regulation that have the blood-based and the will-based ties: unmarried couples and step parents could be good examples. Conversely, a new trend is arising in some countries: blood-based or will-based legal family ties are no longer sufficient to produce some legal effects, but a de facto relationship is also required by Law. Are we going from extending to changing the legal concept of family? Are really the facts a solid enough base for rebuilding Family Law?

‘Is a dog a member of my family?’

Dr. Satoshi Minamikata

Bio:

Satoshi Minamikata joined Ibaraki University after studying law at the Graduate School of Law of Kyushu University in 1979, and transferred to Niigata University in 1991. He taught family law, socio-legal studies, gender issues and current family matters at the faculty, law school and graduate school of Niigata University. Meanwhile, he worked as part time mediator of Niigata family court since 2004 where he was mainly in charge of family disputes but not succession disputes. At the same time, he is a member of advisory group for Niigata family court for three years. My research interests are the matters of divorce, adoption, violence in the family and family mediation. He is a member of International Society of Family Law since 1982. In 2010, he jointly organised a regional conference - Reconstitution of Modern Families– Recent Developments in Asian Family Law - with support of ISFL.

Abstract:

To what extent could the notion of family member be extended in current Japanese society? For instance, is a dog a member of family? Owners usually give their dog a name such as John or Marry and some call themselves as father of John or mother of Marry. At the late stage of their life, they will replace their grown up children with the dog in order to cope with ‘empty nest syndrome’. They have strong emotional attachment toward the dog similar to the attachment to their real family members. In this respect, the dog is regarded and treated as a member of the family. This kind of trend is not new but it is evidently increasing these days. Sociologists usually point to five main functions of family unit such as ‘affective’, ‘socialisation’, ‘health care’, ‘reproduction’ and ‘economic’ functions. In this sense, the dog may be a family member since it plays the affective, socialisation and economic roles that are expected to be done by family members.