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

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Media Document

The symposium began with welcoming speeches made by H.E. Abdulla Bin Nasser Al Khalifa, Chair, Board of Governors of the Doha International Institute for Family Studies and Development (DIIFSD), followed by H.E. Noor Abdulla Al Malki Al-Jehani, Executive Director of the DIIFSD and concluding with a welcoming speech by Dr. Lynn D. Wardle, President of the International Academy for the Study of the Jurisprudence of the Family. H.E. Noor Al Malki Al-Jehani chaired the first session titled "Family Laws and Jurisdiction" and the symposium was commenced by a paper by Professor Scott FitzGibbon titled "What is a family? Towards a definition based on Morality and Belief". Prof. FitzGibbon, a graduate of the Harvard Law School (J.D.), and of Oxford University (B.C.L.), 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. His paper discussed the definition of a family and stated "that central among other 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."

Following Prof. FitzGibbon's paper, Dr. Ali Al Marri, chairman of the Human Rights Committee in Qatar (NHRC) as well as the Chair of the Sup-Committee on Accreditation (SCA) from 2011-2015 and chairman of Arab human rights experts committee, league of Arab

States discussed the "Legislation and Laws related to the family in Qatar, Reflections on the policies and practices". Dr. Al Marri's paper discussed three main topics; the importance of family and its role in security, stability and progress of society, the family in the State of Qatar and the national development strategy of the State (2011-2016) as well as the national vision of the State of Qatar 2030, the overall strategy of the family in the State of Qatar and finally the legislation of the State of Qatar on the family.

Upon completion of Dr. Al Marri's paper, Dr. Ursula Basset, who holds a PHD in Juridical Sciences, and is currently a professor and researcher at the National university of Buenos Aires discussed a paper titled "What is the Juridical Ground of Familiarity Today? The Swing that Goes from the Biological Ties to Affection, Friendship, Contract or Even Neighbourhood" which explored and analysed the grounds for a familiar juridical obligation between citizens in the actual trends of family law, by an examining legal institutes in modern family law.

The first session was concluded with a paper by both of Dr. Amina Al Jabber, Ex-Professor in family jurisprudence at Qatar University and Deputy Dean of the Faculty of Sharia and Islamic Studies from 2000 – 2003 as well as a member of the committee which is reviewing Qatari Family Law and Dr. Asmaa Al Attiyah, Associate Professor of Special Education Diploma Program at the University of Qatar, Chairman of the Committee of graduates Faculty of Education 2007-2011 and member of the National Committee for Human Rights - the State of Qatar who discussed a paper on "Family within Islam (Rights and Duties)". Their paper shed light on the protection of the family as the real nucleus which forms a proper human society in Islam. They focused on the formation of the family as well as how one should minimize marital problems and find ways of dealing with these problems to achieve marital, family and social harmony.

The Second session of the symposium was chaired by Dr. Ousama Abdel Hadi and discussed the relation between family courts and the extended family. The session was commenced by Judge Fawaz Al Gaatal, president of the Court of First Instance and Head of the first Family Court in the State of Qatar. He is also a member of the Commission on Human Rights on civil society. Judge Al Gaatal introduced the attendees with Family Courts in Qatar, their beginning, development, goals and inspirations.

Following Judge Al Gataal's paper, Dr. George Dent, a Professor of Law at Case Western Reserve University Law School since 1990 and the Schott-van den Eynden Professor of Law since 1998, presented a paper titled "Extended Families and the Expressive Function of Law", the paper discussed the stress that the extended family faces. He also stated that "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."

Upon Dr. Dent's completion, Dr. Carmen Garcimartin, a lawyer holding a PHD in Jurisprudence from the Santiago De Compostela in Spain and currently an Associate Professor at the University of La Coruna in Spain presented a paper titled "Shorten Legal Family vs. Extended Social Family". The paper evolved the idea that "the idea of family has evolved in the last century from the extended family towards a narrower concept of the nuclear family." She stated that in times of economic growth the State provided for most of the basic needs, and therefore family support appeared as non-essential from an economic point of view. However, she believes that the family is replacing the State because the latter cannot universally grant those basic needs. And thus, the family is gaining again a primary role in the society".

Concluding the session was Dr .Fawzi Khamis, an Advocate-General in the Court of Cassation of Lebanon and the President and member of several committees took over the preparation of draft laws on the protection of the juveniles, traffic laws and informatics. Dr. Khamis discussed "Juveniles at Risk" which focused in details on risk cases, the functional and quality competences of the juvenile judge and measures of protection among other aspects.

The third and final session of the first day of the symposium was titled "Family Law: Ruling and the Concept of Parenthood" and was chaired by Dr. Ursula Cristina Basset. Dr. Imad Kattan was the first to embark on the mission of exploring the "Principles of Qatar Family Law". Dr .Kattan received his PhD in Law from University of Strasbourg and is currently Assistant Professor of Civil Law, Family Law and Law of Procedures in Civil and Commercial Matters at the University of Qatar. His paper discussed the various family laws that were passed in Qatar to reflect the interest of the State of Qatar of the family. He stated that "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."

Dr. Robin 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. Her paper was titled "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?" and it tested the claim that the "State can be neutral to the source of support for widows and divorced women and children upon divorce. She argued 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."

Following Dr. Wilson's interesting discussion, Dr. Rasha Al Disuqi, Associate Professor at the Faculty of Islamic Studies and director of the Contemporary Jurisprudence Program at QFIS and author of the best seller, "The Resurgent Voice of Muslim Women, and Muslim

Family Fiqh" presented a paper titled "Juristic Family Rulings: A Study of Maqasid al-Shari'ah." Her paper unfolded "the multi-faceted nature of Shari'ah , projecting achievement of multiple goals in protecting, both nuclear and extended family. She discussed juristic rulings, Shar'i goals on protecting honor and lineage, the role lineage plays in protecting uterine relations and how Shari'ah guards extended family relations setting penalties against committing major sins of severing them, among other topics.

Dr. Nigel Lowe, Professor of Law and Head of Cardiff Law School, Cardiff University, Wales, UK, member of the Executive Committee of the International Society of Family Law since 1993 and Vice President and the Convenor of the ISFL's World Conference in Cardiff in 1994 presented a paper titled "Working Towards a European Concept of Parenthood and Parental Responsibilities" His paper examined the work he had been doing for the Council of Europe with regards to the drafting of a new Recommendation on The Legal Status of Children and Parental Responsibilities. It also discussed the main provisions of the proposed recommendation and explained some of the major difficulties faced during the negotiations.

The papers presented on the first day brought about various discussions and opened the floor to many studies and educated responses.

Tuesday, May 1st, the second day of the symposium began with a session on "Intergenerational Solidarity: A Legal Approach" and was chaired by Prof. Scott FitzGibbon. Dr. Lynn Wardle, a Bruce C. Hafen Professor of Law at the J. Reuben Clark Law School at Brigham Young University. 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. Dr. Wardle presented a paper titled "Intergenerational Justice, Extended Families, and the Challenge of the Statist Paradigm". His paper discussed how "duties of one generation to succeeding generations may be fulfilled or neglected in legal policy. He stated that extended families manifest a form of natural justice and have functioned for millennia as valuable support systems for nuclear families, especially to safeguard and benefit children. He further stated that as legal recognition of the roles of the extended family diminished, legal recognition of the roles, power and responsibility of the state over vulnerable family members has increased."

Dr. Wardle's paper was followed by a discussion presented by Dr. Kaltham Al Ghanim, associate professor of sociology at Qatar University and author of three specialized academic books and numerous papers in areas of interest such as domestic violence, marriage, and gender. Dr. Al Ghanim's paper was titled "The Hierarchy of Authority based on Kinship, Age, and Gender in the Extended Family, and it discussed "the social and economic foundations of the hierarchy of authority in the Arab Gulf States' extended families. Further, the paper explored the

factors that determine social positions, roles, and expectations associated with family members, especially women, based on age, gender, and kinship."

Following Dr. Al Ghanim's paper, Dr. Jorge Nicolas Lafferriere, Lawyer at the University of Buenos Aires and Doctor in Juridical Sciences at the Pontificia Universidad Católica Argentina, presented a paper titled "A legal approach to Genetics as a challenge to intergenerational solidarity". His paper analyzed how developments in genetics challenge the goals of intergenerational solidarity. He mentioned that genetics involves the possibility of selecting the desired traits of children. He stated that reproductive techniques imply a disruption of intergenerational biological ties and that the temptation of shaping the genetics of the new generation has become a new issue for the juridical sciences.

Dr. Zuheir Hatab, professor at the Lebanese University and director of the Institute of Social Sciences at the Lebanese University, the first section, as well as editor of the Arab Thought / Arab Development Institute in Beirut then presented a paper titled "Arab Family: Transitioning from Binding Extended family Allegiances and Ties to a Model of Congenial Mutual Cooperation Relations". His paper discussed the concepts employed by the research derived from the reality of Arab Societies regarding the extended family, parental authority and systems of intergeneration and solidarity. He also discussed internal factors and familial pressures leading to a weakening of family solidarity system between the generations in the Arab family and finally discussed the contemporary challenges and the need for mutual generations' cooperation in the Arab family to remove it.

Afterwards, Dr. Moataz Sheir, the Legal Advisor of the Supreme Council for Family Affairs in the State of Qatar and one of the members who participated in the preparation of several draft legislative instruments related to family affairs in the State of Qatar. He was the Judge and President of the Court of the State Council, and finally Vice President of the Egyptian State Council in 2008. Dr. Sheir discussed "Qatar Family Law and the Extended Family". His paper studied the factors that affected the Qatari family and discussed how economic changes, expanding the scope of education and its quality, in addition to the breadth of contact with other cultures, 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.

The second session of the day focused on "Extended Families: Case Studies around the Globe" and was chaired by Dr. Carmen Garcimartin.

Dr. Ana Olguin Britto a lawyer with a Master Degree in Studies of the International Community and Public International Law and 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 commenced the second session with a paper titled "The Extended Family Under Peruvian Family Law: Between Tradition and Globalization" which discussed how 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.

Dr. Wesam Al Othman an associate professor in the Social Sciences department at Qatar University and who holds a Masters in Social Anthropology and PHD in Medical Anthropology discussed "Extended Family within the changing life patterns in Qatari Society". Her study aimed at identifying the nature of the extended family in the Qatari society and the most important functions that are carried out by them, by comparing and contrasting the two types of families; the extended family and nuclear family.

Following Dr. Al Othman's paper was a presentation titled "The Consequences of the Attempts to Re-define the Notion of Family in Polish Law" by Dr. Piotr Fiedorczyk. Dr. Fiedorczyk is a graduate of the Warsaw University, Faculty of Law and Administration and teaches history of Polish and European law. His paper discussed the notion of the family in the Polish Family and Guardianship Code of 1964 and how due to new legal acts, the definition of family has become wider implying that there are two kinds of families in legal acts; the "Code family" and family constructed in the administrative law.

Dr. Badria Al Harami, social researcher at Social Development Department of General Secretariat for Development Planning, 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, presented a paper titled "Changing Patterns of Qatari Family Formation and their Implications: New Evidence from Qatar's 2010 Census and Civil Registration Data". The paper which is jointly written with Dr. Richard Leete, the Director of the Department of Social Development at the General Secretariat for Development Planning, discussed how Qatar has experienced spectacular economic growth over the past decade. The paper examined changes in period and cohort trends in nuptiality and fertility of Qataris and reviewed the pattern of changes in Qatari marriage and fertility behaviour.

Dr. Teiko Tamaki Associate Professor of Socio-legal Studies at the Faculty of Law, Niigata University (Japan) and an appointed Founding Member of the Advisory Board of the IASJF since October 2011 concluded the session with a paper titled "Live and Die in Solitude Away from the Family –Issues Relating to Unattended Death Kodokushi in Japan. The paper discussed the definition of kodokushi (unattended death) and explored what is missing amongst each family/household member in terms of their mutual responsibility as a member of family in modern Japanese society.

The third Session titled "Families, Duties, Rights and Intergenerational Solidarity" was chaired by Dr. Richard Leete. Dr. Paul Galea, a licensed clinical psychologist and holding the post of senior lecturer at the Faculty of Theology and at the Department of Psychology of the University of Malta presented the first paper titled "From Caregivers to Watchdogs: The Silent Generation". The paper examined the various consequences and implications that the extended family and grand parenting are having on the various members and at different levels of society.

Prof. Jo Imbong, a lawyer by profession and 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 presented a paper titled "Reclaiming the Family: A Case for Generative Solidarity". The paper discusses how the fabric of the notion of the family could unravel as generations disconnect from each other, and where relationships still thrive, roles are blurred while responsibility for care and nurturance is abandoned. She also mentioned how at the core of these failures lurks a simmering and overpowering hostility to new births and to added progeny. She called for a radical conversion to a dynamic generative social responsibility, an ethic of generative solidarity.

Dr. Carlos de Aguirre, a professor of Civil Law at the University of Saragossa (Spain), since 1992 and formerly, a Professor of Civil Law at the University of Extremadura, presented a paper titled "Are facts thicker than blood?" which discussed how 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). He also elaborated on how 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.

The Symposium was concluded by a speech given by Dr. Nada Frangieh, the Family Research Director at the DIIFSD, followed by a speech by H.E. Noor Abdulla Al Malki Al-Jehani, and finally Prof. Scott FitzGibbon, the Editor-in-Chief of the International Journal for the Jurisprudence of the Family (IJF).