



معهد الدوحة الدولي للدراسات الأسرية والتنمية

DOHA INTERNATIONAL INSTITUTE  
for Family Studies and Development

عضو في مؤسسة قطر  
Member of Qatar Foundation

## ***Symposium on the Jurisprudence of Extended Families, Extending Families and Intergenerational Solidarity***

*April 30-May 1, 2012*  
*Doha, Qatar*

**Tuesday, May 1, 2012**

**08:30-10:30 Session I: Intergenerational Solidarity: A Legal Approach Chair: Prof. Scott FitzGibbon**

**08:30-08:50 Prof. Lynn D. Wardle, USA, Intergenerational Justice, Extended Families, and the Challenge of the Statist Paradigm**

**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 21<sup>st</sup> 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.

### **08:50-09:10 Dr. Kaltham El Ghanim, Qatar, The hierarchy of authority based on kinship, age, and gender in the extended family**

**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.

**09:10-09:30 Dr. Jorge Nicolás Lafferriere, Argentina, A legal approach to Genetics as a challenge to intergenerational solidarity**

**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.

**09:30-09:50 Dr. Zouhair Hatab, Lebanon, Arab Family: Transitioning from Binding Extended family Allegiances and Ties to a Model of Congenial Mutual Cooperation Relations**

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.

**09:50-10:10 Dr. Motaz Sheir, Qatar, Qatar Family Law and the Extended Family**

**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.

**10:10-10:30: Break**

**10:30-12-30 Session II: Extended Families: Case Studies around the Globe**

**Chair: Dr. Carmen Garcimartin**

**10:30-10:50 Dr. Ana María Olgúin Britto, The Extended Family Under Peruvian Family Law: Between Tradition and Globalization**

**Ana María Olgúin 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.

**10:50-11:10 Dr. Wesam Othman, Qatar, Extended Family in light of changes in living patterns of Qatari Society**

**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 its 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.

### **11:10-11:30 Dr. Piotr Fiedorczyk, The Consequences of the Attempts to Re-define the Notion of Family in Polish Law**

**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.

### **11:30-11:50 Dr. Badria Al- Harami, Qatar, Marriage Trends in Qatari Families**

**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.

**11:50-12:10 Dr. Teiko Tamaki, Japan, Live and Die in Solitude Away from the Family-Issues Relating to Unattended Death *Kodokushi* in Japan**

**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 18<sup>th</sup> 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.

**12:10-12:30: Q&A**

**12:30-13:30 LUNCH**

**13:30-15:50 Session III: Family, Duties, Rights and Intergenerational Solidarity Chair: Dr. Richard Leete**

**13:30-13:50 Dr.Paul Galea, Malta, From Caregivers to Watchdogs: The Silent Generation**

**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.

**13:50-14:10 Dr. Jo Aurea M. Imbong, Philippines, Reclaiming Family: A case for generative Solidarity**

**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.

**14:30-14:50 Dr. Carlos Martínez de Aguirre, Spain, Are facts thicker than blood?**

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](http://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?

**15:30- 16:00 Conclusion**

*Dr. Nada Frangieh*, Family Research Director, Doha International Institute  
for Family Studies and Development

*H.E. Noor Abdulla Al Malki Al-Jehani*, Executive Director, Doha International Institute  
for Family Studies and Development

*Prof. Scott FitzGibbon*, Editor-in-Chief, International Journal for the Jurisprudence of  
the Family (IJJF)