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

**What is the Juridical Ground of Familiarity Today? The Swing that Goes from the Biological Ties to Affection, Friendship, Contract or Even Neighbourhood**  
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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 families tend to be more fragile, the tightness of the bonds emerging previously from the nuclear family fades. As familiar bonds fade, familiar solidarity that could be previously enforced by law (e.g. alimony, assistance) loses its very foundation (id est familiarity). Without marriage as a founding basis of familiarity, only blood ties were left to ground it. However, the emergence of artificial reproductive techniques has disrupted the coherence of the legal system of affiliation, weakening the social significance of biological ties. People are lonelier than ever, even if the world is more crowded than it was ever before and communications have improved opening new ways of connection that can surmount distances. As life expectance 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. At the same time, law begins to assign juridical effects to bonds never before considered significant. The cohabitants, the neighbours, the significant adults, affectionate relationships, the centre of life of a child, are new legal institutions that provide alternatives to familiarity.

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.
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.

Apart from reciprocal obligations of spouses to one another and other than rather limited monetary claims for child support, there are few enforceable rights associated with familial status. On the other hand, obligations predicated upon the Fourth Commandment exist, in part, to grandparents, parents-in-law and an older brother,

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.

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

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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-German 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, especially 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.
If we talk about the extended family, there are many social required needs, the responses at a legislative, jurisprudential and doctrinal level are examples of the necessity for appropriate legal and political coordination, based on their own concepts in order to start a dialogue considering international standards.

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.

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Extended Families and the Expressive Function of Law
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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. If every couple has only one child, for instance, no one has any aunts, uncles, or cousins, and four grandparents have only one grandchild.

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 or who never live together at all and parents who cease to live together. It has even less capacity to raise the birth rate.

Given these disabilities, more attention should be paid to the expressive function of law “in expressing social values and in encouraging social norms to move in particular directions.” This use of the law can be effective when it conforms to the attitudes of most people. Two examples are the use of the expressive function of law to reduce smoking and racial prejudice.

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. Public schools and government media can highlight the importance of extended families. Laws can address the role of extended relatives even if these laws are only aspirational. Courts can order mediation or other reconciliation efforts even if they cannot ultimately impose rights or responsibilities. Although such steps will not be a panacea, they could achieve substantial benefit with little cost.

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The Consequences of the Attempts to Re-define the Notion of Family in Polish Law  
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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 and now there is no urgent need to construct new law.

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, concerning especially social assistance law, the definition of family is wider. The reason for this is quite obvious – the legislator can not ignore facts that there is more and 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. There is no consent about the notion of family among family lawyers.

Important question arises – can we treat the changes in the administrative law as a kind of trend to change the regulations in the Code? Such possibility exists, although you may rather expect that the present state of law as a kind of silent compromise between two groups will stay for longer.

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What Is a Family? Towards a Definition Based on Morality and Belief  
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We are specially connected to ancestors, even those long dead; and descendants, even those of distant posterity; and to blood relatives, even those who live far away and whom, perhaps, we have never met. 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.

If there is merit in the morality of family -- if people are correct in recognizing special duties within them; and if the distinctive grounding which extended families really does, as people usually apprehend, appropriately guide self-understanding and elicit special devotion,
these special features must reflect some distinctive character of the family. Few other human connections -- the State or nation, perhaps, or the Church -- have been thought to command such devotion and loyalty.

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? Contemporary accounts which suggest a definition based on the ties of sentiment, passion, utility or contract is unlikely to fill the bill. If family can be what it is taken to be, it must find at its core elements which are capable of enduring across long periods of time and which can take root in hearts whose sentiments and circumstances and projects of practical life are very different.

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. Other understandings are possible; and indeed groups of blood relatives have often sustained, with greater or less success, affiliations of a familial or quasi-familial sort on different bases than the ones proposed here. This paper proposes that the elements here proposed best explain and justify familial obligation and ground the familial character.

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Islamic Law and the Extended Family

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In one sense, one may say that the coming of Islam actually created the extended family among Arabian cultures. Prior to the reforms initiated by the Prophet Muhammad, the family and the clan were essentially one. Succession was by agnates only, and women who married into a family were effectively cut off from agnatic identity. Wives were not allowed to their own property, nor succeed to a dshare of the property of their families. With unlimited polygamy, women were liable to be regarded as part of a “herd” of the husband, nor could they gain complete independence from their husband through divorce if the husband decided to retain them before the expiration of their ‘idda.

With the reforms brought about by Muhammad, however, women, sisters, grandparents, and cousins were seen as essential elements within one familial entity. On the other hand, the inclusion of many more persons to a legitimate share in the estate of a father led to disfunctionalities that could only be cured through legal devices or, later, a reform of the
inheritance system itself. Specifically, the division of land into smaller portions in each
generation made economy of scale farming impractical and chains of ownership highly costly to
maintain. For some Islamic societies, the invention of the family waqf, though contrary in spirit
to the original purpose of the charitable waqf, was able to keep property in practicable parcels.
In some modern societies, reform of the inheritance system itself through state legislation to a
more rational and compact system preserves the extended status of the family without saddling it
with ancient disabilities.

There is an additional problem. The clan was never entirely expunged from the social
structure that underlies Islamic Law, and has led to a number of organic problems that have been
difficult to overcome. Some of these problems include:

1) The legal inequality of women. Although the legal and social position of women
improved immeasurably after the coming of Muhammad, the freezing of the reforms in
the Shari’a perpetuates a stubborn inequality in areas such as divorce, marriage choice,
monogamy, inheritance, and child custody. Legal relief for women is also limited by
ancient legal procedural rules.

2) The legitimization of self-help justice. Although the talion system of justice was
reformed to require an independent fact finder before a sentence could be carried out, a
determination of issues of guilt and causation, and a bias to seek monetary rather than
physical retaliation, nonetheless, the clan unit remained an essential element of the legal
system. Without state intervention, the system faces problems of violence within the clan that the
state has difficulty in regulating. Intra family violence, in particular, becomes an issue
that reaches the level of a violation of human rights.

The conclusion is that the original reforms of the 7th century were as dramatic as they
were because they seemed to point to a direction of further reform. But freezing them in the
original form that the new order takes can make the extended family as much of a hindrance to
the full development of the individual as a help.

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From Caregivers to Watchdogs: The Silent Generation
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It has often been the case to associate kinship and the extended families to traditional societies. With the increased complexity, ambiguity and fluidity of family life as shown in the recent demographic trends, this perception is changing. This is very much the case with single parents, relying on their respective family members or intimate friends for support. 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. Patterns of intergenerational caregiving are creating family networks where more people are counted as kin but to whom one owes less. Lasting kin relationships depend not so much on biological or legal ties but rather on the work that one does in forging and maintaining ties or, conversely, letting them lapse. This calls for a discussion about legal recognition of rights and duties not just in cases of neglect.

What is less clear is the role these family members may play within the extended family. Apart from sustaining the lone parent and contributing to the well-being of the grandchild, grandparents assume many other undefined roles, such as replacement partners, confidante, guide, and facilitator, as well as replacement parents, listener, teacher, and disciplinarian. Other significant roles are those of family anchor in the transferring of values, attitudes, and history and well as symbolic functions, such as acting as family watchdogs and arbiters who perform negotiations between members.

The paper will examine the various consequences and implications that the extended family and grandparenting are having on the various members and at different levels of society.
The idea of family has evolved in the last century from the extended family towards a narrower concept, the so-called nuclear family. Relationships with relatives other than very close ones is often scarce or non-existent. This evolving situation had an impact in the Law. There are increasingly less juridical restrictions in a number of areas: there is not any more, or is greatly restricted, the inalienable succession of a certain portion of the value of the deceased's estate; the impediments arising from kinship have been more and more diminished in the extension that depends on the discretion of the legislator, who takes into account the cultural and historical factors that influence the family structure. Criminal law also took a restrictive approach to the issue, in some countries even featuring incest as a non punishable relationship.

However, the social pressure is now pushing for a wider involvement of the extended family, remarkably due to the financial crisis. It is noticeable, for example, how many couples with children can achieve a work-family balance only because of the help they receive from their own parents. Very often, people turn to the extended family as an ultimate resource in cases of special need, as unemployment or illness, but also in other sensitive situations, like marriage crisis.

Other situations are contributing to the increasingly importance of the extended families. Immigration usually strengthens family bonds, even with distant relatives who happen to be in the host country. One-parent families, that are on the rise as well, appeals to the family more frequently, as a means to survive the difficulties that usually accompany their development. At the same time, step-families give rise to certain relationships that are not based on kinship, but sometimes are even stronger, or generate moral obligations that do not exist with the blood relatives.

This social trend should find an accurate reception in the juridical systems. The Law should not disentangle itself from this situation. 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.

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The family has always been the seedbed of life, nurturance, and human growth. It was meant to be so. Family and progeny are testimonies of an openness to life in its fullness for everyone born into it. 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, ties are severed, 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. Society suffers.

But life is always good news, and family is a welcome news-bearer. 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.

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A legal approach to Genetics as a challenge to intergenerational solidarity
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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 eugenetic abortion. The problem of who should pay for “bad genes” arises additional questions and generates new pressure to eliminate people who present genetic disadvantages. The intergenerational relations become ambivalent and adult decisions imply new forms of genetic dependence of the offspring. 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.

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**Working Towards a European Concept of Parenthood and Parental Responsibilities**

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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.

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**Are facts thicker than blood?**

Carlos Martínez de Aguirre  
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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?

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‘Is a dog a member of my family?’
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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. They regard it as their own child. They usually train and care the dog very well and expect emotional comfort and stability from the dog in everyday life. 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. Some of them bury their dog with its own tomb in a special graveyard after private funeral being held. Moreover, when the dog is killed by accident, for instance, the owner is entitled to claim emotional damages by tort against the perpetrator. 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.

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Live and Die in Solitude Away from the Family –
Issues Relating to Unattended Death Kodokushi in Japan
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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. These unreported elderly people’s death cases revealed the fact that the deceased elder parent was left to death while the child was actually living together and receiving pension and other benefits under the name of the parent. It may illustrate the gaps of the family’s “physical” distance and their spiritual, emotional distance that on one hand they live together and share the same household, the deceased persons were died in isolation on the other hand.
Meanwhile, the phenomena of *kodokushi*, meaning a person found dead alone in Japan, have emerged as a social issue. 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. Those who are in their working prime are also found dead alone in a housing development apartment/flat, some were not found for 3 months after the death. One of the common features of such cases is that the deceased person had some trouble with his/her family members and that he/she was a divorcee. Within the *kodokushi* cases, it was reported that up to 32,000 persons per year were the unclaimed bodies and many of them were unidentified. Even if it were identified later, in some cases, no one wants to accept the body or the born ashes for holding a funeral or be responsible for the burial that family member rejected to have any relations.

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 care and affection, responsibility as a member of family in modern Japanese society. It also poses the question of what is the real picture of family bond and ties, moral and ethics as being a family member behind the phenomena of both cases. Additionally it considers an alternative form, means and figure of “family”, for those people who cannot expect and rely on their original family members, as a new perspective that they may re-start a “family”.

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

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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.

Extending family relationship status to partners outside of marriage, kinship and adoption relations impedes intergenerational injustice. It diverts scarce familial and state resources away from relationship structures that protect children and are child-centered and gives those resources to other members of the older generation in relationships that are adult-centric.

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. The trend for at least two centuries has been toward reducing or eliminating the extended family in our lives and replacing or substituting the state. (Ruth Deech) 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. Behind many significant family policy developments of the past century is an ongoing power struggle, often misidentified as between the collective and the individual, or status and contract, but really between state and family as the principal institutions for molding and ordering individuals. What began as a liberating trend, however, has become is many ways an oppressive regime.

Underlying extended-family-versus-extending-the-family debates over the redefinition of family relations, is a jurisprudential conflict between two competing conceptions of human nature (Madison), and two competing power-center institutions for regulate humans. Extended families provide a sense of connection, continuity, belonging and place that are critical human needs. (Professor Rèmi Brague, “A New Nobility: The Family,” October 21, 2011, at Brigham Young University.) Extended families generally (when not rigid or authoritarian) enlarge and deepen kinship identity (Merlin Myers) providing children, youth and mature adults with relational groundings, root paradigms, and foster trust in others and in the future. Extended families and familism undergird the well-being of rising generations by building social capital and natural justice, while extending (redefining) family status to others promotes an ego-individualistic statist paradigm which exalts the self and undermines intergenerational justice.

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** 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?

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The world is experiencing a simultaneous expansion and contraction in the ability of religious communities to define the norms that will govern dissolution of the family upon death or divorce. On August 21, 2011, 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. Prior to this change, religious understandings were given the force of law by delegating jurisdiction to religious groups to decide family disputes, with nominal State oversight. Thus, since the Treaty of Lausanne until now, Muslims in Greece enjoyed unique independence from the Greek government, looking to three Muftis who “conduct[ed] all matters related to civil law” using Sharia law, specifically Hanafi law.
In a contrary development, Great Britain has witnessed a veritable explosion in Sharia courts. Eighty-five Sharia courts now operate in Great Britain, serving a Muslim population of more than 1.5 million people. These Islamic tribunals capitalize on Great Britain’s Arbitration Act, pursuant to which the judgments reached in binding arbitration are civilly enforced.

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. It contrasts how wealth distribution occurs today under the state's background rules upon divorce or death with the likely results under certain religious canons, like the Qur'an. In some instances, these canons would leave a woman without alimony after divorce, with no property and without custody of her children. Equally devastating results would occur upon the husband’s death. These canons cap a widow's portion of the estate to one-thirty-second of the total estate in some cases.

While prenuptial agreements have long operated to tailor-make individual understandings of family obligations, the state imposes significant procedural and substantive constraints on their application. Such constraints are lacking in systems of religious deference operating today. Although in such systems the duty of support may then fall to a woman’s extended family, no civil mechanism operates to ensure that a woman’s family in fact provides that support to her and her children that would have been forthcoming from her ex-husband or his estate. 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.

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**Bio**

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His scholarly presentations include “The ‘Beautiful City’ of Plato’s Republic: How the Legal and Social Promotion of Divorce and Same-Sex Marriage Contravenes the Philosophy and Undermines the Projects of the Universal Declaration of Human Rights” (Geneva, Switzerland, August, 2004); “Divorce and the Decline of Obligation: Towards a Recovery of the Philosophy of Marital Fidelity” (Beijing, China, July, 2004); “Procreative Justice and the Recognition of Marriage” (Provo, Utah, September, 2006); “Marriage Law: Selected Topics” (Padua, Italy, May, 2007); “Supporting the Family by Telling the Truth: The Law’s Duty of Veracity” (Vienna, Austria, September, 2008); and “Is Family Law Sacred?” (Bar Ilan University, Israel, 2009). He was the co-convener, together with Professor Lynn Wardle, of a symposium on the Jurisprudence of Marriage at Boston College Law School and Brigham Young University on March 13 & 15, 2009, a symposium on the Jurisprudence of the Family at Bratislava Law School on May 28-29, 2010, at which he delivered a paper entitled “‘That Man is You!’: The Juristic Person and Faithful Love,” and of symposia at the Pontifical Catholic University of Argentina in May, 2011 and at the University of Malta in July, 2011, where he delivered a paper entitled "Parenting and the Culture of Friendship."

Dr. Piotr Konrad Fiedorczyk was born on Jan. 18th, 1966 in Bialystok, Poland. In 1991 he graduated from Warsaw University, Faculty of Law and Administration. He started his university career in 1991 at the University of Bialystok. In 1999 he obtained doctor’s degree. He teaches history of Polish and European law. He specializes 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. From 1999 he is an Institutional Coordinator of LLP-Erasmus Program at the University of Bialystok. Each year he sends about 150 students for studying abroad, in the EU countries. 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.

**David F. Forte** is Professor of Law at Cleveland State University, where he was the inaugural holder of the Charles R. Emrick, Jr.- Calfee Halter & Griswold Endowed Chair. He holds degrees from Harvard College, Manchester University, England, the University of Toronto and Columbia University.

During the Reagan administration, Professor Forte served as chief counsel to the United States delegation to the United Nations and alternate delegate to the Security Council. He has authored a number of briefs before the United States Supreme Court, and has frequently testified before the United States Congress and consulted with the Department of State on human rights and international affairs issues. His advice was specifically sought on the approval of the Genocide Convention, on world-wide religious persecution, and Islamic extremism. He has appeared and spoken frequently on radio and television, both nationally and internationally. In 2002, the Department of State sponsored a speaking tour for Professor Forte in Amman, Jordan, and he was also a featured speaker to the Meeting of Peoples in Rimini, Italy, a meeting which gathers over 500,000 people from all over Europe. He has also been called to testify before the state legislatures of Ohio, Idaho as well as the New York City Council. He has assisted in drafting a number of pieces of legislation for the Ohio General Assembly dealing with abortion, international trade, and federalism. He has sat as acting judge on the municipal court of Lakewood Ohio and was chairman of Professional Ethics Committee of the Cleveland Bar Association. He has received a number of awards for his public service, including the Cleveland Bar Association’s President’s Award, the Cleveland State University Award for Distinguished Service, the Cleveland State University Distinguished Teaching Award, and the Cleveland-Marshall College of Law Alumni Award for Faculty Excellence. He served as Consultant to the Pontifical Council for the Family under Pope John Paul II and Pope Benedict XVI. In 2003, Dr. Forte was a Distinguished Fulbright Chair at the University of Trento and returned there in 2004 as a Visiting Professor. For the academic year, 2008-2009, Professor Forte was Senior Visiting Scholar at the Center for the Study of Religion and the Constitution in at the Witherspoon Institute in Princeton, New Jersey. He has given over 300 invited addresses and papers at more than 100 academic institutions.

Professor Forte was a Bradley Scholar at the Heritage Foundation, and Visiting Scholar at the Liberty Fund. He has been President of the Ohio Association of Scholars, is on the Board of Directors of the Philadelphia Society, and is also adjunct Scholar at the Ashbrook Institute. He has been appointed to the Ohio State Advisory Committee to the U.S. Commission on Civil Rights. He is a member of the Board of Directors of the Bishop Gassis Relief Fund, dedicated to relieving the war-induced famine in the Sudan. He is also a Civil War re-enactor and a Merit Badge Counselor for the Boy Scouts.

His teaching competencies include Constitutional Law, the First Amendment, Islamic Law, Jurisprudence, Natural Law, International Law, International Human Rights, and Constitutional History.

**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.

**Carmen Garcimartín**

**Academical Degrees:**
- Juris Doctor Degree
- Law Doctorate, PhD in Jurisprudence (Santiago de Compostela, Spain, 1998)

**Teaching Experience in Church & State and Marriage Law**
- Teaching Assistant 1999-2000; Assistant Professor 2000-2003. University of Santiago de Compostela, Spain
- Assistant Professor 2004 to 2006; Associate Professor, 2007 to present. University of La Coruña, Spain
- Erasmus Lecturer, Yeditepe University, Istanbul-Turkey, 2009

**Administrative Positions**
- Secretary of the Department of Public Law, University of La Coruña
- Coordinator for International Relations, School of Law, University of La Coruña, Spain
-Member of the Advisory Board of two Law Journals
-Member of the Spanish Royal Academy for Jurisprudence and Legislation

Research Experience
Granted by the Regional and National Government of Spain (two years). Member of several National Research Projects. Visiting Scholar in Università La Sapienza, Rome; National University of Ireland – Galway; Catholic University of America, Washington D.C.

Publications
Four books on Relations between Church and State and Marriage Law; more than twenty five chapters of books and articles in Spanish, European and USA Journals, and several reviews in European Journals

Conferences
Keynote Speaker in National and International Conferences: Madrid, Almeria (Spain), Tehran, Milan, Vilnius (Lithuania).
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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 at the same time, 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. Recently, she organized 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, and the Family Values Award for 2011 from the Church of Jesus Christ of Latter-Day Saints in the Philippines. Prof. Imbong is married to Lawyer, Manuel, and they have eight children.

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**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 a Vice President (2000 - 2008) and was 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, Member of the Organising Committee of the Commission on European Family Law (CEFL).

Author of numerous books, reports and articles including:

An editor of Clarke Hall and Morrison *on Children* with particular responsibility inter alia for parts of Division 1 on the private law on children and for Division 2 on child abduction.

An editor of Family Law Reports.

He is currently involved in three international projects:


Drafting harmonising principles of European Family Law regarding Property relations between Spouses with the CEFL.
Conducting a statistical study of all applications made in 2008 under the 1980 Hague Abduction Convention.

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).

Satoshi Minamikata joined Ibaraki University after I studied law at the Graduate School of Law of Kyushu University in 1979, and transferred to Niigata University in 1991. I taught family law, socio-legal studies, gender issues and current family matters at the faculty, law school and graduate school of Niigata University. Meanwhile, I have worked as part time mediator of Niigata family court since 2004 where I was mainly in charge of family disputes but not succession disputes. At the same time, I am 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. I am a member of International Society of Family Law since 1982 and gave a paper at its world conferences a couple of times. In 2010, I jointly organised a regional conference - Reconstitution of Modern Families– Recent Developments in Asian Family Law - with support of ISFL.

Teiko Tamaki is 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 both Socio-legal Studies and Family Law, and comparative studies on issues relating to family matters between Japan and UK. She became a member of ISFL since 2001 and has contributed in the society’s Annual Survey in 2000, 2002 and in 2003. She has given papers on topical issues of Japanese family law at international and regional conferences of ISFL in 2002 (Copenhagen/Oslo), 2007 (Chester), 2008 (Vienna) and 2010 (Lyon) as well as at 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.


**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); and *Same-Sex Marriage and Religious Liberty* (Rowman & Littlefield, 2008, with Douglas Laycock and Anthony Picarello). 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, Professor Wilson 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.
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