FOREWORD

In July, 2011, the team of the Family Law Centre in Lyon had the great pleasure and honour of hosting the World Conference of the International Society of Family Law, which has taken place in France for the first time.

It is true that although the city of Lyon is inhabited by French people who speak hardly any language other than French, it is not without charm. It is at the same time an ancient city (which during Roman times was the capital of the Gauls) and a modern city; a city of commerce and a city of learning, which was the cradle of both banking and humanism during the Renaissance; a city for the bourgeoisie and the working classes, which triggered one of the first Proletarian revolts of the nineteenth century (the famous revolts of the Canuts, the silk workers); a city of faith and a city of pleasure, in which great religious orders were born, but in which people enjoy good wine and food; a city of courage, marked by the French resistance during the Second World War; a city which is both discrete and open to the world. The city is listed as a UNESCO world heritage site. In short, it is a city with multiple facets, where one can live well and enjoy strolling about the town. It is also a city of common sense, in which the famous Book of Lyon’s pleasant wisdom gently mocks itself and others, such as in one of its maxims, which obviously does not apply to our Congress: “At any celebration or gathering, there are always more feet than brains”.

The subject that was chosen for this fourteenth congress is undoubtedly a subject of great topicality.

The extension of the length of humans’ lives, increased urbanisation of populations, economic changes, difficulties gaining access to the job market, the breakdown of traditional family models, the increase in separations and reconstituted families, the shrinking of families around nuclear families consisting of parents and their children, sometimes a single parent and his or her children, individualisation of relationships within the family – these are all phenomena which are deeply marking our contemporary world. Some former solidarities between people are disappearing, while new forms of solidarity emerge, which are partial, and reconfigure relationships between generations, often raising sometimes dramatic problems concerning the most fragile people – children, the ill, the handicapped, and above all, older people.

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For developed countries, which are confronted with economic uncertainties and the aging of the population, just as for emerging countries which are undergoing the drastic economic, demographic and social consequences of their development, questions arise in various forms as to the role of the family and collective organisation in the protection of the weakest, the relations between public and private forms of solidarity, but also of the rights and freedoms recognised for people whom age, illness or handicap have put in a situation of dependency.

To approach this vast field of questions, the scientific committee of the world conference made two major choices:

– On the one hand, we decided to approach issues in a variety of dimensions: children, dependent people, victims of accidents in their lives, and all vulnerable people.

– On the other hand, we decided to open up our reflection to any subject that might be illuminated by the vision of jurists: sociology, anthropology, philosophy, but also economics, or even geography and town and country planning. We also decided to appeal to practitioners: judges, lawyers, notaries, insurers, doctors, and administrators in non-profit organisations or in the civil service who are in charge of these matters.

The scientific committee also wished to accord an important role to researchers from emerging countries and open up to young researchers, those who will forge the University of the future – this, too, is a form of solidarity between generations.

This has resulted in a proliferation of papers: more than 200 papers were accepted from more than fifty countries, representing as many both varied and complementary points of view. It is true that each culture and each legal system sees the question of solidarity from a particular light. For the issue of solidarity, perhaps more than any other issue, is the reflection of a culture, a history, a vision of relations between the individual, the family and society, or between the individual, the family and the State, and beyond that of a certain vision of the world.

The very word, “solidarity” resounds in many senses. Etymologically, it comes from the Latin word, “solidus”, an ancient legal term from the Roman law of obligations or contract law. Solidarity describes the state of two or more persons who are legally obliged towards one another and each for all. This legal term has given birth to a broader concept which aims at the bond established between several persons who, as individuals, form a whole, with a bond of mutual dependence and a bond of mutual responsibility with unites and knits those human beings together.
To illustrate my point, I shall make a brief historic excursion. Everyone is familiar with the motto of the French republic: liberty, equality, fraternity. However, originally, the motto was liberty, equality, solidarity. The term, fraternity was finally given preference, because beyond a certain sentimentalism which corresponded to the spirit of the age, it best translated revolutionary individualism: men are brothers, and brotherhood unites them by a bond from individual to individual. Solidarity, to the contrary, sees the individual in a whole, the family, the social or professional group, society or the nation. Through solidarity, an individual becomes part of a whole and is responsible to and for the whole.

When we speak of solidarity among generations, that means that the older generations are tied to the generations that follow them, just as the new generations are tied to the generations which precede them and linked through reciprocal rights and obligations – the long chain of the generations.

During this world conference, the issue of solidarity between generations, as opposed to family solidarity alone was raised, since the bonds which unite humans from one generation to the next extend beyond the framework of the family. It is true that the family is the privileged site of human solidarity, but beyond it, the group extends to the community, the State and the vast human family…

_Hugues Fulchiron_