

# JUSTICE, EQUALITY, AND GENDER IN THE FAMILY

First Conference:

## *Constitutional Transformations and the Principle of Equality in the Family: meaning, projections and limits*

7<sup>th</sup>. and 8<sup>th</sup>. March, 2024

*Family*, as a *legal reality*, currently assumes new configurations, driven by transformations of ethical-philosophical, ideological, political-social, technological-scientific, economic, and labor grounds, among others. These new configurations foster, in particular, several attempts to *reconstruct* the dogmatic and metadogmatic discourses which sharpen the axiological-normative meaning assigned to the *juridical requirement of equality*. Such transformations highlight a new range of problems, such as those concerning the implementation of gender equality in the context of marital relationships, informal cohabitation, entitlement and exercise of parental responsibilities, medically assisted procreation, juridical legitimacy of surrogacy, multifariousness and increasing informality of family relationships.

From the perspective of reciprocity between *subjective rights* and *legal duties*, the transformations that take place at institutional discourses and practices propagate the hypertrophy of the pole of rights, and tend to empty the meaning of juridical responsibility and the respective *duties*. Bearing in mind that the juridical responsibility, in its axiological-normative intentionality, is projected as a practical-cultural commitment and a practical-normative category of law, the trend of emptying its meaning leads to the dilution of the demand for *specific guardianship* and special *protection* that impose itself to face the particular vulnerability of concrete juridical subjects in the juridical universe of the family. That trend also weakens, or even *liquefies*, the demands of *solidarity* and *care* that the comprehension of an authentic *network of vulnerabilities* today reinforces. All this reveals an insistent tension between the perspective of *juridical equality*, in its normatively *substantial* nature, and the imperatives of productivity, if not of pure efficacy and efficiency (political-social, economic,

even ethical-ideological...), of institutional mechanisms and formal and informal instances of mediation, which seek to ensure the possibility of their realization.

Throughout the cycle of meetings that is now beginning (in which take part the research areas *Time and Law* and *Vulnerability and Law of the UCILeR*) an attempt will be made, from the perspective of gender equality issues and of the vulnerability of concrete social subjects, to promote a transdisciplinary, dogmatic and metadogmatic discussion on the current most compelling changes in the family as a constitutive element of society. Different social and normative-positive shapes and frames will be taken into consideration, highlighting the corresponding impact of the recognition of the aforementioned problems in the legal institutes of Family Law, both nationally and internationally.

The many voices that will be heard will leave the seed for the realization of what is mainly desired: to build up an approach to law which is actually attentive to diversity and justice, a law which is at the same time restless and demanding regarding the answers it offers to the complexity of the issues currently challenging it.

**The first edition, which will take place on the 7<sup>th</sup>. and 8<sup>th</sup>. of March 2024 at the Faculty of Law of the University of Coimbra,** will be specifically dedicated to the theme *Constitutional Transformations and the Principle of Equality in the Family: meaning, projections and limits*, calling for reflection on the path changes in the *substantial* understanding of the juridical equality principle axiological-normative meaning, at the level of constitutional and infra-constitutional discourses and its projection in the context of family and affective relationships.

This First Conference aims to provide a space for discussion on the aforementioned themes from a transdisciplinary and critical-reflective perspective, encouraging the crossing of dogmatic and metadogmatic approaches in identifying concrete problems (most especially those in which the *gender* factor appears directly associated with the exploitation of vulnerabilities) and opening possible solution paths.

Presentations must be held in Portuguese or in English. Abstracts of no more than 300 words may be submitted until 31/01/2024, at 11:59 pm, to [rmartins@ci.uc.pt](mailto:rmartins@ci.uc.pt), [margarida.silvapereira@hotmail.com](mailto:margarida.silvapereira@hotmail.com) and [bpaim@fd.uc.pt](mailto:bpaim@fd.uc.pt). Presenters will be notified by 03/02/2024.

Scientific committee:

João Carlos Loureiro, Rosa Cândido Martins, Margarida Silva Pereira, José Manuel Aroso Linhares, Ana Margarida Simões Gaudêncio, Brisa Paim Duarte.