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Family as a Sovereign Institution

Ecumeny and Law 2, 91-104

2014

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

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1. Introduction

Family based on a solid marital foundation, understood as “a community of persons: man and woman as spouses, parents, children and relatives,”¹ and constituting one of the most precious human values, remains the Church’s centre of interest and great care. Over the last decades, due to many profound and rapid changes that have affected the society and culture,² family has had to face numerous problems and challenges. Nevertheless, while various social groups visibly try to annihilate or distort the family, the Church feels naturally obliged to undertake measures aimed at raising people’s awareness about the God’s plan for this social institution, as well as concerning the protection of its identity and the demand for its due rights. The Charter of the Rights of the Family,³ that was elaborated based on the request of the Synod of Bishops from the year 1980 and presented by the Holy See on the 22 October 1983, serves as an expression of the above-mentioned aspirations. The norms included in the document are “a prophetic appeal in favour of the institution of family, which requires to be respected and protected against the usurpation of all kinds.”⁴

¹ JAN PAWEŁ II: *Adhortacja apostolska “Familiaris consortio”* (22.11.1981). Częstochowa 1982, n. 18.

² *Ibidem: Wprowadzenie.*

³ Karta Praw Rodziny przedłożona przez Stolicę Apostolską wszystkim ludziom, instytucjom i władzom zainteresowanym misją rodziny w świecie współczesnym (22.10.1983). Warszawa 1983.

⁴ *Ibidem: Wprowadzenie.*

Sovereignty is one of the most basic features attributed to family, as stated by the Holy See in the already mentioned Charter of the Rights of the Family, as well as by John Paul II in his *Letter to Families* promulgated on the 2 February 1994.⁵

The sovereignty of family ultimately relies on the marital foundation based on the nuptial bond which takes its origin in the act of sovereign power of a man and a woman, by which the inseparable union of life and love is created. This exceptional and momentous power can be regarded exclusively in relation with this unique bond. The power enables the transition from the initial duality of individuals to the union.⁶ Consequently, marital union is the expression of the extraordinary, specific, exclusive and autonomous power of a man and a woman: a power to establish the most primary legal bond. The common *ius connubii* emerges as a “sovereign power to create the first and basic social institution, which is marriage.”⁷ Sovereign, so total and indivisible power of a man and a woman to establish this socially momentous union, cannot be restricted or repealed by any political authority whatsoever.

Benedict XVI emphasises that every marriage is a result of a voluntary decision of a man and a woman and their freedom constitutes the expression of a natural ability inherent for their masculinity and femininity. This occurs by virtue of God’s plan who created them man and woman and bestows on them the ability to ultimately unite their natural and complementary human dimensions.⁸

2. Sovereignty of the family with respect to the nation, the state and other communities

Family, as stated in the Charter of the Rights of the Family, relies on a deep and complementary union of a man and a woman which is based on an inseparable bond of marriage concluded voluntarily and publicly and is far more powerful than an ordinary legal unit. It forms the com-

⁵ JAN PAWEŁ II: *List do Rodzin* (2.2.1994). In: *Prawa rodziny — prawa w rodzinie. Jan Paweł II o małżeństwie i rodzinie. Wypisy z nauczania Ojca Świętego*. Ed. T. JASUDOWICZ. Toruń 1999, n. 17.

⁶ P.J. VILADRICH: “Rodzina suwerenna.” *L’Osservatore Romano* 28 (1997), p. 53.

⁷ *Ibidem*.

⁸ BENEDYKT XVI: “Piękno prawdy o małżeństwie, objawionej przez Chrystusa. Przemówienie do pracowników Trybunału Roty Rzymskiej” (27.1.2007). *L’Osservatore Romano* (Polish edition) 38 (2007), no. 5, p. 31.

munity of love and solidarity, unique when it comes to the possibility to teach and transmit cultural, ethical, social and spiritual values, indispensable for the development and well-being of its own members as well as of the society.⁹ Family founded on the inseparable bond of marriage between a man and a woman expresses, according to Benedict XVI, the relational and communal dimension, favourable for the person's dignified birth, coming of age and full development.¹⁰

As John Paul II states in *Letter to Families*, a family-institution expects the society to recognize its identity and accept its unique social subjectivity. At the same time, as the union of love and life, the family is the most "founded" and "sovereign [emphasis in the text — W.G.] in its unique way," albeit conditioned in certain aspects.¹¹ Benedict XVI perceives a family based on marriage in like manner as a fundamental social institution, the basic unit and pillar of the society, whereas it applies both to believers and non-believers; the institution of family — according to God's plan — is irreplaceable.¹²

The sovereignty of the family, which ultimately relies on the marital foundation and marital fertility,¹³ should be accepted by all the institutions, both social and ecclesiastical. Neither the Church nor the State can create any relationship similar to family, for their authority is restricted to the recognition of the sole right of spouses (making sovereign decisions) to establish a family as well as all kinds of family ties. A real need exists for the spouses to be fully conscious of their sovereign power attributed uniquely to them in order to benefit — in front of different social and ecclesiastical instances — from the rights and duties resulting from their power and stated in the Holy See's Charter of the Rights of the Family presented to all persons, institutions and authorities concerned with the mission of the family in today's world. As Joan Carreras notices, this particular document comprises basic rights and duties of the family, which express its particular sovereignty.¹⁴ The fact that the addressees of this power should be conscious of their sovereignty appears crucial in this sense.

⁹ Karta Praw Rodziny..., Wstęp, pp. B i E.

¹⁰ BENEDYKT XVI: "Rodzice bądźcie przykładem wiary, nadziei i miłości. Homilia podczas Mszy św. na zakończenie V Światowego Spotkania Rodzin." *L'Osservatore Romano* (Polish edition) 37 (2006), nos. 9–10, p. 16.

¹¹ JAN PAWEŁ II: *List do Rodzin...*, n. 17.

¹² BENEDYKT XVI: "Jesteście młodym obliczem Kościoła i ludzkości. Spotkanie z młodzieżą na stadionie Pacaembu" (10.5.2007). *L'Osservatore Romano* (wyd. polskie) 38 (2007), nos. 7–8, p. 20.

¹³ J. CARRERAS: "Familia." In: *Diccionario General de Derecho Canónico*. Vol. 3. Eds. J. OTADUY, A. VIANA, J. SEDANO. Pamplona 2012, p. 919.

¹⁴ *Ibidem*, p. 921.

Recognition of the family's sovereignty as an indispensable link between a sovereign person and a sovereign nation and state seems to be an essential task. The sovereignty of family, indispensable for the human development and for the achievement of their life goals, aims at fulfilling the mission, as well as tasks and objectives that cannot be completed by any other community. In this way, it naturally leaves behind the sovereignty of the nation and state. Each of these communities, as well as the European or international community, remains conditioned by the family's existence.¹⁵ It is emphasised in the Charter of the Rights of the Family that the family, a natural union, is "prior to the State or any other community."¹⁶

In his *Letter to Families*, John Paul II points out that the union between the family and the nation or an ethnic group is nearly organic and based mainly on the participation in culture. Parents give birth to their children also for the nation, so that they become its members and participate in its historical and cultural heritage. From the very beginning, family's identity derives from the foundation constituted by the identity of the nation that it belongs to. By participating in the nation's cultural patrimony, the family contributes to a specific sovereignty resulting from its own culture and language. These are culture and language that assure the spiritual sovereignty not only of the nation, but also of the family. The family is very organically linked to the nation, and nation to family.¹⁷ As John Paul II stated in Nowy Targ on 8 June 1979, "the nation depends on the shape of the family, because that is what a human being depends on."¹⁸

As far as the relation between the family and the state is concerned, John Paul II admits that it is partly analogical and partly different (compared to the family-nation link). The state differs from the nation because of its less "family-type" structure, as it is organized as a political system, more "bureaucratic" in its shape. Nevertheless, the state system does possess its own "spirit" as far as it corresponds to the nature of a "political community" legally aiming towards the common good. Family remains in a close relationship with the "spirit," linked to the state on the basis of the principle of subsidiarity. The social reality is in fact shaped by the family, which does not possess the means indispensable to fulfill

¹⁵ Cf. G. SOŁTYK: *W kręgu oddziaływania myśli Stefana Kardynała Wyszyńskiego i nauki Jana Pawła II*. Available at: <http://www.warszawa.mazowsze.pl/panel/soltyk.htm> (accessed 29.10.2012), p. 1.

¹⁶ Karta Praw Rodziny..., Wstęp, p. D.

¹⁷ JAN PAWEŁ II: *List do Rodzin...*, n. 17.

¹⁸ JAN PAWEŁ II: *Homilia w czasie Mszy św.* (accessed 8.6.1979). In: *Jan Paweł II. Pielgrzymki do Ojczyzny 1979, 1983, 1987, 1991, 1995, 1997. Przemówienia, homilie*. Ed. J. PONIEWIERSKI. Kraków 1997, p. 161.

its own goals, among others in the area of education and upbringing. Consequently, the state has been established to intervene according to the rule that a self-sufficient family should be granted the possibility to function autonomously. The state's excessive interventionism might prove detrimental and might show the lack of respect towards the family, being a sharp violation of its rights. The state's right and duty is to intervene only when a family is really incapable of assuring its self-sufficiency. Moreover, the state's assistance to the family is expressed in many other areas of everyday life.¹⁹

In the Apostolic Exhortation *Familiaris consortio*, John Paul II remarks that every family and society "have complementary functions in defending and fostering the wellbeing of each and every human being," but "society — more specifically the State — must recognize that the family [according to the teaching of Vatican II — W.G.] is a 'society in its own original right'²⁰ and so society is under a grave obligation in its relations with the family to adhere to the principle of subsidiarity."²¹ Public authorities, as the document states in its further part, in the conviction that the wellbeing of the family is an indispensable and essential value of the civil community, "must do everything possible to ensure that families have all those aids — economic, social, educational, political and cultural assistance — that they need in order to face all their responsibilities in a human way."²²

The principle of subsidiarity in relation to family has been clearly defined among others by the Second Plenary Synod in Poland (1991—1999) which concluded that bigger communities, states in particular, are obliged to "provide help and support to the institution of family, but they are not allowed to block its autonomy and initiative, usurp its rights or else interfere in its life."²³

Moreover, in *Letter to Families* it is emphasised that all possible efforts need to be undertaken in order to recognize the family as a primordial community and, to some extent, sovereign one. This sovereignty of the family is indispensable for the good of the society. After all, a really sovereign and spiritually powerful nation is always made up of powerful families, aware of their own vocation and mission in the history. The family is at the heart of all those issues and tasks: relegating it to the subordinate and secondary role as well as excluding from its proper position

¹⁹ JAN PAWEŁ II: *List do Rodzin...*, n. 17.

²⁰ *Deklaracja "Dignitatis humanae" Soboru Watykańskiego II*, n. 5.

²¹ JAN PAWEŁ II: *Adhortacja apostolska "Familiaris consortio"...*, n. 45.

²² *Ibidem*.

²³ *I Polski Synod Plenarny (1991—1999)*. Pallotinum 2001, p. 36; Cf. *Karta Praw Rodziny...*, Wstęp, p. I.

in society would mean causing a great harm to the growth of society as a whole.²⁴

In the Apostolic Exhortation *Familiaris consortio*, John Paul II mentions that the family, which “in God’s plan is the basic unit of society and a subject of rights and duties before the State or any other community, finds itself the victim of society, of the delays and slowness with which it acts, and even of its blatant injustice.” That is why “the Church openly and strongly defends the rights of the family against the intolerable usurpations of society and the State.”²⁵ In his speech addressed to the participants of the Plenary Assembly of the Pontifical Council for the Family, John Paul II said that “whoever destroys this basic tissue of the social organism [the family — W.G.], without any respect of its identity and questioning its tasks, deeply harms the society and causes damages which are often irreparable.”²⁶

A failure of the state to respect the identity and sovereignty of the family is expressed among others in the distortion of the institution of marriage by replacing it with “a surrogate or artificial cultural creation.”²⁷ As P.J. Viladrich aptly mentions, the presently initialized — “in the name of individual freedom and ideological pluralism” — reforms of the marital and family law constitute in fact “the state’s abuse which enters the sphere of sexual intercourse and marriage and gradually deprives a person of their natural sovereignty.”²⁸ It is visible that in this way, a “secular dogma” of the state’s sovereignty is being promoted. On the one hand, this action heads towards supporting the cultural politics aimed at eliminating the unequivocal definition of marriage and family in legal systems, while on the other, towards the audacious recognition of different kinds of cohabitation, relationships and bonds (homosexual included) as marriage and family “under the pretext that it is indispensable to grant legal assistance — which is the expression of state’s sovereignty — without prejudice to every occurrence being a social fact.”²⁹

The Holy See’s Charter of the Rights of the Family states that “public authorities must respect and foster the dignity, lawful independence, privacy, integrity and stability of every family.”³⁰ In the Apostolic Exhortation *Christifideles laici* John Paul II emphasised that Christians should

²⁴ JAN PAWEŁ II: *List do Rodzin...*, n. 17.

²⁵ JAN PAWEŁ II: *Adhortacja apostolska “Familiaris consortio”...*, p. 84 (n. 46).

²⁶ “Rodzina jest instytucją naturalną i niezastąpioną.” *L’Osservatore Romano* (Polish edition) 18 (2005), no. 2, p. 35.

²⁷ P.J. VILADRICH: *Rodzinna suwerenna...*, p. 56.

²⁸ *Ibidem*; Cf. JAN PAWEŁ II: *List do Rodzin...*, p. 151 (n. 16).

²⁹ P.J. VILADRICH: *Rodzinna suwerenna...*, p. 56.

³⁰ Karta Praw Rodziny..., art. 6 a.

safeguard the family, being “the primary place of ‘humanization’ for the person and society,” and make it aware of its own identity as well as help the family to become a more active promoter of its own development and participation in the social life.³¹ Benedict XVI pointed out again in 2007 that public administration and the Church should cooperate for the good of the human beings, being simultaneously the good of married couples and the family.³²

During the Fifth World Meeting of Families in Valencia on the 8—9 July 2006, Benedict XVI emphasised the importance and positive outcomes of actions undertaken in favour of marriage and family by various family Church associations. With reference to the Apostolic Exhortation *Familiaris consortio* of John Paul II, he encouraged “all Christians to collaborate cordially and courageously with all people of good will who are serving the family in accordance with their responsibilities.”³³ The responsibility for supporting the family and providing stimulus and spiritual food in order to strengthen its integrity, mainly in critical moments, belongs in this way equally to ecclesiastical communities.

The sovereignty of the family in relation to the state, as John Paul II remarks, becomes visible among others in the area of child’s upbringing: the process which is “the family’s basic aim and primordial task,” in the fulfillment of which “parents cannot be replaced by anybody — and nobody is allowed to deprive the parents of their primordial task.”³⁴ By completing their educational mission, parents benefit from the aid of other people and institutions, mainly the Church and the state, whereas it should always be achieved through a proper interpretation of the principle of subsidiarity. The subsidiarity supports and completes parental love and corresponds to the family’s good. All other participants of the educational process act to some extent in the parent’s name, on the basis of their consent and to some extent even on their “commission.”³⁵ The sovereignty of parents is expressed in the fact that they possess the right to bring up their children in accordance with their own convictions.³⁶

³¹ JAN PAWEŁ II: *Adhortacja apostolska “Christifideles laici”* (30.12.1988). Watykan [s.a.], n. 40.

³² BENEDYKT XVI: *Rodzina oparta na małżeństwie dobrem człowieka*. Available at: <http://www.opoka.org.pl/aktualnosci/news.php?id=19836&cs=opoka> (14.9.2007).

³³ JAN PAWEŁ II: *Adhortacja apostolska “Familiaris consortio”*..., n. 86.

³⁴ JAN PAWEŁ II: *Homilia w czasie Mszy św.* (21.06.1983). In: *Jan Paweł II. Pielgrzymki do Ojczyzny 1979, 1983, 1987, 1991, 1995, 1997. Przemówienia, homilie*. Ed. J. PONIEWIERSKI. Kraków 1997, p. 323.

³⁵ Cf. JAN PAWEŁ II: *List do Rodzin*..., n. 16; H. and I. DÍAZ: “La recepción de la ‘Familiaris consortio’ en las experiencias de las Iglesias locales.” *Familia e vita* 17 (2012), no. 1, pp. 56—57.

³⁶ Cf. Art. 48 ust. 1 Konstytucji RP z 2 kwietnia 1997 r.

However, the principle of the family's autonomy does not exclude the intervention of public institutions into the domain of parental authority when the latter is being performed in an improper way, acting against the child's wellbeing. Such intervention of the guardianship court, undertaken either *ex officio* or upon request (as provided by the Polish legislation), aims at preventing the further deterioration of the child's situation in the family.³⁷

3. Rights of the family stemming from its sovereignty and their protection

Family, being in its nature a primary and sovereign social subject, thereby possesses its own fundamental rights. In *Letter to Families*, John Paul II states that the recognition of sovereignty of the family as institution and of its multiple determinants "make it possible to consider *the rights of the family* [emphasis in the text — W.G.] which are closely linked to the rights of the person," the family being a communion of persons. The family's self-realization will depend in large part on the correct application of the rights of its members.³⁸

While some of these rights are directly connected with the family, other relate to it only in an indirect manner. Nevertheless, both types are not simply "the sum total of the rights of the person," since the family is more than the sum of its individual members. It is a community of parents and children, and at times a community of several generations.³⁹ "The truth about an individual as a person is based on the fact that he/she is first of all not a citizen, but a member of a family (son, brother, father or husband)."⁴⁰

In the Apostolic Exhortation *Familiaris consortio*, John Paul II emphasised that the family is a subject of rights and duties "first from the state and subsequently from any other communities." The following rights has been classified as the rights of the family: the right to exist and progress as a family, that is to say, the right of every human being, even if he or she

³⁷ H. BZDAK: "Sprawowanie władzy rodzicielskiej a dobro dziecka." In: *Matrimonium spes mundi. Małżeństwo i rodzina w prawie kanonicznym, polskim i międzynarodowym. Księga pamiątkowa dedykowana ks. prof. Ryszardowi Sztuchmillerowi*. Eds. T. PŁOSKI, J. KRZYWKOWSKA. Olsztyn 2008, p. 408.

³⁸ JAN PAWEŁ II: *List do Rodzin...*, n. 17.

³⁹ Ibidem.

⁴⁰ P.J. VILADRICH: *Rodzina suwerenna...*, p. 52.

is poor, to found a family and to have adequate means to support it; the right to exercise its responsibility regarding the transmission of life and to educate children; the right to the intimacy of conjugal and family life; the right to the stability of the bond and of the institution of marriage; the right to believe in and profess one's faith and to propagate it; the right to bring up children in accordance with the family's own traditions and religious and cultural values, with the necessary instruments, means and institutions; the right, especially of the poor and the sick, to obtain physical, social, political and economic security; the right to housing suitable for living family life in a proper way; the right to expression and to representation, either directly or through associations, before the economic, social and cultural public authorities and lower authorities; the right to form associations with other families and institutions, in order to fulfill the family's role suitably and expeditiously; the right to protect minors by adequate institutions and legislation from harmful drugs, pornography, alcoholism, etc.; the right to wholesome recreation of a kind that also fosters family values; the right of the elderly to live and die with dignity; the right to emigrate as a family in search of a better life.⁴¹

The above-mentioned rights of the family have been developed in the Charter of the Rights of the Family (in its 12 articles). In each article, after a general wording of a given right, a detailed definition thereof is provided in relevant subsections. The document mentions the following rights (in their general form): the right of every human to the free choice of their state of life and thus to marry and establish a family or to remain single (Art. 1); the right to contract the marriage exclusively by free and full consent duly expressed by the spouses (Art. 2); the right of the spouses to found a family and to decide on the spacing of births and the number of children to be born (Art. 3); the right to respect and protect the human life absolutely from the moment of conception (Art. 4); the original, primary and inalienable right of the parents to educate their children (Art. 5); the right of the family to exist and to progress as a family (Art. 6); the right of the family to live freely its own domestic religious life under the guidance of the parents, as well as the right to profess publicly and to propagate the faith, to take part in public worship and in freely chosen programmes of religious instruction (Art. 7); the right of the family to exercise its social and political function in the construction of society (Art. 8); the right of the family to be able to rely on an adequate family policy on the part of public authorities in the juridical, economic, social and fiscal domains, without any discrimination whatsoever (Art. 9); the right of the family to a social and economic order in which

⁴¹ JAN PAWEŁ II: *Adhortacja apostolska "Familiaris consortio"...*, n. 46.

the organization of work permits the members to live together, and does not hinder the unity, wellbeing, health and the stability of the family, while offering also the possibility of wholesome recreation (Art. 10); the right of the family to decent housing, fitting for family life and commensurate to the number of the members, in a physical environment that provides the basic services for the life of the family and the community (Art. 11); the right for the families of migrants to the same protection as that accorded to other families (Art. 12).⁴²

4. Summary

The family, the basic unit of social life founded on marriage, possessing its own identity and sovereignty and its own fundamental rights, forming a community of persons serving life, participating in the development of society as well as partaking in the life and mission of the Church,⁴³ constitutes the environment in which the Church comes to fruition⁴⁴.

As Pope John Paul II states, the Church “finds in the family, born from the sacrament, the cradle and the setting in which she can enter the human generations, and where these in their turn can enter the Church.”⁴⁵

The Second Vatican Council assured a proper understanding of the values of the institution of family by emphasizing that “the wellbeing of an individual person and of human and Christian society is intimately linked with the healthy condition of that community produced by marriage and family.”⁴⁶ It is also significant that a few meaningful Pontifical Magisterium’s documents on the subject of marriage and family were published after Vatican II. Moreover, a dynamic development of family ministry in the post-Vatican II period as well as the birth of numerous pro-family organizations constitute meaningful facts. Undoubtedly, the family has found itself at the heart of the modern Church’s interest.⁴⁷

⁴² Karta Praw Rodziny..., art. 1—12.

⁴³ Cf. JAN PAWEŁ II: *Adhortacja apostolska “Familiaris consortio”*..., n. 17.

⁴⁴ Cf. D. TETTAMANZI: “La familia comunità salvata e comunità salvante per la nuova evangelizzazione.” *Familia et vita* 17 (2012), no. 1, p. 44.

⁴⁵ JAN PAWEŁ II: *Adhortacja apostolska “Familiaris consortio”*..., n. 15; Cf. kann. 795 i 1136 KPK.

⁴⁶ *Konstytucja “Gaudium et spes” Soboru Watykańskiego II*, n. 47.

⁴⁷ Cf. R. SZTYCHMILER: “Prawa rodziny w prawodawstwie i nauczaniu Jana Pawła II.” In: *Zagadnienia praw rodziny. XII Dni Praw Człowieka w Katolickim Uniwersytecie Lubelskim*. Ed. J. REBETA. Lublin 1997, pp. 60—61.

In the era of numerous attacks on the identity and sovereignty of the family, the Church is obliged to fulfill a momentous task, being also a challenge, to definitely protect the revealed teaching on marriage and family. Especially that — as it has been stated by P.J. Viladrich — “the sovereignty of the family is an explosive charge capable of destroying every socio-economic system based on the alienation of an individual.”⁴⁸

⁴⁸ P.J. VILADRICH: *Rodzina suwerenna...*, p. 57.

Bibliography

- BENEDYKT XVI: “Jesteście młodym obliczem Kościoła i ludzkości. Spotkanie z młodzieżą na stadionie Pacaembu” (10.5.2007). *L’Osservatore Romano* (Polish edition) 38 (2007), nos. 7—8, pp. 20—21.
- BENEDYKT XVI: “Piękno prawdy o małżeństwie, objawionej przez Chrystusa. Przemówienie do pracowników Trybunału Roty Rzymskiej” (27.1.2007), *L’Osservatore Romano* (Polish edition) 38 (2007), no. 5, pp. 31—33.
- BENEDYKT XVI: “Rodzice bądźcie przykładem wiary, nadziei i miłości. Homilia podczas Mszy św. na zakończenie V Światowego Spotkania Rodzin.” *L’Osservatore Romano* (Polish edition) 37 (2006), nos. 9—10, pp. 16—18.
- BENEDYKT XVI: *Rodzina oparta na małżeństwie dobrem człowieka*. Available at: <http://www.opoka.org.pl/aktualnosci/news.php?id=19836&cs=opoka>. Accessed 14.9.2007.
- BZDAK H.: “Sprawowanie władzy rodzicielskiej a dobro dziecka.” In: *Matrimonium spes mundi. Małżeństwo i rodzina w prawie kanonicznym, polskim i międzynarodowym. Księga pamiątkowa dedykowana ks. prof. Ryszardowi Sztuchmillerowi*. Eds. T. PŁOSKI, J. KRZYWKOWSKA. Olsztyn 2008, pp. 406—415.
- CARRERAS J.: “Familia.” In: *Diccionario General de Derecho Canonico*. Vol. 3. Eds. J. OTADUY, A. VIANA, J. SEDANO. Pamplona 2012, pp. 918—922.
- DÍAZ H.I.: “La recepción de la ‘Familiaris consortio’ en las experiencias de las Iglesias locales.” *Familia e vita* 17 (2012), no. 1, pp. 56—63.
- JAN PAWEŁ II: *Adhortacja apostolska “Christifideles laici”* (30.12.1988). Watykan [s. a.].
- JAN PAWEŁ II: *Adhortacja apostolska “Familiaris consortio”* (22.11.1981). Częstochowa 1982.
- JAN PAWEŁ II: “Homilia w czasie Mszy św.” (8.6.1979). In: *Jan Paweł II. Pielgrzymki do Ojczyzny 1979, 1983, 1987, 1991, 1995, 1997. Przemówienia, homilie*. Ed. J. PONIEWIERSKI. Kraków 1997, pp. 159—162.

- JAN PAWEŁ II: “Homilia w czasie Mszy św”. (21.6.1983). In: *Jan Paweł II. Pielgrzymki do Ojczyzny 1979, 1983, 1987, 1991, 1995, 1997. Przemówienia, homilie*. Ed. J. PONIEWIERSKI. Kraków 1997, pp. 319—326.
- JAN PAWEŁ II: “List do Rodzin” (2.2.1994). In: *Prawa rodziny — prawa w rodzinie. Jan Paweł II o małżeństwie i rodzinie. Wypisy z nauczania Ojca świętego*. Ed. T. JASUDOWICZ. Toruń 1999, pp. 118—175.
- JAN PAWEŁ II: “Rodzina jest instytucją naturalną i niezastąpioną.” *L’Osservatore Romano* (Polish edition) 18 (2005), no. 2, pp. 35—38.
- Karta Praw Rodziny przedłożona przez Stolicę Apostolską wszystkim ludziom, instytucjom i władzom zainteresowanym misją rodziny w świecie współczesnym (22.10.1983). Warszawa 1983.
- SOŁTYK G.: *W kręgu oddziaływania myśli Stefana Kardynała Wyszyńskiego i nauki Jana Pawła II*. Available at: <http://www.warszawa.mazowsze.pl/panel/soltyk.htm>. Accessed 29.10.2012.
- SZTYCHMILER R.: “Prawa rodziny w prawodawstwie i nauczaniu Jana Pawła II.” In: *Zagadnienia praw rodziny. XII Dni Praw Człowieka w Katolickim Uniwersytecie Lubelskim*. Ed. J. REBETA. Lublin 1997, pp. 60—61.
- TETTAMANZI D.: “La familia comunità salvata e comunità salvente per la nuova evangelizzazione.” *Familia et vita* 17 (2012), no. 1, pp. 44—53.
- VILADRICH P.J.: “Rodzina suwerenna.” *L’Osservatore Romano* (Polish edition) 28 (1997), pp. 51—57.
- II Polski Synod Plenarny (1991—1999)*. Pallotinum 2001.

WOJCIECH GÓRALSKI

Family as a Sovereign Institution

Summary

Family, being the basic social unit and having its own identity, sovereignty, as well as its own fundamental rights, is a community conducive to life and the mission of the Church that, at the same time, constitutes the environment in which the Church actualizes herself. As John Paul II claims, “the Church thus finds in the family, born from the sacrament, the cradle and the setting in which she can enter the human generations, and where these in their turn can enter the Church. (*Familiaris consortio*, 15).

The properly understood value of the family was heralded for example by Vatican II which emphasized that “the well-being of the individual person and of human and Christian society is intimately linked with the healthy condition of that community produced by marriage and family” (*Gaudium et spes*, 47). It also seems telling that a few significant post-Vatican II documents have been published by the papal Magisterium dealing with the topics of family and marriage. As another meaningful phenomenon there can be quoted the development of post-conciliar priesthood of families, as well as the establishment of manifold pro-family organizations. There can be no doubt as to the fact that family remains the contemporary Church’s centre of interest.

In this age of various usurpations directed at identity and sovereignty of the family, the Church faces an extremely challenging task to decisively defend the revealed teaching on marriage and family.

WOJCIECH GÓRALSKI

Famille en tant qu'institution souveraine

Résumé

La famille comme une cellule essentielle de la vie sociale possédant son identité et sa souveraineté ainsi que ses propres droits fondamentaux, constituant un groupe de gens qui vivent en communion, servant la vie, contribuant au développement de la société, participant à la vie et à la mission de l'Église, constitue justement le milieu où cette Église se concrétise. Comme le constate Jean-Paul II, l'Église « trouve dans la famille, née du sacrement, son berceau et sa place où Elle pénètre dans les générations humaines, et elles — dans l'Église » (FC, 15).

La juste compréhension de la valeur de l'institution de la famille vient, entre autres, avec le II^e Concile du Vatican soulignant que « le bonheur d'une personne ainsi que celui de la collectivité humaine et chrétienne est strictement lié à la bonne condition de la communauté conjugale et familiale » (GS, 47). Ce qui est également significatif, c'est qu'après le Concile Vatican II, on a publié quelques documents importants du magistère de pape concernant le mariage et la famille. Le développement dynamique de la prêtrise des familles dans l'après-concile et la naissance de plusieurs organisations ecclésiastiques défendant les intérêts des familles sont également d'une grande importance. Il est hors de doute que la famille s'est trouvée au centre des intérêts de l'Église contemporaine.

À l'époque où les attentats à l'identité et à la souveraineté de la famille deviennent de plus en plus fréquents, l'Église se sent obligée de défendre fermement l'enseignement révélé sur le mariage et la famille.

Mots clés: famille, souveraineté, Église

WOJCIECH GÓRALSKI

La famiglia come istituzione sovrana

Sommario

La famiglia, cellula elementare della vita sociale, che possiede una sua identità e sovranità come pure i propri diritti fondamentali, che crea una comunità di persone, che è al servizio della vita, che contribuisce alla crescita della società e che partecipa alla vita ed alla missione della Chiesa, costituisce l'ambiente in cui tale Chiesa si realizza. Come afferma Giovanni Paolo II, la Chiesa « trova nella famiglia, nata dal sacramento, la sua culla e il luogo nel quale essa può attuare il proprio inserimento nelle generazioni umane, e queste, reciprocamente, nella Chiesa » (FC, 15).

La comprensione adeguata del valore dell'istituzione della famiglia fu proclamata tra l'altro dal Concilio Vaticano II, che sottolineava che "il bene della persona e della società umana e cristiana è strettamente connesso con una felice situazione della comunità coniugale e familiare" (GS, 47). È anche significativo il fatto che, dopo il Vaticano II, furono pubblicati alcuni documenti rilevanti del magistero pontificio in materia di matrimonio e di famiglia. Sono eloquenti anche lo sviluppo dinamico della pastorale della famiglia nel periodo post-conciliare, come pure la creazione di molte organizzazioni ecclesastiche per la famiglia. Non ci possono essere dubbi sul fatto che la famiglia si è trovata al centro degli interessi della Chiesa contemporanea.

In un'epoca in cui si moltiplicano gli attentati all'identità ed alla sovranità della famiglia, dinanzi alla Chiesa si presentano il compito rilevante, e nel contempo la sfida, di difendere con decisione l'insegnamento rivelato sul matrimonio e sulla famiglia.

Parole chiave: famiglia, sovranità, Chiesa