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Sovereign Family

Philosophy and Canon Law 1, 143-156

2015

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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Abstract: The point of departure for the deliberations is the Letter to Families written by John Paul II presenting threats to understanding, existing, and functioning of the family in the contemporary world. The author of the study discusses the problem of sovereignty of the family. He depicts it from a wider point of view of its identity and subjectivity, indicating that these three elementary dimensions of family's existence have impact on its inalienable, fundamental, and universal rights independent of any human authority. For this reason, he analyzes the concepts of identity, subjectivity, and sovereignty of the family, their relationships with each other, their basis which lies in marital covenant, as well as legal and political consequences for the existence of the family within a wider social community.

Keywords: matrimony, family, identity, subjectivity, sovereignty, the rights of the family

Introduction

In 2014, there was an anniversary of issuing Letter to Families *Gratissimam Sane*¹ written by John Paul II, which together with Apostolic exhortation *Familiaris Consortio* constitutes the crowning of Karol Wojtyła's sermons about the family. One more time the shepherd of the Catholic Church recounts the Church's teachings concerning the family. This time he does it in reference to the period which he describes as the time of great crisis, in which the civilization of love is being increasingly threatened. The family is fundamental to the civilization of love. Therefore, a threat to the civilization of love is at the same

¹ John Paul II, Letter to Families *Gratissimam Sane* (February 2, 1994). Henceforth as GrS.

time a threat to the family itself. The pope calls this phenomenon the hazard of civilization. John Paul II sees this hazard especially in agnosticism as far as theory is concerned and in utilitarianism when it comes to taking action. The consequence of utilitarian approach to life is a change in perceiving the human who loses his or her individual character and becomes the object of use, similarly to things. The human being is in danger and so is the fundamental form of social life—the family. From such perspective, a man and a woman become objects for each other, whereas children—an obstacle for parents. In reference to the family, the pope observes, the consequence of such an approach is the situation in which the family becomes “an institution obstructing the freedom of its members.” The hazards indicated by the pope (including also consumerist and anti-birth mentality) contribute to deterioration or even destruction of the unity and stability of the family. In such circumstances, a broken family, instead of being the foundation of the civilization of love, plays a part in strengthening the peculiar anti-civilization in which there is no place for love in the human consciousness. The pope points out that such way of understanding and functioning of the family will inevitably bring about social repercussions.²

Analyzing the atmosphere of the era which is the time of great crisis due to which the family as “an *institution* fundamental to the life of every society” is in decline the pope poses the following question: “What does the family as an institution expect from society? First of all, it expects *a recognition of its identity* and an acceptance of its *status as a subject in society*.” The first sign by means of which the pope defines the way in which the family functions is its sovereignty.³ Identity, subjectivity, and sovereignty are the three elements which are characteristic of the family as an institution and which, in the teaching of Church about the family, constitute its unshakeable foundation. The above notions are well-known in present times but their meaning or attributes significantly differ from those emphasized by the Christian thought. It is also noticed by John Paul II who states that the crisis of the present era is above all the crisis of truth, at the basis of which is the crisis of concepts. Thus he asks: “Do the words [...] really convey their essential meaning?”⁴

² GrS, n. 13.

³ GrS, n. 17.

⁴ GrS, n. 13.

Subjectivity, Identity and Sovereignty of the Family

Karol Wojtyła discussed the problem of subjectivity of the person in one of his meaningful essays,⁵ namely, he expressed his belief that the Aristotelian tradition defining the person in terms of a substance, potential, and rationality needs supplementing. Wojtyła complements the cosmological view of the human being with personalistic dimension describing the person in terms of subjectivity, which is demonstrated in self-presence, inwardness, and giving oneself to another person. Wojtyła believes that understanding the person in his or her full existence lies in deep exploration of this person's subjectivity. Embracing the human being in relation to his or her subjectivity shows the differences between the human and other beings. In one's subjectivity the person should not be affected by what happens beyond one's freedom. Otherwise, the human will be treated like an object and thus will lose his or her subjectivity. Treating the person like an object proves that the human being acting in this way is not yet his or her true 'self' that is open for the communion with 'you.' Romano Guardini calls such an individual the "utilizing and struggling subject," since he or she engages in what he or she owns or knows, not in relation to his or her own self. Only when the human being faces another person understood as 'you,' does the human become aware of his or her own 'self,' reveals and opens himself/herself for another human being.⁶

Individual subjectivity is not the only possible form of its existence. In the Letter to Families, John Paul II talks about social subjectivity which is based on the family. It is a subject to a much greater extent than any other community, such as the nation, state or international organizations. These are given subjectivity by human beings, including families. Whereas the family relies on first and foremost 'being together,' which accounts for the essential well-being of the married couple and which the pope describes as the well-being of subjectivity.⁷ Max Scheler claims that collective subjectivity generates, similarly to individual subjectivity, the inner life of the people creating the community. In his view, a collective person is true and authentic in the likeness of an individual person. This kind of subjectivity is characteristic of

⁵ Karol Wojtyła, ed., "Podmiotowość i "to, co nieredukowalne" w człowieku," in *Osoba i czyn oraz inne studia antropologiczne* (Lublin: TN KUL, 1994), 433–34.

⁶ Romano Guardini, ed., "Świat i osoba. Próby ujęcia chrześcijańskiej nauki o człowieku", in *Koniec czasów nowożytnych. Świat i osoba. Wolność, łaska, los* (Kraków: Znak, 1969), 187–88.

⁷ GrS, n. 15.

a nation and Church.⁸ John F. Crosby disagrees with this opinion contending that collective persons are only persons in analogous sense. He does not negate collective subjectivity but he points out that the community in its subjectivity cannot determine its existence in subjective freedom, it cannot exist similarly to individual persons. Collective subjectivity exists in individual subjectivities and only thanks to them, but it cannot exist in them in the same way they exist in individual persons.⁹

In the Letter to Families, John Paul II goes beyond philosophical definitions of collective subjectivity. He draws our attention to the fact that subjectivity is connected with the identity of the married couple and the family, since it is through matrimony that a man and a woman create with each other the unity of the whole life, one “us.”¹⁰ Since that time all decisions are made by one “us” and both sides take co-responsibility for this new social entity. In marriage, decisions are not taken individually but they are joined into one common decision. It is not the unity based on “me” and “you,” but on “us.” The spouses do not function independently, but still being individual subjects they form a new decision-making subject, a new authority body. The Christian idea of matrimony complemented this personalistic view with the *novum* of divine provision. Tying the knot by a man and a woman is the moment they become one body instead of two separate ones (Mk 10:8). This is the foundation of subjectivity of marriage. In his Letter to Families, John Paul II asserts that “the family is *much more* than the sum of its individual members [...] for this reason its ‘status as a subject’ [...] gives rise to and calls for certain proper and specific rights.”¹¹

Therefore, the family is the foundation of every other collective subjectivity in a specific and most conspicuous way. Subjectivity of a nation or a state is “at least indirectly conditioned by the existence of the family.”¹² That is why, “the definition of the rights and duties of the ‘greater’ society with regard to the family is an extremely important and even essential issue.”¹³

Identity is a notion meaningful for many theories in which the subject of research is the human being, community, citizen, nation or culture. Philosophical depiction of identity, in which identity means “being the same person” and deals with defining “what existence is,” has a special meaning for the legal definition of the person. Both these dimensions emphasize unity of the person in an ontological sense (being the same person), the consequence of which is responsibility for his or her actions. Thus, the person not only has identity,

⁸ Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Values* (Evanston: The Northwestern University, 1973), 519–60.

⁹ John F. Crosby, *Zarys filozofii osoby*, trans. Beata Majczyna (Kraków: WAM, 2007), 143.

¹⁰ GrS, n. 17.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

which is determined by the ability to think back and awareness of the actions whose perpetrator is one's true 'self' (the unity of consciousness), as well as responsibility for one's deeds, but the person is identical as long as he or she is defined as a unity.¹⁴ To describe the unity of a man, John Locke introduces the term of the person, pointing out that personal unity is the unity of a particular person, which is different from the sum of its parts.¹⁵

The concept of identity with reference to people forming national and international community, allows their individualization with a view to defining their status, including, above all, legal capacity and capacity for legal action.

Legal concept of identity might also be an area of interest for theology. John Paul II, in the Letter to Families, emphasized that the identity of a person first of all consists of "the *capacity to live in truth and love* [...], the need of truth and love as an essential dimension of the life of the person."¹⁶ Life in truth and love opens the person to life in communion that is an interpersonal relationship which exists between "me" and "you," leading a man and a woman towards matrimony. Simultaneously, it opens this relationship to a larger union, in other words, one "us," thus giving rise to the family.¹⁷

Theological dimension of family life in truth and love, which originates from the trinitarian "Us,"¹⁸ together with philosophical definition of being always the same regardless of changing conditions, aims at constant persistence in obligations ensuing from marriage vows taken with responsibility and awareness. Otherwise, the family loses its identity and is exposed to breakdown. Identity of the family, based on responsibility of its members, develops its permanence and stability.

Sovereignty is the concept which is most often used in reference to the state. It means independence and self-reliance, which are expressed in territorial possession, as well as independence of state authorities from other countries,¹⁹ which results in independence within the scope of all laws. In case of limiting independence to only several laws rather than of sovereignty, we talk about autonomy or limited sovereignty.²⁰ The notion of sovereignty, except for being used in reference to the state or its authority, is also used in relation to a person or society. The idea of a nation united into a political body as a sovereign political authority, which was described in the Declaration of the Rights of Man and

¹⁴ Cf. R. Ferber, *Podstawowe pojęcia filozoficzne*, vol. 2 (Kraków: WAM, 2008), 81.

¹⁵ Cf. John Locke, *Rozważania dotyczące rozumu ludzkiego* (Warszawa: PWN), 1955, II, 27, § 26.

¹⁶ GrS, n. 8.

¹⁷ GrS, n. 7.

¹⁸ *Ibid.*

¹⁹ Janusz Filipkowski, *Suverenność*, in *Encyklopedia Katolicka*, ed. Edward Gigilewicz (Lublin: TN KUL, 2013), vol. 18, col. 1238.

²⁰ Mieczysław Albert Krąpiec, *Suverenność — czyja?* (Lublin: KW KUL, 1996), 42.

of the Citizen, in the 19th century yielded to the theory of sovereignty thus giving priority to the general public as an independent whole consisting of citizens who constitute its dependent parts.²¹ The idea of priority of the person and the state goes back to antiquity but in the present day the concept of sovereignty is above all associated with the state represented by its authorities. It is generally acknowledged that the state has precedence over sovereignty of the person, who is a part of a greater whole. It is from the state that the person receives a determined social and civil status, as well as the rights he or she can exercise. However, it is not equal with general acceptance of such a concept, an example of which is widespread international activity for human rights.

Regardless of involvement in propagating human rights, the Christian view of the human being together with philosophical personalistic approach emphasize the primacy of sovereignty of the person, which next grants the rights of the sovereign to the state. The human being as an independent, self-conscious, free, substantial, and real entity precedes the state, which is merely a group of citizens connected with one another by a multitude of specific relationships. Numerous individuals creating the community do not complement the way of life of the person but enable or hinder his or her activities.²² Priority of an individual over the state results from characteristic features of a human being who experiences his/her «me» in everything he/she does. An individual has control over himself/herself, possesses himself/herself, decides about himself/herself by shaping his or her personal profile. Sovereignty of an individual has its foundations in the act of this person's decision, which at the same time is a model for shaping every social sovereignty.²³ Sovereignty of an individual becomes apparent while he or she is shaping, irrespective of anybody, the acts of free cognition, love, and independent decision.²⁴

Cognition in love and making an independent decision to give oneself and fully accept the other person in wedlock forms the basis of sovereignty of the family and the ensuing rights. It is not just a contract or social agreement, but an act of covenant, which makes a man and a woman become one body,²⁵ while bringing into it the elements of their own personal sovereignty. Therefore, the family is not an entity with limited sovereignty or one having only some autonomy, but it constitutes an entirely sovereign entity.

There is a strong relationship between three signs determining the status of the person and the family. The human being in his or her self-possession, self-control, and self-determination—as it was described by Karol Wojtyła—is

²¹ Filipkowski, *Suverenność*, col. 1239.

²² Krąpiec, *Suverenność — czyja?*, 48.

²³ *Ibid.*, 51.

²⁴ *Ibid.*, 19.

²⁵ Tomasz Gałkowski, "The Matrimonial Covenant as the Nature of Things (of Marriage)," *Ecumeny and Law* 1 (2013): 79–92.

a sovereign, and having his or her own identity being as far as he or she acts self-consciously and responsibly. What is more, one is an identity in oneself as long as one embraces oneself as unity. The consequence of this personal identity is the legal definition of an individual in his or her social life.

Individual subjectivity gains a new dimension in marriage and family life, owing to the fact that the communion of “me” and “you” becomes the community of one “us,” that is, one body. The formation basis of this one body is the matrimony through which the sides give themselves to each other and accept each other. In marriage, differently than in other social relationships, we observe mutual interpenetration (indwelling) of the Trinitarian persons. It is not a relationship joined by external knots created for the sake of actions taken together. The marriage knot comes from the soul of the persons by the act of giving and accepting, characteristic of a human being. Only an authentic and sovereign authority is capable of self-creation into a relational existence (co-existence) forming from a man and a woman an absolute “biographical co-identity”²⁶ independent of external forms of influence on its creation. That is why, only a relationship formed by a man and a woman on the basis of a free decision-making act, independent of any external influence on the sides of the marriage pact can be accepted as a valid establishment of a community of spouses.

Marital Covenant as the Foundation of Rights and Responsibilities of Spouses and the Family

Marital covenant formed as a result of free and sovereign decision of a man and a woman makes them become a community of the whole life. Thus, it differs from any other relationship in which the agreement to live together is relative and to some extent limited. It results in the relation having a temporal character and being open to cessation. Marriage which comes into being as a consequence of a free decision of a man and a woman is an indissoluble, faithful, and fertile community of love and life. The decision about self-establishment of this community is inseparably linked with the rights and duties which result from the new way of existence of the couple. The sides become a gift (being “yours”) and, at the same time, an obligation (being “for you”) for each other. What emerges then is a biographical joint-identity, which is based on being together, yet not

²⁶ Pedro-Juan Viladrich, “Rodzina suwerenna,” *L'Osservatore Romano* (Pol. ed.) 18 (1997) 10: 53.

limited to it. Since then the vows of love and faithfulness transform a free gift of love for another person into a duty to love him or her.²⁷ The spouses commit themselves to love, which from then on becomes the meaning of their life. Love, being a free gift, merges into the order of justice.²⁸ Christian love of one's neighbor gains a new dimension directed at the chosen person and makes two people become one body since the moment they agree to marry each other.

In the nature of the duty of love and ensuing constant interpenetrating of two people joined by matrimony, there is a following belief—that which exists will exist and has to exist. What has to be present will be present. At the same time, it reflects the confidence in the continuity of such condition. Talking about the necessity of the future existence of something we refer to absolute necessity, in accordance with which we accept the superiority of existence over non-existence, the superiority of permanence over relativity. Therefore, marital community exists as a value which, since it is recognized, requires asserting the obligation of existence. The necessity to persist makes present existence become future existence. This necessity (duty) indicates a certain continuity of existence, the fact that it cannot emerge without destroying that which exists now. That is what represents the identity of marriage and family. Otherwise, such a situation would demand replacing something that exists with something that does not. The duty resulting from a free gift of love refers to the way marital community exists, then to the way it functions, to the obligation of taking a specific form. What is created between the spouses is the actual order of justice, whose focal point is mutually due love and ensuing marital assets. Only this kind of relationship is the basis for creation of the family, whose members participate in conjugal love from which they obtain the form of existence.²⁹

²⁷ “We thus come to the very heart of the Gospel truth about *freedom*. The person realizes himself by the exercise of freedom in truth. Freedom cannot be understood as a license to do *absolutely anything*: it means a *gift of self*. Even more: it means an *interior discipline of the gift*. The idea of gift contains not only the free initiative of the subject, but also the aspect of *duty*” (n. 14).

²⁸ Viladrich, “Rodzina suwerenna,” 55.

²⁹ Tomasz Gałkowski, *Prawo-Obowiązek. Pierwszeństwo i współzależność w porządkach prawnych: kanonicznym i społeczności świeckiej* (Warszawa: Wydawnictwo Uniwersytetu Kardynała Stefana Wyszyńskiego, 2007), 54–57.

Political and Legal Consequences of Sovereignty of the Family

The identity of the family, which is rooted in marriage, is the foundation for determining its sovereignty. Identity allows for a definition of the family in legal terms, its legal capacity, and capacity to perform acts in law. Legal capacity and capacity to perform acts in law can become objects of usurpation on the part of the state, which would mean that sovereignty of the family is not accepted. Undoubtedly, the state regulates a number of matters concerning the family. Yet, there remain some issues resulting from the very nature of the conjugal pact and the new social entity. This situation may lead, and in fact it does—which is pointed out by John Paul II in the Letter to Families—a conflict between two sovereign forms of existence, two subjects that strive for common good. The common good for both sovereign entities is always the human being in his or her internal development, by which he or she realizes the acts of cognition, love, and creativity in interpersonal relations. The sovereignty of two entities—the family and the state—expresses their particular aims which are achieved by their activities. The co-existence of two sovereign entities is only possible on condition that the sovereign rights of the two communities are respected by accepting free decision-making acts that determine their conduct. Establishing harmonious relations between the family and the state requires certain directives and theories concerning, for instance, the rudiments of upbringing, education, protection of the life and health of citizens, job policy,³⁰ which will provide justified solutions. The areas of sovereignty of the family and the state are distinguished due to concern for the common good as an aim of individual activity of the person. Generally speaking, the domain of the family includes everything that is connected with personal, intellectual, moral, and religious development. The state should exercise sovereign control over the means enabling the family to achieve their aims. Enabling the use of adequate resources and their fair distribution according to which each family is entitled to is achieved by social and authoritarian decisions. The state remains a sovereign in this area, respecting sovereignty of the family. Usurpation or alienation of the resources that the family is entitled to by the state is the act of violating its sovereignty.³¹

The Church, proclaiming the truth about the identity and sovereignty of the family, at the same time, points at the family as a social subject. This fact has its consequences which are directed at national and international organiza-

³⁰ GrS, n. 17.

³¹ Krąpiec, *Suwerenność — czyja?*, 52–53.

tions as postulates. In the first place, in the political and legal field one should mention the postulate of acceptance of the requirements resulting from justice, which are the outcomes of the ensuing marital and generational knot between family members. Requirements of justice existing inside the family need to be accepted since, otherwise, what will follow is an act of injustice towards the existing social subject. Recognition of the family as a social subject means acknowledging the elementary rights which stem from it as an independent source of authority.³² These rights are not granted by any other authority. Accepting such a view would simultaneously mean recognizing the fact that the family is created by external factors, whose consequence would involve adopting the belief that legal subjectivity of the family would be formed the moment its rights are established. Apart from acceptance, one should emphasize the postulate of recognizing the family in its true identity, which is the foundation of its sovereignty. At the same time, other forms of quasi-family life should be rejected as contributing to the loss of family's identity and, in consequence, to a false image of a human being, as well as dehumanization of the society.³³ The view of the person who deprives an individual of his or her human features, depicting him or her as a product of the evolution of forces of nature and society, created by forms influencing an individual from the outside, takes away this person's openness. Such depiction of a human being also deprives one of the purpose which he or she has in himself/herself and makes him/her an instrument subordinate to some other sovereign authority. The society—state would be the subject shaping both human existence and consciousness. In this situation an individual becomes a useless entity, a tool to be used and thus ceases to be a purpose in itself. John Paul II protests against such an approach talking about civilization of things threatening civilization of love.³⁴ The third element which requires highlighting was included in the Charter of the Rights of Family. The Church not only insists that the rights of sovereign family should be acknowledged and respected but also points out at the obligation of countries and international organizations to do their best in order to provide political, economic, social, and legal assistance which is necessary to strengthen the unity and stability of the family. The aim of such help is enabling the family to fulfill its specific objectives.³⁵ Assistance of the state directed at the family results from the interrelationship between the two existing sovereign entities. The family striving to achieve particular aims does not have resources such as the state. Nevertheless, the state plays an ancillary role towards the family. John Paul II indicates the role of the state, which—when it comes to the family—should be driven by the principle of subsidiary, that is, “whenever the family

³² Viladrich, “Rodzina suwerenna,” 52.

³³ *Ibid.*, 52–53

³⁴ GrS, n. 13.

³⁵ *Charter of the Rights of Family*, Preamble, n. I.

is self-sufficient, it should be left to act on its own; an excessive intrusiveness on the part of the State would prove detrimental, to say nothing of lacking due respect, and would constitute an open violation of the rights of the family. Only in those situations where the family is not really self-sufficient, does the State have the authority and duty to intervene.”³⁶

The Rights of the Family Ensuing from its Sovereignty

The family, which is a sovereign social subject, has its rudimentary rights. These rights result from the communion character of the individuals the family consists of. Marital and family community is the environment in which people who create it, through sovereign decisions based on the truth of matrimony, pursue their self-realization. Therefore, the foundations of the rights of the family are the rights of the person. Hence, as was written by John Paul II, “rights of the family are closely *linked to the rights of the person*.”³⁷ The rights of the family constitute a special group of the latter ones. Realization of the rights of the person and the family complement each other. There is an organic link between them. Violating the rights of the person will simultaneously result in the violation of the rights of the family and vice versa.

Among the rights that the family exercises as a sovereign entity, John Paul II highlights those which directly concern the family (e.g. the right to bring up one’s own children), others concern the family indirectly as they stem from basic rights of the person. However, the rights of the family cannot be treated as a mathematical sum of the rights of the person “[...] family is *much more* than the sum of its individual members. It is a community of parents and children, and at times a community of several generations. For this reason, its “status as a subject” [...] gives rise to and calls for certain proper and specific rights.”³⁸ The rights of the family should be protected and ensured by law.

The rights, characteristic of a sovereign family, were expressed in the Charter of the Rights of Family from the year 1983. These rights are fundamental and inalienable in character. This means that no family can get rid of them and no authority can deprive the family of these rights. The foundation of these rights lies in natural matrimony, which the Creator made an inherent part of every

³⁶ GrS, n. 17.

³⁷ Ibid.

³⁸ Ibid.

person's heart. Moreover, these rights are universal. They do not concern only Catholic families but refer to each and every family.³⁹

In each article of the Charter of the Rights of the Family, after a general wording of a given right, it is defined in further details 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 programs 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 whatever (art. 9); the right of the family to a social and economic order in which the organization of work permits the members to live together, and does not hinder the unity, well-being, health, and the stability of the family, while offering the possibility of wholesome recreation as well (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).

Conclusion

Due to threats to the family in present day and time, John Paul II in the Letter to Families reminds us the teaching of Church concerning the fundamental form of social life, that is, the family. In reference to the nation, state or international organizations, he shows the family as a sovereign social subject endowed with identity. These three dimensions of the family prove that it has fundamental,

³⁹ Elżbieta Szczot, *Ochrona rodziny w prawie Kościoła Łacińskiego* (Lublin: KUL, 2010), 83.

inalienable, and universal rights, which cannot be violated by any other authority. The Church insists that they should be accepted, recognized, ensured, and protected, pointing out at the forms of co-operation of every community with the family, which is its foundation.

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Une famille souveraine

Résumé

Le point de départ pour les réflexions est la *Lettre aux Familles* de Jean-Paul II où le pape présente les menaces pour la compréhension, l'existence et le fonctionnement de la famille dans le monde contemporain. L'auteur de l'article aborde la question de la souveraineté de la famille.

Il la situe dans une perspective plus large de son identité et de sa subjectivité tout en dénotant que ces trois dimensions essentielles de l'existence de la famille influencent ses droits incessibles, fondamentaux et universels qui ne dépendent d'aucun pouvoir humain. C'est bel et bien dans cet objectif qu'il analyse les notions de l'identité, de la subjectivité et de la souveraineté de la famille, leurs relations mutuelles, leur fondement se trouvant dans l'alliance conjugale et les conséquences juridico-politiques pour son existence dans le cadre d'une communauté sociale plus large.

Mots clés: union conjugale, famille, identité, subjectivité, souveraineté, droits de la famille

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La famiglia sovrana

Sommario

L'analisi della Lettera alle famiglie di Giovanni Paolo II rappresenta il punto di partenza, dove egli espone le minacce relative alla comprensione, all'esistenza e al funzionamento della famiglia nel mondo moderno. L'autore del lavoro affronta la questione della sovranità della famiglia. Pone la sua identità e la sua soggettività in una prospettiva più ampia, indicando che queste tre dimensioni basilari dell'esistenza della famiglia influenzano i suoi inalienabili, fondamentali e universali diritti, indipendenti da qualsiasi autorità umana. A tale scopo, esamina la nozione di identità, di soggettività e di sovranità della famiglia, le loro relazioni reciproche, la loro base che si trova nel patto coniugale e le conseguenze giuridico-politiche della sua esistenza nell'ambito di una comunità sociale più ampia.

Parole chiave: Legame matrimoniale, famiglia, identità, soggettività, sovranità, diritto familiare