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Responsible Parenthood in the Context of Contemporary Challenges

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Responsible Parenthood in the Context of Contemporary Challenges

Abstract: The article undertakes the subject matter of responsible parenthood, as a significant issue from the point of view of Catholic teaching. The article systematizes and organizes basic notions concerning responsible parenthood and, first of all, makes the reader acquainted with the most important challenges and threats faced today by Catholic spouses. The source of threats for a responsible parenthood includes not only contraception, abortion, assisted procreation or surrogacy, but also the unchecked inflow of immigrants from Muslim countries into the European Union. Immigrants of Muslim origin represent not only a different system of values and culture, but also a different legal system, which is incompatible with the Western model. In view of the fact that some institutions of Muslim law, for instance *kafala*, are adopted into the legal systems of the Western Europe states, in the short term perspective we may face the problem of serious demands by Islamic communities, which may collide with the Christian system of values and upbringing and become a threat to responsible parenthood in the dimension of child-rearing. It may result in Christian parents taking care of children of Muslim origin, who will be obliged to bring them up according to guidelines of *sharia*, and not the Gospel.

Key words: responsible parenthood, upbringing, *kafala*, Islam, religious freedom

Introduction

The subject matter of “responsible parenthood” is an important issue in the teaching of the Church, since this is a field in which, as through a lens, the most current challenges and social problems of contemporary family are accumulated. The topic of responsible parenthood was brought up by Pope Pius XII.

However, the term *responsible parenthood* did not emerge until the *Humanae Vitae* encyclical letter by Paul VI. The issue was taken up by the Second Vatican Council in the Pastoral Constitution *Gaudium et Spes*, and developed by John Paul II, first of all in his Apostolic Exhortation *Familiaris Consortio* and in the Letter to Families, *Gratissimam Sane*.

What is Responsible Parenthood?

The issue of responsible parenthood is a well-examined subject, which can be analyzed in various ways. Unquestionably, the teaching of John Paul II shed light on comprehension of the responsible parenthood. Let us try to organize its most important elements, subsequently proceeding to present the most serious challenges and threats which responsible parenthood has to face today.

Responsible parenthood can be discussed in two contexts: (1) in a narrow meaning, referring to a decision made by spouses about conceiving and having children, or (2) in a broad meaning, having in mind the entire process of begetting and upbringing the offspring.

On the one hand, the element of responsible parenthood which comes to the fore is unquestionably its biological dimension, related to corporality of spouses. The married couple, as a husband and a wife, with their sexual differences and innate drives and passions, participate—as the *Gaudium et Spes* constitution explains—in the creative work of God, by fulfilling the duty to transmit human life, or even “the task of giving birth to children.” Thus, cooperating with the love of the Creator and the Saviour, they contribute to enlarging and enriching their family.

However, it should be emphasized that the view on responsible parenthood through the biological dimension does not mean simple birth control or the so-called conscious motherhood, but it emphasizes the spouses’ knowledge of procreative biological processes, as well as requires the spouses to use their reason and will to control the sphere of emotions and the sexual drive. Hence a sexual act should be free. Only then can it be an expression of love.

On the other hand, the emphasis of responsible parenthood is shifted towards the entire process of begetting and upbringing children, towards the service to life—as John Paul II wrote in the Letter to Families—implemented through transmission of human life and upbringing of children,¹ towards responsibility for love, life, and child-rearing, as well as for welfare of the society and the

¹ John Paul II, Letter to Families *Gratissimam Sane*, http://w2.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii_let_02021994_families.html.

Church herself. Thus, a decision of spouses as to the number of children cannot be hindered by any anti-natal propaganda or imperatives of governmental authorities. In their decision concerning the number of children, as we read in the *Gaudium et Spes* constitution, the spouses should consider both their own welfare, as well as their already born children and those that are to be born, while considering at the same time their living conditions in the material and spiritual aspects, and finally, taking into account the interests of the family group, the society, and of the Church herself.² Therefore, responsible parenthood is demonstrated both when the spouses prudently and generously decide to accept and bring up a larger number of children, as well as when for important reasons they decide to avoid the conception of a new life, by resigning from sexual intercourse, temporarily or for an indefinite period of time, with due respect to moral orders.³

Elaborating on the thought raised by the Council, John Paul II in his letter *Gratissimam Sane* points out the fact that responsible fatherhood and motherhood concerns directly the moment in which a man and a woman, uniting themselves “in one flesh” can become parents. This moment is of particular value for their interpersonal bonds. At the same time, it brings the possibility of parenthood. Those two aspects of conjugal union, the unitive and the procreative, cannot be separated in an artificial manner without infringing the internal truth of the act itself. The Holy Father emphasizes that the love between a husband and a wife is fertile by its nature. The child is not an external addition to the mutual love of spouses; it is in the very heart of their mutual gift, as its fruit and fulfillment. The secret of the growing life should be perceived as exceeding the pure biological fact. This brings out consequences also at the ethical level: one cannot treat anything that concerns emergence of human life as only a pure biological fact that can be subject to manipulation.

Finally, Paul VI writes in his encyclical letter *Humane Vitae* that responsible fertility is a task of spouses that should be rational, sagacious, and magnanimous, as well as generous. So when the spouses cannot have children, they should fulfill their parental duty by providing help to children from other families, or by adoption of abandoned children, deprived of their parents or living in difficult conditions.⁴

² Vatican Council II, “*Gaudium et Spes*. Pastoral Constitution on the Church,” AAS 58, no. 50. (1966): 1025–1115.

³ Paul VI, Encyclical *Humane Vitae*, n. 10, http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae.html.

⁴ John Paul II, Encyclical *Evangelium Vitae*, n. 93, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html.

What Are the Challenges?

Within the last 50 years following the publication of the *Gaudium et Spes*, a great amount of threats have emerged to responsible parenthood. They affect it both to a lesser and greater extent, and in fact bring down the issue of responsibility of parenthood to artificial birth control: either by reducing or assisting it.

A contemporary threat to responsible parenthood is, therefore, not only contraception or abortion, but also the emergence and popularization of assisted procreation techniques, both as regards intracorporeal fertilization *in vivo*,⁵ and the extracorporeal fertilization *in vitro*.⁶ In particular, aided procreation not only strips the motherhood and procreation of the context of a person and love, and thus leads to side effects in the form of abortion, but through its reproductive technology, it questions the explicitness of basic paradigms related to motherhood itself. Consequently, as a result of assisted procreation, today one can face the multitude of forms of maternity, which obviously undermines the natural idea of marriage and family.⁷ Małgorzata Tomkiewicz describes four categories of motherhood that may emerge as a result of applying medically-assisted reproduction techniques, that is: (1) genetic motherhood, which is the most closely related to the very moment of fertilization and comes down to the donation of the genetic material. The mother and the child are bound by genetic consanguinity bonds; (2) biological motherhood, which is related to the course of the pregnancy itself. The role of the biological mother—the carrier is to carry the pregnancy to term and to give birth to the child; (3) social motherhood, which means the bonds connecting the child with the woman who wants to bring the child up as his or her mother; (4) legal motherhood, which refers to the woman listed on the birth certificate of the child as his or her mother.⁸

Therefore, it can be clearly seen that surrogacy involves serious threats to responsible parenthood, since it undermines the explicitness of basic paradigms related to parenthood, destroys the unity of social-biological identity of the

⁵ Intracorporeal fertilization *in vivo* consists in artificial introduction of the man's semen into the reproductive organs of the woman. Two types of this process can be distinguished, homologous insemination [AIH] and heterological insemination [AID]. See Hieronim Bartel, *Embriologia* (Warszawa: Wydawnictwo Lekarskie PZWZ, 2007), 87.

⁶ Extracorporeal fertilization *in vitro* takes place in laboratory conditions, after which the embryo thus created is transferred to the uterus of the woman. See Łukasz Szymański, *In vitro* (Kraków: PETRUS, 2009).

⁷ For more on this issue, see Małgorzata Tomkiewicz, "Mater semper certa est"? Macierzyństwo zastępcze w świetle regulacji prawa europejskiego i w prawie polskim, in *Kobieta w Kościele i społeczeństwie* (Uniwersytet Warmińsko-Mazurski w Olsztynie), 144–159.

⁸ See: *ibid.*

child, infringes the right to genetic integrity and brings the risk of expansion and commercialization of the procedure.

Risk of the Islamic *kafala*

The above-described new challenges and threats to responsible parenthood, such as contraception, abortion, assisted procreation, and surrogacy, are unquestionably highly significant and may not only arouse concerns, but even fill one with dread. However, since these risks to responsible parenthood have been widely discussed in the academic literature as well as remain a topic of various polemics, their analysis will be omitted in this article. Instead, the paper will focus on a risk to contemporary responsible parenthood—which still seems to be unrecognized and may derive from the unprecedented inflow of immigrants from Muslim countries to Western Europe.

Immigrants of Muslim origin represent not only a different system of values and culture, but also a different legal system, which is incompatible with the Western model, for example, the freedom of conscience and religion. In view of the fact that some institutions of Muslim law have been adopted into the legal systems of Western Europe, in the short term perspective we can face the problem of serious demands from Islamic communities, which may collide with the Christian system of values and child-rearing and become a threat to responsible parenthood in the dimension of bringing up offspring.

One of such examples which I would like to describe in detail is the Muslim institution of foster care, the so-called *kafala*. This otherwise generous care for abandoned children, deprived of parents or living in difficult conditions, provided, for instance, through adoption, of which Paul VI or John Paul II approved—especially to childless married couples—when offered to children of Muslim origin will have an effect on rights and duties of Christian parents adopting Muslim children. This results from the fact that the Muslim institution of adoption, the so-called *kafala*, significantly differs from the European one.

What is *kafala*?

Without going into details concerning foster care and adoption governed by Polish law or law in other European states,⁹ it should be observed that Islamic law—just like Polish law—provides the children deprived of parental care with the possibility of growing in the family.¹⁰ However, in the Muslim world, adoption, or more broadly, foster care, is understood in a significantly different manner than in the European legal tradition. Although the term adoption exists in Arabic (*tabannin*), Islam prohibits adoption which would consist in establishing a relation under family law that would be identical to that which exists between biological parents and the child.¹¹

The Quran prohibits adoption *sensu stricto* but it allows the existence of a foster care institution in the form of *kafala*.¹² However, taking the child into a family under this formula does not mean that the legal bond between the child and his or her biological parents ceases to exist. Pursuant to Muslim law concerning *kafala*, adults adopting a child become the child's guardians and not new parents. An adopted child has no right to inherit from them, cannot take their name, although he or she is entitled to inherit from the biological parents. After the child becomes sexually mature, he or she can even marry the adopting person. Under *kafala*, the guardian taking care of the foster child is obliged to care for the child's needs, care for his or her maintenance as well as—which is the most important issue from the point of view of the subject—has to ensure the child's upbringing in the Islamic faith.

⁹ For more see: Małgorzata Tomkiewicz, *Islamska „kafala” a prawo polskie*.

¹⁰ In Islam, children are considered orphans (*jatim*) if they have no father, regardless of the fact whether their mother is living. After the father's death, even if the mother is alive, the obligation to provide maintenance to the child is on the nearest male relative. See: Aldona Piwko, *Muzułmańscy rodzice*, "Nurt SVD," vol. 127, no. 1 (2010), 157–73.

¹¹ This prohibition is derived from the Quaranic parable of the marriage of the prophet Muhammad with the former wife of his adopted son, Zayd. Acknowledgement that taking the child for foster care does not result in establishing family bonds made it possible for Muhammad to enter into the abovementioned marriage, which thus ceased to be an impure relation.

¹² "He has not made your adopted children your sons. This is only saying by your mouths, God says the truth and only He can guide you the right way. Call them by the names of their fathers; this will be more just with God. And if you do not find their fathers, then they should be your brothers in faith and under your charge," Józef Bielawski, *Quran*, XXXIII, 4–5, Warszawa 1986.

The Issue of the Problem

The signalled problem for responsible parenthood does not result only from judicial and axiological differences in regulations concerning adoption in Muslim law and the law of the European states. This issue primarily consists in the fact that countries of Western Europe in their legislations either directly included *kafala* into their legal order or explicitly admit the possibility of following it. This means that for Christian spouses who adopt a child of Muslim origin, such a state of affairs can result in hindering and even depriving them of their right to responsible parenthood as regards the right to upbringing.

The fact that these are not imaginary threats and the *kafala* care system can be used as a tool for Islamization of law in Europe, has been backed up by the example of Spain. Spain, due to its geographical closeness of Morocco, is the primary place where Moroccan children are adopted.¹³ On September 19, 2012, the Moroccan minister of justice, Mustafa Ramid, issued a circular prohibiting the transfer of Moroccan children to families out of Morocco, since—as he claimed—when children leave the country, it is not possible to monitor whether the law of *kafala* is respected and children are brought up as Muslims. In response to this circular, the Spanish minister Ruiz-Gallardón announced that he would give in to Moroccan demands and would change Spanish law concerning international adoption, subjecting it to the *kafala* law. Following this announcement, an agreement was concluded in 2012 between the Spanish government and the Moroccan government, under which the Spanish government agreed to create “control mechanisms” to allow Moroccan spiritual authorities to monitor the children by the time they reach maturity and to check whether they have converted to Christianity.

The above remark also concerns Polish legislation. Apparently, it would seem that since *kafala* is an institution of an Islamic state and the Quran does not belong to the sources of Polish law,¹⁴ there are no grounds for the solutions adopted in *sharia* to be respected in Polish law. However, the complication is that *kafala* is recognized by provisions of the acts of international law, to which Poland is a party, while this institution is not excluded by international private law.¹⁵

¹³ In Morocco, many children are abandoned, since Art. 490 of the Penal Code provides for a year of imprisonment for extramarital sexual intercourse.

¹⁴ Specified in Art. 87.1 and Art. 87.2 of the Constitution of the Republic of Poland.

¹⁵ The International Private Law Act of 4 February 2011, Dz. U. 2011, No. 80, item 432.

Kafala in International Law

The above issue is reflected first of all in two conventions, the Convention on the Rights of the Child of 20 November 1989,¹⁶ and the so-called Hague Convention of 19 October 1996.¹⁷ Both Conventions *expressis verbis* mention the Islamic institution of adoption, the so-called *kafala*. Both Conventions have been ratified, therefore, included into the sources of law, not only in Poland, but also in various states joining the European Union, as well as in non-EU states.

Pursuant to Art. 20 of the Convention on the Rights of the Child, “a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.” On the one hand, the State—in accordance to its internal law—is to ensure alternative care for such a child, which can include, among others: placement in a foster family, in a suitable institution established for the care of children, adoption or—having in mind Islamic law—*kafala*. Additionally, the convention requires that while ensuring foster care, recommendations concerning continuity in a child’s upbringing should be taken into account, as well as the child’s ethnic, religious, cultural, and language identity.

On the other hand, Art. 3e of the Hague Convention provides that measures of parental responsibility and protection of children can refer in particular to “the placement of the child in a foster family or in institutional care or the provision of care by *kafala* or an analogous institution.”

Bearing in mind the above quoted norms, it should be noted that they do not introduce *expressis verbis* an obligation to respect foster care towards juvenile Islamic believers in the form of *kafala*, especially as they refer to the internal law system of a given country, which, for instance in Poland—does not provide for *kafala*. However, it would be hard not to notice that *kafala* is not a completely irrelevant measure in the Polish legal order.

¹⁶ The Convention on the Rights of the Child adopted by the General Assembly of the United Nation on 20 November 1989, Dz. U. of 1991, No. 120, item 526.

¹⁷ Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, concluded in Hague on 19 October 1996, Dz. U. of 2010, No. 172, item 1158, ratified by the Act of 22 January 2010, Dz. U. of 2010, No. 40, item 225.

Kafala and Foster Care

Still more visible consequences of the Muslim institution of *kafala* can be seen with foster care in the case of an international adoption, that is, as a result of which the adopted child moves to another country. The norm of Art. 56.1 and Art. 59.1 of the International Private Law¹⁸ provides that the governing law for issues concerning parental authority and contacts with child, as well as care and guardianship is specified in the above-mentioned Hague Convention of 1996. In Art. 16 this convention provides that parental responsibility which exists according to the law of the state of the habitual residence of the child subsists after a change of that habitual residence to another state, while the term parental responsibility means both parental authority as well as other relationship of authority, which specifies the rights, powers, and responsibilities of parents, guardians or other legal representatives in relation to the person or the property of the child.¹⁹

Therefore, as results from the foregoing, if there are children in the territory of Poland who in the place of their habitual residence have been placed under the care in the *kafala* form, this fact should be respected in the light of Polish law, regardless of the fact whether the child will be placed in a Christian foster family or a family following any other values. Therefore, Polish law does not exclude the possibility of respecting *kafala* as a care solution. Consequently, one must pose a question of how far the respecting of this institution should reach and whether, for foster care of a child towards whom such care in the form of *kafala* has been applied, the followers of Islam can demand this care to be continued with consideration of the *kafala* specificity, for example, by placement of a child in a Muslim foster family.

Art. 20.3 of the Convention of the Child Right referred to above clearly provides that while choosing an appropriate measure, ethnic, religious, cultural, and language identity of the child should be respected. Bearing in mind that this provision has been ratified, that is, included in the sources of Polish law, it should be directly applied. Therefore, the possible thesis that Muslims have no grounds to demand considering the specificity of *kafala* in issues related to foster care by Christian parents who adopt a Muslim child, could be difficult to defend.

¹⁸ The International Private Law Act of 4 February 2011, Dz. U. of 2011, No. 80, item 432.

¹⁹ Pursuant to Art. 1.2 of the Hague Convention of 1996. On the other hand, pursuant to Art. 20 of the Hague Convention of 1996, the above-mentioned provisions apply even if the law indicated by them is the law of the state which is not a party to the Convention.

Kafala and Judicial Decisions of the European Court of Human Rights

The above-mentioned interpretation direction ordering the *kafala* system to be respected in the internal law orders also seems to derive from the judicial decisions of the European Court of Human Rights.

In its decision of 4 October 2012 in case of *Harroudj v. France*²⁰ the European Court of Human Rights clearly pointed out that Art. 20 of the Convention on the Rights of the Child explicitly acknowledges the system of *kafala* derived from Islamic law as a form of a foster care. In this decision, the Court also brought up that a refusal to adjudicate adoption of a child entrusted in Algeria to a French citizen in a form of the *kafala* care does not violate the right to respect for family life specified in Art. 8 of the Convention on the Protection of Human Rights and Fundamental Freedom, since “the fact that *kafala* was acknowledged in international law was a decisive factor while assessing how the States accommodated it in their domestic law and dealt with any conflicts that arose.” The Court considered that the applicant was refused adoption “due to the need to preserve the spirit and purpose of international convention.”

Also in the decision of 16 December 2014, *Chbihi Loudoudi v. Belgium*²¹ the European Court of Human Rights decided that the rejection of an application for recognizing adoption of a child for whom the applicants cared in the form of *kafala* did not violate the right to respect for family and private life.

Kafala and the Right for Responsible Parenthood

Since we consider that there are grounds to take *kafala* into account when making a decision on taking care of a minor Muslim, another dimension of the analysed problem emerges, namely, the question whether *kafala* can be combined with the principle of religious freedom in Poland and in other states of the European Union, as well as with the possibility to exercise the right for responsible parenthood for Christian spouses who would provide legal care to Muslim children?

²⁰ Application No. 43631/09.

²¹ Application No. 52265/10.

Referring to this aspect, it should be first of all reminded that the *kafala* caring system, although it can differ in individual countries in details, imposes, as a rule, on the kafalic guardians an obligation to bring up the child in the spirit of Islam, while Islam excludes the possibility of changing religion. In the Western world, the right to change religion is one of the fundamental dimensions of religious freedom and belongs to one of the fundamental human rights, emphasized in numerous acts of international law.²²

However, the European model of human rights, including the right to religious freedom, is not practiced in Islam. In the Islamic doctrine, the rights of an individual are derived from God and his revelation—Quran—and are not inherent to people under the laws of nature. A human being is treated not as a subject of rights, but as an entity obliged to follow certain behavior, attitudes, and acts towards his or her community, but first of all towards God.²³ Therefore—pursuant to this doctrine—the Muslim community should follow the divine right in the form prescribed by Quran and *sharia*, the system of Muslim law developed by Muslim countries over the centuries.²⁴ Although Muslim countries differ in their application of the religious law, yet as regards religion, they explicitly refer to *sharia* as the basis for jointly promulgated declarations of human rights.²⁵

Without going into the details of the subject matter concerning the concept of human rights in Islam,²⁶ it should be indicated, for the sake of illustration,

²² The Universal Declaration of Human Rights, Art. 18: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief.” International Covenant on Civic and Political Rights, Art. 18.1: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom.” Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 9.1: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom.” Chart of Fundamental Rights of the European Union, Art.10. 1: “Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief.” Although the Constitution of the Republic of Poland does not guarantee the right to change religion or belief *expressis verbis*, it is unquestionable that such a right, making up the content of the freedom of conscience and religion, results from the wording of Art. 53.2.

²³ Roman Baecker, “Islam: między fundamentalizmem a totalitaryzmem,” in *Islam a świat*, ed. Roman Baecker and Sh. Kitab (Toruń: MADO, 2005), 89.

²⁴ Rollin Armour, *Islam, chrześcijaństwo i zachód. Burzliwe dzieje wzajemnych relacji*, trans. Iwona Nowicka (Kraków: WAM, 2004), 35–36.

²⁵ Muhammad Saïd al-Ashmawy, *Islam and the Political Order* (Washington, D.C.: Council for Research in Values and Philosophy), 95–100.

²⁶ For more on this subject, see for example, Andrzej Bisztyga, „Zachodnia a islamska koncepcja praw jednostki,” *Przegląd Prawa Konstytucyjnego*, no. 1 (2013); Anna Mrozek-Dumanowska, „Islam a demokracja,” in *Islam a demokracja*, ed. Anna Mrozek-Dumanowska (Warszawa: Askon, 1999); Mariusz Jabłoński, „Wolności i prawa jednostki w regionalnym systemie Ligi Państw Arabskich,” in Bogusław Banaszak et al. (ed.), *System ochrony praw człowieka* (Kraków: Wolter Kluwer Polska SA, 2005).

that Islamic countries not only have not adopted the Universal Declaration of Human Rights of 1948, but on 5 August 1990 developed the so-called Cairo Declaration on Human Rights in Islam,²⁷ from which it follows that all humanity is Muslim out of its nature, and therefore the freedom of religion cannot be accepted. Already in the preamble, the Cairo Declaration states that Islam is superior to other religions. The same preamble also emphasizes the prohibition on objecting towards what is required by the law of *sharia*. Also, Article 10 of the Cairo Declaration provides that Islam is a natural religion of a human being; therefore, it is against the law to exercise any form of pressure on man or to exploit his or her ignorance or poverty to convert him to another religion or to atheism, while, pursuant to Art. 19 of the Declaration, no other penalty should be inflicted except as provided for under Islamic law. This means that corporal penalties must be accepted according to *sharia* law, including the death penalty for apostasy.²⁸

Conclusion

In the light of the above remarks, it seems unquestionable that *kafala* in the aspect in which it obliges a person to bring up the child in the spirit of Islam, cannot be combined to any extent with the principle of religious freedom and the right for responsible parenthood as regards Christian upbringing of adopted Muslim children. Consequently, bearing in mind the huge inflow of immigrants from Muslim countries to Europe, it may turn out soon that Christian parents who decide to take into custody children of Muslim origin will be obliged to bring them up according to the guidance of *sharia*, and not the Gospel. And this is—apparently—the most pressing contemporary challenge for responsible parenthood.

²⁷ This declaration was signed by 45 Ministers of Foreign Affairs of the Organization of the Islamic Conference.

²⁸ The Quran does not contain an explicit provision imposing a death penalty for apostates. However, the capital punishment for apostates is recommended by many hadiths, including several ones recognized by all Islamic schools. An apostate should be put to death according to the teaching of three Sunni schools (Hanbali, Maliki, and Shafi'i), while the Sunni Hanafi school and the Shia Jafari school provide for imprisonment until the apostate "returns to the bosom of Islam," although also in this case the death penalty is not excluded.

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La parentalité responsable dans le contexte des défis de l'époque contemporaine

Résumé

Le présent article aborde la question qui est importante du point de vue de l'enseignement catholique, c'est-à-dire la parentalité responsable. L'article non seulement systématise et organise les notions de base concernant la parentalité responsable, mais il présente avant tout au lecteur les défis et dangers les plus importants qui se posent aujourd'hui devant les époux catholiques. Ce sont non seulement la contraception, l'avortement, la procréation assistée ou la gestation pour autrui, mais également l'afflux d'immigrés musulmans sur les territoires de l'Union européenne qui peuvent constituer la source de danger pour la parentalité responsable. Les immigrés d'origine musulmane représentent non seulement un système différent de valeurs et de cultures, mais aussi un système différent de droit qui n'est nullement compatible avec le modèle occidental. De plus, étant donné que certaines institutions du droit musulman, comme la kafala, sont appropriées par les systèmes juridiques des pays de l'Europe occidentale, il est probable que dans peu de temps on fera face aux revendications sérieuses des milieux islamiques qui pourront frapper le système chrétien de valeurs et d'éducation et devenir par suite le danger pour la parentalité

responsable des époux chrétiens au niveau de l'éducation de leurs enfants. Il se peut que les parents chrétiens acceptant de se charger de la tutelle des enfants d'origine musulmane soient obligés de les élever selon les indications de la charia, et non celles l'Évangile.

Mots clés: parentalité responsable, éducation, kafala, islam, liberté religieuse

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La genitorialità responsabile nel contesto delle sfide della contemporaneità

Sommario

L'articolo presentato intraprende la problematica fondamentale dal punto di vista dell'insegnamento cattolico della genitorialità responsabile. L'articolo non solo sistema e ordina i concetti basilari riguardanti la genitorialità responsabile, ma soprattutto fa conoscere al lettore le sfide ed i rischi più importanti che oggi si presentano dinanzi ai coniugi cattolici. Una fonte di pericolo per la genitorialità responsabile può essere rappresentata non solo dalla contraccezione, dall'aborto, dalla procreazione assistita o dalla maternità surrogata ma anche da un afflusso ancora incosciente nell'Unione Europea di immigrati provenienti dai paesi musulmani. Gli immigrati di origine musulmana rappresentano infatti non soltanto un sistema di valori e di cultura differente ma anche un differente sistema giuridico che non è compatibile con il modello occidentale. Considerato che alcune istituzioni del diritto musulmano—come ad es. la *kafala*—sono recepiti nei sistemi giuridici degli stati dell'Europa Occidentale, ci si può trovare, nella prospettiva breve, dinanzi al problema di serie richieste da parte degli ambienti islamici che possono colpire il sistema dei valori e dell'educazione cristiani e divenire un pericolo per la genitorialità responsabile dei coniugi cristiani nella dimensione dell'educazione dei figli. Può risultare infatti che i genitori cristiani, prendendo in affidamento bambini di origine musulmana, saranno obbligati ad educarli secondo le indicazioni della *sharī'a*, e non del Vangelo.

Parole chiave: genitorialità responsabile, educazione, *kafala*, islam, libertà religiosa