

THE CHARTER OF THE RIGHTS OF THE FAMILY

It is my pleasure to address you on a theme which is so central to the wishes of the Lord and to the mission of the Church. The family is the basic cell of society. Healthy families foster a healthy society. Dutiful, honest and praiseworthy citizens are the fruit of strong, tightly-knit, peace-loving families. Without entering into the merits and details of the current local discussion regarding the strengths of many Maltese families and the unfortunate failure of a number of families in these Islands, it is indeed useful for all us to re-visit an important document published by the Holy See, twenty-five years ago. Despite the fact that a quarter of a century has elapsed, it remains a precious jewel – a jewel we ought to examine attentively and to appreciate.

■ *The Charter of the Rights of the Family* knows its origin to the demand made by the Synod of Bishops which met in Rome in October 1980 on the subject: “*The Roles of the Christian family in the world of today*”. (cfr. *Propositio* n. 42). The Holy Father, John Paul II, in his Apostolic Exhortation *Familiaris consortio* (21 November 1981) (FC), welcomed the demand of the Synod and he committed the Holy See to prepare a Charter of the Rights of the Family to be presented to those bodies and to those authorities entrusted with promoting the mission of the family in the world.

■ The Synod of Bishops of 1980 discussed among other things the situation of the family and noted both its positive and its negative aspects.

Among the negative aspects which were singled out by the Bishops, particular attention was given to the difficulties in which numerous families in many nations found themselves because of institutions and laws which did not help people to know the inviolable rights of the family or even threatened these rights.

This failure to respect the rights of the family traces its origin, as is well known, on one hand to the usurping of these very rights on the part of certain societies or by the State, especially in totalitarian regimes (cfr FC, 46) and, on the other hand, by the consumeristic mentality and by the corruption of the idea of freedom (cfr FC, 6), both of which inspire certain currents of philosophy and legislation in the area of marriage and the family today.

In the face of these direct and indirect attacks on the institution of matrimony and on the life of the family, many Bishops who were present on the Synod of 1980 suggested the compiling of a document by the Church on the Rights of the Family to bring to the attention of society and governments, the most important rights of the family.

Pope John Paul II, as it has already been said, accepted what was suggested by the Synod Fathers and he asked the Holy See to elaborate the Charter of the Rights of the Family. We have to say that other important documents would later be published on the family – namely the *Letter to Families* by Pope John Paul II in 1994, and the document by the Pontifical Council for the Family, *The Family and Human Rights*, in 1999, in the wake of the fiftieth anniversary of the Universal Declaration of Human Rights.

■ The work in the preparation of the *Charter* was entrusted to a specialised Study Group which was made up of representatives of various bodies of the Holy See which in turn asked the help of experts from different cultures to offer their expertise in different areas of study. In a particular way, the Study Group made use of the input and reports of more than sixty Bishops' Conferences.

■ The *Charter of the Rights of the Family* came into being in a climate of contrasts and the refusal of values. Unfortunately, it was established that in many nations one or more values or rights of the family was being violated. What is more serious is that the violations are institutionalized, that is they are legalized or outrightly imposed by authority. In recent years, a true tempest has broken out against the institution of the family. The traditional model of the family which is based on the monogamic and indissoluble bond of marriage, is contested; the will and freedom of the spouses regarding the number of children are being drastically limited; the married or the future couple are forced to live in heavy or intolerable conditions; the family is being refused to exercise the fundamental rights regarding the education of the children.

■ The *Charter of the Rights of the Family* was presented to the press on 24 November 1983. [The official date of the Document is 22 October 1983, the Fifth anniversary of the beginning of the Pontificate of John Paul II.]

Addressing all people, Institutions and Authorities who are entrusted with the mission of the family in the world, the Document contains the formulation of those inalienable rights which are inherent to that natural and universal society which is the family nucleus and which States have the duty to defend.

■ A brief Introduction explains the genesis, the aim and the style of the Charter and it specifies also to whom it is addressed. It was the first time that the Holy See was turning to the international community with a document of the type. The *Charter* had a prophetic characteristic in recalling the attention of all to a global vision of the mission of the family in the present world, asking society to respect the rights of the family, and demanding to give to each particular family,

the necessary instruments to fulfil its mission. Such a claim was in line with the constant appeal of the Church to the respect of the rights of each person.

By this *Charter*, the Church did not want to impose its vision on society, but, in a spirit of service and in the exercise of its mission, it sought to instil within society a higher respect to the law of the Creator which is written in the heart of all human beings.

■ The *Charter* itself opens with a *Preamble* which illustrates the motives that inspired it, and recalls the attention to some essential points about the nature of marriage and of the family, as well as to the human and spiritual value of the family in today's world.

Its twelve articles which follow present some specific rights regarding: the foundation of the family (1) and the freedom of choice of one's own spouse (2), the just exercise on the part of the spouses of responsible parenthood (3), the respect and the protection of life from the moment of conception (4), the role of the family in the field of the education of the children (5), the right of the family to exist and to make progress (6), the protection of the children, the promotion of the family institution, as well as the rights of the family in the fields of religion (7), social life (8, 11), culture, economy and finance (9, 10). The *Charter* deals also with the rights of certain particular categories which merit special consideration in society like aged people, migrants, people with different capabilities, and prisoners (12).

■ It is important that the nature and the style of the *Charter* be correctly understood.

The Document is neither a dissertation in dogmatic or moral theology on marriage and the family, although it reflects the thought of the Church on the subject, nor is it a code of behaviour for persons or institutions who have an interest in the problem. The *Charter* differs also from a simple declaration of theoretical principles that regard the family. It aims rather to present to all, whether they are Christians or not, a formulation of the fundamental rights inherent to that natural and universal society which is the family.

The rights enunciated in the *Charter* are expressed in the conscience of the human being and in the common values that are common to all humanity. The Christian vision present in the *Charter* finds its source in Divine revelation which enlightens the natural reality of the family. These rights, ultimately, are born from that law which is inscribed by the Creator in the heart of every human being. Society is called to defend these rights from violations, to respect them, as well as to promote them.

Almost all these rights can be found in other documents both of the Church and also of the International community. In the *Charter* there is a continual reference to the Universal Declaration of Human Rights.

■ In 1983, under many respects, the Document was new. Never before that time, had the central bodies of the Church ever published a document of the type of the *Charter of the Rights of the Family*. The newness, evidently, of the form reflects that of analogous documents which are usually published by international organizations. According to the language and the practice of these bodies, the “charter” assumes the value of a declaration of principles and an enunciation of rights. The use of this style on the part of the Holy See – the “charter” – far from competing with analogous documents of civil authority, intends to give a specific contribution to the promotion and the safeguard of the dignity and of the rights of the person and of peoples.

■ The *Charter* is a formulation and a proclamation of principles that are original, natural and “written in conscience” which nobody can ignore or refuse.

Even though the value of the *Charter* is eminently moral, it repropose principles that, in many cases, bind also juridically. Therefore, in the *Charter* one has look for and find the intrinsic value. Therefore, these are principles that bind because of their own truth. Their urgency and validity are universal and absolute. The basic framework of the *Charter* tends to propose principles and values that every conscience that is rightly formed and every intelligence that is not corrupt by error can perceive, even without the light of Christian Revelation.

In reaffirming, for the good of society, the common knowledge of the essential rights of the family, the Charter offers to all those who share the responsibility for the common good, a model and a point of reference for the elaboration of a legislation and a policy of the family, as well as a guide for programmes of action.

■ The Holy See has proposed this document to the attention of international intergovernmental organizations which because of their role and interest in the defence and promotion of human rights, cannot ignore or permit violations of the fundamental rights of the family.

Experience shows that many half-truths about the family have ended imposing themselves and being accepted. In order to oppose these errors which undermine the family, one needs to affirm errors as errors, and then to proclaim courageously and ceaselessly the Gospel of family-life.

The Charter of the Rights of the Family wants to be one of these truths that the Church proclaims to the men and women of our times. This is a seed that needs to bear fruit in order to ensure that all families — of whatever creed or culture — enjoy a better future.