

Charter of the Rights of the Family – 1983-2013

30 years on – A pearl of great price.

In October 1980 the Synod of Bishops called for a charter expounding family rights. Blessed Pope John Paul II welcomed this demand and committed the Holy See to prepare one in his post synodal Apostolic Exhortation *Familiaris consortio* of 1981.

During the Synod, the Bishops gave particular attention 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. In the face of these direct and indirect attacks on the institution of matrimony and on the life of the family, the urgency of compiling a document to bring to the attention of society and governments, the most important rights of the family was compelling. That was over 30 years ago and now that so many more nations have passed laws still hell bent [in the words of Archbishop Paglia, President of the Pontifical Council for the Family] on “distorting its ‘genome’” – knowledge of the content and purpose of the Charter is even more urgent.

The Charter of the Rights of the Family came into being in a climate of contrasts and the refusal of values. At the time it was noted how many nations were violating one or more rights of the family. The last three decades has seen not only an increase in these but even more serious is that the violations are institutionalized as they are legalized and outrightly imposed by authority. In recent years, a true tempest has broken out against the institution of the family. 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 to whom it is addressed. It was the first time that the Holy See was turning to the international community with a document of this type.

The Charter had a prophetic characteristic in recalling the attention of all to a global vision of the mission of the family 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. (Natural Law)

Its twelve articles present some specific rights regarding:

1. the foundation of the family 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. Society is called to defend these rights from violations, to respect them, as well as to promote them.

In the Charter there is a continual reference to the Universal Declaration of Human Rights. So in many respects, the Document was new. Never before had the central bodies of the Church ever published a document of its type. Its form is analogous with documents which are usually published by international organizations. Accordingly then, 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.

It defends principles which have their own intrinsic value and as such they are binding 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.

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. 30 years on from its promulgation, the Charter is a seed that needs to bear fruit with its pearls of wisdom in order to ensure that all families of whatever creed or culture might enjoy a better future. 2015 will mark the 800th anniversary of "Magna Carta" – and no doubt there will be many events to sign how it was the seedling of what would later become uncontested rights to personal liberty and freedom under the law across many nations. I can think of no better precursor to that anniversary than by revisiting the Charter of the Rights of the Family. To fail to do so would be a seriously lost opportunity and perhaps worse, for as *Familiaris consortio* n44 states; "families should grow in awareness of being "protagonists" of what is known as "family politics" and assume responsibility for transforming society; otherwise families will be the first victims of the evils that they have done no more than note with indifference."