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FAMILY AND DEMOCRATIZATION PROCESS IN EAST EUROPE¹

Democracy exists in a great number of forms. In Ancient Greece, democracy consisted of small and manageable administrative units belonging to the Polis „the people” (which at that time meant: Free men); these assemblies assembled to vote. In today's large nations there is a need for intermediate authorities. Elected representatives are necessary for power to be exercised in the name of the people – these representatives are subject to controls and may only hold office for a fixed term. There is a danger, however, that elected representatives (members of parliament and the political parties) might become too distant from their electorate. A situation could arise in which an elite group reigns over the people or, perhaps, even in the name of the people. This form of „people's democracy” existed in former East Germany and other former Eastern Block countries. In reality, however, the system used by these Eastern Block countries was rule by the party bureaucracy.

These systems of government understand themselves as being „peoples” or „socialist democracies” Marxism-Leninism was the only ideological basis in these countries. Consistently, the fall of the Berlin Wall and the collapse of the „real socialist” systems in 1989 seemed that victory for democracy in central and Eastern Europe was complete. This was substituted for a pluralistic system and the centrally controlled economy was replaced by a market economy. Consequently the process of democratization was closely connected to:

- removal from government the persons who had a responsibility in the former political system;
- property expropriation the former „nomenclature”;
- punishment communist offenders and war criminals;
- non expiration of validity Stalin's period crimes;
- elimination from public life the forms of law, institutions and behaviors corresponds with former political system;

¹ Tekst wygłoszonego referatu podczas międzynarodowego sympozjum z okazji Roku Rodziny: *Family in Europe. Foundation – Experiences – Perspectives*, Rzym (21-24 VI 2004)

- inspection the political past of the new political elite;
- candidates for the public offices are in duty bound to depose the declaration about non collaboration with communist secret service.

These requirements have meant that the implication of democracy, individual freedom and social security has become much clearer. But many people are finding it difficult to cope with the political and social changes taking place and to accept the new democratic system. And in this period of celebration over the apparent triumph of democracy, new menaces are arising and they should be taken seriously. Most of them concerned to family life. Among the greatest problems are:

- economic recess of family (professional statue of women);
- demographic crisis (abortion problem);
- durability of marriages (informal couples)

There is no doubt but that the condition of ordinary family is relative to the degree of democratization. The present paper reflects the both positive and negative aspects of the democratization process in East Europe. The best way of doing this is to bear in mind democracy's long history of challenges and changes. Democracy is always in danger, since no other system is as dependent on common consent for its survival as democracy is. The very fact of the longevity, the progeny, the wisdom and the authority are generally considered as the main positive aspects that belong to the natural human family. Democracy is not the finished product, but an ongoing task. In order for democracy to be successful it is essential that the institutions and procedures work as they are intended. But the most important aspect of all is the commitment of the people. In this, the last basic I will be taking a look at some of the problems facing the today's family life in the East Europe.

The article attempts to analyze the own research, the findings of sociology and psychology and statistics data available as well.

1. The faces of the family crisis

The pace of economic change in post-communist countries gives rise to multimode crises affecting the modern family. The following problems turn up to be conspicuous at first glance while analyzing the research on the condition of the modern family:

- permanent increase in unemployment
- economic problems of single parents
- decrease in social welfare for the poorest families
- housing problems of newly married couples
- substantial discrepancy in salaries between working men and women
- emigration for a source of income
- disintegration of family and marital life due to economic problems.

Not all of the above mentioned problems could be considered to characterize current times. The assumption about the radical change of the material status of families cannot serve as screen for the fact that in recent past, in the period of the so called „people's democracy” many families were confronted with similar problems. However, the feature that makes the present transformation related to families so conspicuous is an economic crisis that leads, more often than not, to the weakening of the regulation system within a family, taking a relativistic attitude towards values, the loss of fundamental ties and the tendency towards individualization and atomization of social life.

U. Beck proved in his research that in the 50s and 60s young people, who lived in Eastern Europe were unanimous when replying to the question of their goals in life: they cared for a happy family life, own house or flat, car, good education for the children, opportunity to travel, improvement in the standard of living. Today, the answers are provided using an entirely different language. The desire to possess the same material goods occurs again, however, there is much more emphasis on „self-realization”, „quest for self-identity”, „development of their own capacities”, „opportunity to have access to diversified experience” This change in the paradigm has been created by the younger generation, not necessarily better educated but definitely reared in a completely different manner. Many of them do not associate the conventional symbols of success (well-paid job, house, car, attractive trips abroad) the classical model of family life. On the other hand, they are motivated by a craving to define themselves, a desire to reassert themselves, to satisfy the desire of „complete and accomplished life”²

The individualization of family life generates, in the conditions of social and economic modernization, a gradual severing from the highly normative family structure, first by men and later by women. The evolution from the institutionalized form of family and marriage towards individualized relationships within a family is, one way or another, the product of weaker social control by the family and its traditional ties. Marriage and family are becoming more and more of a private issue³ Thus, in such a situation we are witnessing an increasing lack of trust in their human nature among men. On the other hand, there arises the concept of unbound human freedom. A fair analysis of such a division unveils the true face of the crisis that requires express decisions on behalf of the truth about mankind. The symptoms of the current crisis in the family can be characterized as follows:

² U. BECK, *Spoleczeństwo ryzyka. W drodze do innej nowoczesności*, transl. by S. Cieřła, Warszawa 2002, p. 147.

³ M. POLAK, *Spoleczno-kulturowe uwarunkowania duszpasterstwa narzeczonych*, „Teologia Praktyczna” 2(2001), p. 112: „Some people pose a question, what does actually the state, society, Church have to do with my marriage? Marriage is more and more often considered to be (...) an object of individual or collective decisions, as common history written by free people”

- the ongoing changes in politics, culture, philosophy of life and economy trigger changes in the patterns of family functioning
- decrease in fecundity
- delay in decisions to get married and to have the first child
- increase in the number of informal relationships
- a growing number of out-of wedlock births
- increase in the application by the women of effective and controlled contraceptives
- disappearance of traditional roles related to gender
- increase in the number of working women.

Many psychologists and sociologists of the family predict that, as the result of the changes there may take place a shift from the community life (marriage and family) to „modern society”, which will be characterized by cohabitation and other forms of communities which are consumerism oriented. It has been stressed many times that the traditional model of marriage and family „imposes frequent barriers and limitations upon individual autonomy”⁴ In sociological research, the phenomenon in question is referred to as „the second demographic transition” The following elements are its characteristics”:

- loss of significance of the family model where a child is perceived in a close relationship with their parents (*a child with parents*)
- promotion of a different family paradigm in which parents dominate over a child (*the king-pair with a child*)
- another solution is also possible, where the child dominates the parents (*the king child with the parents*)

It seems that the following model of the family transformation is generated by some specific legislative solutions, more rigorous economic discipline in consumerist societies, diminution of the traditional values that bind certain social relationships. Some sociologists also formulate an opinion about a radical change in the definition of the family itself.

2. Problem with the definition of the family

The problem with the definition of the family occurred in the legislation of the Continent in the post-war era. It was picked by *The European Convention of the Human Rights and Elementary Freedoms Protection* (November 4, 1950)⁵ The problem is approached directly by the Committee of Human Rights (United Nations) which, in its conclusions to Article 23 of *The International Pact on*

⁴ H.J. HOFFMANN-NOWOTNY, *The Future of the Family*, in: Id. *European Population Conference*, Helsinki 1987, pp. 113-201.

⁵ The text of the statement in: *Publications of the European Court of Human Rights. Series A: Judgments and Decisions Council of Europe – A. 31*.

Citizenship and Political Rights (December 19, 1966) observes that the definition of the family itself may differ from country to country in a number of aspects, and even in different regions of the same country. Therefore, it is difficult to formulate explicitly the definition of the family⁶

Making use of discretion at formulating the concept of the family, the Polish *Family and Care Code* puts down the family as a formal relationship that comes into existence by an act marriage between a man and a woman⁷ Thus, the factual relationship such as concubinage does not constitute a family as prescribed by the Law. The Polish Law articulates one important detail: different genders are among the prerequisites which allow for a marriage (Art. 1 § 1. 2). Also The Constitution of the Polish Republic from April 2, 1997 describes marriage as a relationship between a man and a woman (Art. 18). This prescription excludes a marriage between the persons of the same gender. The principle, then, is neither questioned *de lege lata* nor *de lege ferenda*. It is emphasized in a number of commentaries to this Article of *The Constitution* of the Polish Republic that "(...) marriages between the persons of the same gender would be contradictory to the essential significance of the marriage as the foundation of the family established by this relationship and with its social functions, especially the procreative one"⁸

The legislation of this kind seems to be in opposition to the noticeable practice in some European Union countries. Such discrepant tendencies have been drastically expressed in the European Parliament resolution (June 16, 2002), which recommends to the Parliaments of the candidate states granting marital rights to the relationships between the persons with the same gender, including adoption of children rights. However, this recommendation of the European Parliament does not carry binding force for either the member states or the candidate states within European Union. The political significance of the statement, however, cannot be underestimated. The attitude of exerting influence upon the legislation of the states, which are bound by international agreements, gives rise to concern, though. Many of them do not even mention, regulating the issues of marriage and family, that it is a relationship between a man and a woman. Not all of them are as clear as *The Universal Declaration Of Human Rights* resolved by the General Council of United Nations (December 10,

⁶ At the time of the devaluation and decomposition of the family structures there appeared such a model of the family where blood bonds, taken with considerable significance, were the indicator. In this case, the family was made up not only of the parents and the children but also more remote relatives (grandparents, grandchildren, uncles). The sense of belonging to such a large family was very lively, which was reflected in the legislation. The French Civil Code, which allowed inheritance among family members down to the twelfth degree of kinship, may serve as an example (Art. 755).

⁷ J. IGNATOWICZ, *Prawo rodzinne. Zarys wykładu*, Warszawa 1988, pp. 12-13.

⁸ See J.S. PIĄTKOWSKI, *System prawa rodzinnego i opiekuńczego*, part 1, Warszawa-Kraków 1985, p. 140.

1948). Art. 16 item 1 reads: „Men and women, notwithstanding their race, nationality or religion, have a right to marriage and to family once they are of age. They share the same rights in respect to getting married, while it lasts and after it is terminated”⁹

On the other hand, there are also such agreements as refer to family and marriage and do not include a single statement that a marriage is a relationship between a man and a woman at all¹⁰ If we assume their binding character within international agreements, there could appear doubts as to the results of the confrontation between two legislations that are contradictory with each other. Does it not provoke a stream of appeals to European legislation when the country's norms will appear to be more restrictive.

3. Legal subjectivity of the family

Similar to an individual, a family expects that society will approve of its identity and accepts as a social subject. There exists a certain correlation between a human being's expectations and the expectations of the family. It expresses an internal relationship between the rights of a person and the rights of the family. The source of that finding lies in the truth that a man is not an independent being but a person, that is a being whose identity is constituted via a biographical articulation of specific relationships by a solidarity community with other personal subjects. It is insufficient, then, to approve of the elementary rights of a man, conceived of just as an individual since such individualism reduces them and impoverishes the recognition of their elementary rights in reality. The truth about a man as a person is such that they become a family member (son, brother, father or a partner) earlier than a citizen, that is a being in a relationship. We can see now that the lot of the future society, deeply human, depends on the recognition and defence of human and family rights, which are convergent.

It is of significant importance that in the majority of legal systems the family is not construed as a legal subject. Rather, it is treated as a collective, i.e., a family group which is treated by the legislator as a whole. However, many international agreements, ceding a number of rights upon the family, turns it, in such a way, into a subject of international law¹¹ It does not mean, however, that the states – the parties of the agreements – are obliged to make it a subject of their internal law. If we were to consider the latest European legislation and its

⁹ Quoted after D. ROTFELD (ed.) *Prawa człowieka. Międzynarodowe zobowiązania Polski (wybór dokumentów)*, Warszawa 1988, pp. 13-21.

¹⁰ Such as *European Social Chart* (Turyn, 18 X 1962).

¹¹ *The European Convention on the Defence of Human Rights and Elementary Freedoms*, which in Art. 8 guarantee the right to respectful family life assumes existence of the family, may serve as an example.

resonance in the legislation of particular countries, one might easily come to a reservation against many formulations, which do not comply with the classical understanding of the foundations for social life – a sound family with two partners of different genders and their biological or adopted children.

In the context of the aforementioned information, the family constitutes a natural form of social life. Being its fundamental structure, it gives birth to children and rears it to life and participation in broader forms of social life. The family, as the elementary and natural social form is the foundation of the primary social solidarity, where the commonwealth of its particular members constitutes the natural goal of such community. It also teaches how to notice mutual good which binds members of a given community in other communities¹²

John Paul II asks in the Letter to families: „What does the family-institution expect from society?” And he gives an answer: „It expects in the first place a recognition of its identity and acceptance as a social subject”¹³ Stating that the family is the elementary social subject means that it has its own fundamental rights. However, if its feature of a social subject and its legal inheritance are generic (they were granted neither by the state nor any other authority) they come out of its own and independent source of authority. We find, at the foundations of family identity, a specific dimension of power which John Paul II mentions in the quoted Letter to families *Gratissimam sane*, using a strong and suggestive expression: sovereignty of the family.

If the key to the defence of family identification lies within a marital sovereignty of the person, there arises a suspicion that if the modern reforms of marital and family law in some countries applied the „lay dogma”, i.e. to hide an ideological dictatorship of some power circles which are more interested in an individual, fully isolated and subdued rather than an individual with a strong backbone, raised within a sovereign family. For that purpose, an attack in two complementary directions was launched.

On the one hand, a multilayer cultural policy was invigorated. It was supposed to lead to eliminating from legal systems a clear, true and unequivocal definition of marriage and family, thus presenting this obvious lack as progress of culture and democracy, pretending to assume that the state cannot impose any model of marriage or family. On the other hand, the very same state usurps the right to define, as a sovereign, as „marriage and family” relationships and connections of various kinds, even homosexual, using a pretext of finding some space within the law, without any prejudice to everything that resembles a social fact.

From the point of view of Christian ethics, recognition of true marital and family identity is tantamount to acceptance of a married couple’s sovereign

¹² M.A. KRAPIEC, *O ludzka politykę*, Katowice 1995, p. 65.

¹³ JOHN PAUL II, Letter to families *Gratissimam sane*, nr 17 (2 II 1994).

authority, character of social subject of the family granted by marriage and existence of elementary social and economic articulations demanded by the sovereignty of the family. The recognition of the family sovereignty, more primal and elementary than the sovereignty of the state makes it essential to accept it as the elementary social subject. Such acceptance triggers many consequences. Members of a sovereign family are more confident in their identity and elementary relationships. They make the kind of the citizen that is rooted, lives in a relationship, is more of an individual and recluse than very humane. The obligation to effectively defend the fundamental rights (their material content) of a sovereign family introduces into the system new and vigorous elements, indispensable for a serious change in the direction of a different social and economic model, more humane. One could risk saying that the new model of a citizen and the system itself substantially limits the existing social and economic model, where the groups that usurp authority, wearing a disguise of the state's absolute sovereignty, impose legislation on individuals, doomed to be alone and helpless against the system.

Concluding, it needs to be said that the sovereignty of the family, granted by marriage, has an immense reservoir of hope for everybody that is looking for the truth about love, solidarity and human commonwealth. It also creates a hope for those that are determined to build a new, more humane society.

The European Union, perceived as a commonwealth of states with various social and political systems cannot allow for family solidarity to be replaced by social hatred, social helpfulness by an escalation of antagonisms, unbridled economic competition or xenophobic care for own *proprium*. Such tendencies would finally procure a destruction of sound relationships within a family, verge on the brink of subduing the family to the state, which would inevitably lead to the instrumentalism of this elementary social unit on behalf of „cheap” socialism. Meanwhile, Europe should be a servant to personalization where a man as a person, develops in their human dignity thanks to the natural environment of the family. These assumptions laid foundations of what is called today the programme of the Old Continent integration.

4. Grand „European family”

It will not be a great discovery to state that a changed man is to be a product of a well-defined family. Broader communities, pursuing self-imposed missions can assist family in an effort to change the man. The „product” of such cooperation turns out to be a healthy patient, resocialized crook, educated young man who grows up to be a self-respected adult. The founding fathers of united Europe were led by the very same vision. They tried to offer the model of Europe that would help develop the unity of polarized societies.

Particular communities as well as individuals have discovered the new identity of their neighbours in the existing arrangements¹⁴ The concept of détente came into life; it became clear that unity, or rather integration, is achieved via sacrifice and a subjective sense of welfare and security does not provide the so called unity stimulus. All in all, it might have seemed that a short-sighted economic-political pragmatism was diminishing over years and that it was replaced by a view that only the terms of culture can accurately define Europe, not those of geography, sociopolitics or linguistics. Europe would then be perceived as a certain commonwealth of culture, therefore a commonwealth of values. A conviction that a certain combination of values common for all European countries was gaining in strength. If the word „family” is understood in a specific way, it might be assumed that these values constitute the grand „European family”¹⁵

Among these values, which constitute a certain axiological area, with which the family of European nations can identify themselves, are, in the first place, Christian values, secondly, humanistic values, that is lay Christian values, and thirdly, an idea of protest against suppression, questioning of authority and the idea of progress¹⁶

Leo Moulin, a famous Belgian historian, sociologist and political scientist, observes in his book *L'aventure européenne* (Brussels 1972) that there exists one value – deeply rooted in Europe – without any Christian roots, namely the idea of surpassing oneself, one's limitations, barriers and taboos. According to him, this value is inscribed into the Greek myth of „adventure and transcending” We find there mythical characters that have no counterparts in other cultures such as Jason, Prometheus, Icarus, Heracles, Donatides. Plutarch gave these myths a magnificent shape in historical matter¹⁷ One might assume that these ancient models give rise to such characters in the Christian world as Faust, Don Juan, Hamlet. They also challenge conventions and prohibitions and inevitably fall prey to their own cunning.

There is a fear that contemporary attempts at redefining the model of a family, escape from the classical concepts describing this elementary social unit might become a tribute to the so called „mythology of surpassing” A temptation to rebel against limitations, power and authority may lead to self-destruct-

¹⁴ An increasing number of international marriages, contacts of students from various countries, development of diversified communitarian and regional initiatives which made a contribution to putting an end to centralized state entities is a tangible proof of this process. See: L. MOULIN, *Rozmowa o Europie*, „Znak” 310 (1980), pp. 502-511.

¹⁵ Defining Europe via values is equivalent to exclusion of the societies that have not adopted them either in practice or theory.

¹⁶ L. MOULIN, *op. cit.*, p. 507

¹⁷ We find no similar motif of rebellion against the authority of power. Icarus is the embodiment of the idea – the archetype of a rebel against the laws of nature and Jason, the archetype of all colonists.

tion. Painful experience of social disintegration seems to have been the results of such attempts.

Conclusion

The crisis that is now affecting the family of the Old Continent does not leave those who live and develop eastward from the Odra and the Nysa rivers. The overlap among the problems seems to be symmetrical on many surfaces. The current research confirms how quickly the phenomena not known before permeate through the former „iron curtain” The duration of marriages has been steadily eroding. According to the census from 2002 lonely mothers make up 1.8 million of Polish families. Every sixth mother is a lonely parent. In comparison to the census from 1988 the number increased by 30%. What is even more alarming is the growing number of married women who live alone (disguised loneliness) but their husbands do not perform the role of the father. The statistics say that it applies to one quarter of all marriages.

Until the 80s the percentage of out of wedlock births oscillated around 5% but in 2001 over 13%. Model 1 + 1 is becoming one more type of family. It is hard to put it down to a conscious choice if almost all of the women under 19 years old who had a baby in 2001 were not married (they usually come from the families where still another pregnancy is neither welcome nor dramatic). At the end of 2003 the Parliament discussed a legislative change in the educational and protective legislation. It was postulated that at least one of the spouses must be 18. What seems very likely, courts of law will not grant permissions to get married to adolescents, thus widening the margin of lonely mothers. The consequences will be real hard to the women with no financial assistance from the biological fathers of their children. Fewer lonely mothers are found in the country (in 2001 among all of the out of the wedlock births 14.4% took place in towns while 8.3% in the country). If at the beginning of the 90s it could be presumed that half of the new born children were conceived after marriage while in 2000 only 38%.

Beside the little optimistic data that depicts the condition of the Polish family at the outbreak of the new Millennium, there is some optimistic information. J. Mariański tries to describe the picture of the contemporary Polish family in his book *Między sekularyzacją i ewangelizacją (Among the Secularisation and the Evangelization, Lublin 2003)*. Extensive research carried out in many places provides an approximately accurate image of the Polish family, which, according to the author, goes through a transitory stage. In the familiar reality it is difficult to notice bright tendencies aiming at complete questioning of the family models thus far. As many as 80% of the researched adolescents are going to have a classical marriage. Only about 9% consider a partner relationship without a marriage. Even less, only 6.3% think they might have a rela-

tionship with more than one partner. Over 80% of the respondents claimed that faithfulness is for them a very important value. However, ethics and morality were not always the source of the opinion, which was often determined by non-religious factors. Marital faithfulness, for example, has become a very effective protection means against HIV. A replacement of Christian hierarchy by a relativistic functionalism is at work.

The picture of the family that comes to sight in the research of Prof. Mariański is not so tragic. The data seems to disprove the thesis about the downfall or complete crisis in the family. Contemporary adolescents realize their life ideals through marriage and family, understood as a monogamous and lasting relationship between a man and a woman. As if contrary to the ideologies and actions that devastate the classical model of marriage and family, the Polish youth enter the united Europe convinced about their value.

Rodzina w obliczu procesu demokratyzacji we Wschodniej Europie

Streszczenie

Autor, żyjący w Europie Środkowo-Wschodniej, próbuje ocenić jaką rolę i znaczenie mają zachodzące tam przemiany dla przeciętnej rodziny. W ramach tych przemian przypomina o potrzebie egzekwowania następujących kwestii: potrzeba usunięcia z aparatu władzy osób, które zajmowały ważne stanowiska w dawnym ustroju; wyłączenie majątkowe dawnej „nomenklatury”; ukaranie komunistycznych przestępców i zbrodniarzy wojennych; nieprzedawnianie zbrodni okresu stalinowskiego; eliminacja z życia publicznego praw, instytucji, zachowań i mentalności poprzedniego okresu; sprawdzanie dotychczasowej działalności politycznej osób pełniących ważne funkcje publiczne (lustracja); obowiązek składania przez kandydatów na określone stanowiska polityczne oświadczeń czy współpracowali z komunistycznymi służbami bezpieczeństwa.

W świetle postępującego tym tropem procesu demokratyzacji chce spojrzeć na kondycję rodziny przez pryzmat następujących problemów: sytuacja ekonomiczna rodziny (status zawodowy kobiety); demografia (dzietność rodzin, stosunek do poczętego życia); trwałość małżeństw (nieformalne związki). Wymienione zagadnienia decydują w znacznym stopniu o kondycji współczesnej rodziny. Ze względu na swą rangę winny stać się przedmiotem głębszego zainteresowania polityki społecznej państwa jak i szczególnej troski duszpasterskiej

Kościół. Zarówno położenie materialne rodziny, potrzeba aktywności zawodowej kobiety jak i trwałość związków małżeńskich czy ich stosunek do poczętego życia są w znacznym stopniu wypadkową ogólnej atmosfery życia w społeczeństwach budujących strukturę „nowej demokracji”. Stąd też nie ulega wątpliwości, iż istnieje potrzeba badania współzależności między procesem demokratyzacji a kondycją przeciętnej rodziny. Dla uzasadnienia swych tez wykorzystano treści nauczania Jana Pawła II, zwłaszcza jego list do rodzin *Gratissimam sane*. Odwołuje się do licznych przykładów kodyfikacji prawnej definiujących status rodziny w „starych” państwach Unijnych i nowoprzyjętych.

W niniejszym opracowaniu wykorzystano własne badania, publikowane wyniki badań nad rodziną oraz dane statystyk państwowych.