

# Ideological Entanglements of Family Policy and Their Consequences – Could the Charter of Family Rights Help to Solve the Dilemmas?

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*Decisions related to family policy are the results of settlement of axiological dilemmas, understood as the necessity to make a choice between different types of good. These settlements are made on the basis of adopted and implemented ideologies. The article discusses the main assumptions of family policy in the liberal, conservative, social liberal and feminist perspective. Then it presents selected consequences of ideological entanglement of family policy on the example of state interference in matrimonial and procreation decisions, the right to raise children and to reconcile parental and professional obligations. The final part of the text discusses the Charter of the Rights of the Family as an example of a proposal that aims to go beyond the strict ideological framework of state policy towards the family.*

**Key words:** family policy, sovereignty of procreation decisions, the right to raise children, reconciling family and work obligations, the Charter of the Rights of the Family.

## INTRODUCTION

Actions taken by the state within its family policy always involve a certain degree of interference in the family – a basic institution of social life. The term *family policy* “is used to describe what government does to and for families, in particular those public policies that are explicitly designed to affect the situation of families with children – or individuals in their family roles – and those that have clear consequences for families even though the impacts may not have been intended” (Kamerma and Kahn, 1989: 581). The

state’s actions with respect to the family may be divided into three main categories. Firstly, they include legal provisions relating to marriage, divorce, adoption, etc. Secondly, they support the families’ economic well-being e.g. by providing financial benefits for children, tax credits, and paid maternity/parental leave. Thirdly, they involve social services to the family, such as childcare, protection of children from neglect and violence, and subsidized housing (McDaniel, 1990; Pankratz, 2009). This fairly broad understanding of family policy is what I will be referring to in this paper. It helps realize the extent of

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interference by the state and by state authorities in the functioning of the family.

The assessment of such interference depends on ideological and evaluative assumptions we adopt, which generates disputes over such issues as taking children from poor and dysfunctional families, encouraging or discouraging mothers to return to the labor market soon after they have children or the right to decide on the number of children one wants to have. Decisions related to family policy can be seen as settlements of axiological dilemmas, understood as the necessity to make a choice for the benefit of a particular side. Such settlements are made on the basis of adopted and implemented ideologies – more or less coherent sets of ideas providing the basis for organized political activity (Heywood, 2000). Each of these ideologies is an expression of a particular system of values, whereas in reality varied or even contradictory systems of values operate. They also significantly affect both the shape of scientific diagnoses of social reality and concrete political programs for improving collective life (Auleytner, 2002). Decisions concerning family policy are also governed by this regularity.

The link between family policy and various ideologies seems obvious. Comparative studies of family policies (eg. Fux, 2002; Lohman and Zagel, 2016) are often based on the welfare states regime typology proposed by Gøsta Esping-Andersen (1990, 1999), which refers to the “classic” understanding of the ideologies of liberalism, conservatism, and social democracy, analyzed, however, from the perspective of *familialism vs de-familialization*. In the literature of the subject it is also pointed out that the family itself is an ideological construct (Bernardes 1985; Josephson and Burack 2007; Holborow 2019), although its traditional model “is still the linchpin of policy even if it is be-

coming extinct” (Esping-Andersen, 1999: 49). The aim of this article is not to enter into disputes over which family model is appropriate and which of them family policy should be based on, however. Firstly, I am interested in how the main political ideologies view the family and the role of the state with respect to it. Secondly, by referring to some family policy solutions, I would like to show that controversies and ideological disputes concern not only such obvious and frequently analyzed aspects as maternity/paternity/parental leave, direct financial transfers to families with children, or the reconciliation of family and professional responsibilities. At this point, I would like to draw attention to actions that concern much more fundamental issues relating to respect for human rights, including the rights of the child. The state’s family policy is implemented through specific practices, sometimes very painfully affecting families as a whole or their individual members. This aspect of family policy seems to me to be overlooked by researchers studying this area, while it is precisely here that the ideological entanglements of family policy are most evident: what is really good for the family and who is to decide about it. Thirdly, in searching for an answer to the question of whether a family policy free from ideology is possible, I would like to take a look at the principles laid down in the Charter of the Rights of the Family, proclaimed in 1983 by the Holy See. Contrary to appearances, this is not a typical doctrinal document of the Catholic Church, but a list of calls for action addressed particularly to state authorities. These proposals are based mainly on international declarations and conventions concerning human rights, both regional and global. They are worth looking at in order to consider whether it is possible to create a non-ideological concept of family policy, and whether the

Charter of the Rights of the Family may provide some guidelines in this respect.

### **POLITICAL IDEOLOGIES AND FAMILY POLICY**

Political ideologies fundamentally affect all decisions taken in politics, including family policy. The very concept of ideology, although it is one of the basic terms in social sciences, is defined differently, sometimes in contradictory ways. This can make it difficult to distinguish between ideological and non-ideological ways of thinking (Mullins, 1972). The key components of any ideology are ideas, beliefs, and awareness (van Dijk, 1998). Ideologies are omnipresent at various levels of social life, and “may come in all shapes and sizes: bombastic, totalizing, doctrine; or modest, fragmented, and loose [...]. They may be ethically benign, or injurious to human well-being.” (Freeden, 2006: 20). An extended discussion of the concept of ideology is beyond the scope of this article, however. For the purposes of reflections to follow, it will be sufficient to adopt the classic definition by Martin Seliger who says that ideology is “a set of ideas by which men posit, explain and justify the ends and means of organized social action, irrespective of whether such action aims to preserve, amend, uproot or rebuild a given social order” (Seliger, 1976: 14).

If we look at the most significant ideologies (especially in social policy) – liberalism, conservatism, social democracy, and recently feminism – we notice specific liberal, conservative, social-democratic and feministic values which influence actions that are proposed and implemented in the field of state family policy. It is necessary to take into account the feminist perspective, as “the three-welfare-regimes typology is too narrowly based on income transfer programmes (such as pension, un-

employment and sickness programmes) for male breadwinner workers and lacks a gender lens for examining how different welfare regimes affect women, mothers and family life” (Guo and Gilbert, 2007: 307).

Liberalism, in its classical perception, values individualism and autonomy of an individual and freedom the most. A human being is an entity superior to collective forms of existence. Everybody should enjoy maximum freedom, limited only by freedom of others. Everybody is also responsible for their conditions of life. In economics, free, self-regulating market, the main (or the only) source of satisfying people’s needs, is perceived as an ideal. Government intervention in market mechanisms is harmful; therefore a welfare state is also harmful. The state is not appreciated by liberals, as it is considered a potential source of enslavement and oppression. That is why it should remain a minimal state (Szahaj, Jakubowski, 2005; Heywood, 2000; von Mises, 1985).

Therefore, liberal family policy is individualistic and relies on an assumption that having and maintaining children is their parents’ private business. The state may only support parents’ economic activity through an appropriate tax system. Parenthood itself does not give any special rights, and social assistance is based on income criteria and directed at the poorest. In a more extreme liberal approach it is believed that the family should not be supported, because a child is the source of joy and satisfaction for parents, providing them with specific usefulness that compensates for their expenditure (Balcerzak-Paradowska, 2009). Family policy understood as an active involvement of the state in providing good conditions for families requires financial outlays. For neo-liberals, that is to say, advocates of returning to the idea of minimal state

and complete marketization of all spheres of life, public expenditure constitutes the main problem, as it is seen as a real and regular threat to economic productivity. This accounts for the popularity of the public burden theory of welfare among all neo-liberal authors (Pratt, 2006).

Conservatism, on the other hand, is based on the belief that a human being is imperfect and therefore needs to find support in society, understood as a holistic organism. The community dimension is thus much more important than the individual dimension of a person's life. The key issue is to preserve tradition, which is comprised of wisdom of past generations, institutions and practices developed in the course of history. Their preservation is necessary because they enable us to keep order and social cohesion. The fear of changes, especially violent (revolutionary) ones, is a significant trait of conservative thought. Tradition also includes such elements as inequalities and hierarchy, treated as its natural components. Legitimate authority plays a vital role in ensuring the proper functioning of the state and society; therefore one must subordinate oneself to it. The family occupies a central role in conservatism; moral and social functions of religion are also emphasized in it (Szahaj, Jakubowski, 2005; Heywood, 2000).

Conservative social policy therefore combines familialism (understood as the responsibility of the family) with state regulations designed to protect and strengthen family autonomy. The system is based on an assumption that a man is the main breadwinner in the family; therefore women's participation in the labor market is supported in a very limited way. Social security is based on insurances, and benefits resulting from them are supplemented with allowances for children or social services and social assistance offered to people outside the labor market (Balcer-

zak-Paradowska, 2009). Critics of this model point out that it leads to protection and reinforcement of a traditional family with a clear division of male and female roles (Bakalarczyk, 2012).

Social democracy may, in a simplified version, be treated as an attempt at finding the "middle way" between individualism and collectivism, and in economics – between free market and the state. Equality and social justice are key values for social democracy. The most fundamental trait of social democracy is the belief that it is possible to reform capitalism from within and to care for the lowest social groups, the weak and the helpless (Heywood, 2000). In order to accomplish these goals, we need the machinery of state and legal (in many cases – constitutional) guarantees of the so-called social rights.

Social policy in its social democratic version concentrates on activating people so that they participate in the labor market. This refers both to men and women, but women receive special support here. Developed social services and care infrastructure enable us to reconcile family and professional obligations. Social democratic family policy "is based, *inter alia*, on the view that children are necessary to maintain continuity of the society, therefore the society is obliged to pay the costs of having them and raising them" (Balcerzak-Paradowska, 2009:16). However, it is not the family (in its traditional understanding) that is the addressee of state support, but its particular members, especially children. Therefore, social democratic family policy "also tries to meet specific needs of non-standard families, for example mono-parental ones, which are treated as equal in the system. Such politics must be open to aspirations and needs of non-heterosexual families. It also ensures conscious family planning (by access to contraceptives, *in vitro* and sexual education)" (Bakalarczyk, 2012:68).

Contrary to the above-quoted “classic” political ideologies, feminism is also a social/political movement, practically concentrated on changing the social position of women. Two fundamental beliefs form the base of feminism as an ideology and a movement. Firstly, in social life there is inequality in the way people are treated, depending on their sex. Secondly, this inequality should be abolished. The key concept here is gender, or cultural sex, which indicates that social roles are imposed as a result of the dominance of patriarchy, not on the basis of objective biological reasons (Heywood, 2000). “(...) A woman becomes a woman in the social or cultural sense in the course of socialization, learning to play the role of a woman in accordance with expectations of the male (and not only male) environment” (Szahaj, Jakubowski, 2005:150). The main value shared by male and female supporters of feminism is still liberation from stereotypical social roles and equality of rights and opportunities, which, according to Mary Wolfstonecraft, the movement pioneer, “should be given to women in all spheres of life, especially in education” (quoted after: Helios, Jedlecka, 2016:19–20). And although there have been significant improvements since the time the above postulate was formed (1792), we are still witnessing discrimination of women in some areas of social life. This also happens in rich countries and constitutes a challenge to social policy, especially to family policy.

As Dorota Szelewa observes: “research on division of roles in the family, family policy, social services and the place of women in the labor market has become one of the dominant fields in social science inspired by the feminist perspective” (Szelewa, 2012:2). Feminist social policy concentrates on abolishing the compulsion to resign from work due to the necessity of taking care of children at home. If this policy is to be implemented, institutions

with emancipation potential should be established, especially the ones building a well-developed sector of care services, enabling us to combine parenthood and professional career. It is important to make women independent from their husbands’ (partners’) financial situation, which is manifested in the individualization of rights to social benefits (they are granted to individuals, not families) and individual settlement of income for tax purposes (Szelewa, 2012). Another expression of equality of sexes can also be seen in treating the leave connected with child birth as parental rather than maternity leave. It is one of elements of equal (more equal) division of parental duties between women and men.

The above-quoted outlines of the main ideological approaches to family policy show that differences between them stem from different hierarchies of values. Each of these ideologies gives different priorities to such aspects of family life as: family stability, traditional division of roles, professional activation of women, equality of sexes, and childcare. There is no room here to discuss other ideologies or the differences within individual currents. It should be noted, however, that religions may also be regarded as a kind of ideology. They are a way of perceiving the world which affects the way it is understood and guides one’s actions. Importantly, religions as sets of views concerning reality go beyond the here and now. Their ideological strength and effectiveness is due to their reference to “ultimate” justifications, such as eternal salvation or condemnation. Religious beliefs make individual people unite in groups which then seek to articulate their interests (Berger, 1967). Religions also have their own concepts of the family, its role and functions in society. Christianity (see e.g. Balswick and Balswick, 2014), and the Catholic Church

in particular (Höffner, 1997), has an especially extensive doctrine in this regard, which should be emphasized in view of the fact that the Charter of the Rights of the Family, cited in the last part of the article, has been proclaimed by the Holy See.

Depending on what a particular ideology emphasizes, specific solutions are proposed and implemented, provided that the ideology has the possibility of influencing those in power. Ideologies provide explanations or criticism of the existing order, propose visions of desirable future and good society, and also show how political changes may and should be made (Heywood, 2000). This, however, means that by definition, all ideologies simplify the complex reality. In the case of family policy, such simplifications generate fears that if we enforce the adopted ideological assumptions, we may end up implementing solutions that might be detrimental to the family – this delicate and fragile institution.

### **FAMILY POLICY IN PRACTICE – EXAMPLES OF DISPUTES AND IDEOLOGICAL CONTROVERSIES**

The main ideological currents discussed in the previous section affect the state's family policy in its practical applications. First of all, they influence the way we think about how far the state may/should interfere in family life and what tools it may use to achieve its goals. As I have pointed out above, the classic liberal approach generally requires the state to refrain from interference and to leave as much responsibility up to individuals and families as possible. The social democratic approach, on the other hand, expects a far-reaching involvement of the state. The conservative approach, in turn, believes in supporting the family as an important social institution, while maintaining its au-

tonomy. Finally, the feminist option needs the state to implement a gender equality policy as its main objective. The examples of solutions provided in what follows illustrate ideological disputes in especially sensitive areas of family policy: the autonomy of procreative decisions, the freedom to choose between staying at home and returning to work, and the parents' right to raise their children.

One particularly explicit example of a very far-reaching state interference in family affairs is the so-called one-child policy implemented in the People's Republic of China in 1980. Although the Chinese government interfered in family planning as early as in the 1950s (Zhang, 2017), its later actions, known as one-child policy, must be considered one of "the most restrictive birth control programs in the world" (Stanikowski, 2008:20). One-child policy "deprived spouses of their right to decide independently about the number of children, justifying it with an opinion that the country cannot lose control of the living conditions of future generations due to uncontrollable population growth (...) without strict birth politics it was impossible to accomplish modernization goals" (Tomala, 2001:273). This policy not only involved the violation of parents' right to decide on the number of children and the time when they are born, but also interfered in the right to start a family. The new marriage law from 1980 specified the age at which one could marry and introduced an obligation to visit the marriage registration office to obtain a permission to marry from this institution (Dąbrowicz-Wąsowska, 2011). The decision to try to become pregnant also depended on permission, in this case, from the local birth control office (Tomala, 2001). Consistent implementation of the plan required building a huge bureaucratic machine. "A 2005 report by the then National Population and

Family Planning Commission stated that the total number of staff involved in family planning policy at the township level and above was 509,000, with an additional 1.2 million village administrators and 6 million group leaders” (Basten and Jiang, 2014: 501).

The Chinese government’s actions in demography were justified with fears that violent population growth posed a threat to economic development. Lack of food, accommodation, and work, especially in urbanized areas, was a challenge that was to be met by radically lowering the birth rate (Stanikowski, 2008). The outcome of this policy, which has indeed resulted in a decrease in the birth rate – down to 1.5 in 2010 – was a rapid ageing of the population and an upset proportion between the population of men and women. This forced the Chinese state to introduce significant changes into its family policy. In 2016, the government of the People’s Republic of China officially replaced the one-child policy with a two-child policy (Zhang, 2017). However, it is still a far-reaching, top-down way of planning family life. In this case we observed a conflict between sovereignty of matrimonial and procreation decisions (Ochocki, 2010) and striving for economic growth that would satisfy population material needs. The choice of economic goals brought about actions that can be evaluated directly as violations of fundamental human rights, and this type of policy may be described as anti-family policy.

From the perspective of countries experiencing a demographic crisis rather than the problem of overpopulation, one could ask what actions should be taken to increase fertility rates. Pro-natal family politics thus faces a challenge of how to find incentives for having more children (Davis, 2013). And in this case the particular solutions it proposes arouse disputes

and controversies, as they require that we deal with axiological dilemmas.

Typical pro-natal incentives include various forms of financial support, aimed directly or indirectly at families raising children. Here one could mention both allowances connected with childbirth, paid parental leave and family benefits that are to support parents in bearing costs of bringing up children. Believing that having children is a value, authorities in many countries decide to pay financial allowances, sometimes very generous ones (Davis, 2013). They also introduce or strengthen long, paid childcare leave or other forms of cash for care programs, as well as treat periods of taking care of a child or a dependant as contribution periods in calculating the amount of retirement pension. As a result we experience familialization and re-familialization of social policy, when it is diverted from “the path of policy of equal opportunities for women and men” (Szelewa, 2012:18). This type of financial support, especially in appropriate amount, may create economic conditions conducive to family development, but it does not necessarily translate into increased fertility rates, as we can observe in Germany and Luxemburg. Their spending on family policy exceeds 3% of their GDP, yet the total fertility rate remains at a level of approx. 1.5% (Kamiński, 2016). It is also criticized due to the fact that it discourages women from entering or returning to the labor market. It is women that most frequently take care of children. Thus, the governments seeing greater value in professional activity of women and their equal opportunities with men will implement de-familialization solutions, generally consisting in a weaker role of financial allowances and a strong role of access to care institutions that allow women to reconcile professional and parental obligations (Szelewa, 2012).

Theoretically, the above is a dispute between conservative and social democratic and/or feministic concepts of policy towards the family. Supporters of professional activity want to *force* women to leave their homes, whereas advocates of the traditional family model want to *force* them to stay in them. However, we can look at this dispute from the perspective of freedom of choice. By giving financial support to families governments do not force one parent to stay at home with children. They only create such a possibility, compensating to some extent for the costs related to resignation from work. If such support is not provided, both parents are forced to be professionally active, because it is very difficult to make ends meet in a larger family if only one parent works. The assumption that professional activity is always good for women, and that it is definitely better than taking care of children does not take into account this economically forced participation in the labor market. In the public debate in Poland it is often argued that children would certainly prefer to have a happy mother who keeps developing and pursuing her professional passions (Sikorska, 2009). The question, however, is whether such “happy” mothers are, for example women, who do physical work in a supermarket for the minimum wage and who still need to take on another job cleaning offices at night. The issue is important because research (see e.g. Cheryl Buehler and Marion O’Brien, 2011) shows that part-time mothers are more satisfied with their motherhood, health, and relationships with their children than mothers who do not work or who work full-time.

A good example of the above outlined dispute can be seen in the discussions concerning the “Family 500+” program introduced in Poland in 2016 by the ruling Prawo i Sprawiedliwość (Law and Justice)

party. This solution is radically different from all previous Polish programs in this area. Marek Rymysz – Head of the President of the Republic of Poland’s Council for Social Affairs – describes it as “crossing the Rubicon in programming family policy in Poland” (Rymysz, 2016:70), because it does not have a welfare nature (there is no income criterion in granting it), but demonstrates the state’s willingness to participate in the costs of raising children. This assistance is purely financial and equals PLN 500 (about € 116) per month for each child aged under 18. Benefits from this assistance are not only individual, but mostly social; therefore they can be treated as an element of investment social/family policy. “The investment nature of the ‘500+’ Programme is supposed to be manifested, among other things, by the fact that educational support since early childhood (thanks to the Programme funds) will create new knowledge and skills which will enable them to be conscious citizens, consumers and well-prepared employers and employees.” (Karwacki and Szlendak, 2020:86).

The analyses that were published soon after the program was introduced (Bojanowska, Krupska, Magda, Szarfenberg, 2017) emphasized a slight growth in the birth rate. For example, in the first half of 2017 fourteen thousand more babies were born than in the same period of the previous year. It was pointed out that the program led to decreasing extreme poverty among children, but it was also noticed that it was connected with a clearly visible limitation of professional activity of women. The last effect, according to critics of the program, shows that the implemented solution is not beneficial (Ruzik-Sierdzińska, 2017; Dziwosz, 2017). As this phenomenon probably concerns the worst paid jobs, we can assume that the program revealed the truth about the

real value of wages proposed in such jobs: “The summed-up benefits for children in the households are simply higher than the income from work.” (Karwacki and Szlendak, 2020:82). It would be difficult to conclude that it contributed to widening or even creating a sphere of choice, but it definitely showed that not everybody – here it referred mostly to women – appreciates being active in the labor market.

We should also pay attention to one more area where the state is involved in family matters, namely, to bringing up children. Here we also observe disputes over the scope of state interference, and their source can be found in the potential conflict between family autonomy value (especially the right to bring up children) and the state responsibility for security and development of the weakest members of the society. Providing care for children whose parents do not fulfill this obligation results from the necessity to ensure proper development conditions for the young generation. The state tasks thus include establishing foster care over an orphaned, neglected or abandoned child (Ochocki, 2010). When fulfilling this obligation, certain abuses may occur, demonstrating that starting the procedures on the basis of a wrong diagnosis and a conviction that a clerk knows best what is good for the child, may lead to harming the family. A peculiar symbol of this problem is the activity of the Norwegian Child Welfare Services – Barnevernet, but also a discussion about regulations to prevent domestic violence in Poland.

A specifically Norwegian approach to child protection has its origins in the act on the treatment of neglected children from 1896. The current law, on the basis of which Barnevernet operates, was passed in 1992 (Hennum, 2014). It puts the child’s good first and cultivates the conviction that “the state is the best to take

care of the child” (Czarnecki, 2016:103). It is the key issue if we want to understand this aspect of Norwegian family policy. Barnevernet is “the only state agency that can legally intervene in families without the parents’ consent. Not only do these interventions take place when there is no doubt of the legitimacy of the intervention in cases of abuse and neglect, but also in cases where it has been determined that there is a risk for the ‘wrong’ development for the child. Today, this is an increasing reason for interventions in Norway, and it is often stated in terms of the danger of emotionally faulty development.” (Hennum, 2014:447). One of such cases, which incidentally provoked a heated discussion on the necessity of reforming this institution, was described in 2012 in “Aftenposten” by Professor Nina Witoszek, Polish scientist working at the University of Oslo. This was a story of a Polish couple from Stavanger, who had their children taken away on the basis of a denunciation which turned out to be completely unjustified. In order to justify the confiscation of children, officials adopted selective and self-confirming argumentation, turning their heads away from the arguments of the other side” (Witoszek, 2012). This was not the only or exceptional case, and negative actions of Barnevernet also affected families from other countries. One should not forget, however, that these negative cases do not negate the necessity to take action in case of negligence or violence towards children. Such action, however, is taken on the basis of an assumption that the child’s good is an autonomous value compared to the family good. Citing Aurélie Picot (2012), it should be noted that in the socialdemocratically oriented Norway child protection policy is based on three main principles: the best interests of the child, the principle of least interference, and the biological principle which says

that children should grow up in the families in which they were born. Although the biological principle underlies the rules governing care away from home, in practice the stability of care and ties with foster parents take precedence over ties with the natural family if this warrants that the best interests of the child principle is observed.

From the axiological point of view, a very important element of the case is the fact that foster care has become a big industry in Norway (Rashid and Amin, 2012). Barnevernet is employing more and more staff and the amounts spent on childcare services are increasing, although there are opinions that the sector is still underfinanced. More money is given to specialist companies, because the foster care sector in Norway was partially privatized. As a result, it is suspected that experts employed in the private sector may influence decisions about taking children away and then such decisions are formally approved by a special commission supervised by the governor (the so-called *fylkesnemda*), which acts as a court (Czarnecki, 2016). A system so heavily focused on children contains numerous traps (Hennum, 2014). These include the instrumental treatment of parents who are to satisfy the children's needs as laid down by professionals. Any deviation from the standard defined by psychologists, educators or social workers may result in the intervention of child protection services. It is worth noting the findings of a survey on the parent's perception of the Norwegian Child Welfare Services (Studsrod, Willumsen and Ellingsen, 2014). The study showed that 40.6% of the parents surveyed reported only positive contact experiences, 30.7% reported only negative experiences, and 24% described them as both positive and negative. A total of 15.6% of parents surveyed felt insecurity and fear of NCWS due to the negative reputation of this institution

and its extensive powers. In many cases, interventions are necessary to protect children from harm and neglect. The point of contention are the extensive powers of experts and social workers which result in the ideologically treated best interests of the child, sometimes leading to violations of fundamental rights of both parents and children (Rashid and Amin, 2012).

We also observed some fears that parental rights would be abused by the state authority in Poland when the act on counteracting domestic violence was passed in 2005 and then when it was amended in 2010. Analyzing the parliamentary debate on this issue (Kamiński, 2015), it was found that it was both an ideological and axiological dispute. Some advocates of anti-violence provisions from the left-liberal side of the political scene argued that the traditional family is an oppressive environment where violence is accepted, and that such attitudes are reinforced by the position of the Catholic Church. Emphasizing family values would thus mean consent for pathological phenomena in family. Some opponents of anti-violence regulations, mainly from the right and center-right, treated them as an attack against family as such and believed it provided the state (its officials) with instruments that could be used to dismantle the institution of family. The clash of two visions to solve the real problem of violence was observed. One vision is based on an assumption that the family is, as one MP claimed, a "somehow suspicious" good, and therefore the state has to interfere. This approach also assumes that while the family can be dysfunctional, the state structures cannot, therefore the state is never wrong in its actions. According to the second vision, the family is a good institution by definition. Negative phenomena sometimes occur in it, but we should not confuse norms with pathologies. This dispute showed that everything boils down

to the question whether the state attitude towards the family is kind or suspicious. Nobody denied that there is domestic violence and that it is necessary to counteract it. The problematic aspect were the proposed instruments and an assumption shared by some advocates of legal regulations that the institution of the family must be thoroughly remodeled.

### **AN IDEOLOGY-FREE FAMILY POLICY? – SUGGESTIONS FROM THE CHARTER OF THE RIGHTS OF THE FAMILY**

The above examples of controversies and even obvious abuse force us to consider whether it is possible to build a program of state policy towards the family that would be acceptable to various sides of the ideological dispute. This does not mean any dilution of proposed solutions until they reach the stage where they lose their original characteristics. Consensus should not lead to application paralysis.

One might consider proposals included in the Charter of the Rights of the Family, proclaimed by the Holy See on 22<sup>nd</sup> October 1983, as an attempt at indicating directions of a non-ideological program for strengthening the family. Although announced by the Holy See, it is not a classic document presenting the doctrinal contribution of the Catholic Church teaching. It draws extensively on documents adopted by international community and tries to show basic principles of supporting the family, at the same time avoiding ideology. It is not a theological lecture or a code of conduct for people or institutions, or even a declaration of theoretical rules referring to the family. The Charter of the Rights of the Family presents the rules that can be found in other church documents and international community documents, aiming at organizing and systemizing

them. The Charter constitutes a proposal of guidelines for governments designing family policy, encouraging them to take into account a set of fundamental rights that people have in the context of their family life. These rights uphold specific values that are of human, not strictly religious (confession) type. Due to the nature of this paper, I will focus on a few selected proposals included in the Charter of the Rights of the Family, and in the last part of the article I will confront them with some actual solutions in family policy. The proposals selected for discussion correspond to the examples of contentious and controversial solutions presented in the previous section.

The Charter begins with an emphasis of special value of sovereignty of matrimonial decisions. Each person has an individual right to choose the path of life they want: to marry or remain single. The state law obviously establishes appropriate age and requirements determining one's capacity to marry, but all statutory limitations of the right to marry and start a family "can be introduced only when they are required by grave and objective demands of the institution of marriage itself and its social and public significance; they must respect in all cases the dignity and the fundamental rights of the person" (Article 1a). At the same time the Charter clearly indicates that on the one hand, public authorities are obliged to support the institutional value of marriage, but on the other hand, they should not put on an equal footing extramarital relations and properly contracted marriages (Article 1c). It is logical, since if we emphasize the value of the marriage institution, we cannot attribute the same value to other (alternative) forms of relations between people.

The issue of having children constitutes a special area of interest (and interference) of family policy. The Charter explicitly

emphasizes the sovereignty of procreation decisions. Spouses themselves have an inalienable right to decide how many children they want to have and when. “The activities of public authorities and private organizations which attempt in any way to limit the freedom of couples in deciding about their children constitute a grave offense against human dignity and justice.” (Article 3a). The one-child policy of the People’s Republic of China discussed earlier clearly violated the right of parents to decide whether to have offspring. This is a good example of a violation of fundamental personal freedoms. In matters related to childbirth and raising children, the family has the right to expect support from the society, especially “married couples who have a large family have a right to adequate aid and should not be subjected to discrimination” (Article 3c).

In spite of the fact that – as quoted above – extramarital relations should not be equaled with marriage, “all children, whether born in or out of wedlock, enjoy the same right to social protection, with a view to their integral personal development” (Article 4e). The Charter also supports the institution of foster care and adoption in a situation when children are deprived of parental care: “(...) The State, with regard to foster-care or adoption, must provide legislation which assists suitable families to welcome into their homes children who are in need of permanent or temporary care. This legislation must, at the same time, respect the natural rights of the parents” (Article 4f). The fundamental norm is that bringing up children constitutes the primary and inalienable right of natural parents, because they gave their children life. That is where their primacy in this field comes from: “hence they must be acknowledged as the first and foremost educators of their children” (Article 5). The controversy surrounding the Norwe-

gian Child Welfare Services (Barnevernet) shows how difficult it is in practice to strike a balance between parents’ rights and the need to protect children. The Charter does not idealize the institution of the family and recognizes the need to intervene in justified cases. The emphasis on the rights of the natural family is a call for particular discretion when deciding whether to place a child in foster care. The justified criticism of some of Barnevernet’s actions did not concern the idea of protecting children from harm, after all, but the omnipotence of officials and experts who may have been too hasty in some cases.

The economic situation of the family is of vital importance to its proper operation and development. It is not only the right to social assistance in extraordinary situations, such as premature death of one of the spouses, abandoning the family, illness, unemployment or old age. The Charter states that families “have a right 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 also the possibility of wholesome recreation” (Article 10). An important postulate for family policy is that proper wage, the so-called family wage, or other (social/welfare) means or pay for domestic work of one of parents should be enough so that “mothers will not be obliged to work outside the home to the detriment of family life and especially of the education of the children” (Article 10 a). It corresponds with the postulate that “the work of the mother in the home must be recognized and respected because of its value for the family and for society” (Article 10b). This does not mean that professional de-activation of women-mothers is the only model to pursue. It reminds us that there should be the right to choose and in the event of one parent’s (free and in-

dependent) decision to stay at home and take care of children, there should be some systems appreciating and rewarding this kind of work. This usually concerns women-mothers, but an ideal system would also allow men to take on this role without any harm to the economic situation of the family. The Polish debate around the Family 500+ program in fact concerns this very issue. The financial benefit is universal in nature, and it does not require the fulfilment of an income criterion or resignation from work. It thus gives parents the right to choose: whether to go to work or to stay at home with the children. The fact that for some poorer parents this benefit has become an incentive to exit the labor market is, as I have pointed out, due to the low wages offered for full-time work. Many others, however, have used this opportunity to get out of poverty and have more freedom to reconcile their family and professional responsibilities (Karwacki and Szlendak, 2020).

However, the Charter of the Rights of the Family may be treated as one more ideological position since it refers to a specific catalogue of values. Even though the Catholic Church treats them as universal (Höffner, 1997), its critics argue that it imposes a clearly conservative vision of the family and relations between sexes in all spheres of social life (Desperak, 2010). There are indeed a lot of conservative elements in the proposals contained in the Charter. It was intended as an appeal to governments to strengthen the institution of the family in society, and it understands the family in the traditional way. The perception of the Charter as a (quasi) ideological project, however, requires an assumption that inherent and inalienable human dignity, from which its postulates are drawn, is only one of many ideological postulates. This, however, would be in contradiction not only to church doc-

uments, but most of all to the Universal Declaration of Human Rights and other international acts on human rights.

## CONCLUSIONS

The aim of the article was to look at family policy from the point of view of the main political ideologies and to point out that ideological disputes in this area relate not only to practical decisions concerning parental leave, financial benefits for families, or aid in reconciling family and professional responsibilities. They also include fundamental issues such as the autonomy of matrimonial and procreative decisions, the freedom to decide whether to work after the birth of a child, or, finally, the extent of interference by public officials in the sphere of childcare and upbringing. I have also attempted to answer the question of whether a family policy free from ideology is possible, and whether suggestions for how it could be constructed may be found in the Charter of the Rights of the Family proclaimed by the Holy See.

The above-quoted examples of controversial actions performed by the state within its family policy justify the claim that in this sphere of life decisions are based on axiological choices which are rooted in adopted and implemented ideological concepts. There are many practical problems connected with situations when we need to choose between various kinds of good, as it is very difficult or even impossible to achieve them all. Political ideologies on which social policy programs are built (including family policy programs) contain specific systems of values. In many particular recommendations they are contradictory, as they perceive what is good for an individual and for the family differently. The particular point of interest in the article was the role of the state in determining

what is good for the family and how this good should be achieved. Each of the ideologies discussed above provides its own answer. Classical liberalism argues for minimizing state interference, while social democracy advocates a dominant role of the state. According to conservatives, the state is supposed to be strong, but in order to protect the traditionally understood family. The feminist approach, in turn, expects that state regulations will make gender equality real in every dimension of individual and social life. In practice, however, this does not have to be a “zero-one” choice, because, as Jolanta Supińska observes, “in reality, we usually make ‘quantitative’ choices, determining proportions for both contradictory elements. The space between extreme elements is filled with a continuum of intermediate solutions, and the choice consists in defining the dominant” (Supińska, 2014: 42).

Although the ideological entanglements of family policy seem obvious and inevitable, the search for solutions that could reconcile opposing ideas is, in my view, a task worth taking. The proposals contained in the Charter of the Rights of the Family discussed above may serve as a basis for a non-ideological approach to family policy. The demands made in the Charter are based on the assumption of the inherent and inalienable dignity of every person, which entails their universality. If this premise is rejected, however, the Charter of the Rights of the Family becomes yet another ideological project. In that case, the answer to the question whether it is possible to build a non-ideological concept of family policy would have to be negative.

If ideological disputes are indeed inevitable, then perhaps it is worth proposing a starting point for developing specific solutions that is common to the different concepts. An issue of vital importance is

to recognize the value of the institution of the family, its autonomy, and its right to independently make the most important life decisions, such as procreation, bringing up children, and sharing duties. As Marek Rymśza aptly observed, quoting the opinion of Brigitte and Peter Berger (1983), the main principle of family policy should be to trust parents more than experts. Those who do not care about the good of their children constitute a tiny minority and there is no reason why family policy programs should be subordinated to this minority (Rymśza, 2016). The state policy should thus create conditions for optimal development of citizens and families rather than force them to implement the imposed ideological concepts.

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## **Sažetak**

### **IDEOLOŠKA ISPREPLETENOST OBITELJSKE POLITIKE I NJENIH POSLJEDICA – MOŽE LI POVELJA O PRAVIMA OBITELJI POMOĆI U RJEŠAVANJU DILEMA?**

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*Odluke vezane uz obiteljsku politiku rezultat su rješavanja aksioloških dilema koje se shvaćaju kao nužnost da se napravi odabir između dvije vrste dobroga. Ta se rješenja rade na osnovi usvojenih i primijenjenih ideologija. U radu se raspravlja o glavnim pretpostavkama obiteljske politike iz liberalne, konzervativne, socijalno liberalne i feminističke perspektive. Zatim se predočavaju odabrane posljedice ideološke isprepletenosti obiteljske politike na primjeru uplitanja države u bračne odluke i odluke o rađanju, pravo na odgoj djece i usklađivanje roditeljskih i profesionalnih obveza. Zaključni dio rada raspravlja o Povelji o pravima obitelji kao primjeru prijedloga koji nadilazi strogo ideološki okvir državne politike prema obitelji.*

**Ključne riječi:** obiteljska politika, suverenost odluka o rađanju, pravo na odgoj djece, usklađivanje obiteljskih i radnih obveza, Povelja o pravima obitelji.