

Zoran DEVRNJA

The Orthodox Church and the rights of children

Ph.D. Zoran DEVRNJA
associate professor
University of Belgrade
Faculty of Orthodox Theology

Abstract: Children's rights are an integral part of the normative catalog of human rights in the form of internationally recognized documents ratified by almost all countries. Since the era of the Enlightenment, children have been identified as bearers of a unique and vulnerable social identity. Children first received legal protection at the beginning of 1924, and with the adoption of the Declaration on the Rights of the Child in 1959 by adopting a document of the same name. Finally, the complete form of protection of children's rights is expressed by the UN Convention on the Rights of the Child from 1989, with accompanying Protocols. The Orthodox Church welcomes the defined care of international institutions for the necessity of legal protection of children. Lord Jesus Christ and His Church have always held a warm and benevolent attitude towards children, recognizing in them unique persons and beings worthy of God's grace and salvation. The Orthodox Church is open to contributing to a better and more adequate position of children in the modern world with its age-old pastoral and missionary methods based on God's love for humanity and in cooperation with state institutions.

Key words: Declaration and Convention on the Rights of the Child, personhood of the child, child-subject of law, protection of children's rights, child an integral part of the family and the society.

Introduction

We belong to a generation that enjoys a large number of proclaimed freedoms. From the end of the Second World War, much was done in terms of signing relevant international documents which protect the fundamental rights of every individual and community in which they live, independent from the unique and differing features which defined their individual and collective identity. Despite that, in modern times, the human rights of many individuals and communities are violated – in some instances occasionally, and in others continuously and systematically. One is under the impression that, as a generation, we are at crossroads. We will either remember the basic tenets of protection of human rights and stand in their defense with initial resolve, or gradually and in an ever more diffuse context, give up their protection, which would be the downfall of the Christian European traditional values and the legal

protection of the individual and collective dignity of all humans.¹ The indivisibility of human rights is one of their fundamental features and is perhaps the most vulnerable², and its neglect compromises the entire system of the normative corpus of the defense of human rights in the most significant measure. We can't help but notice opportunistic behavior on human rights when it comes to lawmakers and political and institutional power mediators at the level of sovereign states and international institutions. This leads to violations of their universality and indivisibility,³ and with that, violation of the institutional credibility of those who ought to protect them. The rights of certain groups or individuals are put in the spotlight and protected, while the rights of others are neglected.

However, we must admit that despite the proclaimed principles, human rights are under attack like never before. Perhaps it is not necessary to point out that in today's world, even in certain developed countries and regions, slavery is still present in its modern forms, with a tendency to grow. Human trafficking, especially of women and children, typically from East to West, does not wane but increases yearly. This is particularly true in the case of human organ trafficking, which, although illegal, is becoming more widespread. Then, there is the problem of the legal status of thousands of men, women, and children in illegal migrant groups passing through Europe's borders in ever-increasing waves.⁴ Hundreds of research and scholarly papers could be written on that subject alone. Recently we have witnessed the economic and armed destruction of a particular nation's entire social, legal, and societal system, whose societies were brought back to the pre-state level, generating an increased migration potential and encouraging the separation of hundreds of thousands of people from their natural and social environment.⁵ These people were forced into the uncertainty of migrant socialization into societies they neither knew nor recognized as their own. We might also question whether these events constitute a violation of human rights. The fact that we notice these phenomena and raise awareness about these issues does not lead to solutions. On the contrary, the problems multiply.

1 Micha Werner, "Individual and collective dignity", in eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, Dietmar Mieth, *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p. 343-352.

2 The World Conference on Human Rights in Vienna, *Vienna Declaration and Programme of Action*, on June 25th 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> accessed on January 20th 2023. 21:10 CET

3 *Ibidem*, §5

4 Ciara Smyth, "Migrations, Refugees, and Children's Rights", in eds. Ursula Kilkelly & Ton Liefwaard, *International Human Rights of Children*, Singapore, Springer, 2019., p. 421-450.

5 Pablo Ceriani Cernadas, "The human rights of children in the context of international migration", in eds. Wouter Vandenhoele, Ellen Desmet, Didier Reynaert and Sara Lembrechts, *Routledge International Handbook of Children's Rights Studies*, London and New York, Routledge - Taylor & Francis Group, 2015, p. 331-356.

This is a public and authentic image of our world right now as regards the protection of rights, briefly formulated, simplified, and unembellished, devoid of political correctness. However, we must say something concrete concerning the legal status of children in modern society and the contemporary concept of protecting their rights. Let us focus on the children and their rights.

Christ and the children – Christ's relationship with children

It is a generally accepted opinion that only with the appearance of the Enlightenment in the 17th century do children become recognized as subjects in social, institutional, legal interactions and impersonal relations that follow them. The phenomenon of childhood has been defined as a specific developmental construct determined by biological, socio-cultural, economic, religious, and educational factors.⁶ This is undoubtedly the case with European societies if one regards them apart from their sacral context. However, if we scratch the surface of the worn, rough, and rigid social reality characteristic of most of the history of the peoples and states of this region, we can see a Christian and sacral layer of social values stretching deep into the roots of European peoples and their cultures.⁷ It is then that an entirely new, or somewhat different, relationship towards children that has existed and still exists today is revealed to us. It is based on the values of the Gospel and Christian ethos. The sacral tradition of the Church reminds us of the unique openness that Christ, our Lord and Savior, demonstrated toward children (Matt. 18:1-4). It might be worth noting that the characteristics of children, such as their simplicity, sincerity, inner openness, playfulness⁸, and kind and forgiving nature, were particularly pointed out by Christ as imperative characteristics. These are necessary for attaining salvation and experiencing communion based on just such personal values (Matt. 19:14). Is this view of children and their developmental and socio-psychological potentials an idealized simplification that disregards natural, legal, cognitive, and conceptual limitations inherent to their age? Does it, perhaps, overestimate the potential of specific child-like characteristics in forming the values of a society and Church community? We might even answer affirmatively and define that attitude as idealized and overestimated. What needs to be pointed out here is that Christ, when speaking about children and stressing their ethos, does not speak about characteristics that come from the cognitive and logical

6 David Oswell, *The Agency of Children – From Family to Global Human Rights*, Cambridge, Cambridge University Press, 2013, p.35-50.

7 Dietmar Mieth, "Human dignity in late-medieval spiritual and political conflicts", in eds. Marcus Düwell et al., *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p.74-77

8 H. Catalano, "A History of Children's Play from the Earliest Days of Humanity to Nowadays: Historical and Conceptual Review" *Astra Sabvensis*, IX (2021), no. 17, p. 220-221.

processes within a child's being, nor are they a part of the process of their societal and moral enculturation, but talks about the child-like state of being as an affirmative and ideal model which is a prerequisite of accepting the Gospel ethos and virtue as the experience of salvation itself. In that sense, Christ emphasizes that the ontological element in our experience, our being, is of higher importance than existential derivatives such as reasoning, understanding, valuing, discerning... That is to say that Christ invites us to experience life as a gift, openly as children do without inner existential distance. We are called to participate authentically and be a part of the experience of communion in the Church, both with the triune God in and through Christ and with all the people in society and the entire nature.⁹ That leads to the conclusion that Christ recognizes and emphasizes the role and place of children in the Church and society as a model and paradigmatically qualified and competent for building a sacral and secular community not on specific natural or social properties, which are faltering, underdeveloped, and insufficient in children, but on their way of being which is best fit to accept and embody life as a gift of God's love and mercy.

The 17th century brought the renewed authority of rationalism, intellectualism, and subjectivism, which were already recognized as a value in a specific way in certain periods, both by individuals and social groups and within particular systems of thought within antiquity. Without disputing their importance, Christianity points out that these qualities are, although not necessarily, edifying for a community and the Church. Christ's methodological act of positioning the evangelical kerygma and its inherent values in the way of existence of children in the Church and society shows that our desired personal qualities and distinguishing elements, such as one's level of education, awareness of social responsibilities, active social altruism, respect of the rights of others, development of cultural tolerance and acceptance of differences, as well as the respect of the dignity of all persons, as emphatically valued in modern society, can be shown to be edifying only if the correct being consequently causes them, that is, by an existence that recognizes the other, either Christ or any other person, as its existential cause in which the principle is laid and in which the source of its own existence and identity is found, as is the case with children despite their biological and social inadequacies. It means that for Christ, children have a paradigmatic way of being, not because they are rational - because they are not until they reach a certain age, or because they are completely aware of themselves and others - because during a part of their childhood, they are not¹⁰, or because they understand the social context in which they live - because most often they do not

9 David Hollenbach, SJ, "Human dignity in Catholic thought", in eds. Marcus Düwell et al., *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p. 254.

10 Ruedi Imbach, "Human dignity in the Middle Ages", in eds. Marcus Düwell et al., *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p. 66.

understand it until the threshold of their own adulthood and even later¹¹, but because they unreservedly forgive, love, sympathize, give and receive, rejoice with others and suffer with them, just because they exist and express their existence unreservedly as life in community with another, which can be an individual (father, mother, brother or sister), or a collective family, or a particular group in the form of a social environment, e.g., extended family, school or the Church, or even the whole society. In this sense, how we build our relationship with children is of paramount importance, whether individually or in society. The choice of values with which we enrich them and what goals we set for them to aspire to through the experience of Church and social community is essential. That determines whether we will have authentic protagonists and representatives of the evangelical ethos and values or a population of alienated, highly educated, socialized, rational, tolerant, and socially conscious individuals, which fail to manifest and embody as value for others this abundance of gifts and values, but exclusively as a self-defining and self-sustaining qualification which is not manifested as life itself in the sense of its embodiment in community with other people and nature, but only as a particular personal property, trait or quality without their ecclesial and social contextualization and enculturation.

The position of children in the Church

In the epoch of the appearance of the Church on the stage of history, the ancient model of the *agnatic* family headed by a *paterfamilias* is still dominant. In such a family, children are not recognized as a unique social group and are separated by special legal and value norms that focus on protecting children's rights and social position. At the transition from the old to the new era and in the period of Late Antiquity, children were lost in a sea of the population that was deprived of legal subjectivity and rights (so-called persons *alieni iuris*) and as such were subordinated to the authority of the *paterfamilias* and his legal superiority.¹² Such views of children's family and social position continued in the Middle Ages.¹³ The awareness of the unique social position of children and their particular social and legal vulnerability appeared with the dawn of the Enlightenment¹⁴.

In a rudimentary form, a concrete systemic legal protection of children entered the

11 Samuel J. Kerstein, "Kantian dignity: a critique", in eds. Marcus Düwell et al., *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p. 222-229.

12 Josiah Ober, "Meritocratic and civic dignity in Greco-Roman antiquity", in eds. Marcus Düwell et al., *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p. 53-55.

13 Ruedi Imbach, "Human dignity in the Middle Ages", p. 66-67.

14 Theo Verbeek, "Rousseau and human dignity", in eds. Marcus Düwell et al., *The Cambridge Handbook of Human Dignity – Interdisciplinary Perspectives*, Cambridge, Cambridge University Press, 2015., p. 121.

social scene only in the early 20th century.¹⁵ In its kerygmatic teaching, the Church follows this social structure and adapts its approach to promoting gospel values to this fact. However, the testimony of early Christian texts and sacred writings tells us that no social group, not even children, was invisible to the Church or excluded from the religious context of its existence, especially worship. Despite that, when the Acts of the Apostles or the Epistles talk about the preaching of the Gospel to entire families and broader social groups, as well as the reception of new members of the Church, the child population as a target group is hardly mentioned anywhere. Of course, this does not mean that children were excluded from the outpouring of the grace of baptism, although we have no direct evidence.¹⁶ It is understandable since for the Church as a community that appears in history as a moral alternative to existing social models, the communal context of existence represented a value in itself and within such a social concept, especially the family model. Regarded in this light, the children were consistently recognized, in addition to all other social categories, as a value for the Church that is manifested and expressed in their relational identities, i.e., in their relationship to parents, brothers, and sisters, elders within the *agnatic* family, above all to the head of the family (the *paterfamilias*), and the context of the existence of the sacred Church community, through all the categories mentioned above, towards the bishop of the Church and the collegium of presbyters, as well as all other members of the Church. The Church recognizes all communitarian models of social organization as adequate for forming not only the relational identity of their members, including children, but also the resulting social responsibility and social conscientiousness, which are recognizable elements of the contemporary Church concept of solidarity and subsidiarity that appear as the paramount values of the modern sacral ethos.¹⁷ As markedly socially adaptable, aspects of the communitarian ethos spontaneously and naturally become an experience of sacred testimony of families and entire Church communities. In the domain of personal characteristics, they are recognized as the embodiment of virtue and dedication to the welfare of others. In this sense, throughout its history, the Church does not impose its own social and family models because it does not have any. However, its openness to the inclusive adoption of existing models has affirmed the transforming concept of missionary activity, which transforms the existing world through its charismatic manifestation of Christ's economy of salvation of the world as a whole in its dominant organizational forms,

15 Jaap E. Doek, "Introduction, Implementation, and Enforcement - The Geneva Declaration on the Rights of the Child (1924)", in eds. Ursula Kilkelly & Ton Liefwaard, *International Human Rights of Children*, Singapore, Springer, 2019., p. 3-5.

16 Oscar Cullman, *Baptism in the New Testament (Studies in Biblical Theology No.1)*, London, SCM Press, 1950.

17 Tali Gal, "Family group conferences in child protection: A communitarian implementation of children's participation rights", in eds. Ellen Marrus, Pamela Laufer-Ukeles, *Global Reflections on Children's Rights and the Law – 30 Years After the Convention on the Rights of Child*, London and New York, Routledge-Taylor&Francis Group, 2022., p. 118-119.

characteristic to each epoch.

The attitude of the Church towards documents in the field of protection of children's rights

The Church manifests itself in history as God's community of believers. In this sense, living in a community with another, an individual, or a group represents the *conditio sine qua non* of existence according to Holy Trinity. Life with the other means the possibility of spiritual and psycho-physical growth and social self-realization of each child and space for educating¹⁸ and acquiring the sense of responsibility for one's social and natural environment as a necessary attribute of every future adult and mature personality. The Church accepts every adult and every child not as an individual torn from their birth and spontaneous social environment but always in the context of existential everlasting communion, which in most cases is identified with the family¹⁹, the local community (*polis*), the nation in the linguistic and cultural sense, as well as with a founding civilization which, in the experience of the people of our geographic area, is defined in social and legal terms as European or in its more ancient forms as Greco-Roman, and in the spiritual sense as one of Revelation and Covenant, i.e., Judeo-Christian. Such sacral understanding of the developmental context of children's existence is in complete agreement with the knowledge of the place and role of children in modern society, as expressed in international documents that protect children's rights. Namely, the role and importance of the parents and the immediate social environment in which every child resides are recognized in the fundamental documents of protection of children's rights as essential for a healthy, morally affirmative, and socially and ecclesiastically based development of every child's personality.²⁰

Bearing this basic fact in mind, we are obliged to note that in recent years, in the area of normative regulation of the social position and rights of children, there has been an increase in the number of attempts to adopt a negative and diminishing trend in understanding the role of the family and the immediate social environment of each child.²¹ All that is taking place under the pretext of the existence of aberrations in the children's experience of growing up, which are individual, random, uncontrolled, and unconditioned by normative agendas. These are related to the coercive and violent activities of the individuals closest to the children. Any such

18 H. Catalano, „Child-centered paradigm in early education,” *Astra Salvensis*, IX (2021), no. 19, p. 29-36.

19 P. Pavlov, “History and Christianity, Time and the Church (Musings of a Theologian - historian)”, *Astra Salvensis*, VIII (2020), no. 16, p. 180

20 Jaap E. Doek, “Introduction, Implementation, and Enforcement - The Geneva Declaration on the Rights of the Child (1924)”, p. 14-15.

21 Olga A. Khazova, “International Children's Rights Law: Child and the Family - The Status of a Child in the Family – Child as the Rights-Holder and the Parental Rights”, in eds. Ursula Kilkelly & Ton Liefaard, *International Human Rights of Children*, Singapore, Springer, 2019., p. 167-168.

„The Orthodox Church and the rights of children”, *Astra Salvensis*, X (2022), no. 20, p. 107-118.

case in a child’s experience of growing up deserves an unequivocal condemnation and exceptional attention to all the competent services to take the child out of an environment unfavorable for growing up. Such cases warrant any activity to prevent such anomalies and remediate their consequences. However, it is important to emphasize that from such tragic yet still rare cases generalizing conclusions cannot be drawn which would lead to a legal change in the role of parents in the care and education of their children, especially not in favor of increasing the role of the institutions of society and the non-governmental sector in terms of intervening in the processes of children’s upbringing. In the basic documents such as the Declaration and Convention on the Rights of the Child²², the normative organization of the place and role of parents as well as state and international institutions and organizations of the non-governmental sector in the processes of children’s upbringing is represented and valued in a very balanced way.²³ We believe that such a normative framework should be modernized, especially in regulating children’s presence in the media sphere and protecting them in the virtual reality of the Internet.²⁴ Also, there is an obligation to prevent their exposure to gender ideology²⁵ and trans-humanistic medical procedures. This framework also ought to be preserved through those value that recognize the unique and irreplaceable role of parents in the experience of childhood and growing up of each child.

Perhaps the values instantiated by the nuclear family, as today’s dominant and desired framework for expressing the family’s social, emotional, and community concept, are very distant from the traditional family models that characterized the Judeo-Christian civilization for centuries. Still, even as such, they represent the core of a proper, constructive, and responsible model of raising children, which we are obliged to affirm and protect by personal example and a normative legal structure. For children, the family is the most acceptable and optimal social and emotional framework for growing up, and every form of

22 *DECLARATION OF THE RIGHTS OF THE CHILD*, Proclaimed by UN General Assembly, Resolution 1386(XIV) of 20th November 1959.; *THE CONVENTION ON THE RIGHTS OF THE CHILD*, adopted by the UN General Assembly 30 years later on 20th November 1989., entered into force on 2nd September 1990

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

23 Adrian M. Pelvin, “Children’s Rights: Advocacy and International Agenda Setting - Entities Influencing Children’s Rights”, in eds. Ursula Kilkelly & Ton Liefwaard, *International Human Rights of Children*, Singapore, Springer, 2019., p. 98-115.

24 Eva Lievens, Sonia Livingstone, Sharon McLaughlin, Brian O’Neill, and Valerie Verdoodt, “Children’s Rights and Digital Technologies”, in eds. Ursula Kilkelly & Ton Liefwaard, *International Human Rights of Children*, Singapore, Springer, 2019., p. 487-513.

25 Katrien De Graeve, “Children’s rights from the gender studies perspective – Gender, intersectionality and ethics of care” in eds. Wouter Vandenhoe et al., *Routledge International Handbook of Children’s Rights Studies*, London and New York, Routledge -Taylor & Francis Group, 2015, p. 147-163; The mentioned article is a striking example of the impact of gender studies on children's rights policy.

normative encouragement of such a model through international documents and state laws should be praised.²⁶ However, any form of normative interventionism which the state would impose on the natural family, except in cases of unacceptable violation of prevalent social and family values directed either from the family nucleus itself or outside it towards the family as a whole or its members, especially children, would produce severe consequences, a radical imbalance in inter-family relations²⁷, both between parents and children, and between the parents themselves, and would not have a stimulating effect on the arranging of a healthy childhood and affirmative forms of growing up. In such cases of emphasized and intensified control of the process of growing up by state norms and institutions, except in justified cases, the spontaneous mechanisms of value transfer of positive models of behavior from parents to children and older children to younger ones collapse, which can result in the alienation of children and a lack of feeling of social solidarity, responsibility for the other or others and themselves in the multitude of interpersonal correlations in which a child, an adult-to-be, usually participates.

Children in the canonical tradition of the Church

The canonical tradition of the Church developed most intensively in the period from the middle of the 3rd century until the first half of the 9th century AD, that is, from the period of Late Antiquity to the early and advanced Middle Ages. Namely, the dynamism in the formation of the canonical tradition can be traced from the time of St. Cyprian of Carthage to the patriarchs Tarasius and Nicephorus (of Constantinople)²⁸. In this context, the relationship of the canonical tradition towards children follows the general legal and social position that children have in the society of this era, as explained earlier. The social structures of late antiquity and the early Middle Ages are not fully legally defined, especially the social position of women and children within them. However, for the Church, since the event of accession to baptism, there are no longer status differences among their members,²⁹ i.e., “There is no longer Jew or Greek, there is no longer slave or free,

26 Barbara Stark, “Family obligations and socio-economic rights under the Convention on the rights of the child”, in eds. Ellen Marrus, Pamela Laufer-Ukeles, *Global Reflections on Children’s Rights and the Law – 30 Years After the Convention on the Rights of Child*, London and New York, Routledge-Taylor&Francis Group, 2022., p. 74.

27 Tali Gal, “Family group conferences in child protection: A communitarian implementation of children’s participation rights”, p. 116-117.

28 There are preserved canonical answers to the questions of some monks of Mount Athos by Patriarch of Constantinople Nicholas, at the turn of the 11th century, as well as several so-called Palamite councils held in the middle of the 14th century in the wake of disputes between Saint Gregory Palamas and Barlaam of Calabria, which, however, did not introduce innovative canons but only reproduced the acquired canon law heritage. In the epoch from the end of the 2nd and the beginning of the 3rd century, the so-called Apostolic canons are formed as the bearers of the oldest apostolic traditions.

29 Rastko Jović, "In Front of the World: The Birth of the Subject," *Astra Salvensis*, IX (2021), no 18, p. 165

there is no longer male and female; (*there is no longer child or adult*, author's addition) for all of you are one in Christ Jesus.” (Gal. 3:28). The Church tries to overcome the weak social visibility of children and equate them with status-defined social groups by certain canonical institutes that aim to make their social position somewhat more visible, more fair, more stable, and more protected. Bearing that in mind, the 40th canon of the Holy Apostles obliges the institutional protection of the deceased bishop's personal property precisely to preserve his wife's and their children's inheritance rights. This provision is repeated in the canonical decisions of subsequent councils³⁰, although without directly mentioning children and the purpose of the canon to protect their hereditary and status rights. In addition to these, in the canonical tradition of the Orthodox Church, some canons primarily protect the status of children in the Church and their ecclesial identity, especially regarding the acceptance of their baptism and participation in the Eucharistic community. Thus, the 84th canon of the Council in Trullo and the 72nd canon of the Council of Carthage specify that children, for whom it is whether they have been baptized, must be baptized since the Church has not performed the reception of the sacred event by which one enters the community of saints in Christ. With its 110th canon of the Council of Carthage, the Church opposed the heresy of Pelagianism and insisted on the compulsory baptism of children. Furthermore, the Church very responsibly and ecclesiologically maturely accepts into its fold children who were baptized in parasynagogues or schismatic communities, like, for example, the communities of so-called Donatists throughout the 4th century in the areas of Proconsular Africa, Numidia, and Mauritania, that is, in the areas of the Metropolitanate of Carthage.³¹ We should also mention the canons, which are very insightful and pastorally responsible, indicating that mother and child are two separate persons even during pregnancy. This view is supported by the canon of the 6th Council of Neo-Caesarea, which allows pregnant woman to receive the sacrament of baptism, while the child will receive this sacrament from the Church upon birth, using the argument that a person who disposes of his free will is baptized. In this way, it is indicated that the newborn, even before birth, was perceived and accepted by the Church as a special and unique person, just like his mother, who is allowed to receive baptism during pregnancy freely. In the spirit of the canon mentioned above and along the same line of theological argumentation, Saint Basil the Great adopts canons which, on pain of the strictest penance, prohibit abortion or any other procedure that could endanger the life of an unborn child and thus terminate a pregnancy.³² Although created more than seventeen centuries ago, these canons express an anthropological and legal view that will be fully formed within legal institutions centuries later and will be characteristic of

30 Canon 22 of the IV Ecumenical Council; Canon 35 of the Council of Trullo; Canon 24 of the Council of Antioch in 341;

31 Canons 47, 57 of the Council of Carthage

32 Canon 2, 33 and 52 of Saint Basil the Great

contemporary societies in which the unborn child is considered the bearer of legal subjectivity and a certain form of ecclesial identity.³³ In addition to the above, the Church also adopted canons such as the 35th canon of the Council of Carthage, which protects the position of children in the family. In other words, parents' guardianship and spiritual responsibility towards children has been testified. In the same way, the 15th and 16th canons of the Synod of Gangra indicate the obligation of parents to their children, but also of children to their parents. They show that the family is the basic and natural environment and an optimal and constructive spiritual milieu suitable for the proper upbringing of children, both in the biological sense and psychological or spiritual. The Church condemns children's exposure to physical and psychological violence so that such acts of iniquity against children by the elders are condemned by canons 32 through 39 of St. John the Faster (Nestetes).

In conclusion

From the above, we can conclude that children are in a specific social position, burdened with many social, legal, and emotional challenges. Understandably, they need every form of informal, spontaneous, and affirmative encouragement based on dynamic, moral, and motivational support that comes in an acceptable form from the family, primarily from the parents. On the other hand, in addition to family protection, children also need proactive and well-defined normative protection provided by adequate laws and social institutions of an orderly society. It means that the family, with the emphasized role of the parents themselves, also requires significant attention from state normative and social institutions. The essential documents from the body of norms that protect children's rights provide this kind of protection, and this generation's responsibility is to preserve the achieved protection criteria and not allow them to be compromised by specific new ideological trends. We are of the impression that such trends primarily see children as pliable material into which one can imprint any content, often radically different and opposite to that inherited by a traditional family, which, despite the modernity of its expression, carries the fundamental values of the Christian ethos in its deeper layers.

33 Понкин Игорь В., Понкина Александра А., „Правовые основания правового признания ребёнка на пренатальной стадии развития человеческим индивидом, обладающим человеческим достоинством и правами на жизнь и охрану здоровья“, Москва, Приложение к журналу *ГлавВрач* №8, 2015, стр. 11-12.

„The Orthodox Church and the rights of children”, *Astra Salvensis*, X (2022), no. 20, p. 107-118.