CHURCH-DEPENDENT BIOPOLITICS IN POLAND

KAMILA REZMER

Abstract. The Catholic Church in Poland is an institution that plays a very important role in shaping politics, attitudes of politicians and citizens. The nuance for biopolitics that emerges from this article is its strong connection or even strict dependence on the Catholic Church. Biopolitics seems to be the implementation of its program line, which is more and more often encountered with very high resistance. Due to the fact that the Catholic Church in Poland differs from the churches of the same denomination in the world, biopolitics is also something different than in the case of other countries. The simple conclusion is that today biopolitics in Poland is church-dependent biopolitics.

Keywords: biopolitics, the Catholic church, church-dependent biopolitics, abortion, in vitro, Poland.

Introduction

"And when religion mixes with politics, we have a ready prescription to create the worst possible worlds".  

The Catholic Church in Poland is an institution that plays a very important role in shaping politics, attitudes of politicians and citizens. Probably this is because 92% of Poles declare themselves as believers. What allowed the Church to occupy such a high position and hearing of the society is certainly, apart from historical events, a profound reform that followed the convening of the Second Vatican Council in 1962-1965. The Council’s teaching emphasizes religious freedom above all and imposes on the state the duty to protect it and recognize it in social life. Another issue is respect for autonomy and independence between the state
and the Church, while maintaining partner relations. It allows to refer to decisions made on the basis of politics mainly by laic people who follow Christian values in their communities. The Church can express its opinions on moral issues through its teaching. This does not mean that clerics can undertake direct political activities, support specific political parties or impose their ideology on anyone. Instead, they should teach citizens to respect basic moral values. According to the Polish clergyman, F. Lempy, “this activity cannot be a striving to give religion and Christian worldview the characteristics of a political category or an attempt to impose on the entire pluralistic society of a religious state.” The state should, for its part, ensure respect for human rights as well as for the other most important values.

Another important document for the Church-State relationship was the Concordat between the Holy See and the Republic of Poland, signed on July 28, 1993. This is a legal act that emphasizes the separation of the state from the Church and organizes, among other things, issues regarding the functioning of the Church in Poland. The Polish Basic Law also plays a role in this matter. The preamble itself refers to God, then specific articles are formulated to ensure equality and freedom of expression, as well as freedom of conscience and religion. In fact, we often see that autonomy and independence exist only theoretically, and the guaranteed freedom of conscience and religion is abused. On the occasion of the Constitution of the Republic of Poland, a mention should be made of swearing in state offices, because when one takes the oath, one can finally say the words “so help me God,” wanting to emphasize the value of the relationship with faith. The conflicts in Poland between the Church, the state and its citizens are intensified especially when making political decisions that are related to morality. In the CBOS survey from 2014, 57% of respondents stated that “the resolution of good and evil should be first of all an internal matter of every human being.” An example of this is abortion, and another – in vitro fertilization method (for which 79% of respondents, according to CBOS research from March 2015, are in favor of it being admitted by the Catholic Church), or gender. However, the catalog is much wider, we can find in it partnerships as well as euthanasia and many others. At the time, the church is trying to influence politicians who submit bills or aim to change current regulations. In addition to the pastoral letters of the Polish Episcopate, we hear speeches and appeals from Church hierarchies stigmatizing solutions.

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9 Konstytucja Rzeczypospolitej Polskiej, Wydawnictwo Literat, Thorn 2012.
that are considered to violate human dignity or the right to life. This is also the
voice of those who identify with the Church, who are also divided on the most
contentious issues. Another group is the opponents of the Church, or simply people
who oppose its interference in politics. In keeping with the Conciliar teaching,
the Church-state relations, religion-politics, should maintain their autonomy and
express mutual respect and tolerance towards each other. The Church should be
guided by its teachings and governed by the common good of a pluralistic society.

In Poland it looks different, in recent years the influence of the Church on the
policy and decisions taken in its area is very visible. Biopolitics in Poland is
Church-dependent biopolitics. There are situations as absurd as the “statement
of the Bishops, warning against excommunication (i.e. expulsion from the Christian
community) in connection with acceptance of the in vitro fertilization procedure”\(^{14}\).
The nuance for biopolitics that emerges from this article is its strict connection or
even dependence on the Catholic Church. Biopolitics seems to be the implementation
of its program line, which is more and more often met with very high resistance.
Due to the fact that the Catholic Church in Poland differs from other churches of
the same denomination in the world, biopolitics is also different than in the case
of other countries. All discussions take place within the framework of abortion, and
more precisely when we are dealing with a human being. For example, euthanasia
is a marginal problem in Poland. Central are only those that are related to the
beginnings of life.

\textit{The influence of the Catholic Church
on biopolitics – the case of abortion}

In the Act of January 7, 1993 on family planning, protection of the human fetus
and the conditions for the admissibility of abortion\(^{15}\) abortion was treated as
illegal and subject to criminal judgment. A woman could do it only in three cases
explicitly specified in the Act. Removal of pregnancy was permissible when it
was a threat to the woman’s life and health, was a consequence of rape, and in the
event that the fetus was irreparably damaged\(^{16}\). Despite the emergence of opinions
that the public should protect and respect the legal solution in force, and by
considering the exceptions in it, the social pluralism of the society is respected,
or the fact that it is positively assessed in the whole\(^{17}\). There have been and are
still attempts to change this situation.

Attempts to liberalize this law already began in June 1994, thanks to the
Parliamentary Approach of the Women’s Group. However, these changes have been
vetoed by the former President, Lech Wałęsa. In August 1996, another law was
adopted that allowed abortion for social reasons, and Aleksander Kwaśniewski signed
the amendment. An application to examine its compliance with the Constitution

\(^{14}\) A. Szostkiewicz, \\textit{Czy Platforma może być zbawiona?}, “Polityka” 2015, No. 17, p. 16.


\(^{16}\) T. Ślizko, M. Starowieyski, A. Muszala, \textit{Aborcja: spojrzenie filozoficzne, teologiczne, historyczne i
prawne}, Wydawnictwo PETRUS, Cracow 2010, p. 18.

\(^{17}\) Ibidem, p. 24.
of the Republic of Poland was then transferred to the Constitutional Tribunal, which in May 1997 recognized it as unconstitutional and against the guarantee of protection of human life\textsuperscript{18}.

Politicians have repeatedly tried to change the situation, a vivid example may be the year 2006, when a group of deputies wanted to add the final words “from the moment of conception” to the existing article 38 of the Constitution of the Republic of Poland. The project was justified, inter alia, by the lack of legal norms that would protect life in a clear and direct way\textsuperscript{19}. On April 13, 2007, the place had a third reading, and after subsequent votes it turned out that the amendment did not obtain the required support. 269 deputies voted in favor of it, and the required majority was 296 deputies. It was one of the loudest political disputes during the Polish Constitution\textsuperscript{20}. The dispute ended with the decision of the former Speaker of the Sejm, Marek Jurek, to leave the Law and Justice party. The Kaczyński brothers supported the abortion compromise. Former Prime Minister Jarosław Kaczyński later explained that the opposition to changes in the Constitution results from fears that if the compromise that has been worked out is compromised, similar attempts by left-wing parties may appear in the future. Polish journalist, publicist, writer, Tomasz Terlikowski, declaring himself as a Catholic, found that statements of this kind force us to believe that such opposition does not result from pragmatics, but rather from the conviction that “the law in force in Poland is the maximum of what the state can do from a woman and a doctor to require”\textsuperscript{21}.

Today, abortion is again a hotbed of political conflict, which also includes the Catholic Church. It all began again due to the creation of the Legislative Initiative Committee “Stop Abortion”, which collected signatures under a civic bill completely banning abortion\textsuperscript{22}. In addition, in the project’s records, the doctor who would have performed the abortion could be sent to prison for a period of 3 months to 5 years, just like the mother, for whom “(...) in exceptional circumstances, the court could exceptionally mitigate the punishment”\textsuperscript{23}. Support for this initiative was provided by, among others, Ordo Iuris, which defines itself as a group of lawyers involved in the defense of “constitutional order and its axiological identity as confirmed in the preamble to the Constitution”\textsuperscript{24}. The support of Ordo Iuris for the “Stop Abortion” project have been recognized and appreciated by 11 global pro-life organizations. In a letter that they sent to the Institute, they stated that “Ordo Iuris has indicated to the world the truth about the sanctity of human life from conception”\textsuperscript{25}.

\textsuperscript{18} Ibidem, pp. 18-19.
\textsuperscript{20} Ibidem, pp. 109-110.
\textsuperscript{22} https://fakty.tvn24.pl/aktualnosci,59/obroncy-zycia-chca-zaostrzenia-przepisow-aborcyjnych,629454.html [access data: 29.04.2018].
\textsuperscript{24} http://www.ordoiuris.pl/kim-jestesmy [access date: 29.04.2018].
On Sunday, April 3, 2016, during the holy masses, the message of the Presidium of the Polish Episcopate Conference issued on March 30 was read, and it was an appeal not to stop at the current compromise of 1993. Church hierarchs addressed the politicians in the following words: “We ask parliamentarians and rulers to take legislative initiatives and launch programs that would provide concrete help for the parents of children with disabilities and those conceived as a result of rape.” While reading this letter in churches, many women in Poland began to leave the temples. This was to be a response to a draft amendment to the abortion law. A good example is the media output of a group of women from the church of St. Anna in Warsaw. A letter to defend the abortion compromise was also sent by the former first ladies, Danuta Wałęsa, Jolanta Kwaśniewska and Anna Komorowska, wanting to protect both supporters of abortion and its opponents, against radicalization of the law, deepening the drama of women, as well as avoiding falling into extremes. The blame for the failure of the first action “Stop Abortion”, which was promoted by Ordo Iuris and the Pro-Right to Life Foundation, was attributed to the alleged lack of support from the Church. Although, as I mentioned earlier, it had the support of the Episcopate expressed through a pastoral letter read in churches in Poland. In 2017, during the plenary meeting, the Polish Episcopate Conference in turn became acquainted with the civic initiative “#StopAbortion” and recommended it to prayer and supported the collection of signatures.

Since then, various demonstrations have been taking place in Poland; on the one hand, supporters of a complete ban on abortion, and on the other, its opponents. Black Fridays are the best known in the world, then women dress in black and go out into the streets to protest against the tightening of abortion laws, carrying banners attacking politicians, the church and pro-life organizations. The women are often supported by partners and husbands, as well as other women from the rest of the world, who sympathize with the Poles, for example by inserting photos on social media and other types of media. One of these Black Fridays took place on March 21, 2018, in connection with the pressure from the Polish Episcopate Conference, which issued a communication on March 14 urging the authorities to start work on the “Stop Abortion” project.

The Polish philosopher and bioethicist Jan Hartman expresses open opposition to the fact that Polish law is shaped by the prism of denominational beliefs. In his opinion, “the Church can

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lobby for what it wants, but the deputies are obliged to respect the constitution”33. It is, however, meant to guarantee that the state will not be based on religion34. Until recently, abortion advocates also criticized the current abortion compromise. In their opinion, it was a law concluded between the authorities and the church authorities, not respecting the will of the majority of women, which resulted in attributing it the false name of a compromise. It was tantamount to the fact that “politicians are more interested in having a correct political relationship with the Church authorities (...) than good relations with women”35. Currently, the issue of a complete ban on abortion is developing, and political and social debates are ongoing. Time will tell how this dispute will end and what solution will be adopted, if there will be changes. However, the presence of the Catholic Church in this discourse, and its undoubted influence on the course of the entire situation, will remain unchanged.

The influence of the Catholic Church on biopolitics – the case of in vitro fertilization

The basic problem with the in vitro fertilization method is the conflict between two entities, i.e. the right to have children, and the right of every conceived human being to live. Persons opposing this method of artificial insemination, in the spirit of the Catholic Church, postulate protection of life from conception, due to the fact that the embryo has been granted the status of a full-fledged human being. In this view, on moral grounds, this type of artificial insemination technique is unacceptable “because it separates procreation from the truly human context of the marital act”36; in addition, there are many failures. Proponents of this method treat it as a form of treatment, recognizing infertility as a disease37.

The Polish Episcopate Conference, in the pastoral letter for Sunday, October 4, 2015, clearly states that “an in vitro fertilization procedure cannot be described as a fertility treatment, because even after giving birth to a child, this method remains infertile”38. The Catholic Church takes the position that it does not condemn children conceived by this method, being the guardian of the dignity of every human being “it does not accept the wicked and other than natural way of passing life”39. The late Polish priest, Jan Kaczkowski, did not hide and simply said that he opposed in vitro fertilization, but people who were conceived in this way are both accepted and loved, because of the dignity of the person, not the way of conception. He believed that the Church’s opposition is not directed at the conceived person but

34 Ibidem.
37 Ibidem.
is connected with the problems that arise from this procedure. He meant, among other things, supernumerary embryos, storing them, freezing and thawing them. He also admitted that “the Church’s concern for conceived life ends in the womb of the mother”[^40], and in the further part of the conversation he added “care for the dignity of a person already born in Polish reality and in the Polish Church is less than care for the life of the unborn”[^41]. On the other hand, there are also opinions such as priest’s Franciszek Longchamps de Berier, who stated that “there are those doctors who after the first look at the child’s face know that it was conceived from *in vitro* fertilization. Because it has a touch furrow, which is characteristic of a certain set of genetic defects”[^42]. Such statements, not supported by any evidence, are very harmful to the people conceived by this method and to their relatives. They also have a negative impact on the image of the Catholic Church. The chairman of the Polish Episcopal Conference, the Metropolitan of Przemysł, Archbishop Jozef Michalik during the procession of Corpus Christi, stated that “one cannot look at peacefully, yet he cries out for vengeance to heaven, that tens, hundreds, thousands of frozen human beings are growing today”[^43]. In my opinion, advancing to such radical judgments has the opposite effect and makes the speaker contradict himself. Instead of a pastoral admonition addressed to the faithful, such a view intensifies criticism of the public opinion and arouses its dislike of the Church.

The Catholic Church attaches great importance to the question about the status of the human embryo, making the issue of detailed legislation relating to the first phases of life dependent on this. For this reason, it clarified its teachings, by separating the different levels of discourse, and requiring the same from everyone involved in the debate. Such an example states that biologists “did not usurp the right to issue categorical judgments on philosophical and legal matters”[^44]. The already mentioned Tomasz Terlikowski accuses media, political and journalistic debates as well as moral debates, that those who advocate *in vitro* fertilization use emotions more often than arguments. Emotional blackmail, which should be allowed lies when comparing the arguments of opponents of artificial insemination “with photos of happy couples and their beautiful children”[^45]. For another measure aimed at blurring the public debate, he considers bringing this problem to a dispute between the Church and citizens, religiousness and scientific progress. Janusz Palikot, a Polish politician, who allegedly led to a situation in which “for many Poles the *in vitro* fertilization dispute is in essence a dispute, about whether the Church can interfere in the law-making process, but also the debate

[^40]: J. Kaczkowski (in conversation with Piotr Żyłka), _Życie na pełnej petardzie, czyli wiara, poledwica i miłość_, Wydawnictwo WAM, Cracow 2015, p. 140.
[^41]: _Ibidem_, p. 141.
over whether Poland should be modern or backward”\textsuperscript{46}. At this point, the figure of Archbishop Andrzej Dziegieł is worth noting, as he is known for formulating instructions for politicians advocating \textit{in vitro} fertilization. This “on the return to full communion with God and the Church”\textsuperscript{47}. It would look as follows, in the first stage, confession, then public repentance, and only at the end the reception of the sacrament\textsuperscript{48}.

No less controversy arises in connection with the financing of \textit{in vitro} fertilization. In Poland, the government’s \textit{in vitro} fertilization reimbursement program started on July 1, 2013 and was expected to last until June 30, 2016. However, it was extended by previous governors until December 31, 2019 during the last days of office. After the parliamentary elections and the victory of Law and Justice, the then Minister Konstatyn Radziwiłł announced that “the program will last until mid-May next year, no longer”\textsuperscript{49}. The results of the \textit{in vitro} fertilization program were significant. On November 11, 2015, the Ministry of Health announced the public that “thanks to the governmental \textit{in vitro} fertilization program, 3 644 children were born”\textsuperscript{50}. During the treatment there were 17 023 couples admitted, and all registered couples were over 21 862\textsuperscript{51}. Renata Kim claimed that the decision was not about the costs incurred. In her opinion, “this was a purely political decision: \textit{in vitro} fertilization is not good, because this is what the Catholic Church says about this method. So, there will be no funding, because it would not please the hierarchs”\textsuperscript{52}. The resignation from the government’s reimbursement program is one thing, and a separate issue is the act on the treatment of infertility. In the end, the whole conflict and controversies which accompanied him did not prevent the signing of the \textit{in vitro} fertilization act on 22 July 2015 by former president Bronisław Komorowski. Despite appeals, among others, the Polish Episcopate indicating that it is contrary to the Church’s teachings. The President replied to charges against him: “I am not the president of human consciences, only Polish citizens”\textsuperscript{53}. Former Prime Minister Ewa Kopacz emphasized that the act “does not prescribe anything, but allows one to make a choice”\textsuperscript{54}.

After victory in the parliamentary elections of the Law and Justice, the \textit{in vitro} fertilization question was closed. Since there is no government support for people who want to apply this method, some of the Polish cities have organized their own programs related to co-financing of treatments\textsuperscript{55}. Recently, however, one of

\textsuperscript{46} Ibidem, pp. 29-30.
\textsuperscript{48} Ibidem.
\textsuperscript{49} http://www.newsweek.pl/polska/koniec-refundacji-in-vitro-pis-rezygnuje-z-rzadowego-programu-in-vitro_artykuly, 375036, 1.html [access date: 01.05.2018].
\textsuperscript{50} http://www.bialystok.jard.pl/news/kraj+nowa+edykcja+programu+in+vitro-8818.html [access date: 01.05.2018].
\textsuperscript{51} Ibidem.
\textsuperscript{52} http://www.newsweek.pl/opinie/koniec-panstwowego-finansowania-in-vitro-in-vitro-pis-artykuly, 375071, 1. html [access date: 01.05.2018].
\textsuperscript{54} Ibidem.
\textsuperscript{55} http://www.chcemybycrodzicami.pl/oto-6-miast-kto-de-finansowuja-in-vitro-gdzie-i-na-jakich-warunkach/ [access date: 01.05.2018].
the politicians of the Law and Justice has boldly declared “my decisive declaration is this: when it comes to in vitro fertilization itself – then I support it. However, what amount of funds from the Warsaw budget would possibly be allocated for it, then here we must seriously consider”\(^{56}\). There is, however, a supposition that such a declaration is only an element of a political game, in connection with the upcoming local elections in Poland and the application of this policy for the office of the President of Warsaw. The provocation of the program’s leader, which reminds the politician that he voted against the government’s in vitro fertilization reimbursement scheme, during the Civic Platform government, only replied that the lack of support from his side was related to “legislative flaws”\(^{57}\).

**Summary**

Creating moral judgments and precepts that are acceptable cannot be the essence of creating a law for the whole of society, nor bonding the Catholic Church to specific political parties. This was postulated, among others, by the Second Vatican Council and a large number of clergymen over many years. CBOS research from December 2013 directly indicates that “the political role of the Church has not been and is not socially accepted”\(^{58}\).

Over half of the respondents oppose the position taken by the Church in relation to the laws passed by the Sejm. Four-fifths of respondents, including 54% practicing several times a week and 76% identifying themselves with the right hand, do not accept any solicitation by the clergy about the way they vote\(^{59}\). Sławomir Sierakowski expresses his disapproval of the commitment and postulates of the clergy regarding the view that we are acting contrary to nature, supporting practices such as in vitro fertilization, abortion, contraception, partnerships or sexual education. The reasons for this state of affairs are found in the fact that “because politicians are afraid of the Church, almost all of the behaviors are almost forbidden or non-existent, although they exist on more or less the same scale as in every Western society”\(^{60}\).

In this context, biopolitics in Poland is the realization of the program line of the Catholic Church. Despite resistance that comes from different environments. It is nothing more but a dynamic relationship and a world-view game. The simple conclusion is that biopolitics in Poland is church-dependent biopolitics.

\(^{56}\) http://www.cheemybyrodzicami.pl/patryk-jaki-o-in-vitro-popieram-odwazna-deklaracja/ [access date: 01.05.2018].
\(^{57}\) Ibidem.
\(^{58}\) https://www.cbos.pl/SPISKOM.POL/2013/K_170_13.PDF.
\(^{59}\) Ibidem.
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