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PARTICIPATION OF THE ROMAN CATHOLIC CHURCH IN THE PUBLIC
DEBATE ABOUT LEGAL REGULATIONS ON *IN VITRO* FERTILISATION
IN POLAND IN 2007-2015. SELECTED ASPECTS OF RELIGIOUS,
POLITICAL AND MEDIA DISCOURSE²

Abstract

The present publication is devoted to discourse and analyses the case of the Roman Catholic Church as a subject which, by presenting its teaching, participated in the Polish debate on legal regulations on *in vitro* fertilisation during the 6th and 7th term of the Sejm. Religious, political and media discourses have been juxtaposed.

Keywords: Church, public debate, *in vitro*, religious political and media discourse, 6th and 7th term of the Sejm

UDZIAŁ KOŚCIOŁA RZYMSKOKATOLICKIEGO W DEBACIE PUBLICZNEJ WOKÓŁ
REGULACJI PRAWNYCH ZAPŁODNIENIA *IN VITRO* W POLSCE W LATACH 2007-2015.
WYBRANE ASPEKTY DISKURSU RELIGIJNEGO, POLITYCZNEGO I MEDIALNEGO

Abstrakt

W publikacji, która dotyczy dyskursu, dokonano analizy przypadku Kościoła rzymskokatolickiego jako podmiotu, który brał udział w polskiej debacie o regulacjach prawnych

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zapłodnienia pozaustrojowego w okresie VI i VII kadencji Sejmu, prezentując swoje nauczanie. Zestawiono dyskurs religijny, polityczny i medialny.

Słowa kluczowe: Kościół, debata publiczna, *in vitro*, dyskurs religijny, polityczny i medialny, VI i VII kadencja Sejmu

INTRODUCTION

The Church's presence in the public sphere has long been an important question in European civilisation. As regards modern Polish society, the frequency of debates in this area may result from the systemic transformation and the arising possibility to open the discussion after the fall of the Communist system (Sowiński 2012, 9-10) and the emergence of pluralism (Borowik 2001, 25) and democracy³ in an open society (Kość 2008, 205). The state-Church relationship can be considered to have shifted from hostile to coordinated separation (Mazurkiewicz 2001, 319).

In modern Polish society, bioethical questions constitute one of the main issues in public debate. This discussion has a permanent character and seems to be a natural element of life in modern Poland. Such a situation is typical of free and pluralistic societies (Dahrendorf 2008, 277). It is an example of an axiological conflict (Wnuk-Lipiński 2005, 253-254). In principle, this dispute predominantly concerns abortion (Wejbert-Wąsiewicz 2011, 166), however, *in vitro* fertilisation, and especially its legal regulations, including the question of legality, has also been the subject of intense public debate over the past 30 years. The Catholic Church has been actively involved in that debate, defending its teaching and remaining faithful to the documents of the Holy See⁴ (Episkopat.pl 2015a; Episkopat.pl 2015b).

The publication is structured according to a problem-chronological order and it has an analytical-synthetic character. *Terminus a quo* (the year 2007) seems justified due to the intensification of the debate in the Polish public space on *in vitro* fertilisation (Kozub-Karkut 2017, 246-247) following the announcement by Health Minister, Ewa Kopacz of plans to reimburse this procedure. On the other hand, *terminus ad quem* (the year 2015) is important because of the adoption of a law regulating this issue at that time. After 2015, the topic of *in vitro* fertilisation was less frequently raised in Polish public discourse.

³ The Catholic Church supports democracy but does not approach it uncritically. It acknowledges that such a system does not constitute an autothalytic value *per se* but treats it as a means of implementing care for the common good and respect for human dignity (Nagórny 2009, 193).

⁴ *In vitro* fertilisation in humans is opposed, among others, by the Catechism of the Catholic Church (*Katechizm Kościoła Katolickiego* 1994, 2373-2379) and John Paul II's encyclical *Evangelium vitae* from 1995 and the *Dignitas personae* instruction on certain bioethical problems from 2008 issued by the Congregation for the Doctrine of the Faith. In 2015, the website episkopat.pl recalled documents of the Holy See criticizing *in vitro* fertilisation (Episkopat.pl 2015a). As Jacek Salij, OP writes: "The specificity of moral norms in relation to the beginnings of human life results from the uniqueness of man among phenomena, things, creatures, that is, generally beings that we meet on our earth" (Salij 2017, 210).

The paper, which has a preliminary character, is related to several subdisciplines of sociology. It mainly concerns religious, political and media, or even legal and ethical discourses. The author adheres to a comparative method, a case study and, above all, discourse analysis, which means approaching language as a social phenomenon (Horolets 2008, 5). It is the language that, as an important element of the debate, attracts special attention of the media and society (Kampka 2014, 130).

1. THE CATHOLIC CHURCH AND ITS PARTICIPATION IN PUBLIC LIFE

The Church is the object and subject of faith and constitutes a special reality. It is, moreover, the subject of science it provides and the object of science dealing with it. The Church is the subject of numerous sciences, primarily theology, but also, for example, history, philosophy and sociology (Bartnik 2009, 9-10).

The Catholic Church can be considered from the religious, but also from the social point of view, e.g. when it participates in a public debate and presents its teaching in the event of particularly important disputes concerning e.g. human rights, which may be the subject of legislative work undertaken by politicians. As Professor Józef Krukowski writes: “in the teaching of the Church, politics means a prudent care for the common good of the human person, that is, for building a social order in which the rights and freedoms of every human being are guaranteed and exercised” (Krukowski 1996, 7). The Roman Catholic Church in Poland plays exactly such a role.

Bioethics, including legal regulations on *in vitro* fertilisation, is one of the main issues in the political debate about human rights in technologically developed countries (Bołoz 2007, 17). As Prof. Stanisław Warzeszak contended: “On the example of *in vitro* fertilisation, we can see how difficult it was to achieve general social consensus, both in the world of science, medicine, politics, and in the opinion of society, which is differentiated by religion and worldview.” The theologian added further that the phenomenon of “artificial insemination” also touches upon the problem of violating human dignity (Warzeszak 2011, 152-153).

2. THE CHURCH IN THE DEBATE DURING THE 6TH TERM OF THE SEJM 2007-2011

The issue of *in vitro* fertilisation in the public debate in Poland was first raised in the 1980s, but it became a significant subject of dispute in 2007 (Kozub-Karkut 2017, 246-247). Intensification of public discourse in this area took place after announcing reimbursement of this type of treatment. Prior to that, it was merely an insignificant part of public discourse, or the activity of the Catholic Church, with the exception for, e.g. the Pastoral Letter of the Polish Bishops for the Feast of the Holy Family in 2003 (Kardynałowie 2003).

The announcement in 2007 of planned reimbursement met with a quick response from the Church. In the letter of the Council for Family of the Polish

Bishops' Conference to legislators of December 2007, attention was drawn to the teaching of John Paul II on in vitro fertilisation (Episkopat.pl 2015b). In the following years, bishops also addressed the topic of IVF in their official communications, presenting the opinion of the Church. The legal aspects, however, were not the main subject of bishops' reflection. Considering the subject of the article, it seems important to mention the statement of the Presidium of the Polish Bishops' Conference in 2010, in which the faithful were asked to pray for members of parliament. The bishops wrote: "In the coming days and weeks, when works will be carried out at the sessions and committees of the Sejm and Senate of the Republic of Poland, let us ask God for the grace of the Holy Spirit for the consciences of all parliamentarians as well as for courage allowing them to adopt the best legal solutions, consistent with the universal right to life, guaranteeing «the dignity of the human person called to fulfil God's calling in the gift of love and life»" (Konferencja Episkopatu Polski 2010).

Besides addressing official, collegial speeches, the hierarchs also spoke about legal regulations on in vitro, for example, in press interviews. A famous statement was made in 2010 by Archbishop Henryk Hoser, chairman of the Polish Bishops' Conference Team for Bioethics, and the Warsaw-Praga Ordinary Archbishop for the Polish Press Agency. When asked about Catholic MPs supporting IVF, along with embryo freezing and selection, the hierarch gave the following answer: "If they are aware of what they are doing and want such a situation to occur, if they do not act towards reducing the harmfulness of such an act, then in my opinion they are automatically excluded from the community of the Church" (Karnacewicz and Rozwód 2010).

Priests also contributed their opinion in this respect, although their voices did not meet with such a wide public response. They generally spoke in the similar vein as bishops, but unlike them, they did not tend to focus in their popular statements so specifically on regulatory aspects of the question. Similarly to bishops, they often explained the teaching of the Church, providing arguments related to human rights. An example here can be Prof. Jacek Salij, OP. In an interview with KAI Catholic Press Agency, the theologian, referring to in vitro fertilisation, stated: "It is true that many people perceive the Church's opposition to such endeavours to have a child as a sign of backwardness and not keeping up with progress. In exactly the same manner, however, the Church was accused of backwardness and obscurantism, when in the interwar period it firmly opposed the laws on compulsory sterilization of people who «should not have children»". The clergyman further added: "If the Church began to adapt its teaching to human expectations, it would cease to be a servant of God's truth" (KAI 2009a).

At this point, mention should also be made of the involvement of lay Catholics during the 6th term of the Sejm. Jacek Kotula, the coordinator of the civic project from 2009 banning IVF, directly referred to the teaching of the Church. Referring to the existing legislative proposals in the field of in vitro fertilisation, he stated that: "what has been presented so far is inconsistent with the teaching of the Church"

(KAI 2009b). The project was rejected, and the first reading of parliamentary bills regulating this issue, which to a lesser extent took into account the teaching of the Church, took place in 2010. Some of them were referred for further work, but eventually, the Sejm of the 6th term of office did not introduce reimbursement of the IVF procedure from the state budget nor did it pass an act regulating in vitro fertilisation (Kowalczyk 2018, 14).

3. THE CHURCH IN THE DEBATE DURING THE 7TH TERM OF THE SEJM 2011-2015

At the beginning of this term, disputes concerned mainly the question of reimbursing in vitro fertilisation from public funds and led to the introduction of such a program at the national level. The issue of statutory regulation of in vitro fertilisation appeared as a frequent topic of public debate once the government of Ewa Kopacz took office (Łoziński 2014).

Catholic hierarchs actively participated in the in vitro dispute in Poland in 2015. In the document of March 31, 2015, when the legislative process in this area was commenced, the Presidium of the Polish Bishops' Conference indicated proposals that were contrary to Catholic teaching (Dyda 2016, 112). The bishops' comments were omitted by the legislator. Finally, on June 25, 2015, the Sejm passed the act in a liberal version. In reaction to this, the Presidium of the Polish Bishops' Conference issued a statement in which it called for the amendment of the law in the Senate, referring to the March document (Gądecki, Jędraszewski and Miziński 2015b). However, the Senate dismissed the bishops' appeal and supported the act in the version passed by the Sejm. As a result, Archbishop Stanisław Gądecki, President of the Polish Bishops' Conference, appealed to President Bronisław Komorowski. The hierarch asked the head of state to veto the act or refer it to the Constitutional Tribunal (Kowalczyk 2018, 16). However, the president signed the act on July 22, and referred it only partially to the Constitutional Tribunal under the *aposteriori* procedure. In response to the decision of the head of state, Archbishop Henryk Hoser stated that the aforementioned normative act would require, as soon as possible, "improvement and adaptation to elementary human rights" (KAI 2015a).

The Legal Council of the Polish Bishops' Conference presided by Archbishop Andrzej Dzięga announced that the politicians who voted for the liberal regulations of in vitro fertilisation committed a grave sin. These words sparked numerous comments, also among some of the clergy. For example, Father Alfred Wierzbicki from the Catholic University of Lublin told the journalists from "Gazeta Wyborcza": "The law is not everything in the Church, and excessive application of the law may prove to be detrimental. The recommendation of the Legal Council brings little order, and some may feel outraged by it. Bishops should rather appeal to consciences, conduct dialogue. We need gentleness and mercy, even in such fundamental matters as in vitro" (Wiśniewska 2015). It was not the only important

statement made by priests who distanced themselves from the initiatives of Polish bishops in the field of IVF at that time. A famous event was the Holy Mass celebrated at the end of Bronisław Komorowski's presidency. Father Aleksander Seniuk apologized to the politician for the injustices by the Church that, according to him, the outgoing president suffered in the context of signing the in vitro act. The clergyman distanced himself from the episcopate, saying: "we are not episcopoi, we are presbyteroi - priests." Later, however, Father Seniuk stated that he did not want to oppose the position of the bishops (PCh24.pl 2015b). Basically, however, it was difficult to notice in Poland any significant criticism of the episcopal activities by the presbyterate in relation to the discussed issue.

However, as regards, moral assessment of in vitro fertilisation, priests spoke unanimously in the public discourse. For example, Father Prof. Stanisław Warzeszak claimed that the deputies who supported the government's bill on in vitro fertilisation were guilty of a grave sin (Gosc.pl 2015). Prof. Wojciech Góralski, a specialist in canon law, made a similar statement saying that: "Voting for the IVF law and signing it by the president is an obvious grave public sin. Because it is, above all, condemning to death those who under this law will perish, if only in the eugenic practices of embryo selection. But the IVF procedure as a whole is sinful from the very beginning to the end and it is inconsistent with God's Law" (Naszdziennik.pl 2015).

Bishops unanimously defended the teaching of the Church in public debate in the context of legislative work, but they differed in their measures. Some of them did it in a conspicuous manner. For example, Archbishop Andrzej Dzięga, the Metropolitan of Szczecin and Kamień, defined the law adopted in this respect as criminal (PCh24.pl 2015a). On the other hand, Archbishop Marek Jędraszewski, the Metropolitan of Łódź, considered the IVF Act as a betrayal of the moral values of the Warsaw Uprising, saying: the «gender recognition» act can be regarded as a betrayal of those moral values for which the Uprising broke out in the first place" (Tokfm.pl 2015). Some bishops adopted a more measured approach to defending bioethical values. For example, Cardinal Stanisław Dziwisz, the Archbishop of Krakow at that time, criticized the in vitro fertilisation act, describing it as very liberal, but he did not resort to emotional comments or to controversial comparisons. The clergyman said: "I was sad to hear the information that the Polish parliament passed an extremely liberal act on the in vitro method" (KAI 2015b). Many clergymen, including bishops, referred to the issue of in vitro fertilisation without taking into account the legal context, e.g. only mentioning religious and moral aspects, however, these statements have been omitted here, due to the scope of this study.

Initiatives of Polish lay Catholics constitute a rather minor aspect of activities undertaken by the Catholic Church in the conflict over the legal regulations on IVF in Poland during the 7th term of the Sejm (compared to the 6th term), but they could not be omitted in the article. The faithful, involved in the life of the

Church and by supporting its teachings, made a contribution to the activities undertaken in the conflict analysed in this paper. An important role was played here, among others, by the environment of “Nasz Dziennik”. The main initiative in this regard was a novena promoted by “Nasz Dziennik” on the gifts of the Holy Spirit for senators before the vote of the act (Bochenek 2015, 1&9).

4. POLITICAL AND MEDIA COMMENTS ON THE ACTIVITIES OF THE CHURCH

The activity of the Catholic Church was the subject of numerous comments on the part of politicians. Some of them, for example PiS representatives, expected the Church to take an active part in the public debate and offered their help in this respect. For example, the senator of the above-mentioned formation, Stanisław Kogut, after the adoption of the act, announced that his party, together with bishops, would strive towards amending the law. The politician said: “If we win the election, there is an entire team that, in agreement with the episcopate, will introduce changes so that people can have children. We promote naprotechnology” (RadioKraków.pl 2015).

On the other hand, some politicians, e.g. those associated with the Civic Platform (PO) were dismissive of the activities of the Church. An example of such an attitude may be the behaviour of President Bronisław Komorowski, who, in the context of the aforementioned words of Archbishop Hoser about excommunication, said: “This is an institution a bit from a different era and it seems to me that nothing like this will happen, because it would also be fatal for the relationship between the state and the Church, democracy and the Church” (Deon.pl 2010).

In turn, some politicians, e.g. representatives of the Democratic Left Alliance (SLD), considered the activity of the Church as a threat to the rule of law and democracy, as evidenced by the statement by Katarzyna Piekarska referring to the words of Archbishop Hoser in 2010 about excommunication. The politician stated: “We consider it as an unacceptable attack on parliamentarians in the law-making process. The archbishop actually behaved like a lobbyist, but he has not registered himself as a lobbyist and acts on the verge of blackmail” (Onet.pl 2010).

Non-political participants in the media debate also, in various ways, referred to the activities of the Church. Some of them revealed a disrespectful or mocking attitude to the Church’s initiatives. For example, Magdalena Środa, in a column published in wp.pl, referring to critical statements on IVF made by bishops on the Feast of the Holy Family in 2008, tried to juxtapose in vitro fertilisation and the conception of Jesus (Środa 2008).

Some participants in the media debate were critical of the Church’s activity. For example, Professor Jan Woleński, in his text for Polityka.pl in 2015, accused the Church of corrupting the state, when he wrote: “Participation of the Church in the political game, although, let us repeat, admissible, brings quite specific damage. Challenging the law (this applies not only to the IVF law, but also to the so-called anti-violence convention or the law on gender recognition; and it is not only the

question of criticism, but also of calling for non-application of the law) adopted within the normal democratic order and congruent with global trends is corruption of the state, the more so, done in a situation in which the Church recognized that law by signing an appropriate international agreement” (Woleński 2015).

Some journalists, mainly those representing the right-wing, defended the Church, recognizing the fact that in a democratic state it has the right to express its views and influence legal regulations concerning in vitro fertilisation. In 2015, Piotr Zaremba stated in the weekly “W Sieci”: “The Catholic Church has every right to proclaim that this technology is launching a march in an unknown direction: towards human production. If we decide to accept it once, we have to be prepared for all kinds of abuse and experiments” (Zaremba 2015).

CONCLUSION

The issue discussed in this publication has been presented in a general way. The author tried to present its most important aspects focusing on those topics of the public debate on in vitro fertilisation, which concerned its legal regulations and were related to the activity of the Roman Catholic Church in this area. Based on the analysis of public discourse, it can be concluded that Polish bishops in the years 2007-2015 actively and unanimously opposed in vitro fertilisation and the related practices, remaining faithful to the documents of the Holy See (Episkopat.pl 2015a; Episkopat.pl 2015b). At the end of the above-mentioned period (as opposed to the 6th term of the Sejm), several priests criticized the way the bishops presented the teaching of the Church. However, the presbyterate did not distance itself from the episcopate as regards the negative moral assessment of in vitro fertilisation. The laity in the period of legislative works in 2015 revealed a rather passive attitude to the discussed conflict, as opposed to the earlier period (when there was a civic legislative initiative from 2009 demanding a ban on in vitro fertilisation).

The Church’s activity was commented on by politicians. Some of them supported it actively, some approached it dismissively, and some criticized the Church’s attempts to influence the law. The situation in the media debate was alike. It is worth noting that although the religious discourse was at least generally balanced, some participants in the media and political debate criticized the very fact that the Church spoke out publicly about in vitro legal regulations.

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