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## Neglecting Liminality? The Question of the Beginning of Life in Polish Post-war Discourses

### Introduction

Liminal stages played an important role in Polish discourses and led to emotional discussions, especially about the beginning, and, to a lesser extent, to the end of life. Similar discussions can be found in other (European) countries, but it seems that the identification with Catholic faith as well as the position of the Catholic Church in public and in public discourse influenced the debates about the »protection of human life from its beginning to its end.« Especially debates about the permissibility of abortion were (and are) in focus of such discourses about liminal stages at life's beginning and its end and erupt regularly. However, what makes the Polish example unique—at least until today, future developments cannot be foreseen—is the fact that Poland (besides Nicaragua) was the only country with a Catholic majority in which abortion was restricted in the 1990s—paradoxically, during the transition from Communist dictatorship to a democratic state. Other Catholic societies in Europe like Ireland, or diverse ones in Latin America (Mexico, Argentina) liberalized—although not without resistance—their legislations on abortion, thus loosening the state's power over the beginning of the »Circle of Life« and this very liminal stage.

This chapter focuses on the Polish discourses on pre-natal life in the second half of the twentieth century and traces the shift leading to a growing dominance of 'Catholic' understandings of pre-natal life that ultimately found its way into Polish law in the early 1990s. In the second part, the chapter shows the discursive connection to »euthanasia« and its influence on the Polish discourse about nation. I argue that these discourses were shaped by Polish experience of the Second World War and thus will begin with a short overview on Polish history in the twentieth century in the next section.

## Some background

The Polish experience of the Second World War and the German occupation had a massive influence on these discourses after its end. At first, the lives of »unborn children« were seen as worthy of protection, because they should »restore the biological substance of the nation«<sup>1</sup> which had been severely damaged during war and occupation. Thus, it is not surprising that the regulations and requirements for terminating pregnancy from the interwar years that had been introduced in 1932 and widened during the German occupation were restored after 1945. However, what is—especially from today’s perspective—quite surprising is that those regulations had been far more liberal than in other (Western) countries at that time.

Poland was the second country (after the Soviet Union) that allowed termination of pregnancies, although they were not to be performed on a woman’s request. The reformed (and unified) 1932 Penal Law allowed to perform such an operation in case that the pregnancy would endanger the woman’s life and health as well as in cases where the pregnancy was result of a crime (incest, sexual intercourse with minors, rape). There is little research for this period of time, but the scarce literature shows that abortions and their availability (as well as contraception in general) remained a highly class-based experience.<sup>2</sup> Women from the higher and middle-class in cities could easier obtain methods of family planning than their counterparts in rural areas. Also, the (lack of) literacy was a problem.

The German occupation changed this, because—in accordance with the Nazi racist ideology—from 1941 onwards Polish women were entitled to have an abortion performed on request. This policy of the occupant aimed of course at holding the number of newborn Poles low.<sup>3</sup>

After the war, there was a short period of time, when women who became pregnant »as a result of war«, i.e. raped by Soviet soldiers, had the opportunity to obtain a termination of pregnancy in this special case—besides the regulations of 1932 that were restored after the war, as mentioned above. However, such women had first to apply to a special

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1 Archiwum Akt Nowych (hereinafter: AAN), Urząd do spraw Wyznań (hereinafter: UdsW), 2/1587/0/7.23/125/119, n.p.

2 Kuźma-Markowska, Sylwia: »Walka z babkami« o zdrowie kobiet: Medykalizacja przerywania ciąży w Polsce w latach pięćdziesiątych i sześćdziesiątych XX wieku, in: *Polska 1944/45-1989. Studia i Materiały* (2017), No. 15, pp. 189–215, p. 192.

3 However, this could also lead to (juridical) problems, as Wiebke Lisner shows in this volume.

commission which of course caused delays. Afterwards, those women were often ostracized. The existence of the short-lived legislation and of the commission as well as the reasons for terminations of pregnancies, i.e. rapes by Soviet soldiers, were silenced and forgotten and the whole issue became a taboo in Polish society.<sup>4</sup>

Critics attacked the post-war regulations. On the one hand, evidence can be found in the Polish state archives, e.g. letters demanding—after the »demographic catastrophe« of occupation and the monstrous population losses<sup>5</sup>—a total ban on abortions as well as outlawing contraceptives (that were rarely used and of low quality, a problem that should exist until the 1990s). On the other hand, Church representatives condemned the »plague« of terminations of pregnancies (as well as pre- and extramarital intercourse) which were regarded as a clear proof for the »demoralization of society« due to the Nazi policies. Those perceptions were articulated already during the occupation as well as in its aftermath, e.g. in a pastoral letter by the Bishops' Conference in 1946.<sup>6</sup>

However, the so-called reconstruction of Poland and construction of socialism, as Communist propaganda called this period, led to new problems and new fears. Church representatives as well as members of the Communist Polish United Workers' Party (PUWP) that gained control over everyday life since the late 1940—although being ideological rivals—, both feared the effects of forced industrialization and urbanization: mass migrations to the new build industrial complexes in cities were perceived as leading to a loss of social control that the young migrants had been subject to in their home towns and villages. Those young migrants were said to »run sexually wild« in their new urban environment. The press, after 1956 partly liberalized but still controlled and censored, wrote about sex orgies in worker's hostels that became a synonym for »uncontrolled and irresponsible sexual encounters«. The result was a perceived growing number of children born out of wedlock and illegal abortions (as I men-

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4 Gałęziowski, Jakub: »The sense of justice and the need for eugenics require instant and effective intervention« – terminating pregnancies resulting from wartime rapes in Poland in 1945, in: *Zeitschrift für Ostmitteleuropa-Forschung* 71 (2022), No. 2, pp. 235–259.

5 Klich-Kluczevska, Barbara: Making Up for the Losses of War: Reproduction Politics in Post-War Poland, in: Röger, Maren/Leiserowitz, Ruth (eds.): *Women and Men at War*, Osnabrück 2012 (Einzelveröffentlichungen des Deutschen Historischen Instituts Warschau), pp. 307–328, pp. 309–312.

6 Zaremba, Marcin: Trauma Wielkiej Wojny. Psychospołeczne konsekwencje drugiej wojny światowej, in: *Kultura i Społeczeństwo* 52 (2021), No. 2, pp. 3–42.

tioned before, those were only allowed in cases of medical emergencies, because of crimes and eugenic reasons). No precise numbers on abortions existed, but the Ministry of Health referred to more than 300,000 women who were treated because of »spontaneous abortions«, probably self-inflicted miscarriages, in state-run hospitals in 1955.<sup>7</sup> Whether all of those attempted abortions were inflicted by women, their partners, or doctors to whom they reached out to terminate an unwanted pregnancy, is not clear, but the officials saw these high numbers of »spontaneous abortions« as a hint of large-scale illegal abortions.

But, the perception of this »threat to women's health and their reproductive abilities« was reason enough for, maybe the first, open discussion about a change of current policies in a State-socialist country. Its result was the introduction of the 1956 law on termination of pregnancies that broadened the reasons for applying such a procedure. Despite the already existing regulations, the new law included »difficult social situations« as a new reason. This condition for abortion was, however, not very precise and caused problems. Despite that, this legal change was meant, as the preamble of the law announced, to »protect women's health from negative effects of terminating pregnancies in inadequate circumstances or by persons who are not physicians«.<sup>8</sup> After three years, the regulations were re-defined in a decree by the Ministry of Health: the restriction that women had to apply to a doctors' commission for an abortion was removed. Women could now decide for themselves whether they had an abortion performed.<sup>9</sup>

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7 Klich-Kluczevska: *Making Up*, p. 321; Ignaciuk, Agata: »Ten szkodliwy zabieg«. Dyskursy na temat aborcji w publikacjach Towarzystwa Świadomego Macierzyństwa/Towarzystwa Planowania Rodziny (1956-1980), in: *Zeszyty Etnologii Wrocławskiej* 20 (2014), No. 1, pp. 75–97, p. 81.

8 *Dziennik Urzędowy*: Ustawa o warunkach dopuszczalności przerywania ciąży, 1956, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19560120061/O/D19560061.pdf> (15.05.2024).

9 Czajkowska, Aleksandra: O dopuszczalności przerywania ciąży: Ustawa z dnia 27 kwietnia 1956 r. i towarzyszące jej dyskusje, in: Piotr Barański (ed.): *Kłopoty z seksem w PRL*, Warszawa 2012, pp. 99–186.

»Little Human Beings«. The Catholic Church, the Beginning of Life and the Absence of Liminality

The decision of the Sejm, the Polish parliament, on 26 April 1956 led to harsh critique and resistance from Catholic actors—laypersons (MPs, intellectuals etc.) as well as clerics. They saw the state's task in protecting human life »from conception to natural death« (although the death penalty remained until the end of Communism). And, despite that the core of the arguments given for outlawing abortions remained the same (protection of life) over the whole period investigated, different strategies emerged during the cause of time.

In the years immediate after the end of the Second World War, »moral« arguments played an important role in the discourse of the anti-abortionists. Those were closely connected to the experiences during war and a certain demoralization of society. Later, from the 1970s onwards, »negative demographic developments« became more and more important because of a decline in births. Church representatives and Catholic laypersons saw the liberal 1956 law on abortion and (propaganda in favour of) contraception—although, as I mentioned before, contraceptives were rarely available and often ineffective<sup>10</sup>—as being responsible for this trend and demanded a change to the 1956 law.<sup>11</sup> However, neither clerics nor Catholic laypersons recognized that family patterns were changing and that even families in rural areas wanted to have less children than the previous generations. Statisticians and demographers interpreted the trend towards smaller nucleus families as a »normal development in an industrializing society«.<sup>12</sup>

As early as 1952, documents of the Bishops' Conference called the zygote »conceived child«,<sup>13</sup> but at least at this time, the authors did not define this instant as the moment when, in their eyes, human life began

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10 Ignaciuk, Agata: The Introduction and Circulation of the Contraceptive Pill in State-Socialist Poland (1960s-1970s), in: *Medicina nei Secoli-Arte e Scienza* 26 (2014), No. 2, pp. 509–536.

11 E.g. in two memorandums by the Bishops' Conference addressed at the government and the Party leadership in the 1970s. AAN, UdsW, 2/1587/0/7.23/125/119; AAN, UdsW, 2/1587/0/7.23/125/120; Kosek, Mirosław: Troska o małżeństwo i rodzinę w memoriałach Episkopatu Polski do rządu w latach 1970-1978, in: *Studia Płockie* (2010), No. 38, pp. 259–269.

12 AAN, UdsW, 2/1587/0/7.23/125/119, folio 37.

13 Libera, Piotr/Rybicki, Andrzej (eds.): *Listy Pastorskie Episkopatu Polski 1945-2000*, Mar-ki 2003, część 1, pp. 101–110.

to exist. This became more important in the following decades and was characteristic of the anti-abortion discourse, since Catholic actors—laypersons as well as clerics—stated that indisputably human life began in the moment of conception, i.e. in the moment when a male and a female gamete met.

The consequence of acknowledging this new entity as a human being was, in the eyes of Catholics, that the state (and the society) was obligated to protect it from this moment onwards. This was repeated in various outlets, such as sermons,<sup>14</sup> publications,<sup>15</sup> or during (centralized) pre-marital courses organized in every parish<sup>16</sup> (the latter remain a requirement for a Catholic Church wedding until today). Thus, the »moment of conception« became the one (and only) point of reference for the beginning of human life in Catholic discourse—although this had been different in recent centuries. Since the Middle Ages (and based on different traditions, e.g. from the Talmud and Greek philosophers like Aristotle), a male fetus was said to become a human being in the moment when it received its soul (forty days after conception), a female fetus after 80 days.<sup>17</sup> This idea dominated the official teaching of the Catholic Church regarding the moment of humanization of the fetus, until scientific knowledge forced the clergy to adept to new knowledge of the nineteenth century, thus connecting the moment of incarnation (and ensoulment) to the moment of conception.<sup>18</sup>

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14 Most prominent in sermons by pope John Paul II during his visits in Poland, see: Paweł II, Jan.: *Jan Paweł II w Polsce*, 2-10 VI 1979, 16-23 VI 1983, 8-14 VI 1987: *Przemówienia, homilie*, Warszawa 1989, *passim*; Chałubiński, Mirosław: *Polityka, kościół, aborcja*, in: id. (ed.): *Polityka i aborcja*, Warszawa 1994, pp. 89–153, pp. 143–144.

15 Wyszynski, Stefan: *Dzieła zebrane*, vol. 5: 1959, Warszawa 2006, p. 164; Wojtyła, Karol/Stalony-Dobrzański, Adam: *Miłość i odpowiedzialność: Studium etyczne*, Kraków 1962; Wojtyła, Karol/Styczeń, Janusz (eds.): *Miłość i odpowiedzialność*, 4<sup>th</sup> edition, Lublin 1986 (*Źródła i monografie*).

16 AAN, Kluby Inteligencji Katolickiej (hereinafter: KIK), 2/2212/0/13.2/525, n.p.; Kuźma-Markowska, Sylwia/Ignaciuk, Agata: *Family Planning Advice in State-Socialist Poland, 1950s-80s: Local and Transnational Exchanges*, in: *Medical history* 64 (2020), No. 2, pp. 240–266, p. 259.

17 Klimowicz, Ewa: *Filozoficzne i etyczne podstawy poglądów na temat aborcji*, in: Chałubiński, Mirosław (ed.): *Polityka i aborcja*, Warszawa 1994, pp. 7–40, p. 27.

18 For a discussion on the diverse (historical) concepts and moments of ensoulment, see: Tauer, Carol A.: *Abortion: Embodiment and Prenatal Development*, in: Shelp, Earl E./Sowle Cahill, Lisa/Farley, Margaret A. (eds.): *Embodiment, Morality, and Medicine*, Dordrecht 1995 (*Theology and Medicine*), pp. 75–92, pp. 77–80.

And, to support this notion, scientific »indisputable facts« from biology and genetics became an important tool in the anti-abortion discourse in the second half of the twentieth century and can be often found since the 1970s in Poland<sup>19</sup> (but also worldwide, e.g. stressed by the Congregation for the Doctrine of Faith<sup>20</sup>). Those authors and anti-abortion activists underlined that »the protection of unborn life« was not religiously motivated, but had its founding in science and knowledge, and ultimately in human rights. This became evident during the parliamentary debates on the permissibility of abortion in the now democratic Polish Republic after 1989. During the final debate in January 1993 that ultimately led to a restriction of abortion, the chairperson of the extraordinary commission that had been formed to present a draft bill on regulations about terminations of pregnancies stated that religious arguments did not play any role during the commissions proceedings.<sup>21</sup> However, it was clear that the different drafts to restrict abortions originated all from right-wing parties that were closely connected to the Catholic Church and did not make any secret of it. Even more, the first draft bill actually based upon a draft formulated by a commission of the Bishops' Conference in late 1988. Other right-wing politicians did not even care to claim that the (attempted) introduction of a total ban was meant to be »a present« to pope John Paul II.<sup>22</sup>

The usage and instrumentalization of science for the cause of restricting abortion was already criticized by contemporaries.<sup>23</sup> In his statement, Krzysztof Łastowski, professor for epistemology, rejected the notion of an embryo being »just a miniaturization« of an adult human being, as which Catholic authors tended to present them.<sup>24</sup> The philosopher Ewa Klimowicz on the other hand stressed that the criteria for help were different when it came to the beginning and the end of life: while at life's end medical help was indicated until the brain waves vanished, the new

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19 Kuźma-Markowska/Ignaciuk: Family Planning Advice.

20 Klimowicz: Filozoficzne i etyczne podstawy, p. 18.

21 AAN, Zjednoczenie Chrześcijańsko-Narodowe (hereinafter: ZChN), 2/2410/0/-/6, n.p.

22 Staśkiewicz, Joanna: Katholische Frauenbewegung in Polen?, Bielefeld 2018 (Gender Studies), pp. 110–111.

23 Łastowski, Krzysztof: Uczłowiecznie a kategorie rozwoju biologicznego, in: Chałubiński, Mirosław (ed.): Polityka i aborcja, Warszawa 1994, pp. 45–51, p. 45.

24 *ibid.*, pp. 46–47.

regulation on abortion included protection of the foetus even before its first brain activity could be measured.<sup>25</sup>

In Catholic anti-abortion discourse, this was ignored. Alternative moments that could be defined as the beginning of life—and thus the starting moment for its protection—, such as nidation (the moment when the fertilized egg nested in the uterus), first EEG readings of the fetus, or its first movements were marginalized or even removed from this discourse. This also applied to fertilized ova that did not nest.<sup>26</sup> The latter was commonly not present in Catholic discourse, instead Catholic authors constructed an inevitability of nidation after fertilization.<sup>27</sup>

Instead, the »moment of conception« was glorified as an instant »to bow the head« in appreciation<sup>28</sup> and that there was no other »break-through moment« than »conception«.<sup>29</sup> This statements can be found in drafts of handbooks for middle schools written in the early 1990s on behalf of the Ministry of Education. One of these drafts also included a »diary« of a fetus that should teach pupils about their »younger siblings in utero«<sup>30</sup> and Catholic authors underlined that partners were obligated to »love their child«, once the female and male gamete had met.<sup>31</sup>

Furthermore, they constructed the zygote/fetus as being »autonomous« and able to make decisions, such as (almost consciously) choosing the place of nidation in the womb. In the eyes of the authors—in this case of a draft to a school handbook on sexuality written in the early 1990s—, the zygote was able to communicate and to take part in a »dialogue« with the pregnant woman from this moment onwards. Also, the authors assigned the ability to learn actively to the zygote, later the fetus.<sup>32</sup> Similar descriptions of the zygote/fetus can be already found in pastoral letters from the Bishops' Conference. In one of them, the authors stated that the »conceived child« had not only an immortal, but a »rational soul« that would exist from the moment of conception onwards and

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25 Klimowicz: *Filozoficzne i etyczne podstawy*, pp. 23–25.

26 AAN, KIK, 2/2212/0/2.6/51, n.p.

27 AAN, KIK, 2/2212/0/5/389, n.p.; AAN, KIK, 2/2212/0/5/394, n.p.; AAN, KIK, 2/2212/0/5/396, n.p.

28 AAN, Ministerstwo Edukacji Narodwej (thereafter: MEN), 2/2521/0/4/20945, folio 22.

29 AAN, MEN, 2/2521/0/4/21201, folio 288.

30 AAN, MEN, 2/2521/0/4/20945, folio 23–35.

31 AAN, KIK, 2/2212/0/5/394, n.p.

32 AAN, MEN, 2/2521/0/4/20945, folio 75–76, 79–80; at this time the Minister of Education was Zdobysław Flisowski, although non-alliant to any part with strong sympathies for the far-right Christian National Union.

would differentiate humans from animals.<sup>33</sup> So, »[e]very woman is created in such a way that in her body exists a cradle for the child. It is in the abdomen where it is safe, quiet and warm for the child.«<sup>34</sup>

The documentation of a pre-marital course held in 1970s shows that clerics and Catholic instructors stressed the visual similarity of fetuses to adult persons. Pictures and descriptions should convince the participants that in this early state of pregnancy, fetuses already »had a human face with eyes.«<sup>35</sup> Thus, it is not surprising that termination of pregnancies were equaled with »murder«<sup>36</sup> or »infanticide«.<sup>37</sup> The humanization of the fetus also played an important role during the parliamentary debates at the beginning of the 1990s. Opponents of the liberal law on abortion called the fetuses—and not the pregnant women—»patients« that were at the center of the medical treatment in cases where pregnancies had to undergo (pre-natal) testing.<sup>38</sup> Moreover, (hypothetical) fetuses were given first names<sup>39</sup> to further stress their »human character«.

This all were means to counter the demands to recognize women's rights to self-determination of their bodies that was *in toto* rejected by most of the Catholic actors.<sup>40</sup> Being autonomous—this was underlined by publications of American origin that were translated into Polish and distributed in Poland in the 1970s showing examples of fetuses that survived outside the wombs in fairly early stages of pregnancy (18 week and less<sup>41</sup>)—was used as a synonym of being a human individual. Thus, »the pregnant woman has no right to destroy this little human being, since it is not«—as feminists claimed—»a part of her body.«<sup>42</sup> This was a key

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33 Libera/Rybicki: *Listy Pastorskie, część 1*, p. 622.

34 AAN, KIK, 2/2212/0/5/396, n.p.

35 AAN, KIK, 2/2212/0/5/389, n.p.

36 *ibid.*, n.p.

37 AAN, KIK, 2/2212/0/5/394, n.p.

38 AAN, Porozumienie Centrum (hereinafter: PC), 2/2764/504, n.p.

39 Kuźma-Markowska/Ignaciuk: *Family Planning Advice*, p. 262.

40 Zok, Michael: (K)Ein Kompromiss? Der Konflikt um die Neuregulierung des Schwangerschaftsabbruchs in Polen in den 1980er/1990er Jahren, in: *Ariadne. Forum für Frauen- und Geschlechtergeschichte* (2021), No. 77, pp. 164–182; but also in the discourse of the supporters of legal abortions, at least during the Communist period, the right of female self-determination, was of minor priority, compared to the protection of women's reproductive abilities. Id.: *Körperpolitik, (staatstragender) Katholizismus und (De-)Säkularisierung im 20. Jahrhundert. Auseinandersetzungen um Reproduktionsrechte in Irland und Polen*, in: *Body Politics 7* (2019), No. 11, pp. 123–158, p. 155.

41 AAN, KIK, 2/2212/0/5/389, n.p.

42 AAN, KIK, 2/2212/0/5/396, n.p.

element to reject the idea of »women's rights to decide« and a counter-argument to »my body, my choice« (which was not so popular among female activists in Poland until the early 1990s).

Nonetheless, we can also find some inconstancies in the Catholic discourse, e.g. when the authors of pastoral letters urged that a child had to be baptized »in the first weeks of its life«, meaning after birth.<sup>43</sup> Despite that, birth as an important liminal stage and meaningful moment of human life (and the beginning of social interaction) was in general marginalized in the Catholic discourse—birth was just a »minor transition« from one early stage of human existence into another.<sup>44</sup>

### Legal Debates and Distribution of Beliefs

Initiators of draft bills to restrict abortion claimed that their aim was to overcome »negative demographic trends« as well as to protect the reproductive potential of women—this argument had been put forward already during the parliamentary debates prior to the liberalization in 1956.<sup>45</sup> This applied especially to the first gestation.<sup>46</sup> Catholic actors were convinced that terminating the first one would—in *every case*—lead to infertility<sup>47</sup> and a »decline of quality« of children.<sup>48</sup> Furthermore, on a macro-scale, abortions would endanger the »biological substance of the nation«, as two memorandums by the Bishops' Conference<sup>49</sup> as well statements by laypersons and Catholic organizations<sup>50</sup> claimed. First draft bills to outlaw abortions during the first gestation were already formulated by

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43 Libera/Rybicki: *Listy Pastorskie, część 1*, p. 894.

44 Kraško, Nina: O życiu ludzkim, wartościach, odpowiedzialności i wygodnictwie życiowym: Przyczynek do kwestii ustawy antyaborcyjnej w pracie katolickiej, in: Chałubiński, Mirosław (ed.): *Polityka i aborcja*, Warszawa 1994, pp. 68–88, p. 70.

45 Czajkowska: O dopuszczalności, pp. 147, 152–153.

46 AAN, Komitet Centralny Polskiej Zjednoczonej Partii Robotniczej (hereinafter: KC PZPR), 2/1354/0/2.1.1/1/365, folio 244.

47 Ignaciuk, Agata: In *Sickness and in Health. Expert discussions on Abortion Indications, Risks and Patient-Doctor Relationships in Postwar Poland*, in: *Bulletin of the History of Medicine* 95 (2021), No. 1, pp. 83–112.

48 AAN, KIK, 2/2212/0/2.6/58, n.p.

49 AAN, UdsW, 2/1587/0/7.23/125/119; AAN, UdsW, 2/1587/0/7.23/125/120.

50 AAN, UdsW, 2/1587/0/5.1/127/271, folio 1–4.

Catholic MPs in the 1970s, but they did not succeed in parliament and started another attempt in the early 1980s.<sup>51</sup>

This happened at a time when Polish society witnessed a major economic and political crisis that emerged at the beginning of the 1980s and would ultimately change the political landscape. In November 1981, prior to the introduction of martial law a month later, four ministries (among others: Health, Internal Affairs) published a decree that would limit the possibility to obtain an abortion on request.<sup>52</sup> This happened during one of the main (and last) crisis of Communist rule in Poland (that would ultimately lead to its downfall), when the Communist leadership tried to overcome the difficulties by »reforming socialist economies«. This reforms effected mainly women in an effort to remove them from the labor market.<sup>53</sup> The economic policies caused harsh critique from the Party's Women's Commission and the National Council of Women—both institutions installed by the state and Party administration and loyal (until then) to them. Its female members accused the Party leadership of betraying the aim of gender emancipation.<sup>54</sup> Members of the commission even criticized social policies in public<sup>55</sup>—a clear hint at the erosion of power inside and outside the Party.

This change did not have long-lasting effects although births rose for the first time in 1984,<sup>56</sup> but have been falling ever since. The above-mentioned restriction was finally removed in 1983 when the then Minister of Health declared a return to the regulations of the 1956 law.<sup>57</sup> However,

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51 AAN, Kancelaria Sejmu, 737/0/760, folio 299–307, 363–369; Zabłocki, Janusz: *Dzienniki: Tom 3: 1976–1986, część 1: 1976–1981*, Warszawa 2013 (*Relacje i wspomnienia / Instytut Pamięci Narodowej, Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*, vol. 19), p. 661, entry 22 czerwca (June) 1981.

52 Ignaciuk: *In sickness and in health*, p. 91.

53 Zok, Michael: *Gendered Social Policies in (Post-)Communist Countries. The Case of Poland*, in: *N Macedonian Journal of Social Policy* (2022), pp. 37–54, pp. 44–47.

54 AAN, KC PZPR, 2/1354/0/2.4.1/XL/118, n.p.; AAN, KC PZPR, 2/1354/0/2.4.3/XLII/30, n.p.

55 Stańczak-Wislicz, Katarzyna/Perkowski, Piotr/Fidelis, Małgorzata/ Klich-Kluczevska, Barbara: *Kobiety w Polsce 1945–1989: Nowoczesność, równouprawnienie, komunizm*, Kraków 2020, p. 84.

56 AAN, Patriotyczny Ruch Odrodzenia Narodowego. Rada Krajowa (hereinafter: PRON RK), 2/1590/0/4/138, n.p.

57 Mishtal, Joanna Z.: *How the Church became the State: The Catholic Regime and Reproductive Rights in State Socialist Poland*, in: Penn, Shana/Massino, Jill (eds.): *Gender politics and everyday life in state socialist Eastern and Central Europe*, New York 2009, pp. 133–149, p. 144.

times had changed and also the political as well as social conditions. Representatives of Catholic Social Thought were on the advance and found also their ways into state bodies, e.g. the Council for Family Affairs (Rada do spraw Rodziny) and gained influence on the discourse about the beginning of human life, »conceived children« and their protection.<sup>58</sup> This growing influence can also be found in reviews of governmental reports, e.g. on living conditions of young couples from the 1980s. The reviewer stressed the necessity not only to invest in housing and social policies, but also to protect »human [life] from the moment of conception«. <sup>59</sup> Here, I want to point out that this were state bodies and the changes in wording show the shifts in discourse in this very decade.

The discursive shifts could also be observed in legal discourse: in 1952, the Supreme Court ruled that a fetus—this case concerned fathering—would »receive« its legal capacity only in the moment of birth.<sup>60</sup> This was, of course, not acceptable for Catholic actors and conservatives, as a study produced at the Law Department of the Catholic University Lublin (Katolicki Uniwersytet Lubelski, KUL) underlined. Its author who conducted his study under the supervision of a right-wing politician and future speaker of the Lower House (Marszałek Sejmu), Wiesław Chrzanowski, stressed the legal ambiguity regarding legal capacity of fetuses (the author used in his study the term »conceived child« that had been juridical uncommon until then).

The unified and reformed 1964 Civil Law gave the fetus—in the case that it was born alive and capable to live outside the womb (»whatever that meant«, as the author commented)<sup>61</sup>—the right to inherit. This derived from the tradition of Roman law. On the other hand, the study's author argued, legal protection was not given, since terminations of pregnancies were allowed. Thus, in context of the existing Polish law, he stressed that currently there were two possible positions: either the fetus had in general no legal capacity, or it had conditional legal capacity.<sup>62</sup> Referring to Natural Law, the author stated that the existence of a human being, in this case a »conceived child« would mean that it also inherited

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58 E.g. Wanda Póltawska, a known Catholic psychiatrist and close friend to Karol Wojtyła, the future John Paul II., or Elżbieta Sujak. AAN, Rada do spraw Rodziny (hereinafter: RdsR), 2/1938/0/1/1/35, folio 15, 17; AAN, RdsR, 2/1938/0/1/1/4, folio 73.

59 AAN, RdsR, 2/1938/0/1/1/36, folio 32.

60 AAN, Archiwum Wiesława Chrzanowskiego, 2/2859/0/-/208, n.p.

61 *ibid.*, n.p.

62 *ibid.*, n.p.

human rights. Thus unsurprisingly, and also in line with the conservative stance of the supervisor, the author came to the conclusion that this legal ambiguity could only be solved by accepting the unconditional, full legal capacity of »the unborn child«. <sup>63</sup> This was also acknowledged by a ruling of the Supreme Administrative Court in the mid-1980 that implied that the fetus had the same rights as a child that already had been born. Thus, theoretically the fetus could claim compensation for harm illegally done to it during pregnancy. Summing up the current legal regulations, the study came to the conclusion that there was no precise definition when life began in Polish Penal Law. However, birth was seen as the moment which caused the differentiation between termination of pregnancies and infanticide (in his commentary, the study's authors criticized that in current law pregnant women did not have to take responsibility for abortions). Referring to »advances in medicine [and] psychology«, he was convinced that more people would recognize the fetus was an autonomous being »and not a possession of the mother«. <sup>64</sup>

This was also the standpoint of theologian and philosopher Janusz Gula who elaborated the different juridical positions about the protection of the fetus and the moment from when this protection should obligate. During his explanations at a conference at the Holy See in 1985, he came to the conclusion that to define the moment of conception as the instant when human life began was the »only logical« moment for the legal implementation of protection. <sup>65</sup>

Polish sociologist Małgorzata Fuszara disagreed. She underlined that the state—although obligated by the new (1993) law on abortion to »protect human life from the moment of conception onwards«—could not do so, because the precise moment of conception was unknown—to the state (authorities), doctors, and even, to the pregnant woman. <sup>66</sup>

Closely connected to this legal discourses was the rejection of a zygote as a »potential human being«. <sup>67</sup> This was put forward by supporters of abortion, since they argued that, especially the zygote was not a »completed« and »developed« human being, but had (only) the potential to

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63 *ibid.*, n.p.

64 *ibid.*, n.p.

65 AAN, KIK, 2/2212/0/2.6/51, n.p.

66 Fuszara, Małgorzata: Debata o aborcji a kształtowanie się sceny politycznej w Polsce po upadku komunizmu, in: Chafubiński, Mirosław (ed.): *Polityka i aborcja*, Warszawa 1994, pp. 52–67, p. 59.

67 AAN, KIK, 2/2212/0/2.6/51, n.p.

evolve into such a human being. Those notions were rejected by pro-life politicians and groups, stressing that the whole idea of a »potential« human being (and conflicts of interest between these »potential« individuals and »real« persons)<sup>68</sup> was contrary to Natural Law.

Anti-abortionists in Poland had a variety of means to spread their convictions and believes in the 1980s—at that very time often supported by »scientific facts«. One such means was a lecture cycle entitled »The Human Being before Birth«. It was organized by members of the Polish Catholic Social Union (Polski Związek Katolicko-Społeczny) which had been established in the late 1970s as a split-off of ZNAK, the parliamentarian circle of Catholic MPs. Prominent Catholic sexologists like Włodzimierz Fijałkowski, one of the main propagator of »natural family planning« and opponent of artificial contraception as well as abortions, was one of its organizers. The courses were well received by clerics and laypersons and their activities were extended—even during martial law.<sup>69</sup>

One can find evidence that attempts were made to include these notions into handbooks on human sexuality in the early 1990s. In one draft, we can find a rejection of scientific wording, as the authors stated that »the term embryo, although correct, is not able to show the whole richness of this individual, unique little human being.«<sup>70</sup> Additionally, the drafts of several handbooks rejected all reasons for abortions, including rape, since »an innocent human being« would be »condemned to the most severe punishment—death.«<sup>71</sup> Or, eugenic resp. embryopathological reasons were rejected because »we cannot know whether the child will be born handicapped.«<sup>72</sup>

## Two Sides of the Coin: Abortion and Euthanasia

The last example points to another element of the Polish (Catholic) discourse on pre-natal life which became more and more common since the

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68 Klimowicz: *Filozoficzne i etyczne podstawy*, pp. 31–34, 38.

69 Zabłocki: *Dzienniki 1976-1981*, p. 635, entry 16 lutego (February) 1981; Zabłocki, Janusz: *Dzienniki*: vol. 3: 1976-1986, część 2: 1982-1986, Warszawa 2013 (*Relacje i wspomnienia / Instytut Pamięci Narodowej, Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*, vol. 21), p. 152, entry 6 marca (March) 1983.

70 AAN, MEN, 2/2521/0/4/21201, folio 310.

71 *ibid.*, pp. 289–290.

72 *ibid.*, p. 290.

1980s: the connection (and condemnation) of abortion and euthanasia. It showed (and shows) the interest of the Church and its allies in life's beginning and its end (contemporary (and today's) critics blamed the Church and right-wing politicians for being solemnly interested in those two liminal stages and that they did not show any interest in the time between, since both supported economic transformation and the reduction of social welfare that targeted children and their upbringing<sup>73</sup>).

During the 1970s, the Communist censorship was very active and erased critical statements by Catholic authors. Passages about »a massacre of unborn children« or that claimed that the number of »Polish unborn children« that had died due to »abortions in Poland [was higher] than the loss of population during the Second World War« had to be deleted.<sup>74</sup> In a similar fashion, the Bishops' Conference addressed the issue. Its member wrote in pastoral letters that »Poland was flooded with the blood of unborn children« creating a »bloody harvest«. <sup>75</sup> Those statements reached—except in the case of the latter—only rarely the public, because of the tight surveillance by censors. However, in independent spheres like the Clubs of Catholic Intelligentsia,<sup>76</sup> but also new organizations and movements to challenge the existing law on abortion in the 1980s<sup>77</sup> such notions circulated openly and unchallenged.

The political changes at the end of the 1980s, i.e. the downfall of Communism in Poland and the accompanying abolition of censorship led to a more statements of this kind. Also, to stress the »monstrous scale« of »population loss« due to abortions, leaflets with maps representing »murdered conceived children« with crosses all over Poland—thus resembling the visual style of a widely known and used map of Nazi atrocities published by the Central Commission for the Investigation of Nazi Crimes in Poland since the 1960s<sup>78</sup>—were sent to MPs during the parliamentary debates on the permissibility of abortion.<sup>79</sup>

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73 Kraško: *O życiu ludzkim*, p. 87.

74 AAN, Główny Urząd Kontroli Prasy, Publikacji i Widowisk (hereinafter: GUKPPIW), 2/1102/0/7.3.4/3684, folio 130.

75 Libera/Rybicki: *Listy Pasterskie*, część 1, pp. 779, 910.

76 AAN, KIK, 2/2212/0/5/389, n.p.

77 AAN, Akta Jerzego Świdierskiego, 2/2610/0/-/79, n.p.

78 See: Cornell University Library, Digital Collections: *Zbrodnie Hitlerowskie na Ziemiach Polski w Latach 1939-45* [Hitler's Crimes in Poland 1939-45], 2017 [1968], <https://digital.library.cornell.edu/catalog/ss:19343462> (13.07.2024).

79 AAN, Archiwum Stanisława Stommy, 2/2218/0/3.3/156, n.p.

The connection between Nazi atrocities and abortions was not the only connection that was discursively constructed by anti-abortion activists. Ultimately, the »Holocaust of the Unborn« was constructed as to be connected to another crime of Nazi Germany: forced euthanasia. Already in the 1970s, members of a grass-root pro-life organization, supported by the Church, called the 1956 law a »genocidal law« and accused family planning to be a method of introducing »forced widespread euthanasia«. <sup>80</sup> Its members claimed that this was imposed on the Polish people by »neo-Malthusians« or »a neo-Malthusian mafia« to which they counted the Club of Rome. <sup>81</sup> Abortion and euthanasia became increasingly intertwined in Catholic pro-life discourse in Poland.

Although it would take until 2020 (decision of the Constitutional Tribunal) to outlaw eugenic, or: embryopathological, reasons, national-Catholic politicians closely connected to the Catholic Church trying to impose »Christian values« onto public life heavily attacked these regulations during the debates in the early 1990s. In the Lower House <sup>82</sup>, MP Mariusz Grabowski from the far-right party Christian National Union (Zjednoczenie Chrześcijańsko-Narodowe) spoke of a »holocaust of the feeble, a euthanasia of old people« that would follow if the Lower House would not approve the restrictive bill on abortion. In his opinion, the existing law allowing terminations because of embryo pathologies was the »same method the Hitlerists used« in their extermination camps. <sup>83</sup> Sławomir Siwek, MP from the ranks of Jarosław Kaczyński's first right-wing political party Centre Agreement (Porozumienie Centrum) supported this view during his speech. He stated »this law is necessary to avert a possible law that would allow killing of elderly, ill and feeble people, a right to euthanasia.« <sup>84</sup>

Similar statements were not only made by politicians, but can also be found in documents, such as drafts for school books, from the Ministry of Education that had been written at that time. There, abortion was equaled to »terminations of retirees« <sup>85</sup> as well as in general with »euthanasia« (ex-

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80 AAN, UdsW, 2/1587/0/5.1/127/271, folio 4–5.

81 AAN, UdsW, 2/1587/0/7.23/125/120, n.p.; AAN, KIK, 2/2212/0/5/395, n.p.; Kuźma-Markowska/Ignaciuk: Family Planning Advice, p. 257.

82 In 1989, the historical Upper House of the Polish parliament, the Senate, had been re-established.

83 AAN, ZChN, 2/2410/0/-/6, folio 86–87.

84 *ibid.*, folio 95.

85 AAN, MEN, 2/2521/0/4/20945, folio 23–25.

emphified on a »handicapped person« for whom »mercy killing« would be a »release from pain«).<sup>86</sup> Statements and pastoral letters by the Bishops' Conference pointed in the same direction: in a letter from 1984, the authors criticized the notion of »unproductive humans«,<sup>87</sup> an (un-)conscious reference to Nazism. Others, e.g. right-wing politicians were far more direct and accused the defenders of the liberal law on abortion, in this case the successor of the Communist party, the Social democrats, to be »the same as the NSDAP«.<sup>88</sup>

During those debates prior to the 1993 decision, this constructed connection between (at that time legal) terminations of pregnancies and »euthanasia« in the context of Nazi reign was rejected by left-wing parliamentarians. They called the equation »demagogic«. In their argumentation, it were, instead, the supporters of a restrictive law on abortion that would construct »hierarchies of better and worse« forms of life resulting in a superiority of the fetus' life over the woman's one, as Social democratic senator Zofia Kuratowska criticized in the Upper House.<sup>89</sup> This was countered by her right-wing colleague Alicja Grześkowiak. The senator and professor of law called abortions an »assassinations on human life« and »no one« gave the right of life to the fetus (except God, in some statements), because the fetus inherited the right from being a human. And—as always—, she stated that indisputably »life begins with conception...and ends when the human life fades.«<sup>90</sup>

Additionally, there was also a new tone in the Polish discourse. Since the end of Communist rule, it became possible (and fashionable among right-wing politicians) to underline that it were not only Nazis who tried to biologically eradicate the Polish nation, but also Communists. Or, totalitarian regimes in general, as Reverend Tadeusz Pieronek, member of the Bishops Conference, stated in an interview: »totalitarian systems did not only murder millions of people in concentration camps«, but they also »legalized the murder of innocent and defenseless children in women's wombs.«<sup>91</sup>

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86 AAN, MEN, 2/2521/0/4/21201, S. 291.

87 Libera/Rybicki: *Listy Pasterskie*, część 2, p. 1454.

88 Raciborski, Jacek: *Kościół i wybory*, in: Chałubiński, Mirosław (ed.): *Polityka i aborcja*, Warszawa 1994, pp. 154–172, p. 165.

89 AAN, PC, 2/2764/504, n.p.

90 *ibid.*, n.p.

91 Kulczycki, Andrzej: *Abortion Policy in Postcommunist Europe: The Conflict in Poland*, in: *Population and Development Review* 21 (1995), No. 3, pp. 471–505, p. 486.

Interestingly, there were also exceptions to this among right-wing politicians. Although the introduction of legal regulation to »protect human life from conception to natural death« was a common goal of right-wing (partly centrist) parties,<sup>92</sup> one of most prominent supporters of death penalty that had been abolished during the transition was Jarosław Kaczyński. In an interview, he stated that he personally would not support a law that would outlaw abortion *and* death penalty. Instead, he was even willing to accept terminations of pregnancies if death penalty would be reinstated.<sup>93</sup> Needless to say that this could cause irritation with his followers and the Catholic Church, as he often presented (and presents) himself as a devout Catholic.

And the representatives of the Church had a clear standpoint on this, as the Bishops' Conference announced in an pastoral letter from 1991: Recurring on the current debates on the new law on abortion, its authors underlined the ambiguity of »democratic decisions« if they were not in line with the conception of Natural Law (and thus official teaching of the Catholic Church). They underlined that laws existed that were not made by humans (Natural Law) and were thus not to be altered by humans. Abortion and euthanasia were said to violate not only God's law, but »nature« in general.<sup>94</sup>

### Social Consequences and the Question of Nation

The resistance against restricting abortion at the beginning of the 1990s was futile. The new regulations, called »a compromise«, since they did not outlaw termination of pregnancies in total, but left medical, criminological and (until 2020) embryopathological reasons for an abortion untouched, influenced massively the official numbers of pregnancies that were terminated. According to the official statistics, the number of abortions already began to drop in the second half the 1980s. The new Code of Medical Ethics as well as the 1993 law accelerated this development.

One can only assume how the reality looked behind the official numbers. Some documents from the Ministry of Health and Social Welfare

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92 AAN, Chrześcijańsko-Demokratyczne Stronnictwo Pracy (hereinafter: ChDSP), 2/1807/0/13/261, n.p.

93 AAN, PC, 2/2764/18, n.p.

94 Libera/Rybicki: Listy Pasterskie, część 2, p. 1705.

and the Ministry of Justice produced in the mid-1990s—after a left-centrist coalition came into office—suggest that the attempt to control (and protect) the beginning of human life with the aid of repressive regulations did not work, as the initiators wanted it to do.

Two trends became visible: first, the ministries saw that the ban on terminations of pregnancies on women's request led to the emergence of abortion tourism. The files from the ministries tell us about an incident with a couple that had organized such a trip to neighboring Czechia for over 200 women who wanted to have their pregnancies terminated. The couple had been arrested and was trailed (unfortunately, the files do not tell us how the trial ended).<sup>95</sup>

Another tendency that emerged was a rise in violence against pregnant women, as the Ministry of Justice observed. Thus, it came to the conclusion that the 1993 law was not able to protect »unborn life«, as its creators intended.<sup>96</sup>

Ultimately, there is a third trend that intensified due to the new regulations and is very strong until today: the decrease of the number of newborn children in Poland.<sup>97</sup>

This demographic problems were even worse in the 1980s due to the »other side of the coin«: Polish society, or at least the state institutions, observed a massive rise in male mortality. Men's »extramortality«, especially for the age groups between 18 and 45 and in rural areas (that were already dominated by a male surplus), became a severe problem and was often discussed among state experts.<sup>98</sup> The reasons for this phenomenon were manifold and included cultural (tobacco, alcoholism, suicides<sup>99</sup> etc.) as well as environmental factors—Poland's air and rivers were very toxic due to rapid industrialization, lack of (environmental) protection and innovation. In 1980, 17.5 per cent more men than women died, after that year the gap began to close very slowly.<sup>100</sup>

The fear that the Polish nation would »vanish«, as the Bishops' Conference had articulated in the 1970s, has never gone. The bad shape of Polish

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95 Zok: (K)Ein Kompromiss?, p. 175.

96 AAN, Ministerstwo Zdrowia i Opieki Społecznej (hereinafter: MZiOS), 2/1939/0/-/19/248, folio 35.

97 Zok: (K)Ein Kompromiss?, p. 176.

98 AAN, RdsR, 2/1938/0/1/1/12, folio 9; AAN, RdsR, 2/1938/0/1/1/18, folio 9; AAN, RdsR, 2/1938/0/1/1/59, folio 301.

99 AAN, MZiOS, 2/1939/0/-/19/100, folio 281.

100 AAN, RdsR, 2/1938/0/1/1/18, folio 11.

economy, environment, but also the lack of (psychological) resilience in times of crisis from the 1980s onwards and the resulting uncertainty had a massively negative influence on the demographic development of Polish society, so that even during the campaign prior to the 2015 presidential election those questions were at the center of attention.<sup>101</sup>

#### Conclusion: The Liminal Stage That Was Not

Thus, speaking with Michel Foucault,<sup>102</sup> Poland's Communist as well as Post-Communist governments had to turn towards biopolitical mechanisms and policies to combat demographic developments that were perceived as negative and leading to a demographic catastrophe (again). The threat of a »vanishing nation«, experienced during the Second World War and since the 1970s by Catholic actors, remained strong in Polish discourse and influenced it.

The analysis shows that the end of Communism and the transformation did not change the discourse on both sides and continuities between pre- and post-1989 prevailed. However, the downfall of Communism altered the modes of communication: the end of (Communist) censorship allowed Catholic anti-abortion activists, laypersons and clerics alike, to spread offensively their belief that life began at conception and thus had to be protected. And, it allowed to criticize past totalitarian regimes as »genocidal«, because they aimed at the biological *and* moral destruction of the Polish people as a Catholic nation.

Yet, this does not mean that this was left unchallenged. Instead, surveys from the early 1990s showed that a majority of Poles were against a restrictive legislation and wanted a liberal law on terminations of pregnancies. A majority in the Catholic country disagreed with Church teachings regarding sexuality and procreation<sup>103</sup>—despite a growing influence of the Church in public discourse and a »Polish pope«.

The liminal stage at the beginning of life—and to a lower extent the one at life's end—was in the focus not only of the government and its

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101 Zok, Michael: Wider die angeborene und nationale Mission der Frau? Gesellschaftliche Auseinandersetzungen um Abtreibungen in Polen seit der Entstalinisierung, in: Zeitschrift für Ostmitteleuropa-Forschung (2019), No. 2, pp. 249–278, p. 278.

102 Foucault, Michel: The history of sexuality, vol. 1: Introduction, New York 1978.

103 Zok, (K)Ein Kompromiss, p. 171.

experts, but also among Catholic elites, including clerics as well as laypersons, most prominently pope John Paul II. Or to be precise: the moment of conception and the development of zygote and fetus as non-liminal stages was at the center. As I have shown, Catholic discourse—prominently articulated and propagated by Church representatives and laypersons alike—did not recognize pre-natality as something »in-between« and unknown, as Arnold van Gennep<sup>104</sup> or Victor Turner<sup>105</sup> conceptualized them. Instead, for Catholics, zygotes and fetuses were simply the »first and earliest stage« in human life. They also assigned abilities to embryos that are connected to infants and adults—such as make (conscious) decisions or communicate.

And this had, of course, profound implications for debates on abortion, family planning, contraception etc. Although »historians are unfortunately bad futurologists«,<sup>106</sup> it is, in my opinion, clear that the debates on the permissibility of abortion, of »protection of unborn life« and liminal stages will go on in Polish society. Maybe in a never-ending »Circle of Life«.

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