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The dignity of the conceived child in the teachings of Christian churches and religious associations and in Judaism**

ABSTRACT: The present study focuses on understanding the dignity of the conceived child by selected churches and religious associations. The discussion was narrowed down to Christian communities and Judaism. These confessions build their doctrines on biblical teachings. The similarities and differences found in the approaches to the status of the unborn child were characterised. The positions of particular confessions have been discussed in the context of the doctrinal principles and legal norms they proclaim.

The question of how the dignity of the unborn child is perceived is crucial as it determines from which moment a human being becomes a subject of rights (in particular, the right to life). Indeed, questioning the dignity of the human person from the moment of conception has important consequences for the quality of life and health of the unborn child. It creates the possibility of treating human fetuses instrumentally, subjecting them to treatments, experiments, or other practices that may violate their personal integrity.

KEYWORDS: dignity, conceived child, churches and religious associations, Judaism.

1. The essence of the human being's dignity

The dignity of the human person is the source of human and civil rights and freedom in democratic states. This value is inseparably connected with the human being and gives him/her the possibility of enjoying the rights guaranteed by legitimate authorities as well as those granted to the individual, independent of the will of the decision-makers. The present

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study addresses the understanding of a conceived but not yet born child's dignity through selected churches and religious associations.

These considerations will be narrowed down to Christian communities and Judaism. These confessions build their doctrines on the teachings of the Bible. It is worth examining the similarities and differences in their approaches to the status of the conceived child. The position of the particular entities will be characterised in the context of their doctrinal principles and legal norms.

It is agreed that after birth, the child enjoys the rights of freedom and possesses the dignity of every human being. However, some isolated views question whether a human being is endowed with this attribute at all. In his study, Buller refers to the opinion of the orthodox behaviourist Skinner, who rejects human dignity as a supreme value. The researcher interprets human behaviour according to the assumptions of classical behaviourism. This leads him to the conclusion that, first, observations of animal behaviour can be directly applied to human attitudes; second, he believes that a pattern of behaviour as a response to a stimulus should be considered sufficient.¹

The present study mainly intends to answer the following question: How is the dignity of the unborn child perceived? This is a key question, because it determines the moment a human being becomes a subject of rights (in particular, the right to life). Questioning the dignity of human beings from the moment of conception has important consequences for the quality of life and health protection of the unborn child. This creates the possibility of treating human fetuses instrumentally and subjecting them to treatments, experiments, or other practices that may violate their personal integrity.

However, before presenting the position of individual Churches and other religious associations, an attempt should be made to define what the human being's "dignity" is and how it is perceived in the literature on the subject, by the judiciary as well as in normative acts.

Among the researchers dealing with the issue we are interested in, special attention should be paid to Janusz Franciszek Mazurek, a representative of the "Lublin school", who made a significant contribution to Polish literature on the subject by shaping the idea of the dignity of human beings.² He distinguishes between individual and personal dignity. Individual dignity has its source in morally valuable action. The individual

¹ Buller, 2012, p. 49.

² See: Mazurek, 1993, pp. 261-271; idem, Mazurek, 1996, pp. 5-41.

influences and shapes the development of this value through his or her behaviour.³ In addition, the level of individual dignity is influenced by other people, the sociocultural environment, and various types of groups and communities.⁴ Personal dignity, on the other hand, is an innate category to which every individual is entitled because of his or her privileged place in the world. In addition to its innate character, personal dignity is recognised as inalienable, permanent, universal, and dynamic.⁵ Significantly, no one decides whether someone is a person because, as Mazurek emphasises, this is determined by the fact of existence itself, to which dignity is attributed. Dignity is equal to existence as a person.⁶

We can observe different understandings of dignity in the literature on this subject. The *Stanford Encyclopedia of Philosophy* distinguishes dignity as *gravitas*, dignity as *integrity*, *status* and dignity as *human*. The last category indicates a value or status.⁷ Marinski defines dignity as an inalienable, irreducible, nontransferable, and absolute value.

From the perspective of the issues discussed in this study, personal dignity, a source of individual rights and freedom, is fundamentally important. As Pavel Dancák points out, this idea has had a significant impact on law-making processes in the civilised world.⁸ Furthermore, Wojcieszek notes that human dignity can be interpreted at two basic levels: value and law. As a value, it influences the process of interpreting norms contained in normative acts such as the Constitution, building an axiology for existing legal solutions. However, in legal terms, dignity appears as a constitutional and subjective right. Public authorities must create appropriate guarantees to which the individual is entitled.⁹ The author, while analysing the evolution of the concept of dignity in the jurisprudence of the Supreme Court of the United States of America, emphasises that the understanding of dignity has been changing depending on various conditions, such as social transformations, historical events, and the evolution of political and legal traditions. Currently, two features of dignity are distinguished in American doctrines. First, it is the source of rights and

³ Mazurek, 1988, p. 29.

⁴ Chałas, 2021, p. 36.

⁵ Ibid. p. 39.

⁶ Ochman, 2020, p. 146.

⁷ Stanford Encyclopedia of Philosophy, Dignity, [Online]. Available at: <https://plato.stanford.edu/entries/dignity/> (Accessed: 21 August 2024).

⁸ Dancák, 2017, p. 20.

⁹ Wojcieszek, 2021, p. 706.

freedoms, and second, it is the value on which the legal system is based.¹⁰ As Krajewska notes, both the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) refer to the dignity of the human person in their judgments but avoid defining the concept. Therefore, each case concerning possible interference with dignity is examined individually.¹¹ The ECHR noted in the judgment of 16 June 2022 that any interference with human dignity strikes the very essence of the Convention.¹² The CJEU, on the other hand, in its judgment of 9 October 2001, confirmed that the fundamental right to human dignity is part of European Union law.¹³

The Polish Constitutional Tribunal (CT) has repeatedly clarified the definition of dignity and its role in shaping the Polish legal system.¹⁴ On 23 March the CT emphasised that the Polish Constitution is an expression of an objective system of values which shapes individual rights and freedoms. The central place is occupied by the principles of inherent and inalienable human dignity.¹⁵ The Constitutional Tribunal recognises human dignity as a transcendent value, primarily in relation to other human rights and freedoms (for which it is the source), inherent, inalienable, and permanent, which cannot be violated by either the legislator or other subjects. In this sense, according to CT, humans always possess dignity, and no action can deprive or violate it. The second meaning of human dignity, in the opinion of the CT, is the “individual dignity” covering the values of a person’s psychological life and the values determining the subjective position of the individual in society and those which affect the respect due to every person. In the opinion of the Constitutional Court, only dignity comprehended in this way can be the subject of interference, both at the normative level and in interpersonal relations.¹⁶ The Polish judiciary frequently refers to the protection of human dignity in judgments. The Supreme Court, in its judgment of 26 March 2024 notes that

¹⁰ Ibid. p. 712.

¹¹ Krajewska, 2006, p. 124.

¹² *Case of Skorupa v. Poland* App. No. 44153/15, 16 June 2022.

¹³ *Case C-377/98, Kingdom of the Netherlands v European Parliament and Council of the European Union*, 9 October 2001, points 70-77.

¹⁴ Potrzebszcz, 2005, p. 27.

¹⁵ Judgment of the Constitutional Tribunal of 23 March, 1999. (K 2/98 - OTK 1999/3/38).

¹⁶ Judgment of the Constitutional Tribunal of 5 March, 2003. (K 7/01 - Dz.U. z 2003, nr 44, poz. 390).

[...]The concept of inherent and inalienable human dignity referred to in the Article 30 of the Polish Constitution [...] should be referred to humanity itself and not to the colloquial notion of "dignity" as a subjective sense of self-esteem or self-respect. Violations of dignity, in the sense referred to in the Article 30 of the Polish Constitution, occur only in truly drastic situations that objectify human beings or treat them in an inhumane way.¹⁷

Referring to ongoing research and medical experiments, the Supreme Court stated that conducting clinical trials or medical experiments against the provisions of the law violates human dignity and freedom. Moreover, both these values belong to the group of the most important personal goods protected by the constitutional order, and their effective protection is the primary duty of public authorities.¹⁸ The tasks of the entities exercising power were pointed out by the Supreme Court in its decision of 25 June 2022 when it stated that

[...]it is necessary to respect the primary constitutional value in each case i.e. human dignity (Article 30 of the Constitution of the Republic of Poland) which implies the obligation to create and apply the law by all bodies of public authority within the scope of their competence in such a way that takes into account the guarantees of creating the conditions for the proper functioning of a person in society and the creation of opportunities for self-fulfilment, i.e. the free development of one's personality.¹⁹

The judiciary's position corresponds to the normative status of human dignity. This category is included in both international and national regulations.

The normative nature of the protection of the dignity of human beings was confirmed by the Universal Declaration of Human Rights of 10

¹⁷ Judgment of the Constitutional Tribunal of 26 March, 2024. (II NSNc 304/23 - OSNKN 2024/2/9).

¹⁸ Judgment of the Constitutional Tribunal of 21 September, 2022. (I NSNc 75/21 - OSNKN 2022/4/23).

¹⁹ Decision of the Supreme Court of 25 June, 2022. (I CSK 3548/22 - LEX nr 3456157)

December 1948 (UDHR). According to Article 1, all human beings are born free and equal in terms of dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood.²⁰ It has been pointed out in doctrine that the UDHR does not specify what it means to be “born human”, nor does it specify when one becomes a human being (whether at the moment of conception or birth). This was done intentionally so that it could be adopted by as many countries as possible to promote different value systems.²¹ While interpreting this norm, Mazurek states that freedom as an innate attribute of human beings, together with reason and conscience, forms the basis of dignity.²² Although the document is not generally applicable law, the regulations contained therein have had an enormous impact on the shape of the guarantees to which the individual is entitled, both in international and particular terms. These rights are universal. Their formulation was the first attempt in history to cover these issues comprehensively in a single normative act.²³

Dignity, together with the equal and inalienable rights of all members of the human community, has been recognised as the basis and source of freedom, justice, and peace in the world in preambles to the International Covenant on Civil and Political Rights²⁴ and the International Covenant on Economic, Social, and Cultural Rights.²⁵ Protection of a child’s dignity is also guaranteed in the Convention on the Rights of the Child of 20 November 1989 (CRC). Relevant guarantees were assigned to potential situations in which the child may find himself or herself. According to Article 23, a mentally or physically disabled child should ensure a fully normal life under conditions that guarantee his or her dignity. In addition, in matters relating to education, parties are obliged to take appropriate measures to ensure that school discipline is administered in a manner consistent with the human dignity of the child (Article 28(2) of the CRC). In situations when a child is deprived of his or her liberty, he or she is to be treated humanely and with respect to the inherent dignity of the human being in a manner that considers the needs of the person at the relevant age (Article 37(c)). A child who has been the victim of any form of neglect,

²⁰ UN, 1948.

²¹ Jaskólska, 1998, p. 63.

²² Mazurek, 1988, p. 37.

²³ Jaskólska, 1998, p. 50.

²⁴ UN, 1966a.

²⁵ UN, 1966b.

exploitation, abuse, torture, or any other form of cruel, inhuman, or degrading treatment or punishment or armed conflict, and is undergoing rehabilitation as a result, is to be provided with conditions so that the process is conducive to the child's health, self-respect, and dignity (Article 39 of the CRC). Treatment contributing to a child's sense of dignity is supposed to occur when the child is suspected, accused, or found guilty of violating criminal law (Article 40(1) of the CRC). When analysing the norms contained in the CRC, it should be emphasised that Article 1 formulates the legal definition of a child. According to the disposition contained therein, "child is every human being below the age of eighteen years, unless the national law considers majority attained at an earlier age". This indicates an upper limit without specifying when the existence of a human being begins. This approach seems to have been a deliberate attempt to obtain as many parties as possible to ratify the document. The Convention also contains passages related to the status of unborn children. The preamble states that 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth'. Notably, there are different definitions of children in the Polish legal system. In the Act on the Ombudsman for Children, the legislator states that a child is every human being from conception to adulthood (Article 2).²⁶ This fact causes disagreements in interpretation and gives the impression of inconsistency among Polish legislators. Since the moment of conception is recognised here as the beginning of the existence of a human being, it seems to be incoherent with the norms contained in the *Act on Family Planning, Protection of the Human Foetus and the Conditions for the Permissibility of Abortion*, where Article 4a includes the conditions for pregnancy termination when it is a threat to the life or health of the woman or there is a justified suspicion that the pregnancy has resulted from a prohibited act (Article 4a, par. 1 and 3).²⁷ The doctrine draws attention to the evident inconsistency and postulates the need to unify current legal solutions.²⁸

²⁶ The Act of 6 January 2000 on the Ombudsman for Children [o Rzeczniku Praw Dziecka] (Dz. U. z 2023 r. poz. 292 t.j.).

²⁷ The Act of 7 January 1993 on Family Planning, Protection of the Human Foetus and the Conditions for the Permissibility of Abortion [o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży] (Dz. U. z 2022 r. poz. 1575 t.j.).

²⁸ See: Rzewuski, 2007, pp. 186-191.

In addition to universal regulations, the issue of the protection of human dignity is addressed in regional documents. The Charter of Fundamental Rights of the European Union (CFR) refers to this value in its content.²⁹ The preamble states that '[...]the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law'. According to Article 1 of the CFR, human dignity is inviolable and must be respected and protected. The Charter of Fundamental Rights issued by the Presidium of the Convention and updated by the Presidium of the Convention of the European Union states that the dignity of the human person is not only a fundamental right in itself but also constitutes the real basis of fundamental rights.³⁰ Therefore,

[...] none of the rights laid down in this Charter may be used to harm the dignity of another person, and that the dignity of the human person is part of the substance of the rights laid down in this Charter. It must therefore be respected, even where a right is restricted.

In addition to universally applicable norms, indications for the protection of human dignity appear in the Union's *soft law* normative acts. An example is the Recommendation of the European Parliament of 20 December 2006.³¹ It states, inter alia, that the European Union should gear its political actions to prevent any form of violation of the principle of respect for human dignity (p. 2). In turn, Member States were recommended to take the necessary measures to ensure the protection of minors and human dignity in all audiovisual and on-line information services in the interests of promoting the development of the audiovisual and on-line information services industry', (Recommendation I), as well as 'to examine the possibility of creating filters which would prevent information offending against human dignity from passing through the Internet' (Recommendation II).

²⁹ EU, 2007a

³⁰ EU, 2007b

³¹ Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry, [Online]. Available at: <https://eur-lex.europa.eu/legal-content/RO/LSU/?uri=CELEX%3A32006H0952/> (Accessed: 23 August 2024).

In Polish law, as adopted by the national legislator, there are also numerous references to the need to respect human dignity. Article 30 of the Constitution of the Republic of Poland refers to this basic norm. It states: ‘the inherent and inalienable dignity of a person shall constitute a source of freedom and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities’. In addition to the Constitution, numerous laws and acts of lower rank refer to this category.

The dignity of the human person, in normative and doctrinal terms as well as in light of the position expressed by judicial authorities, is a source of individual rights and freedoms. The nature of dignity is interrelated to human beings. However, there is no agreement as to the moment when a person is endowed with dignity. Normative regulations are not unambiguous and sometimes even contradictory. On the one hand, there are norms and positions which recognise a human being from the moment of conception; on the other hand, there are regulations where the moment of birth is indicated as the critical moment for determining whether we are dealing with a human being. However, everyone supports the need for authorities to respect this category and create appropriate formal guarantees.

2. Position of churches and religious associations

Confessional entities often refer to the need to respect the dignity of the human person in their doctrine. This paper presents the positions of selected religious communities. The focus is on the teachings of the Latin Rite Catholic Church, which has frequently addressed the issue of human dignity. First, the concept of dignity and its nature will be presented. Second, the focus will be on the essence of the dignity of the conceived child.

2.1. The Catholic Church

The Second Vatican Council, which “opened the Church to the world”, referred to the dignity of the human person in many documents. Nevertheless, systematised teaching was contained in the Pastoral Constitution on the Modern Church -*Gaudium et spes* (G.S.).³² Chapter I

³² Pastoral Constitution on the Church in the Modern World *Gaudium et spes* of 7 December 1965, [Online]. Available at: <https://sip.lex.pl/#/act/286768068> (Accessed: 23 August 2024).

focuses on human dignity. Referring to the Sacred Scripture, the Church teaches that ‘man was created “to the image of God”, is capable of knowing and loving his Creator, and was appointed by Him as master of all earthly creatures that he might subdue them and use them to God’s glory’. (n. 12 G.S.). According to the Constitution, every human being constitutes a unity of the body and soul. Therefore, it is unacceptable to despise “the life of the body”. The dignity which belongs to everyone requires man ‘to glorify God in his body and forbid it to serve the evil inclinations of his heart’ (n. 14 G.S.). An important point is the emphasis on the fact that ‘man [...]has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged’ (n. 16 G.S.).

The Constitution thus recognises that the dignity of the human person is a consequence of man’s creation of the image and likeness of God. A corresponding message emerges from the Catechism of the Catholic Church (CCC).³³ Recognising the basis of dignity in creation in the image and likeness of God, the CCC teaches, among other things, that dignity is inherent in the human being (n. 1700 CCC). It further states that God created man as a rational being, giving him the dignity of a person endowed with the ability to decide and to have dominion over his actions (n. 1730 CCC).

Accordingly, in the 1983 Code of Canon Law the ecclesiastical legislator states that ‘by virtue of their regeneration in Christ, all the believers are equal in dignity and action, as a result of which each, according to his/her own position and task and cooperates in building up the Body of Christ...’.

The doctrine of the Catholic Church identifies dignity as an individual and unique category belonging to each human person. A human being created by God has this inherent value, and each individual is by nature a unique and qualitatively distinct entity.

One of the most recent official statements of the Catholic Church on the dignity of the human person is contained in the Declaration *Dignitas infinita* on Human Dignity of the Dicastery for the Doctrine of the Faith (D.I.) of 2 April 2024.³⁴ It states, inter alia, that [...]Every human person

³³ Catechism of the Catholic Church, [Online]. Available at: <http://www.katechizm.opoka.org.pl/> (Accessed: 23 August 2024).

³⁴ Dicastery for the Doctrine of the Faith, Declaration “Dignitas Infinita” on Human Dignity of 2 April 2024, [Online]. Available at:

possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter (n. 1 D.I.). This document distinguishes the following understandings of the concept of dignity: ontological, moral, social, and existential. The most important among these is the ontological dignity that belongs to the person simply because he or she exists and is willed, created, and loved by God. Ontological dignity is indelible and remains valid beyond any circumstances in which the person may find themselves (n. 7 D.I.). It is clearly emphasised here that dignity is not something granted to the person by others. Were it so bestowed, it would be given in a conditional and alienable way (n. 15 D.I.). What is considerable for the present deliberations is that the Church clearly teaches that dignity remains “independent of all circumstances” and the recognition of this dignity cannot be contingent upon a judgment about the person’s ability to understand and act freely. (n. 24 D.I.). No circumstances affect the denial of dignity. The practice of interfering with dignity according to an individual’s sexual orientation is strongly condemned (n. 55 D.I.).

The Dicastery for the Doctrine of the Faith explicitly refers to the status of the unborn child when it states that: ‘[...] the person always subsists as an “individual substance” with a complete and inalienable dignity. This applies, for instance, to an unborn child [...]’ (n.9 D.I.). Elsewhere, it is noted that ‘[...] every individual possesses an inalienable and intrinsic dignity from the beginning of his or her existence as an irrevocable gift. [...]’ (n. 22 D.I.) This Constitution further emphasises that ‘the dignity of every human being has an intrinsic character and is valid from the moment of conception until natural death’ (n. 47 D.I.). Practices interfering with the natural conception of a child within the marriage of a man and a woman have been declared as detrimental to the dignity of the human person. It was emphasised in a straightforward manner that [...] Because of this unalienable dignity, the child has the right to have a fully human (and not artificially induced) origin and to receive the gift of a life that manifests both the dignity of the giver and that of the receiver. [...]. Considering this, the legitimate desire to have a child cannot be transformed into a “right to a child” that fails to respect the dignity of that child as the recipient of the gift of life (n. 49 D. I.).

The task of the Congregation for the Doctrine of the Faith (Dicastery of the Doctrine of the Faith) is to care for the development and safeguarding of the doctrine of faith and morals throughout the Catholic world.³⁵ In the *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation*³⁶ it is pointed out, among other things, that, from the first instant, the living being has a fixed structure; it is a man, this individual man with his characteristic aspects already well determined. Right from fertilisation the adventure of human life begins, and each of its great capacities requires time ... to find its place and to be in a position to act (n.5, p. 1). Correspondingly, ‘human embryos obtained in vitro are human beings and subjects with rights: their dignity and right to life must be respected from the first moment of their existence’ (n.5 p. 5). In another document, the Congregation for the Doctrine of the Faith teaches that human life ‘[...] from the moment the zygote has formed, demands unconditional respect, [...]. The human being is to be respected and treated as a person from the moment of conception [...]’ (n. 4).³⁷ Furthermore, ‘At every stage of his existence, man, created in the image and likeness of God, reflects “the face of his Only-begotten Son [...]”’ (n. 8). The teaching of the Catholic Church emphasises the need to recognise the dignity of the human person from the moment of conception. Catholic doctrine also takes a rigorous approach to any interference with the natural process of conception. Children conceived in vitro are endowed with the dignity of the human person. The Catholic Church, as the dominant Christian confession, devotes a great deal of attention to issues of human dignity, but it is worth considering approaches to these issues in other religious communities.

³⁵ Dicastery for the Doctrine of the Faith, [Online]. Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_pro_14_071997_pl.html (Accessed: 26 August 2024).

³⁶ Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation of 22 February 1987, [Online]. Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_1_9870222_respect-for-human-life_pl.htm (Accessed: 26 August 2024).

³⁷ Congregation for the Doctrine of the Faith, Instruction *Dignitas personae* on Certain Bioethical Questions - 8 September 2008, [Online]. Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/ (Accessed: 26 August 2024).

2.2. Protestant Churches

Respect for human life from the moment of fusion of the male and female cells to its creation, and thus, the indirect recognition of the dignity of the human being, is present in the teachings of the Protestant Church in the Republic of Poland, which in a 1991 statement declared itself clearly in favour of the protection of life from its conception. However, it was emphasised that legal protection, its form, and fulfilment is the responsibility of the secular authority.³⁸ This position was supported by the church hierarchy in 2020, however, it was emphasised that, ‘it is not the task of the church to influence the legislature to criminalise abortion. [...] we Lutherans, do not want to impose our worldview or moral vision on other citizens of our state’.³⁹ Łukasz Filipiuk notes that although the Evangelical Lutheran Church in Poland strongly opposes any form of abortion and supports the protection of life at every stage of its development, other countries lack such a strong stance. Local communities leave final decisions to the judgment of individual conscience.⁴⁰

2.3. Orthodoxy

Orthodoxy, alongside Catholicism and Protestantism, constitutes the third largest branch of Christianity. As noted by Halina Nikolai Alexeyuk (a nun), the Orthodox Church has defended the sanctity of conceived life from the very beginning. Orthodox doctrine is grounded in the Bible, the teachings of the Church Fathers, and the canons of Church councils and synods. Today, this stance is reaffirmed in declarations issued by local Churches, which oppose abortion and advocate for the right to life of unborn children..⁴¹ The author also points out that, in a circular dated 9 July 2019, the Holy Synod of the Greek Orthodox Church established the first Sunday after Christmas

³⁸ On the protection of life. Statement of the Evangelical Church of Augsburg on the protection of life 1991, [Online]. Available at: https://old2020.luteranie.pl/o_kosciele/oswiadczenia_kosciola/w_sprawie_ochrony_zycia.html (Accessed: 25 August 2024).

³⁹ Statement of the Conference of Lutheran Bishops of November 3, 2020, [Online]. Available at: https://old2020.luteranie.pl/nawosci/oswiadczenie_konferencji_biskupow_luteranskich,7057.html (Accessed: 26 August 2024).

⁴⁰ Filipiuk, 2023, pp. 237-239.

⁴¹ Mniszka, 2020, p. 248.

as the “Day of the Unborn Child.”⁴² Another study on the Orthodox doctrine states that

the fetus is under special protection, regarded as a divine creation that must be respected. It is therefore seen as possessing inherent dignity and belonging not to its parents, but to God. Consequently, anyone who contributes to abortion in any way is viewed as destroying God's work and acting against His will.⁴³

2.4. Judaism

Along with Christianity and Islam, Judaism is a major monotheistic religion. The sources of Jewish law are primarily the books of the Old Testament and the Talmud, which are recognised by so-called righteous Jews. The Talmud is a collection of explanations and commentaries on biblical texts. It appears in two varieties: the Jerusalem Talmud and Babylonian Talmud.⁴⁴ The statements of rabbis who comment on the surrounding reality are also of great importance to the Jewish community. However, it should be emphasised that teaching in the field of bioethics is complex, and there are certain differences between the Orthodox, Conservative, and Reform branches of Judaism. As Agata Strzdała points out, a broad consensus has been reached on many issues, such as in vitro fertilisation, stem cell research (including embryonic stem cells), and euthanasia.⁴⁵ In publications discussing basic legal principles, references to issues related to the status of the unborn child can be found. In principle, abortion is forbidden by Jewish law (the *helacha*) except in particular situations when it is the only way to save the mother's life.⁴⁶ As emphasised in the literature on this subject, a human foetus does not represent the same value as the life of a born child. This is the case until the head or other main body parts of the newborn child appear in the birth canal. However, this does not imply that the unborn child should not be protected⁴⁷.

⁴² Ibid. p. 241.

⁴³ Olszewska et al., 2013, p. 536.

⁴⁴ Mizgalski, 2017, pp. 199- 200.

⁴⁵ Strzdała, 2019, pp. 7-8.

⁴⁶ Judaism and abortion, [Online]. Available at: <https://chabad.org.pl/judaizm-a-aborcja/> (Accessed: 30 August 2024); Olszewska et al., 2013, p. 538.

⁴⁷ Strzdała, 2019, pp. 9-10; Shurpin, Y. Judaism and Abortion - The Jewish View of Abortion, [Online]. Available at:

According to Reform Judaism, the decision concerning abortion should be made by the woman in each case. The mother's existing life is sacred and must be primary over the existence of a potential life. According to this position, pregnant women should have full autonomy in deciding whether to terminate their pregnancy, regardless of whether their life is in danger.⁴⁸

Artur Aleksiejuk presents Judaic concepts for the animation of human embryos.⁴⁹ They concern the indication of the moment at which a human exists by virtue of being endowed with a soul. In this connection, he distinguishes among simultaneous animation, delayed animation, and animation at birth. Supporters of simultaneous animation assume that the moment of conception is decisive. One representative of this approach is Rabbi Eric Cohen, who argues, among other things, that human dignity does not depend on being wanted by others. Additionally, the view that the embryo up to the fortieth day after fertilisation is "just water" seems to be a manifestation of arrogance and ignorance in light of scientific knowledge.⁵⁰ In turn, the theory of delayed (successive) animation assumes that the foetus receives a soul when it takes humanoid form (around the fortieth day after fertilisation). Finally, in light of the representatives proclaiming the theory of animation at the moment of birth, this particular moment is decisive for the incorporation of the soul into the body.⁵¹

3. Conclusions

The positions of religious communities originating from biblical traditions are not homogeneous on issues concerning the status of the unborn child and its dignity. There were also differences in opinion regarding particular confessions. The following conclusions were drawn from the findings of this study:

https://www.chabad.org/library/article_cdo/aid/529077/jewish/Judaism-and-Abortion.htm (Accessed: 30 August 2024).

⁴⁸ What is the Reform Jewish perspective on abortion?, [Online]. Available at: <https://reformjudaism.org/learning/answers-jewish-questions/what-reform-jewish-perspective-abortion> (Accessed: 30 August 2024).

⁴⁹ Aleksiejuk, 2011.

⁵⁰ Ibid. pp. 306-307

⁵¹ Ibid. p. 309

- In democratic states, the dignity of the human person is the source of human and civil rights and freedom.
- Questioning the dignity of a human from the moment of conception has significant consequences for the quality of life and health of the unborn child.
- Not recognising the conceived child as a human being creates the possibility of treating human foetuses instrumentally, subjecting them to treatments, experiments, or other practices that may violate their personal integrity.
- “Personal dignity” is an innate category to which every individual is entitled because of his or her privileged place in the world. It is recognised as inalienable, permanent, universal, and dynamic.
- “Individual dignity” has its source in morally valuable action. The individual influences and shapes the development of this value through his or her behaviour. In addition, the level of individual dignity is influenced by other people, the socio-cultural environment, and various types of groups and communities.
- Both the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) refer to human dignity in their judgments but avoid defining this concept. Each case involving a possible interference with dignity is examined individually.
- The Polish justice system frequently refers to human dignity in its rules. The Constitutional Tribunal recognises human dignity as a transcendent value, primary in relation to other human rights and freedoms (for which it is the source), inherent, inalienable, and permanent, which cannot be violated by either the legislator or other subjects.
- This position of justice corresponds to the normative status of the dignity of the human person. This category is included in both international and national regulations.
- The nature of dignity is integrally linked to the human person. Normative regulations are ambiguous and sometimes contradictory to the moment a person is endowed with an attribute of dignity. The moment of conception or birth is decisive.
- Churches and religious associations often refer to the need to respect the dignity of the human person in their doctrine.

- The Catholic Church recognises that the dignity of the human person is a consequence of the creation of man in the image and likeness of God.
- The doctrine of the Catholic Church identifies dignity as an individual and unique category belonging to each human person. The human being created by God has this inherent value, and each individual is by nature a unique and qualitatively distinct entity.
- In the light of the teachings of the Catholic Church, ontological dignity, which refers to the person as such by the very fact of his or her existence, is the most important. This dignity can never be erased and remains valid regardless of the circumstances in which individuals find themselves. Moreover, as the Church teaches, the person always exists as an “individual substance” with his or her inalienable dignity. This also concerns the unborn child.
- The teachings of the Catholic Church emphasise the need to recognise the dignity of the human person from the moment of conception, regardless of whether conception was natural or by means of external factors.
- Protestant communities in Poland support the protection of life from the moment of conception. However, in other countries, there is no firm stance, and the final decision is left to the mother’s conscience.
- The Orthodox Church recognises that conception is the moment of the beginning of the existence of the human person and that the foetus is endowed with dignity.
- In Judaism, there are different concepts regarding the moment from which a child is endowed with a soul, and therefore, from when its full protection begins. Therefore, the decisive factors may be conception, the moment at which the foetus reaches a humanoid shape, or the moment of birth.

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