

# **ISSA Proceedings 2014 - “Death Penalty For The Down’s Syndrome” - Polish Cultural Symbols In Discussion About IVF And Abortion**

*Abstract:* A basic unit of analysis of ideological systems is a generalized axiological proposition, in which as arguments serve cultural and ideological objects, which have a culturally developed interpretation and convey the subsets of assigned values. The objective of this paper is to present how such objects constitute the base of the discourse. Analysis of chosen texts reveals, how at every stage of argumentation arguers create ideological systems by adopting different ascriptions to cultural objects.

*Keywords:* abortion, axiological argumentation, collective symbols, cultural objects, ideology, IVF.

## *1. Introduction*

The discussion concerning IVF and abortion has lasted in Poland for over 20 years and it still occupies the first pages and covers of many periodicals. Both adherents of these procedures and their opponents are swing from one extreme to the other using fallacious arguments which explore collective symbols that allow the arguers to play on audience’s emotions. The stimulus for the following paper was an article under the meaningful title: “Death penalty for the Down’s syndrome” (Dueholm, 2013). The following is an excerpt of the aforementioned article:

*The war against people with the Down’s syndrome (...) just because they look differently, they score lower on the IQ tests, and sometimes they have different diseases, has begun long time ago. The twentieth century has been defiled by their institutionalized extermination on a vast scale, initiated by the action of eugenicists in such ‘enlightened countries’ as the United Kingdom, the Scandinavian countries, the United States, and the most well-known and effective*

one - Germany.

*The 1933 law of the Third Reich allowed for the sterilization of mentally disabled people of German nationality, including those with Down syndrome. Later, in the period from 1939 to 1944, disabled people were killed as part of T4. The process of their elimination began precisely from killing children. Some of them were typed 'for termination' by midwives, soon after their birth. Some disabled people died killed by injection, others poisoned with gas, and still others were starved to death (...)"*.

Hence the number of discussions on the subject is increasing. Conservative arguments of the IVF and abortion opponents radicalized to the extent that most of the protagonists forgot for what they are really aiming. What counts for them is just the victory, not the satisfying solution of this complex problem. Therefore, Polish discussion on IVF can be described as an axiological debate, in which the participants seek to aim different directions of attributions: pro-life or pro-choice (Walton 1999, p. 118).

Works on the bioethics law in Poland were first initiated in 2007, but until now Polish parliament was not able to adopt any conclusive regulations. In result, Poland is the sole country in Europe where this problem is not regulated. On July 1st, 2013, however, the Government launched a program of refunding IVF from the State budget.

In Poland, IVF as a method of treating infertility has been used with great success for the past 27 years. For the first 20 years this method was accepted by society. However, when the draft bill was debated in 2007, there was a sudden, unexpected shift in public opinion that favored the drastic reduction or elimination of IVF.

## *2. Axiological argumentation*

Axiological argumentation refers to issues which usually concern matters of ethics, politics, or aesthetics. Aristotle in "Topics" identifies reasonable beliefs called *endoxa*, "accepted things", "accepted opinions". These opinions are formed on the basis of the general axiological dogmas Q (X), which evaluate real objects (X) by assigning them a value (Q) in a way acceptable for specific social group as a product of their culture.

Ideology is understood as a relatively ordered collection of generalized axiological

dogmas recognized as legitimate by a social group. These beliefs have a predicative internal structure, that is to say, the subject of arguments are cultural objects (X), which are different phenomena in the cultural space (i.e. persons, institutions, actions, events, processes, etc.), whereas values and commitments (Q) assigned to the objects serve for predicates (Awdiejew 2008, p. 130). The entire set of generalized axiological dogmas can be written as an ordered list of accepted evaluations and in such way it represents ideology. For example, in the Christian system of values, such cultural objects as: LIFE, CHILD, and HUMAN BEING occur as arguments in the beliefs:

*The most valuable thing is life.*

ALUE: *IT IS GOOD ( LIFE)*

COMMITMENT: *PROTECT (LIFE)*

*Children are persons, not subpersons, and are entitled to all human rights that are necessary to protect them from the beginning of their existence.*

VALUE: *TO BE (X1: A CHILD, X2: PERSON)*

COMMITMENT: *RECEIVE ETHICAL TREATMENT (CHILD)*

The beliefs establishing such a collection are considered by speakers as a set of axioms which do not require any proof. Ideology, in opposition to theory, does not have a strict internal logical order, and it creates a modular system, in which the relationships between modules are not clearly defined. Therefore, it is possible to ascribe to it any desirable subset of values (*dissoi logoi*).

Since there are no ethical universals, the concepts of good and evil are quite relative, and they depend on the implemented system of values. According to Aleksy Awdiejew, the basis of axiological argumentation is formed by generalized axiological beliefs, which are universal reference values in the process of dialectical reasoning. Procedure of such argumentation consists of three stages (Awdiejew 2008, pp. 132-133):

- a. Establishing of a general axiological base, which serves as a general rule of inference. Such a database is represented by a generalized belief.
- b. The application of qualifying statement linking up an individual object (x) with the universal class (X).
- c. Transfer of the values assigned to X to the individual object x - the conclusion.

While the arguments of the generalized axiological dogmas are cultural objects, the arguments of the individual statements (xn) are real existing things. As a result of such reference the universal values Q are transferred to the real object x, in other words, its social evaluation occurs.

According to Michael Fleischer, the cultural objects are universals operating in a particular culture. That culture extracts and evaluates them as representations of beliefs. This types of objects are the carriers of conceptualizations of the cultural reality and interpreters that allow to understand it. Michael Fleischer assigns to such objects the role of collective symbols, which he defines as follows:

*“Collective symbol” is a set of signs with intricate and fully developed interpretant. For this reason they manifest the cultural meanings, depending on the particular manifestation of the culture, as well as strong positive or negative values shared by the entire given culture, hence they give a frame of reference for differentiation of values. In order to properly interpret a collective symbol, the interpreter needs to have a particular knowledge regarding the semiotic and (most importantly) the signifying aspects of the interpretant. This knowledge is acquired both through culturally-influenced process of socialization, as well as by means of communication within the culture’s discourse, which allows the participant to adequately communicate in his interdiscourse. The cultural meaning is most often quite different from the lexical, linguistic one. The collective symbols are the most important elements of interdiscourse. (Fleischer 2002, p. 43)*

Collective symbols are internally differentiated and they consist of three counterparts:

- a. kernel, very stable, functionally responsible for consistency of the symbol and its anchoring in a given culture;
- b. up-to-date area, responsible for the particular meaning in the society of a given culture;
- c. connotative area, responsible for the dependency of the symbol on the natural language and lexical meanings. (Fleischer 2007, pp. 256-257)

There is also a subclass of the cultural objects, which we will call ideological objects. They differ from the general cultural objects because even within the same culture they can adopt different ascriptions, creating competing ideological

systems, in which they are evaluated differently. In pro-life vs. pro-choice polemics, such ideological objects as CONCEIVED CHILD, HUMAN DIGNITY, and CONSCIENCE CLAUSE have acquired completely new attributions.

Typically any real, individual object has an unlimited number of parameters, and for this reason, the crux of the argument lays in a particular reduction of these parameters and their subsequent evaluation. Biased selection of parameters can entirely change the reference to the ideological space.

### *3. Collective symbols in axiological argumentation*

In the following section, I will demonstrate how the previously mentioned ideological objects are being transformed into collective symbols, which play the role of quasi-arguments in the public discourse.

#### *3.1 Symbol #1: CONCEIVED BABY/ CHILD*

The core of the symbol's function lays in the transfer of the axiology attributed to a child perceived as a fully shaped human being to the pre-implantation forms, such as zygote, morula, and blastula. A child is most definitely entitled to all the human rights, both religious and civil, but the controversy arises when the same rights are sought for a ball of cells.

##### *3.1.1 The kernel*

The kernel of the discussion is derived primarily from the teachings of the Catholic Church. It focuses on the question whether embryo is a person or not. Undeniably a child is a person. The problem is that in the Bible it is said that the human fetus is not only a biological, but also a spiritual being from the early phases of its existence. However, it never explicitly resolves if it is so from the very conception. The "Dignitas Personae" of the Church also did not decide conclusively whether an embryo is a person or not, but requests for its treating as a person entitled to human rights. Catholic bioethics say that if we are not able to exclude the possibility that from the very beginning of the conception an embryo is a human, we cannot risk its existence. Since we cannot prove it to be otherwise, we shall assume that this premise is genuinely true. If so, we cannot act for the harm of the life from its very conception. The further argument can be built as follows: as long as every human is entitled to preservation of his own dignity, already the first human cells should be entitled to it as well, because the dignity is not gradable - it either exists or not.

The foundation of Church's standpoint might be found in the frequent use of the phrase "she conceived and bore" in the Bible, which allows to combine these two acts into a single continuum, and therefore, to acknowledge humanness from the very moment of conception:

*So Sarah conceived and bore a son to Abraham in his old age* (Genesis 21:2)

*So she conceived and bore a son and said, "God has taken away my reproach."*  
(Genesis 30:23)

### 3.1.2 *The up-to-date area*

The result of such kernel is that the contemporary Catholic theology advocates simultaneous animation. For that fact, according to Catholic theology, there are 4 evidences confirming the humanity of the embryo / fetus:

- a. *The genetic criterion* - it has all the information needed for the further growth and development;
- b. *The criterion of continuity of growth* - development of the human embryo demonstrates continuity where none of the steps can be confronted with the previous one and it is not possible to set any threshold to when a fetus would become a human being. The basis of continuity is founded on genotype;
- c. *The criterion of identity* - at any stage: zygote - embryo - fetus - child - adult, a human being is the same individual creature and form of entity distinct from other ones;
- d. *The criterion of potentiality* - from the very beginning children develop the qualities that they will reveal in adulthood.

For the reasons stated above, further argumentation is formed on the following premises:

P1: The zygotes contain all of the genetic potential of human being from the very beginning.

P2: Thus, from the very beginning they must already be "spiritual" (animated) beings.

C: As such, they are entitled to all the attributes of humanity - including personal dignity and moral integrity. In other words, setting up a moral sense of humanity is synonymous with the act of conception of the human being.

However, these premises constitute an incongruent combination of clearly separate threads of argument: biological and philosophical. Biology (genetics) can

only analyze the cell as an elementary particle that is subjected to mechanisms of creation and development of human 'physis', but assertions on human 'psyche' are not within the competence of this scientific field. The matter of integral relationship of mental factor (human soul) and the substrate material (human body) belongs to fields of philosophy and theology.

Some data from the genetics undermines the idea of simultaneous animation. On the one hand, the percentage of natural miscarriages is high enough to consider that the nature itself (or the Creator) approves this mechanism, because the percentage of both re-implantation miscarriage as well as post-implantation miscarriage is extremely high. Since the woman is not even aware that she is pregnant, the current state of knowledge is impossible to determine, how often does the insemination of oocyte, followed by its defective implantation in the uterus, occur. In case of post-implantation miscarriage, research results indicate that on average 1 out of 5 inseminated cells is subject to loss after the implementation without any noticeable symptoms for the woman.

On the other hand, in genetics laboratories it has been observed that after the fertilization two or even more organisms can emerge from a zygote (e.g. monozygotic twins), or vice versa - two zygotes can be joined into one body.

The reasonable solution of that problem could be the idea of post-implantation animation. According to its followers, a human being in its proper sense arises only after the implantation of the zygote in the uterus. Pre-implantation forms of human life, namely zygote, morula and blastula, are not entitled to the name of 'person'. If we assume that the main subject of protection is maternity, then the moment of nesting shall be considered as its beginning. A mother's body can give no warranties to a fertilized cell before its nesting, therefore separation between the act of human conception and the moment of implantation is more precise and methodically better.

From the philosophical and theological point of view, the most important is the problem of the soul. The Church teaches that each soul is spiritual and it is directly created by God. The soul is not a 'product' of parents - and it is immortal, it does not die, so after its separation from the body at the time of one's death, it is meant to reconnect again with it at the time of the final resurrection.

Thomas Aquinas argued in the "*Summa Theologica*" (Aquinas 1947, I, q. 90, aa.

2-3), that the soul cannot be created from a previously existing material substances; it cannot be derived from spiritual substances existing formerly because spiritual substances are simple and they never transform from one to another. Therefore, the only logical conclusion is that the soul is a direct creation of God (*the soul is of the Divine substance* - Aquinas 1947, I, q. 90, a. 1) — hence, since IVF children have received life, they also have received souls, that is, they became the children of God, in other words, if the IVF method brings the desired grace, it must be the will of God.

### 3.1.3 *The connotative area*

Taking for granted the personality of embryo, the pro-life protagonists have created a newspeak which transformed cultural object CONCEIVED CHILD into biased, loaded term evaluating proponents and opponents in public debate. Creating such a facility is the base of ideological discussion. The names of different pro-life associations and movements show the variants of the basic symbol:

*Polish Association of Defenders of Human Life;*

*Crusade of Prayer for Defense of Conceived Children;*

*Spiritual Adoption of a Conceived Children Endangered by Extinction.*

Use of the object CONCEIVED CHILD as a discursive symbol creates new kind of newspeak that implies phrases and metaphors making any argumentation pointless, i.e.: gynecologists performing IVF are called “the Nazis” and “murderers”; women who decide for IVF “kill their children”, they are “murderers of the unborn children”; abortion is “killing a defenseless, unborn children”, and children themselves are “breaking out of the mother’s womb” or “murdered before their birth”, and “they beget the army of martyrs”. Other peculiar metaphors that appear in Polish bishops’ sermons: “to conceive a child by IVF causes the death of his brothers and sisters in an embryonic state” (bishop Kazimierz Górny); IVF is “shadow of Herod” (bishop Piotr Libera), “conception in a test tube means implementing the idea of Frankenstein” (bishop Tadeusz Pieronek).

### 3.1.4 *Summary*

The collective symbol CONCEIVED CHILD is convenient in argumentation, because it allows for numerous fallacies, such as loaded language and false analogy. For example, when professor gynecologist Waldemar Kuczyński, argued

that the freezing is not harmful for the embryos, his opponent, pro-life journalist Mariusz Dzierżawski, replied using astonishing analogy:

*The good ones survive, and the bad ones (those which did not survive the procedure) are simply thrown away. This kind of reasoning can be compared to the logics of slave traffickers. 'The good' black slaves survived the trip across the Atlantic on the slave boats, 'the bad' ones were thrown into the ocean.*

Conversely, Professor Krzysztof Łukaszuk, director of Infertility Treatment Clinic in Gdańsk, said in an interview with Michał Wąsowski:

*Problem with IVF is that someone came up with the idea that a man is created at the time of his conception. But we should be aware that 3/4 of conceived pregnancies end within the fifth week. From the Church's point of view it means that God forbids 3/4 of the population to go to heaven.*

Thus, if the embryo is not a person, contraception, early (pre-implementation) abortion, and the freezing of embryos in IVF process shall not be treated as actions insulting human dignity. The phrase "a man is a person since his inception and therefore he has the right to live" belongs to the pastoral discourse.

### 3.2 Symbol #2: DIGNITY

In general, dignity is a concept used in axiological discussions, both religious and secular, to signify that someone has an innate right to be valued and receive ethical treatment. In European culture, human dignity is inviolable. It must be respected and protected.

*The defense of human rights and a justice system, based on the full respect of human dignity, is a key part of our shared European values (Jerzy Buzek, European Parliament President (10 October, 2009).*

#### 3.2.1 The kernel

Extremely stable, well-anchored in the European culture, supported by quotations from the Bible, international law, and the most prominent philosophers (endoxa). The Catechism of the Catholic Church says:

*The dignity of the human person is rooted in his creation in the image and likeness of God (article 1); it is fulfilled in his vocation to divine beatitude (article 2). It is essential to a human being freely to direct himself to this fulfillment*

(article 3). (Catechism 2003, 1700)

Article 1 of the “Charter of Fundamental Rights of the European Union” affirms the inviolability of the human dignity.

*The dignity of the human person is not only a fundamental right in itself but constitutes the real basis of fundamental rights.*

### 3.2.2 *The up-to-date area*

Although dignity is one of fundamental human rights, the definition of the term is vague, i.e. “The Encyclopedia of Bioethics” defines the primary sense in which human dignity is invoked today as “an attribute of all human beings that establishes their great significance or worth” (Encyclopedia, p. 1193).

Most of discourses left the term undefined, and they do not precise the difference between having dignity, having an awareness of dignity, exhibiting dignity, or being treated with dignity. The Encyclopedia reads:

*because human dignity can be invoked on both sides of various issues, there is a pressing need for those who use that term to clarify what they mean by it. At some point they also need to defend the plausibility of the anthropological creed that underlies their view.* (Encyclopedia, p. 1198)

In public discourse, dignity is treated as an autotelic value and an indispensable condition for other values, such as freedom and personal autonomy. However, it usually works as an ideological object. Steven Pinker (2008) argues that the concept of dignity is pointless. It is too subjective, and thus it is relative, fungible, and harmful, because people and cultures keep disagreeing on a variety of behaviors, and it is questionable whether those who engage in some of them are acting in a dignified manner, or not. A scheme of the dignity-based argument against IVF:

P1: Human dignity is an intrinsic property possessed by all human beings by nature.

P2: IVF violates dignity of embryo.

C: IVF is immoral.

For example:

*IVF does not respect human dignity of embryo - the human being at an early*

*stage of life, because in the act of 'creation' it does not take into account the will of God, who is 'forced' by man to perform the act of giving new life. The man – the physician in the laboratory, puts himself in the position of the life-giver.* (Sadowska, 2007, p. 2)

In case of such argument the most important critical question is: is it possible for a man to force God to do anything?

### 3.2.3 *The connotative area*

The spiritual consequences of neglecting the embryo's humanity and personality in IVF are characterized as a lack of respect of the conceived child's freedom, autonomy, uniqueness, and right to be loved from the moment of conception.

According to the pro-life followers, infertile couples practicing IVF methods do not treat the child as a person, but as an object which can be bought for a sufficiently large sum of money. Archbishop Józef Michalik, in the sermon during the procession of Corpus Christi in 2013, said that IVF experiments are "associated with sin of breaking the laws of nature". The bishops wrote that "the good can never be achieved by dishonorable means". They regard IVF as one of these "dishonorable methods, because under the laboratory conditions of the conception, siblings of an IVF child are killed or frozen". According to the episcopate, IVF crushes human dignity and human rights.

### 3.2.4 *Summary*

DIGNITY is a convenient ideological object that allows one to justify the desire to act in accordance with concepts, which are widely believed to be morally right. This desire is understood *de dicto* and not *de re*, due to the lack of a precise definition of the term. In our culture, 'argument' from dignity is always valid, yet in fact it is not sound, because one of its premises is constituted by the collective symbol.

## 3.3 *Symbol #3: CONSCIENCE PROTECTION*

Conscience is an intuitive ability, which allows humans to judge the value of actions/deeds, both past ones, and those yet to come. It is not only the theoretical knowledge about the good and the evil, but also the practical skill to assert that something was, is, or will be, either good, or bad. Conscience of a person might mean an internalized set of norms, values, moral beliefs, and attitudes, which form that persons' 'moral spine', defining his/her integrity and individuality.

### 3.3.1 *The kernel*

In Catholic theology, the voice of conscience is God's voice, which manifests God's commandments, and to which one should be absolutely obedient. The Catechism of the Catholic Church says that:

*By his deliberate actions (article 4), the human person does, or does not, conform to the good promised by God and attested by moral conscience (article 5).* (Catechism, 1700)

Man is obliged to follow the moral law, which urges him "to do what is good and avoid what is evil" (Catechism 2003, 1713). This law makes itself heard in his conscience. The Second Vatican Council, in the constitution "Gaudium et Spes", followed by John Paul II in his "Veritatis Splendor" encyclical, states that "Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths." (Gaudium 1965, 16,9).

### 3.3.2 *The up-to-date area*

Conscience understood in this way determines moral identity. Often it is also attributed with vital importance expressed through the order to respect someone's conscience. When we say that a certain decision is a question of someone's conscience, we intend to say, it cannot be forced from outside, but it should come from personal moral beliefs of that person. On the grounds of this principle, we can draw the following scheme of argument from the conscience:

P1: Some deeds, intentions, personality traits, rules are good/ just or bad/ unjust.

P2: Person *P* with particular capabilities *Cap*, being under certain conditions *Cond*, directly, in a non-inferential way recognizes the moral feature *M* of the evaluated thing.

C: The recognized value *M* gives a reason to perform action *A* or sustain from it.

This attitude is reflected for instance in the Polish law (art. 39 "Act on the Profession of Doctor and Dentist", December 5, 1996) which states that a doctor can withhold from performing a medical practice inconsistent with his conscience.

However, on May 25, 2014, three thousand Polish healthcare workers signed a "Declaration of Faith", in which they have recognized the precedence of divine law over human law, and the necessity to "resist imposed anti-humanitarian ideologies of modern civilization". By signing it, doctors and medical students stated that they will not perform treatments contrary to their Catholic conscience.

The statement that the human body and life are the gifts of God is a key element of the declaration: they are sacred and inviolable and consequently the conception and the descent of human depend only on the decision of God. If such a decision is to be taken by a man by committing acts such as abortion, contraception, euthanasia, or artificial insemination, he violates not only the basic principle of the Decalogue, but also discards the very Creator.

“The Declaration”, despite its name of the “Declaration of Faith”, essentially refers not as much to the teachings of Christ, as to the doctrine of the Catholic Church. Adversaries of the declaration point out to the fact that out of six points of the document, “five prevents performing the profession of doctor,” and they call the document “statement of bigotry”. They also underline that the document violates not only the principles of Hippocratic oath, but also the Polish law.

According to the “Family Planning, Protection of Human Fetus, and Conditions of Permissible Abortion Act”, abortion is legal in three cases: when the pregnancy threatens life or health of the woman, when it is a consequence of a criminal act, or if the fetus is severely and irreversibly damaged. According to the previously mentioned act, a doctor can withhold from performing a medical procedure being contrary with his/her conscience, though he/she is obliged to indicate a viable possibility to receive the treatment from another practitioner or at another healthcare facility. Moreover, this fact has to be recorded in the medical records. Additionally, every doctor is obliged act in any case in which delay of aid could cause death, severe damage of the body, or any other severe health disorders.

### 3.3.3 *The connotative area*

Meanwhile, there is an increasing number of cases in which the medical aid is being denied, based on the reference to the conscience protection. These are some of the examples of usage of the ideological object CONSCIENCE PROTECTION, as quasi-arguments:

- a. A gynecologist from the hospital in Nisko who claimed that the pregnancy resulting from rape is not a gynecological problem, but rather a psychological one.
- b. A doctor from a hospital in Kraków who refused to prescribe “the morning after pill” to a 16 year old rape victim.
- c. A gynecologist from another hospital in Kraków who refused to send a 36 year old mother for prenatal tests, despite the mother’s concerns of possible genetic

defects of her fetus.

### 3.3.4 Summary

Although the autonomy of the conscience is respected in many of the controversial cases, it should not be a universal excuse. The conscience is subjective in its character, and, therefore, it may differ depending on the system of values adopted on the axiological basis. We can thusly assert that the argument from the conscience is an arbitrary derivative of the ideology/philosophy/religion, and not an objectively provable truth.

## 4. Conclusion

The arguer applies the direct axiological definitions, in which individual objects play the role of *definiendum* whereas *definiens* is represented by ideological objects, which are emotionally loaded, often characterized by negative or positive metaphors, depending on the propagandistic direction. The main objective of this type of discourse is not changing beliefs, but generating the excitement of the audience for rudimentary premises that refer to the ideological beliefs shared by the same groups to which the sender belongs.

The ideological object does not serve as the warrant of the argument, but rather as a cliché, to block any argument. Cliché is the kernel of cultural objects, so it does not require justification. It allows arguer to avoid the burden of proof, because it is the opponent that must make an effort to demonstrate that the cliché is idle talk. Therefore, calling dignity or conscience protection a „fundamental value” allows for action/inaction aiming for the axiology of the collective symbol to replace the rational argument. Defined collective symbols are means that allow users to obstruct the argumentation, or permit them to resign from participation. It is difficult, if not impossible, to argue against the collective symbols. They do not allow for the dispute, because they are too comprehensive and they leave no room for the starting point where reasoning could begin. Activists of the pro-life movement have implemented new linguistic rules to the debate on IVF and abortion.

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