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**THE ISTANBUL CONVENTION
AND VIOLENCE IN THE FAMILY
(AND IN PERINATAL CARE):
BIOETHICAL COMMENTS 50 YEARS AFTER
THE PUBLICATION OF THE ENCYCLICAL
*HUMANAE VITAE***

Contents: Introduction; 1. The main point of the ideological dispute and possible danger; 2. Potential of perinatal care standards in the face of the actions of the Istanbul Convention (anti-violence); 3. The Istanbul Convention and *Humanae vitae*: difficult theory or real help?.

Introduction

Being aware of the passage of fifty years from the publication of the encyclical *Humanae*, which constitutes the foundations for the presentation of Catholic ethics concerning marriage and family, we ask about the jurisdictional role of the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It seems that it equips the single state party and, moreover, the European Commission in relation to the single state party, with essential elements interfering with the structure and education regarding the dignity of the woman and her child; the family and its supernatural vocation. Its art. 14 creates a commitment to promote “non-stereotyped socio-cultural roles”, related to marriage and family. For this purpose, the authorities receive the opportunity to use their prerogatives. They will be able to do so with such means as: coercion and restriction of freedom. Article 4/4 declares that actions undertaken in the name of the Convention do not constitute discrimination.

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Ultimately, the provisions of the Convention point to the Catholic family as a place of danger for a woman, at the same time concealing violence taking place, for example in “free relationships”¹.

Moreover, it is important how the condemnation of “stereotypical roles present in marriage and family” will have its transfer to the issue of understanding of standards of perinatal care. For the Convention essentially and vitally touches the understanding of human dignity and therefore of all the duties and roles resulting from it, in relation to the mother, child, father, grandmother, grandfather, etc. In other words: the whole family, as to which art. 18 of the Constitution of the Republic of Poland, obliges the public authorities to undertake all tasks aimed towards its protection². Thus, one must ask what counteraction and protection will consider the authorities that have ratified this Convention or want to ratify it, and thus they will incarnate it into reality by means of their prerogatives. Do its provisions give a real chance for the respect of traditional ethics, which has been in practice for many years with good results (as based on the teaching of the Catholic Church), and whose lucid anthropological presentation can be found in the encyclical of Pope Paul VI *Humanae Vitae*?

1. The main point of the ideological dispute and possible danger

The Istanbul Convention has gathered and still gathers supporters and opponents in the discourse concerning its having foundation and the need to implement it, especially since a low requirement, that is ratification by a minimum of 10 countries, was set for its placing in action. We hereby pose a question as to what are the main points of the dispute and in consequence – is there any compromise solution? That means a solution that will silence the fears on both sides. Could perhaps it be that (more radical)

¹ *Najwyższy czas na wypowiedzenie genderowej Konwencji Stambulskiej!*, [https://ekai.pl/najwyzszy-czas-na-wypowiedzenie-genderowej-konwencji-stambulskiej\(21.09.2017\)](https://ekai.pl/najwyzszy-czas-na-wypowiedzenie-genderowej-konwencji-stambulskiej(21.09.2017)); por. J. Łodzińska – M. Szyszka, *Rodzina miejscem socjalizacji pierwotnej człowieka*, w: *Wsparcie rodziny wyzwaniem dla społeczeństwa i Kościoła*, red. W. Guzewicz i inni, Ełk 2016, s. 101-125; tamże, s. 121: „Żyjemy w świecie wyprodukowanego ryzyka, które jest ceną postępu cywilizacyjnego i technicznego. Rodzina jako ta podstawowa komórka życia społecznego nie jest w stanie powstrzymać tego «pędzącego pociągu cywilizacyjnego». Obowiązki zawodowe związane z wielogodzinną pracą, niezwykle tempo życia, konkurencja, relatywizacja wartości stanowią, iż życie rodzinne często balansuje na krawędzi”.

² Tamże; por. R. Brochocińska, *Dziecko wobec przemocy w domu rodzinnym*, „Edukacja i Dialog” 1 (1998), s. 22-25.

steps should be taken to denounce its ratification?

And so, although the main part of the document speaks about how to “protect women from all forms of violence, how to prevent, prosecute and eliminate violence against women and domestic violence”, something else is more important for its resolved opponents. Here the starting point to the understanding of the situation can be the position of the Presidium of the Polish Episcopal Conference (see information from Dec. 18, 2012), which described the provisions of this Convention as: “a dangerous interference in the educational system and the values professed by millions of parents in Poland”. Małgorzata Tarasiewicz, in an article with the title: *The Istanbul Convention – This You Need to Know (Konwencja Stambulska – to trzeba wiedzieć*, dated Feb. 4, 2014)³, expressed the same thought: “Attention, a new threat to the Polish family has just appeared. Under the innocuous name – the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (also known as, from the place of its agreement, as the Istanbul Convention) – there is hidden an anti-violence instrument of international law”⁴.

The point is that despite the allegations raised against the content of this Convention (as it seems objective ones, because they demonstrate its contradiction in relation to existing legislation in Poland), the prevention of violence against women is still to be carried out ideologically. Simply, many are pleased that in this Convention “the starting point (to take adequate remedial actions) is the assumption that violence against women is culturally conditioned and is a form of gender-based violence that is committed against women because they are women.” And this is why, in the opinion of the supporters of its ratification, “it has become the central object of the attack of those who are not at all troubled with the inferior role of women”. As the Convention leaves no doubt, stating: “there can not be true equality between women and men as long as women to a large extent experience cultural (gender) based violence, while state institutions (...) look at this through their fingers”⁵.

³ M. Tarasiewicz, *Konwencja Stambulska – to trzeba wiedzieć*, [http://pismozadra.pl/felietony/dziesiaty/711-konwencja-stambulska-to-trzeba-wiedziec\(14.02.2014\)](http://pismozadra.pl/felietony/dziesiaty/711-konwencja-stambulska-to-trzeba-wiedziec(14.02.2014)); por. F. Adamski, *Zagrożenie wartości rodziny zagrożeniem cywilizacji*, w: *Jan Paweł II stróżem ludzkiej rodziny*, red. J. Śledzianowski – T. Sakowicz, Kielce 2006, s. 397nn.

⁴ Tamże; por. B. Dudziak, *Wnioski z badań nad przemocą domową wobec kobiet*, „Praca Socjalna” 6 (2009), s. 79-91.

⁵ Tamże; por. B. Gwizdek, *Jak pomagać rodzinie z problemami przemocy domowej?*, „Praca Socjalna” 6 (2011) s. 102-106; Z. Kukula, *Środki zabezpieczające i możliwość izolowania*

1.1. Will there certainly be new decisions?

The Istanbul Convention (data for 2016) has been signed by 37 countries and implemented by 16. Poland ratified it in 2015. It did so with votes of the Civic Platform (Platforma Obywatelska), Democratic Alliance of the Left (Sojusz Lewicy Demokratycznej) and partly the Polish People's Party (Polskie Stronnictwo Ludowe), with the Law and Justice (Prawo i Sprawiedliwość) and Solidary Poland (Solidarna Polska) parties in opposition. Therefore, it is not surprising that already one year later (after the change of the ruling majority) in the ongoing ethical discourse clear opinions could be found urging the repeal of the ratification: "The Law and Justice Party during the campaign time foretold the repeal of the convention, but so far no measures have been taken to achieve this goal". For example, Member of Parliament Jan Klawiter, in an interview for Radio Maryja, emphasized the following: "The deferment of the repealing of the Istanbul Convention by the government should be regarded as acting towards the harm of Poland. The document was accepted under the guise of the fight against violence against women, but it carries with it dangerous consequences: the destruction of the traditional family, in exchange for the proposing of gender ideology"⁶.

Why are there real hopes for the opponents of the Convention? Well: even if this document was signed and is valid in 16 countries, it was not ratified by countries such as: Germany, Great Britain, Hungary, Lithuania, Latvia, Croatia⁷. And so, in the opinion of (right-wing) MEP Marek Jurek:

sprawców przemocy w rodzinie, „Praca Socjalna” 1 (2009), s. 61-79.

⁶ *Posel Jan Klawiter o konwencji stambulskiej – „niszczy rodzinę, a więc i całą cywilizację, której jest fundamentem”*, <http://jedenznas.pl/posel-jan-klawiter-o-konwencji-stambulskiej-niszczyc-rodzine-a-w-iec-cala-cywilizacje-ktorej-fundamentem>(29.12.2017); por. K. Holly, *Przemoc w rodzinie, czy przemoc wobec rodziny*, „Przegląd Oświatowy” 12 (2010), s. 14-15.

⁷ *Najwyższy czas na wypowiedzenie genderowej Konwencji Stambulskiej!*, art. cyt., <https://ekai.pl/>; por. A. Kaczara, *Przemoc w domu rodzinnym*, „Problemy Rodziny” 1/2 (1997), s. 87-94; zobacz także: *Konwencja stambulska – ideologiczna definicja płci*; [http://forum.gazeta.pl/forum/w,99675\(23.04.12\)](http://forum.gazeta.pl/forum/w,99675(23.04.12)); tamże: „Na forum oenzetowskiej Rady Praw Człowieka przedstawiciel Watykanu Abp Silvano Tomasi odmówił posługiwania się terminem tożsamość genderowa, gdyż - jak zaznaczył - jest to pojęcie niejasne i niezdefiniowane w prawie międzynarodowym. (...) Abp Tomasi zaznaczył, że na forum ONZ pod pozorem ochrony praw osób homoseksualnych usiłuje się im nadać szczególne przywileje. Świadczy o tym już sam raport Wysokiego Komisarza Praw Człowieka, który apeluje o zrównanie w prawach małżeństw i par jedнопłciowych. Jakkolwiek Kościół sprzeciwia się aktom przemocy względem homoseksualistów, to nie uważa za właściwe uprzywilejowywanie

repealing the *Istanbul Convention* by Poland would bring us closer to those countries that have not ratified it. He believes that even if Germany and Great Britain have not ratified the document, “it is particularly important for us that (it) has not been ratified by Central European countries that still defend the rights of the family, such as: Hungary, Lithuania, Latvia or Croatia”⁸.

1.2. The example coming from the Croats

On March 24, 2018, thousands of Croats participated in a demonstration against the ratification of the *Istanbul Convention* by their authorities. Why? They claim that it sees in the family (understood traditionally, in Catholic terms) “the source of violence directed against women and appealing for the eradication of stereotypes connected to sex, that is traditional family and social roles”. Among the many arguments of opposition raised by them, as the most sensitive could be considered the following: “We oppose the ratification of the *Istanbul Convention* because it imposes gender ideology, tries to redefine the identity of the Croatian nation, imposing huge economic obligations”. Simply stated, Croatian defenders of the Catholic identity of marriage warn that: “with the signing of the convention, the authorities will commit themselves to devote enormous financial resources to the bodies imposing on countries the introduction of regulations in a gender spirit”⁹.

jednej kategorii ofiar, którą są geje i lesbijki – tłumaczył przedstawiciel Stolicy Apostolskiej. W jego przekonaniu w prawie międzynarodowym istnieją już wystarczające zabezpieczenia, chroniące homoseksualistów przed naruszeniem ich godności. Duchowny przekonywał: «We współczesnym świecie istnieje bardzo wiele przypadków łamania praw człowieka, niekiedy bardzo brutalnych, ze względu na rasę, płeć, język, religię, przekonania polityczne, społeczne pochodzenie czy majątność. Wszystko to zasługuje na potępienie i powinno być zwalczane przez państwo».

⁸ *Chorwaci przeciwko Konwencji stambulskiej*, [http://www.pch24.pl/chorwaci-przeciwko-konwencji-stambulskiej---wielka-demonstracja-na-ulicach-i-placach\(26.03.2018\)](http://www.pch24.pl/chorwaci-przeciwko-konwencji-stambulskiej---wielka-demonstracja-na-ulicach-i-placach(26.03.2018)); por. M. Kaczmarek, *O modelu polityki wobec rodziny w świetle zmian ustawy o przeciwdziałaniu przemocy w rodzinie*, „Problemy Opiekuńczo Wychowawcze” 5 (2010), s. 8-18.

⁹ D. Węclawek, *Kobiety przeklęte. Rzecz o zmianach w opiece okołoporodowej i konwencji antyprzemocowej*, [https://kobieta.onet.pl/kobiety-przeklęte-rzecz-o-zmianach-w-opiece\(16.02.2016\)](https://kobieta.onet.pl/kobiety-przeklęte-rzecz-o-zmianach-w-opiece(16.02.2016)).

2. Potential of perinatal care standards in the face of the actions of *the Istanbul Convention* (anti-violence)

We ask the question whether in the discussion that is taking place concerning this *Convention*, there appear references and if so, in what way, to the Catholic anthropology that stems from the encyclical *Humanae vitae*, and how, for example, this connects with issue of *new standards of perinatal care*. This is a question that is so valid that it is current and discussed (also on the academic forum). On May 5 of this year, at the Faculty of Theology of the Adam Mickiewicz University in Poznań, there was a symposium, which addressed the issue: *Humanae vitae – exalted theory or real help?* One of the papers delivered there, which is of particular interest here, was the one given by Rev. Prof. Paweł Bortkiewicz (Adam Mickiewicz University, Poznań), entitled: *The Biology of Birth is Inscribed in the Genealogy of the Person – Dignity of the Marital Act according to St. John Paul II*.

1.1. Perinatal standards: “The doctor knows better”

In Poland, efforts have been made for many years to improve perinatal care. There have been many positive changes over the last decade. “What was perceived as a whim of the spoiled city women at the beginning of the XXI century, is now considered a norm that everyone deserves”¹⁰. However, there is also an anthropological discussion in this area. Many believe that the changes that have been recently introduced reduce the importance of perinatal care standards. The point, among other things, is that since the end of 2016 they have not had the force of binding law. For that to be the case, it would have to be a direct conclusion from the law on medical activity. However: “in line with the changes introduced by the Minister of Health at the time, standards are only a suggestion for hospital administrators”, which means that doctors in a particular case decide themselves which procedure to use, in accordance with the principle: “the doctor knows best”.

As the Polish paper “Dziennik Gazeta Prawna” has written: “the Minister of Health cannot determine medical standards by means of regulations,

¹⁰ K. Krajewska, *Rząd zaczął gmerać w standardach opieki okołoporodowej. Co czeka ciężarne od 2018 roku?*, https://polki.pl/rodzina/ciaza,standardy-opieki-okoloporodowej-zmiany-2018,104_20763_artikul.html.

but only issue organizational standards for healthcare”¹¹. However, due to the current state of affairs, the intention of the government is that future mothers have better care, which means the possibility of an individual approach by the doctor to each case. As M. Mrozowska has written – perhaps there will soon be changes: “a special committee of experts is working on new perinatal standards. In the new recommendations for the care of pregnant women there are to be many significant changes, which from the point of view of women giving birth are truly groundbreaking. Above all this means new tests for pregnant women, anesthesia at delivery and prevention of postpartum depression”¹². What exactly is to change is not known, because the work is still ongoing. “The team of experts (was supposed to) finish work on the new perinatal care standards by April 2018. The Ministry of Health (planned) implementing changes (already) in 2019”¹³.

2.2. Opinion of some politicians responsible for policy towards families

It is significant for the ongoing ethical discourse in our country and in Europe, in the light of the teaching of *Humanae vitae*, concerning the current significance of the traditional Catholic marriage and family ethics, that also the Polish Ombudsman Adam Bodnar believes that: “domestic violence, standards of perinatal care, issues related to sexual education and the use of the conscience clause are areas in which the rights of contemporary Polish women are still violated”¹⁴. He assessed in this regard that “it is necessary to speak about this in order to strengthen the women’s environment”. However, it is worth placing on the other side the position of prof. Urszula Dudziak, which she presented in her commentary on the *Istanbul Convention*. She is a professor at the Catholic University of Lublin and an expert at the Ministry of National Education for the preparation of new

¹¹ M. Mrozowska, *Nowe standardy okołoporodowe: będzie znieczulenie dla wszystkich?* <http://www.kobieta.pl/artykul/nowe-standardy-opieki-okoloporodowej-180202105740>.

¹² Tamże.

¹³ RPO: *Przemoc domowa, opieka okołoporodowa - to nadal problemy współczesnych Polek*. [http://www.gazetaprawna.pl/artykuly/1069886,rpo-przemoc-domowa-opieka-okoloporodowa-to-nadal-problemy-wspolczesnych-polek.html,komentarze-najnowsze\(9/09.2017\)](http://www.gazetaprawna.pl/artykuly/1069886,rpo-przemoc-domowa-opieka-okoloporodowa-to-nadal-problemy-wspolczesnych-polek.html,komentarze-najnowsze(9/09.2017)); por. I. Sosnowska, „Gende r” w pracy z kobietą doświadczającą przemocy, „Praca Socjalna” 6 (2010), s. 118-125.

¹⁴ Prof. Urszula Dudziak o konwencji, [http://www.radiomaryja.pl/informacje/prof-urdudziak-o-konwencji-stambulskiej-cos-najwieksza-krzywda-mozemy-wyrzadzic-czlowiekowi\(18.12.2017\)](http://www.radiomaryja.pl/informacje/prof-urdudziak-o-konwencji-stambulskiej-cos-najwieksza-krzywda-mozemy-wyrzadzic-czlowiekowi(18.12.2017)).

curricula for teaching preparation for family life. Therefore, her position can be considered as weighty for the range and value of the ongoing discussion.

In her opinion: “The *Convention* allegedly preventing and combating violence against women is actually a blow to the family and consent to violence against the unborn child – which aims, among others, at fighting with the traditional family model and introducing the so-called anti-discriminatory education, that is gender education”¹⁵. What’s more: The *Convention* directly demands that women have the civil authority for safe and legal abortion”. Therefore, we should ask as a party in an ongoing ethical dispute: “For whom can an abortion be safe? Is it for a child, who loses his life? Is it for a woman, who bears both spiritual and psychological effects – post-abortion syndrome – as well as a great amount of physical consequences? Is abortion safe for society that can be destroyed and also its moral level reduced this way? If we allow for the killing of anyone, what will save us from killing?”¹⁶.

The question which may accumulate all this ethical discourse, is the following: since the Constitution of the Republic of Poland orders the protection of unborn life and the *Convention* vice versa, recognizes the prohibition of abortion as a form of violence against women – is this fact not a sufficient premise to repeal its ratification as being contradictory with the state legislature? And so, it seems (in accord with Catholic anthropology) that this should be done. However, there are voices that it would be a bad interpretation of the source of threats itself. A good picture of these opposing opinions is presented by the journalist Dominika Węcławek in an article with the title: “Kobiety przeklęte, rzecz o zmianach w opiece okołoporodowej i konwencji antyprzemocowej” (“Cursed Women. About Perinatal Care Changes and the Anti-violence Convention”) In this text (dated: Dec. 12, 2016) you can find the following statement: “The anti-violence convention, or rather – as its full name is – Convention on Preventing and Combating Violence against Women and Domestic Violence, obligates as for a short period, but there were long disputes over its shape and meaning. While for many its essence was the securing of women’s per-

¹⁵ Tamże; por. D. Wróblewska, *Pomoc ofiarom przemocy - interwencja czy inspiracja do zmian*, „Wychowanie na Co Dzień” 10/11 (1998), s. 31-33.

¹⁶ D. Węcławek, *Kobiety przeklęte. Rzecz o zmianach w opiece okołoporodowej i konwencji antyprzemocowej*, [https://kobieta.onet.pl/kobiety-przeklęte-rzecz-o-zmianach-w-opiece-okolopo-rodowej-i-konwencji/ghy2dz?\(12.12.2016\)](https://kobieta.onet.pl/kobiety-przeklęte-rzecz-o-zmianach-w-opiece-okolopo-rodowej-i-konwencji/ghy2dz?(12.12.2016)).

sonal integrity by introducing systemic solutions and adjusting the law, some spoke primarily concerned about the gender specter circulating over Poland¹⁷.

3. The Istanbul Convention and *Humanae vitae*: difficult theory or real help?

An ideal, an *exalted theory* or *real help*, what is the encyclical *Humanae vitae* today¹⁸, how is it perceived? This was asked by researchers at the above-mentioned symposium in Poznań. But exactly the same question can be asked in the face of the *Istanbul Convention*. Why? It seems that the attempt to reject the teaching of *Humanae vitae* is based on the same theory on which the ideological content of this Convention is built. Prof. Andrzej Szostek (already 30 years ago) expressed the opinion that the rejection of *Humanae vitae* is based on a new anthropological construction. According to it, contemporary man should reject classical philosophy, according to which one's conscience becomes obedient to the truth of cognition, and should follow the philosophy of I. Kant and thus be the creator of the norm of behavior (in accordance with the so-called categorical imperative). Here, for even greater precision, it is worth quoting one sentence from prof. Szostek (concerning the authors of a new ethic based on transcendental philosophy), which unfortunately is still very current:

“The firm ban on abortion must be responded by their protests. This is,

¹⁷ Por. <http://www.pch24.pl/wiedza-spoza-podrecznika-zakazana--nizsza-ocena-na-sprawdzianie-za-prawde-o-aborcji-,59668,i.html> (18.04.2018); tamże: „Nauczyciel nie uznaje odpowiedzi ucznia, że aborcja to wykroczenie przeciwko prawom dziecka. Odpowiedź ucznia była jednak poprawna i zgodna z obowiązującymi normami prawnymi. «Zapewniam, że odpowiedź jest zgodna z wykładnią konwencji (praw dziecka) dokonaną przez Trybunał Konstytucyjny w 1997 roku. Preambuła do konwencji stanowi, że właściwa ochrona prawna powinna być zapewniona dzieciom zarówno przed, jak i po urodzeniu» – skomentował mec. Jerzy Kwaśniewski, prezes Instytutu Ordo Iuris». Pytaniem jest, czy nauczyciele prawomocnie mogą nauczać w myśl poprawności politycznej, a nie w zgodzie z wiedzą powszechną?»

¹⁸ A. Szostek, *Człowiek jako autokreator: antropologiczne podstawy odrzucenia encykliki „Humanae vitae”*, „*Studia Philosophiae Christianae*” 25/2 (1989), s. 57-58 (43-63); por. M. A. Peeters, *Polityka globalistów przeciwko rodzinie*, Warszawa 2013; tamże, s. 17: „Raport Guttmachera stwierdza, że opieka antykoncepcyjna w samym 2012 roku będzie kosztowała 4 mld USD w świecie rozwijającym się, natomiast pełne zaspokojenie istniejącej potrzeby metod antykoncepcyjnych wśród wszystkich kobiet w świecie rozwijającym się będzie kosztowało 8.1 mld dolarów rocznie”.

after all, an example of a content standard that applies without exception; a standard attributing – in their opinion without base – the moral, inviolable rank to human life. The prohibition of the termination of pregnancy without exception deprives the free subject of the possibility of giving – and not just a passive reading – a sense and value to one's acts. The more greater resistance must be caused by the same decided negative qualification of contraception present in the encyclical, with simultaneous recognition for the morally permissible use of natural periods of infertility (HV, 16)¹⁹.

The point is that the negative assessment of *Humanae vitae* and of the *Istanbul Convention* itself (which already has been given and continues in some environments), refers to the philosophy of the nature of human existence. Only that once it is treated as a solid reality, cognizable and morally binding; the second time it is treated as being flexible, designed by the subject and morally neutral. Thus, how ethically distant the understanding of marriage, family, caring for man, etc. and sexuality in general, presented in *Humane vitae*, from that which is expressed in this *Convention*. Proportionally to this distance, it is important that we be able to choose what is truth and the good of the human being, if we want to be honest with ourselves and our conscience²⁰.

Moreover, it seems that the timeliness and importance of the ongoing discussion on the *Istanbul Convention* has its additional doctrinal justification in the fact that Pope Francis has appointed a special commission that is reflecting on the timeliness of the encyclical of Pope Paul VI *Humanae vitae*²¹. As reported by Roberto de Mattei, a lecturer at the European University in Rome: “The document is to be assessed in the context of the papal exhortation *Amoris laetitia*. The committee is to be headed by Rev. Prof. Gilfredo Marengo from the John Paul II Pontifical Institute for Studies on Marriage and Family. Its members are to be, among others, Rev. Prof. Pierangelo Sequeri, rector of this Institute; Swiss historian, Prof. Philippe Chenaux, author of (among other texts) of a monograph about Pius XII, working at the Lateran University; Prof. Angelo Maffei, director of the

¹⁹ A. Szostek, art. cyt. s. 58nn.

²⁰ Papież Franciszek podkreślił znaczenie encykliki *Humanae vitae* papieża Pawła VI dla Kościoła katolickiego. Uczynił to podczas swojej podróży na Filipiny, w swoim wystąpieniu na spotkaniu z rodzinami w Manili; por. Jan Paweł II, List do rodzin *Gratissimam Sane* z okazji Roku Rodziny 1994.

²¹ A. Grajewski, *Czy papież zamierza rozpocząć dyskusję o encyklice Pawła VI?*, [https://gosc.pl/doc/3994937.Humanae-vitae-do-diskusji\(22.06.2017\)](https://gosc.pl/doc/3994937.Humanae-vitae-do-diskusji(22.06.2017)); por. Sobór Watykański II, *Dekret o apostołstwie świeckich „Apostolicam actuositatem”*, Rzym 1965, n. 30nn.

Paul VI Institute in Brescia²².

There would be nothing surprising in this, if not for the fact that such an important papal document, as the exhortation *Amoris laetitia*, concerning the understanding of the ethics and theology of the sacrament of matrimony, arouses great controversy in the Catholic Church. And it is not at all clear how the contentious issues may end. Prof. G. Marengo has published in this context the following opinion: "It is hard not to agree fully with what Cardinal Kevin Joseph Farrell has recently observed: there is a peculiar convergence between the contestation of «*Amoris laetitia*» and the one that struck sharply at the encyclical of Paul VI «*Humanae vitae*». It is known that the parties have turned around: the sensitivity that today has difficulty in accepting the post-synod exhortation published a year ago reflects the sensitivity of the greatest defenders of the document written by Pope Montini", meaning *Humanae vitae*.

Conclusion

Although there are no (significant, i.e. direct) relations between these two important documents: *Humanae vitae* and the *Istanbul Convention*, it should be emphasized that the positions regarding the understanding of changes in human existence are intrinsically deep and touch both lay (ethical) as well as ecclesial (theological) thoughts and attitudes. They divide people in such a fundamental way that also their opinion as to the quality of perinatal care standards varies, depending on their worldview or professed faith. And this is what in our exploration is clear, but just as important for the future of the Church, Poland, Europe and the world.

It can be seen as a far-reaching disagreement that in some (e.g.: those mentioned) Roman interpretations of the current confusion regarding the doctrinal importance of the exhortation *Amoris laetitia*, one can find justifications referring to the doctrine of the II Vatican Council, but also to the teaching of Pope John Paul II. To quote one of these opinions: "this perspective (i.e., the teaching of the Council concerning the marriage union crisis) was again taken up by *Evangelii gaudium* with a strong appeal for the pastoral and missionary conversion of Christian communities", we can

²² G. Marengo, "*Humanae vitae e Amoris laetitia, storie parallele*", <http://www.Lasta.mpa.it/2017/03/23/vaticaninsider/ita/commenti/humanae-vitae-e-amoris-laetitia-storie-parallele>; por. M. Graczyk, *Cóż to jest prawda? Wątpliwości człowieka i odpowiedź encykliki „Veritatis Splendor”*, „Słowo” 28 (1995), s. 3-11.

easily see the seriousness of the question, where is the committed sin, from which one should diligently convert, of which even Pope Francis speaks? Can we accept that the defense and assimilation of the teaching of Pope Paul VI (and therefore of *Humanae vitae*) was a sin, because it expressed “excessive idealization of marriage and family”? that is to say (analogously): is it true that in the teaching of Pope John Paul II, “the theological ideal of marriage has been presented too abstractly, i.e. too artificially and in a distanced way from the concrete situations and real possibilities of families”²³?

The key issue is that the responses given (or not) in this field will effect the understanding and possible application of the *Istanbul Convention*, and this not only in countries with a Catholic (Christian) provenance. These responses will be decisive as to what impact it will have on various spheres of private, family, marital and civil living (of course under the condition of its procedural acceptance)²⁴.

Konwencja Stambulska a przemoc w rodzinie (i opiece okołoporodowej): uwagi bioetyka w 50 lat po opublikowaniu encykliki *Humanae vitae*

Streszczenie

Autor podejmuje analizę faktu, czy w obecnej dyskusji bioetycznej nie obserwuje się jakiś bezpośrednich związków między dokumentami, jakimi są *Humanae vitae* i *Konwencja Stambulska*. Zauważa, że obserwowane stanowiska, dotyczące rozumienia przemian ludzkiej egzystencji, są tak głębokie, że dotyczą tak świeckich (etycznych) jak i eklesjalnych (teologicznych) przymyśleń oraz postaw. W konsekwencji dzielą one ludzi w tak zasadniczy sposób, że także ich zdanie, co do jakości standardów opieki okołoporodowej, różni się w zależności od ich światopoglądu lub wyznawanej wiary. Tym samym za (wyjątkowo) dalekosiężne w skutkach dla życia społecznego (tj. małżeńskiego, rodzinnego itp.) uznaje sytuację, że w pewnych (choćby tu cytowanych) rzymskich interpretacjach obecnego zamieszania, w kwestii doktrynalnej wagi adhortacji *Amoris laetitia*, rzutującej na aktualną interpretację

²³ Tamże.

²⁴ Tłumaczenie tekstu na angielski: Jan Krupka WSD Łomża.

encykliki *Humanae vitae*, jaki i na całą bioetykę katolicką (por. działania w sprawie *Konwencji Stambulskiej*), doszukać się można odniesień nawiązujących do doktryny Soboru Watykańskiego II, jaki i do nauczania papieża Jana Pawła II. Chodzi o dylemat: czy możemy przyjąć za moralnie uzasadnioną stawianą tam tezę, że obrona i asymilacja nauczania papieża Pawła VI (a więc *Humanae vitae*) była grzechem, bowiem wyrażała „nadmierną idealizację małżeństwa i rodziny”? To znaczy (analogicznie ujmując): czy w nauczaniu papieża Jana Pawła II „teologiczny ideał małżeństwa został przedstawiony zbyt abstrakcyjnie, tzn. zbyt sztucznie i z dala od konkretnych sytuacji i rzeczywistych możliwości rodzin”? Nie dziwi, że takie rewolucyjne interpretacje muszą budzić ostre kontrowersje, zmieniają bowiem etyczny sens najważniejszych stosunków społecznych.

Słowa kluczowe: *Humanae vitae*, *Konwencja Stambulska*, *aktualna dyskusja*, *przemoc w rodzinie*, *małżeństwo i rodzina*, *opieka okołoporodowa*, *doktryna moralna Kościoła katolickiego*.

Summary

The author analyzes whether in the current bioethical discussion there are no direct connections between documents, such as the *Humanae vitae* and the Istanbul Convention. He notes that the positions observed regarding the understanding of changes in human existence are so deep that they touch both secular and ecclesial thoughts and attitudes. As a consequence, they divide people in such a fundamental way that their opinion about the quality of perinatal care standards is fundamentally different. For (exceptionally) far-reaching consequences for social life (marital, family, etc.), he recognizes that in certain (even quoted in the article) Roman interpretations of the current confusion regarding the doctrinal importance of the exorcism of *Amoris laetitia*, which affects the current interpretation of the *Humanae vitae* encyclical, and the entire Catholic bioethics (compare action on the Istanbul Convention), you can find references referring to the doctrine of the Second Vatican Council, the teachings of Pope Paul VI, and John Paul II himself. The point is that these references are understood in terms of: error, sin and the need for pastoral conversion. Such a change arouses serious controversy.

Keywords: *Humanae vitae, Istanbul Convention, current discussion, violence in the family, marriage and family, perinatal care, moral doctrine of the Catholic Church.*