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Issues related to the statutory ban on eugenic abortion in Poland (in the opinion of representatives of the community of people with disabilities)

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The issues of eugenics, although they clearly emerged as late as in the second half of the nineteenth century, was not unknown to humanity in the distant ancient times. From the moment when F. Galton consolidated the theses currently recognized as eugenics, simultaneously introducing the concepts of “eugenics” and “eugenic”, eugenics very quickly found its supporters around the world. Its exceptional exemplification and development was noted in the first half of the twentieth century, which absolutely does not mean that it does not exist nowadays in a different form, using other methods of control and elimination of imperfections of the *Homo Sapiens* species, as well as undesirable social phenomena. This includes activities not only aimed at prevention, diagnosis or therapy of individual and civilization problems, but are also more radical ones, such as abortion carried out for eugenic purposes. Thus, the content of the article not only discusses eugenic issues in the theoretical context, but also presents opinions of selected groups of people with disabilities, participating in the implementation of the project entitled: “Implementation of the Convention on the Rights of Persons with Disabilities, a Common Matter”, conduct-

ed in Poland in 2016–2018, concerning the proposal to introduce a total ban on eugenic abortion into Polish legislation.

KEY WORDS: eugenics, eugenic abortion, disability, disabled person, opinion of disabled people on the ban on eugenic abortion
Introduction

Probably, since the beginning of humanity, representatives of the human species have been thinking about the ways to make people remain healthy, strong, fit, as well as psychophysically and intellectually active as long as possible. People living nowadays are also wondering about this issue, the more so because considering the successes of modern science (and in particular medical and technical sciences), they have increasingly greater potential to implement these postulates. The problem is, however, that if we look at the profile of *Homo sapiens*, we will find a lot of people who do not meet the set criteria of human perfection.¹ Hence, from time to time, representatives of the world of science and politics promote various concepts of introducing specific methods of improving the human species.

Reaching back to distant times, it is worth recalling the example of ancient Greece, where an educational path was created to shape an almost ideal man: morally pure, or simply good and combining high physical fitness with intellectual qualities and impeccable character traits. The ancient Spartans carried out a project to create a soldier man which, in addition to training his physical fitness, assumed the selection of good biological material. Children who were weak, sickly or disabled were abandoned in the mountains, on the outskirts of cities, or dropped from the rocks.² Only the strongest ones had to and should survive.

¹ P. Kossobudzki, Eugenika, czyli jak wychować nadczłowieka, „Gazeta Wyborcza”, 28 November 2013; <http://wyborcza.pl/piatekextra/1,129155,15041710,Eugenika_czyli_jak_wyhodowac_nadczlowieka.html>; access date: 4 February 2019.

² M. Musielak, *Sterylicacja ludzi ze względów eugenicznych w Stanach Zjednoczonych, Niemczech i w Polsce (1899–1945): wybrane problemy*, Wydawnictwo Poznańskie, Poznań 2008, pp. 21–22.

Selective ideas for human reproduction were also suggested by Plato, who argued that human reproduction should be controlled by the authorities. He proposed that the selection should be made by the government, through a controlled lottery, so that human feelings would not be hurt by the awareness of selection principles. In the work entitled "The Republic", he wrote: "(...) *in the Republic, the discipline and jurisprudence requiring only citizens who are healthy in body and mind to be dealt with, should be applied. However, those who are not healthy should be allowed to die (...)*".³

Almost two thousand years later, in 1983, in one of his speeches the contemporary President of the United States Ronald Reagan, referring to the future of humanity indicated that there would be a moment when every employer, doctor and every citizen would have to admit that the real problem is whether to affirm and protect the sanctity of all life or accept social ethics for which one human life has value while the other not. Reagan suggested that Americans would with time face a dilemma of choosing between the ethics of sanctity of life and the ethics of quality of human life.⁴

Scientific research conducted in 1983 among paediatricians and obstetricians by H. Kushe and P. Singer in the state of Victoria (USA) proved that 90% of obstetricians and 83% of paediatricians at least once in their professional work were of the opinion that the maximum effort should be made to save the lives of every disabled child. Almost everyone indicated that they would contact the parents before they decided to stop their efforts to save the child's life at all costs. Further experimental works addressing the discussed issues were carried out by the same researchers in 1987-1992, in Australia, Canada, Great Britain and Poland. They showed that while Australian, Canadian and British physicians have similar views and behaviour towards children who have no prognosis to

³ As cited in: M. Musielak, *Sterylicacja ludzi ze względów eugenicznych w Stanach Zjednoczonych, Niemczech i w Polsce (1899-1945): wybrane problemy*, Wydawnictwo Poznańskie, Poznań 2008, pp. 21-22.

⁴ R. Reagan, *Abortion and the Conscience of the Nation*, "Human Life Review", vol. IX, no. 2, 1983.

survive, Polish paediatricians are much more “conservative”. Nearly 98% of respondents in English-speaking countries rejected the view that every effort should be made to save the lives of children under all circumstances, while the opinions of Polish paediatricians were divided at a ratio of 50% : 50%.

Furthermore, if a decision to discontinue treatment were necessary, approximately 90% of Australian, Canadian and British physicians would consult with parents and nursing staff, while only 8% of Polish doctors would consult with parents, and 4% with nursing staff. Different opinions of Polish doctors can be explained by the influence of the Catholic Church proclaiming the thesis of the fundamental value of human life, regardless of its quality.⁵

Eugenics, as a concept of improving people in the historical dimension and today (selected aspects)

As civilization developed, people’s views on the ways to deliberately and consciously improve humanity were changing and crystallising depending on the prevailing philosophical views, the knowledge of societies about the nature of human, the achievements of science and the quality of life. However, as early turn of the nineteenth century, they were consolidated into a new field, which was called eugenics.

Eugenics is a term derived from the Ancient Greek language (Greek: εὐγενής, eugenes, “well-born”), introduced in 1869; concerned the selective reproduction of animals and humans in order to improve species from generation to generation, especially in terms of inherited traits.⁶

⁵ P. Singer, *O życiu i śmierci. Upadek etyki tradycyjnej*, PIW, Warszawa 1994, pp. 135-136.

⁶ F. Galton, *Inquiries into Human Faculty and its Development*, F.R.S. (First issue of this Edition 1883), J.M. Dent & CO, London 1907; *Eugenika*, Encyklopedia PWN (online version): <<https://encyklopedia.pwn.pl>>; date of access: 3 February 2019; M. Zaremba Bielawski, *Higieniści. Z dziejów eugeniki*, Wydawnictwo Czarne, Warsaw 2011. E. Black, *Wojna przeciw słabym*, Wydawnictwo Muza, Warsaw 2004.

The creator of eugenics is believed to be Francis Galton, a British scientist, cousin of Charles Darwin, who, studying obituaries, family histories and building family trees, came to the conclusion that high intelligence and other noble qualities are largely hereditary. In his work from 1883, he suggested that the best members of society should be encouraged to have more children, so that the virtues of their parents would spread with them in the population. It was Galton who first used the term „eugenics” (he introduced this concept in 1869).⁷ Thus, his idea at a rapid pace began to conquer the world and human minds, taking in many postulates and conducted activities extremely pathological forms. Over the following years, Galton perfected his definition of eugenics by including a category of the so-called positive eugenics, encouraging more frequent reproduction of the best individuals, and negative eugenics, discouraging the reproduction of less valuable individuals.

At the beginning of the 20th century, eugenic concepts, as in many other countries of the world, found numerous supporters and promoters also in Poland. They included social activists, scholars (in particular representatives of natural and medical sciences) and writers. In 1922, Polish Eugenics Society, was founded, which in the 1930s had approximately 10,000 members. The founder of the society was Leon Wernic, a doctor and social activist, the initiator of the establishment of the Ministry of Public Health; while its co-creator and president at the same time was, Leon Drożyński. In 1934–1938, Polish eugenics made attempts to introduce into Polish legislation provisions on forced sterilization, e.g. of alcoholics or people suffering from epilepsy. Some of them (e.g. Karol Stojanowski) placed the essence of Polish eugenics in solving the Jewish question (emigration, limiting natural increase, extermination).⁸

⁷ M. Zaremba Bielawski, *Higieniści. Z dziejów eugeniki*, Wydawnictwo Czarne, Warsaw 2011.

⁸ I. Sugalska, *Eugenika. W poszukiwaniu istoty niemieckiego totalitaryzmu*, Bogucki Wydawnictwo Naukowe, Poznań 2015, pp. 38–41, p. 52, pp. 165–172; H. Szczodrowski, *Co robi Polskie Towarzystwo Eugeniczne, „Zagadnienia Rasy”*, Yearbook 9, vol. 3, 1927, pp. 11–12; L. Wernic, *Eugenika jako nauka i jej granice, „Zagadnienia Rasy”*, Yearbook 15, vol. 7, no. 3, 1933, pp. 199–211.

Despite establishing the date of the creation of Polish eugenics, points on the selection of people in Poland were known and spread by representatives of Polish science, as well as political and social activists even before their official formalization. As examples, the personages of Aleksander Świętochowski, historian, positivist writer, social activist and Benedykt Dybowski, naturalist, doctor, zoologist, traveller and explorer can be mentioned. Aleksander Świętochowski was a proponent of evolution and the development of selection theses, while Benedykt Dybowski a supporter of anthropology, anthropotechnics, as well as their historical message, the regeneration of breeds and their refinement, which as a consequence leads to the the ideal in the form of good, beauty and physical strength associated with intellect, obtained in a human being.⁹ Ludwik Popławski, the journalist, politician, one of the creators of the national democratic ideology and Ludwik Krzywicki, sociologist, social activist, positivist, evolutionist, propagator of the ideas of K. Marx, also agreed with eugenics. They promoted Darwinism, F. Galton's theses, and advocated the implementation of eugenics in the area of Poland.¹⁰

After World War II, all scientific societies, including the Polish Eugenics Society, were covered by the tutelage of the Polish Academy of Sciences established in 1951. However, Polish eugenics continued to work on introducing eugenic laws (e.g. regarding the mandatory treatment of alcoholism, sterilization of "intellectually disabled and mentally ill").¹¹ At the same time, there were numerous and seri-

⁹ B. Dybowski, *Kilka uwag dotyczących stanowiska antropologii i jej przyszłej działalności*, „Światowit: Rocznik Muzeum Archeologicznego im. Er. Majewskiego Towarzystwa Naukowego Warszawskiego”, vol. XII, no. 3, 1924/1928, p. 14.

¹⁰ I. Sugalska, *Eugenika. W poszukiwaniu istoty niemieckiego totalitaryzmu*, Bogucki Wydawnictwo Naukowe, Poznań 2015, pp. 50-52.

¹¹ W. DeJong Lambert, *Przyczynek do myśli eugenicznej i tyssenizmu w polskiej biologii okresu międzywojennego i w latach powojennych*, [in:] *Eugenika – biopolityka – państwo. Z historii europejskich ruchów eugenicznych w pierwszej połowie XX w.*, eds M. Gawin, K. Uzarczyk, Wydawnictwo Neriton, Institute of History of the Polish Academy of Sciences, Warsaw 2010, p. 187; R. Zabłotniak, *Dzieje Polskiego Towarzystwa Eugenicznego*, „Kwartalnik Historii Nauki i Techniki”, no. 4, 1971, pp. 769-787.

ous voices of opposition to eugenics, which, because of the top-down condemnation of this concept (also by state authorities) led to a departure from eugenic ideas. The Polish Eugenics Society was dissolved in 1952, but it actually ceased its activity as early as in 1949.¹²

Nowadays, eugenics is understood as a system of views assuming the possibility of improving the hereditary traits of a species, which aims to create conditions that allow the development of positive hereditary traits and reduction of negative traits (in particular, this applies to hereditary diseases), by creating favourable conditions for the development of individuals with positive genetic traits.¹³ The scope of eugenics includes, among others, activities such as combating and preventing various types of internal diseases, genetic counselling, preventive measures regarding compliance with occupational hygiene, prevention and therapy of alcoholism, promotion of healthy behaviours and mental hygiene, as well as conscious parenthood. It also refers to the selective reproduction of a human being, whose purpose is to give life to children with the desired characteristics, especially those that best meet the criteria of racial purity (positive eugenics), as well as the elimination of individuals bearing undesirable traits (negative eugenics).¹⁴

Opinion of the community of people with disabilities on the statutory ban on eugenic abortion in Poland

Based on the so far conducted analyses, it appears that people with disabilities can constitute (and constitute) a special human

¹² M. Musielak, *Steryliczacja ludzi ze względów eugenicznych w Stanach Zjednoczonych, Niemczech i w Polsce (1899–1945)*, Wydawnictwo Poznańskie, Poznań 2008, pp. 211–268.

¹³ *Eugenika*, Encyklopedia PWN (online version): <<https://encyklopedia.pwn.pl>>; date of access: 3 February 2019.

¹⁴ *Eugenika*, Encyklopedia PWN (online version): <<https://encyklopedia.pwn.pl>>; date of access: 03.02.2019; E. Black, *Wojna przeciw słabym*, Wydawnictwo Muza, Warsaw 2004; M. Zaremba Bielawski, *Higieniści. Z dziejów eugeniki*, Wydawnictwo Czarne, Warsaw 2011.

category not only because of the presence of disability and experiencing its psychophysical and social consequences, but also because of the possible approach to eugenic issues. This is because they include individuals characterised by various types, degree, time of acquisition of disability as well as causes of disability. Often, these causes are not only of an inborn nature, but also genetically determined. Hence, learning the opinions of disabled people about a possible legal ban on eugenic abortion seems interesting from a scientific, legislative, but above all humanistic, universal point of view.

The project “Convention on the Rights of Persons with Disabilities¹⁵, a Common Matter” implemented in Poland in the period 2016–2018 has become an excellent opportunity to fulfil the demand to learn about the opinions of various communities of people with disabilities in Poland about the statutory ban on eugenic abortion. The project leader was the Polish Disability Forum (PFON), while the executors included: Warmia and Mazury Council of Disabled People (WMSON), Lublin Forum of Organizations of People with Disabilities, Regional Council (LFOON), the Maria Grzegorzewska University in Warsaw (APS) and the Domański Zakrzewski Palinka Law Firm (DZP). Content-related supervision over the implementation of the project was exercised by the Ministry of Family, Labor and Social Policy. The co-author of the present article participated in the implementation of the above-mentioned project in the status of a content-related consultant.

In the implementation of the first step (2016–2017), 1641 people with various disabilities and people associated with them participated. The goal was to identify areas where people with disabilities experience discrimination. During second stage (2017–2018), proposals of legal and non-legal actions aimed to eliminate spheres

¹⁵ *The Convention on the Rights of People with Disabilities* (CRPD), adopted by the United Nations on 13 December, 2006, signed by the Polish government on 20 March, 2007 and ratified on 6 September, 2012, constitutes currently, apart from the Universal Declaration of Human Rights (UN, adopted on 10 December, 1948), the most important legal act regulating the rights of people with disabilities.

discriminating against people with disabilities, were consulted. The measurable result of the project was a report that was published in 2017.

Analysis of the information contained in the report provides the basis for indicating the restrictions of people with disabilities in the area presented in the preamble and content of the Articles of the Convention. It also provides a real frame of reference for specific issues constituting a platform for discussing disability, its nature, possibilities of providing broad and purposeful support, at a high level in terms of quality and effectiveness, preventing the occurrence of disability in the perspective of the development of human civilization and the achievements of modern science from the point of view of the disabled themselves.

During the second stage of implementation of the above-mentioned project, participants of debates, during which selected discrimination issues were discussed, were asked to discuss and vote on the introduction into Polish legislation of a provision on a total ban on eugenic abortion. Voting took place using four possible options: recommendation necessary for implementation, recommendation desirable for implementation, support recommendation (in removing discrimination areas), unnecessary recommendation. Voting was conducted in secret, on specially prepared cards for voting on the discussed recommendation. The obtained voting results were presented in the "Report summarizing the community consultation debates carried out under the project: "Implementation of the Convention on the Rights of Persons with Disabilities, a Common Matter", the Polish Disability Forum, Warsaw 2017. 355 people (100%) participated in the series of debates on eugenic abortion, including 35 (10%) people with physical disability, 36 (11.5%) people with visual impairment, 43 (12%) people in both groups including intellectual disability and hearing loss, 23 (6%) people with mental disorders, 79 (22.5%) people with overall developmental disorders, 24 people (6.5%) of each group including neurological disorders, chronic diseases, multiple disability, simultaneous hearing and visual impairment (the deafblind).

Tables 1, 2 and 3 contain information on the participants' attitude to the analysed issue.

Table 1. General voting results of people with disabilities participating in the implementation of the project: "Implementation of the Convention on the Rights of Persons with Disabilities, a Common Matter" (2016–2018) on the introduction of a total ban on eugenic abortion into Polish legislation

Type of recommendation	N	%
Necessary for implementation	63	18.0
Desirable for implementation	15	4.0
Auxiliary	43	12.0
Unnecessary	234	66.0
Total	355	100.0

Source: Report summarizing the community consultation debates..., 2017, pp. 86–87.

Table 2. Opinion people with disabilities participating in the implementation of the project: "Implementation of the Convention on the Rights of Persons with Disabilities, a Common Matter" (2016–2018) on the introduction of a total ban on eugenic abortion into Polish legislation, general voting results, including the criterion of the type of disability

Type of disability	Necessary for implementation		Desirable for implementation		Auxiliary		Unnecessary	
	N	%	N	%	N	%	N	%
Physical disability	8	13.0	1	7.0	5	12.0	21	9.0
Visual impairment	8	13.0	2	13.0	9	20.0	17	7.5
Hearing loss	21	33.0	1	7.0	5	12.0	16	7.0
Hearing and visual impairment (the deafblind)	7	11.0	3	20.0	1	2.0	13	5.5
Intellectual disability	1	2.0	0	0.0	0	0.0	42	18.0
Mental disability	11	17.0	0	0.0	0	0.0	12	5.0
Disability, global disorders	6	9.0	8	53.0	15	35.0	50	21.0
Neurological disability	1	2.0	0	0.0	8	19.0	15	6.0
Disability, chronic diseases	0	0.0	0	0.0	0	0.0	24	10.5
Multiple disability	0	0.0	0	0.0	0	0.0	24	10.5
Total	63	100.0	15	100.0	43	100.0	234	100.0

Source: Report summarizing the community consultation debates..., 2017, pp. 86–87.

Considering the general voting results of the participants in the debates on the proposal of a complete legal ban on eugenic abortion in Poland, the conclusion has been crystallised that generally people with disabilities are against such a provision. As much as 66% declared that it is unnecessary, and 12% that it can have a possible auxiliary character in solving discrimination problems. Only 18% of people voted for the introduction of a provision of a complete ban on eugenic abortion in the Polish legislation, and 12% voted for its desired presence. Identical conclusions are presented by the results in Table 2, except that they were grouped based on the type of disability criterion.

Based on the data presented in Table 3, it is clear that the proposal to introduce a provision on the total ban of eugenic abortion

Table 3. Opinion people with disabilities participating in the implementation of the project: "Implementation of the Convention on the Rights of Persons with Disabilities, a Common Matter" (2016–2018) on the introduction of a total ban on eugenic abortion into Polish legislation, general data according to the type of disability

Type of disability	Necessary for implementation		Desirable for implementation		Auxiliary		Unnecessary		Total	
	N	%	N	%	N	%	N	%	N	%
Physical disability	8	23.0	1	3.0	5	14.0	21	60.0	35	100.0
Visual impairment	8	22.0	2	6.0	9	25.0	17	47.0	36	100.0
Hearing loss	21	49.0	1	2.0	5	12.0	16	37.0	43	100.0
Hearing and visual impairment (the deafblind)	7	29.0	3	13.0	1	4.0	13	54.0	24	100.0
Intellectual disability	1	2.0	0	0.0	0	0.0	42	98.0	43	100.0
Mental disability	11	48.0	0	0.0	0	0.0	12	52.0	23	100.0
Disability, global disorders	6	8.0	8	10.0	15	19.0	50	63.0	79	100.0
Neurological disability	1	4.0	0	0.0	8	33.5	15	62.5	24	100.0
Disability, chronic diseases	0	0.0	0	0.0	0	0.0	24	100.0	24	100.0
Multiple disability	0	0.0	0	0.0	0	0.0	24	100.0	24	100.0

Source: Report summarizing the community consultation debates..., 2017, pp. 86–87.

into Polish legislation was considered unnecessary by 100% of representatives of the community of people with chronic diseases and multiple disability, 98% of representatives of the community of people with intellectual disability, 63% with overall developmental disorders, 62.5% with neurological disability, 60% with physical disability, 54% with simultaneous hearing and visual impairment (the deafblind) and 52% with mental disorders. The discussed ban gained less than half of the supporters only among representatives of the community of people with visual impairment, 47% and hearing loss, 37%. Interestingly, people representing communities of very serious, complex disabilities, which in many cases may have (and generally have) an innate nature, including genetically determined one, such as e.g. multiple, intellectual disability, overall developmental disorders were against the discussed provision in 100% or almost 100%. The option of introducing into Polish legislation a provision completely prohibiting eugenic abortion, necessary to introduce, was supported by 49% representatives of the community of people with hearing loss, 48% of representatives of people with mental disorders, 29% of deafblind people and less than a quarter of representatives of people with physical disability (23%) and people with visual impairment (22%). The discussed provision found a few supporters among people with overall developmental disorders (8%), with neurological disorders (4%) and with intellectual disability (2%), and their lack was present in the community of people with chronic diseases and multiple disability. Noteworthy are the contrasting results of the attitude to the present provision in the case of people with hearing loss: 49% for the proposed provision and 37% against and the community of people with mental disorders: 48% for the present provision and 52% against. The obtained state of affairs can be explained by the non-identical size of individual groups representing individual disabilities. It can also be assumed that a certain picture of the approach of people with specific disabilities to the issue of a statutory total ban on eugenic abortion in Poland emerges.

As the topic of abortion is extremely sensitive, highly subjectified and extremely divergent in the social dimension, the opinions

presented by the participants of the debates were different, divergent and at times extremely contrary. Participants of the debates did not specify the consequences (including financial ones) of the lack of this recommendation, although they pointed out the inappropriateness of valuation of life and the need to leave the decision on the birth of a conceived child to their parents. During the discussion, a need to extend the provisions on still unborn children in Polish legislation by regulations regarding prenatal diagnostics and to place special emphasis on such a provision in recommendations related to deciding on pregnancy subject to eugenic discourse, was raised. It was also possible to hear the opinion that the issue of moral choice about the birth of a child belongs to parents, women, and this should not be arbitrarily determined by law.

Attention was drawn to the fact that the introduction of bans, especially on sensitive and controversial issues such as eugenic abortion, opens the door to illegal practices in a given area. At the same time, arguments emphasizing the innate and inalienable human right to life were raised. Every person, as a human being, acquires the right to life at conception. The necessity of multi-aspect support for future parents (especially mothers) of a child at risk of illness and/or disability, among others, by developing a network of facilities providing signalled help and care, was emphasized. The concern was expressed that the recommendation on eugenic abortion may focus public attention, and thus other recommendations related to the implementation of the provisions of the Convention may be implemented seemingly, symbolically, partly or not at all.¹⁶

Summary

From a formal point of view, controversy over eugenics has last since the second half of the 19th century. However, if we consider

¹⁶ Report summarizing the community consultation debates carried out under the project: "Implementation of the Convention on the Rights of Persons with Disabilities, a Common Matter", the Polish Disability Forum, Warsaw 2017, pp. 86–87.

the points proposed by its representatives, as well as the presence of real actions for the selection of the human species, the tendency to eliminate conditions and phenomena recognized as pathological, undesirable, not fitting into accepted standards recognized as the norm and the promotion of individuals meeting the criteria of genetic impeccability, required health condition, physical and intellectual fitness, as well as suitability for society, they have existed in the history of humanity since very distant millennia. They are also present in modern times, although they do not have such a direct nature and form. They are more masked, blurred and diffuse in scientific achievements, legal provisions, programs of people governing or claiming power, in actions postulating humanism, the inalienable rights and welfare of every human being, prevention, medical care, high quality of life, early diagnosis and early intervention in the circumstances of various individual and/or social problems, and therapy, including highly specialized therapy.

People's approach to theses proclaimed by eugenics, both historically and today, has a subjective, individualized and even intimate character, regardless of the criterion of fulfilling the ideals of human and social functioning proclaimed by eugenics and its supporters. As demonstrated by the above-presented data, the community of people with disability, like the dominant part of the society, does not differ significantly in the perception of selected eugenic postulates, and in particular the postulate regarding the introduction of a provision on a total ban on eugenic abortion into Polish legislation. This opinion is not only ambiguous, generally opposed to such a prohibition, but also leaves the right to decide on such sensitive matters to the interested parties, their personal responsibility, and their conscience. This means that disability is not currently the dominant determinant of the approach of specific people, and even communities of people with a specific disability to such important eugenic problems as the legal sanction of a ban or lack of a ban for and in view of the so-called eugenic abortion.

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