

RESEARCH REPORT

Ethical Concerns Relating to Child Abandonment and Baby Hatches: The Case of Poland

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Abstract

Numerous media outlets report on cases of desperate mothers or other family members leaving their babies in a baby hatch, known in Poland as *okno zycia* (with about 60 such places). Babies are often abandoned shortly after being delivered in non-medical settings. In many cases, mothers are acting under great stress and panic, being influenced by hormonal changes of the postpartum period. For these reasons, they may be unable to see the gravity of their actions. Baby hatches were established as an institutional support of last resort. Use of a baby hatch currently guarantees exemption from legal punishment and full anonymity to parents, in order to dissuade them from dumping their baby in some unsafe place or otherwise harming the baby physically or emotionally.

This article is the first part of a series analyzing the situation of unwanted pregnancies and child abandonment in various countries (the case of Japan will be discussed later, in the next paper). The aim of this paper is to reconsider the socio-cultural context of the baby hatch and problems underlying this method, as it is presently utilized in Poland. Moral conflicts of values related to the baby hatch and different solutions, such as anonymous birth, will be analyzed. Difficulties with the application of other solutions will be explained.

Finally, in addition to the baby hatch method, we suggest that psychological and social assistance for women/families in crisis (i.e. dealing with unwanted pregnancies) should be strengthened, public debate on open relinquishment of children for adoption reactivated, and fighting with social stigma related to this method resumed.

In conclusion, the existence of the baby hatch reveals much deeper problems: 1) a crisis of trust and relationships in the society and 2) the failure and inefficiency of the current assistance system. Therefore, it is necessary to rethink how to regain trustful relationships and effectively fight the social alienation of women in crisis.

Keywords: baby hatch, child abandonment, anonymous birth, confidential birth, unwanted pregnancy, women in crisis, Poland.

Introduction

People have different moral sensitivities, cultural, religious and ethical backgrounds. They receive different upbringings from their respective families. Something acceptable in one culture might be completely unacceptable in others. Certain values or behaviors stand higher in the moral hierarchy in one community than another. This diversity of interpretation, according to time and place, inevitably leads to some form of moral relativism, a lowering of moral standards and,

in the worst case scenario, the rise of nihilism or the negation of moral values altogether. One may ask ‘Why are moral standards and norms no longer considered absolute, but only relative?’ Some people will claim that since the times are changing, morality and ethical standards should also change, as custom, fashion, language and technology do. However, in a human being, there is a deep-seated longing for stable values, non-relative norms and truth, as it is manifested in the natural sciences, for example, in physics. No sane person would claim that the times are changing, therefore, the laws of physics must also

be changed. The laws of physics are not debatable and they do not depend on legal factors, political or religious views or other personal beliefs. Laws and rules of physics are logical and undeniable. Breaking them will bring clear consequences – injury or death. The field of gravity works the same, regardless of our intention or the level of consciousness, whether it is a desperate suicide jumping from the roof or a baby falling from an open window. If a person is able to think logically, she or he will respect and observe the laws of physics. The laws of physics are inscribed in the world, and we can survive if we can decode this “inscription” correctly by using reason, logical thinking, and common sense.

Analogously, the behaviors, and attitudes of human beings cannot be understood without using reason, logical thinking, and common sense. Logical thinking is related to the good (*bonum*) and the good itself is logical. The correct, logical reading of the laws related to human nature and the world will lead to the order (*ordo*) and to the good (*bonum*). To the contrary, evil will consequently lead to chaos (*chaos*) and destruction. Speaking of human behavior and morality, we can also identify norms and principles, which are indisputable, for example, the personalistic norm, which says: ‘Every human life needs respect and protection due to the basic value of human dignity.’ If one assumes that objectively every human life is of equal value, one cannot subscribe to statements claiming that “only wanted life has value” and ‘an unwanted life has no value’. Subjectively, for a certain person¹ such a life may not have value, but one cannot deny the objective value of human life itself. Having an intrinsic, objective value and having a subjective feeling about this value are two significantly different things (albeit permanently mixed in various disputes).² Although we know the moral principle and the norm concerning the intrinsic value of human life, this certain moral principle is permanently violated – human lives are harmed, humiliated and annihilated. If we think rationally, actions such as killing, harming and humiliating others are illogical in their nature, driven by destructive emotions.³ Human life and its protection should have top priority in the hierarchy of values. The protection of other goods, such as the right to know one’s origin, history and family, is

also undeniably important, but this right has secondary value. If we reverse the order of values and first protect other goods, we may lose the priorities⁴ at the cost of potential protection of secondary values.⁵ However, what sanctions do we have to protect the assertion that ‘Human life and its protection have top priority’?

Moral laws and rules often have sanctions that are too weak. The *lex talionis* used to say, “an eye for an eye and a tooth for a tooth”. Today, if we break a moral law, our deed may still be acceptable according to the statutory law, since there are almost no sanctions.⁶ Here we observe two major problems of contemporary societies: 1) the moral law, inscribed in the world, so-called natural law, is misread and freely interpreted by various groups of people;⁷ 2) the moral law, if not supported by legal provisions, has insufficient sanctions which are too weak.⁸ The role of ethics is gradually replaced by the law, because the law has clear and measurable sanctions.

These two points gradually “dissolve” and “soften” morality and laypeople’s ability to judge right from wrong. Three factors can assist a person in identifying and resolving a moral issue. These are: 1) human reason, 2) belief (regardless of religion) and 3) proper moral upbringing and education in childhood.⁹ These factors can often serve people well enough if they suddenly fall into the darkness of an ethical pitfall. Human reason, with its analytical and logical capabilities and common sense, serve as the greatest tool for problem-solving (detecting truth and lies). Belief (regardless of religious affiliation) can give a person strength, a sense of security and purposefulness, even if he or she is left completely alone in the decision-making process. And, ideally, the proper, solid moral upbringing and education received in childhood assists that person with rock-solid principles and inspires a strong will in a person to set moral boundaries that should not be crossed. Conversely, the moral decision-making process could definitely be disturbed by haste, uncontrolled negative emotions (particularly despair) and unbelief in one’s own abilities. A person in such a situation will inevitably think and act illogically, leading to an unsupportable moral decision.

Keeping in mind these three anchors (reason, belief and proper moral upbringing) and three main distracters (haste, despair and unbelief),

let us consider the topic of child abandonment and the baby hatch within the context of Polish society.¹⁰

1. The Essence of the Matter: Where Does the Moral Problem Begin?

Let us begin this analysis by showing where and how the problem of child abandonment occurs. Indirectly, child abandonment begins within the family of the pregnant woman and depends on the relationship the pregnant woman has with her mother, father and other family members. The pregnant woman's view of child abandonment also depends on moral and sexual education imparted verbally or nonverbally received within her family. If the relationships are based on trust, love, and the feeling of security, the family will accept and support a daughter under any circumstances.¹¹ Lack of trust and acceptance from the family causes pregnant women to feel isolated and desperate.

It must be emphasized that the problem of child abandonment begins directly in the relationship between partners: a woman and a man, who usually would discuss in advance the issue of potential offspring and responsibility for their upbringing. Except for extraordinary situations such as rape¹² and the case in which a baby is conceived by an anonymous donor, via assisted reproduction,¹³ both the father and the mother are directly responsible for the conceived life. We have to stress that the responsibility is equal. Usually, however, women who have a baby out of wedlock or single mothers are often stigmatized. However, we do not observe similarly strong social stigmatization in the case of men who is a father of a baby out of wedlock and do not take care of the offspring.¹⁴ Moreover, single fatherhood seems to be viewed more positively than single motherhood because it is unusual and rare when a father alone is working and taking care of children.¹⁵

The importance of the maternal bond must also be stressed, as this bond is undeniably the most primary and the strongest bond, fundamental for the future development and life of a baby.¹⁶

Now let us see the phases of a possible scenario of the child abandonment problem. First,

after having sexual intercourse with a partner, a woman starts to realize that she is pregnant. When she is unprepared for that pregnancy and has in place no plan, she starts to hesitate. Usually at this stage, the crucial role for further decisions belongs to the woman's partner. Unfortunately, the father is in many cases not present when the problem of a baby hatch is discussed, although he is equally responsible for what will happen to their baby – whether it will be aborted, abandoned after delivery, or raised as a beloved child. However, if the partner is strongly against that pregnancy (expressing violence and aggression), and does not want to assume any responsibility or openly encourages the mother to have an abortion or relinquish the child, then the woman is left often completely alone with the problem. If she has the support of her family, the situation might find a happy end and reach a good resolution – she will deliver the baby and keep it. However, if neither her partner nor the mother's family members are willing to support her pregnancy, then she may start to think of the baby as an intruder and a true burden, even if in the depths of her heart she does not want to give up that baby. In such a situation, the maternal bond cannot be expressed properly. The mother starts to think (emotionally, desperately, and illogically) that she is in a deadlock and her choices are limited to abortion or child relinquishment. This stressful situation makes her panic, and it makes her think emotionally instead of rationally, thus rendering her dramatic decision without being fully free and autonomous. In addition, if she decides to leave the baby after delivery, she must hide her pregnancy from other people,¹⁷ which is also very stressful. Of course, life writes various scenarios and the stories behind abandoned children are also varied, not limited to the mentioned example. However, illogical thinking, fear, panic, and despair serve as common starting points for many tragic developments. In the next section, we will clarify the possible reasons and rationalizations for child relinquishment.

2. The Reasons and Rationalizations for Child Relinquishment

Anytime we discuss the baby hatch problem, one question appears repeatedly; namely, people want to know the reasons or rationalizations for child relinquishment. We can enumerate various motives, but the primary reason is the following: the pregnancy is unwanted.¹⁸ Now we can ask why the pregnancy is unwanted: 1) the mentioned pregnancy is unexpected, unplanned and unintentional, 2) the pregnancy occurs out of wedlock; 2) the baby is a consequence of a violent act or a betrayal, 3) because of a disease of the newborn, 4) single parenthood, 5) domestic violence, abuse or dysfunctional family relationships at home (alcohol/drug problems, HIV, etc.); 6) a mental crisis or shock (postpartum depression or psychosis, etc.); 7) lack of support from others and social exclusion, 8) immaturity (teen parenthood); 9) poverty, financial problems, multi-child family. We can provide further motives, reasons and excuses; however, if a person really does want a baby, from the bottom of his or her heart, the person will do everything to keep that baby, at any cost. To put it bluntly, if a person really wants something, he or she will find the power to overcome the worst and the hardest obstacles. And the opposite is also true; if a person really does not want a baby, any kind of rationalization will be good enough to abandon the baby.

Here, we have to refer to the cognitive tunneling, a state of mind in which a person's brain focuses on one thing only and cannot see any other relevant data, any alternative choices. Due to strong stress, particularly invoked by negative emotions such as despair, mothers in crisis can behave irrationally and commit regrettable acts. According to the rule *in dubiis non est agendum*,¹⁹ people should not act when in doubt or under strong emotions.²⁰

3. The Baby Hatch Problem as a Cultural and Religious Symbol

The problem of abandoned children can be traced back deep in the history of the human species. However, in historical times, a baby hatch in the form similar to its contemporary counterpart was

established by Guy de Montpellier in the 12th century, in Italy.²¹ Today, however, in Poland, the abandoned baby is taken from the baby hatch to the hospital for a medical checkup, after which it is placed in a public care institution.²² The biological mother has six weeks to change her mind and return for the baby (DNA tests are required). After that period, the case of baby abandonment is treated by Family Court and formal documents are prepared for adoption.²³

There are already about 60 baby hatches in Poland, and new facilities are planned. The first one was established in 2006, in Cracow. They receive significant moral support from the Catholic Church and Caritas (in the spirit of Guy de Montpellier and the Good Samaritan). In Poland, since 2006, about 100²⁴ babies have been left in baby hatches. The media articles and debates show that the idea of the baby hatch is widely broadcast and considered as an important and necessary topic of discussion in Polish society.

Abandoning a baby in Poland is related to a very deep social stigma, conferring the label of 'pathological family'. Therefore, some parents feel ashamed to relinquish their baby for adoption in an open way. On the other hand, single-parenthood, particularly teenage parenthood, is also seen with prejudice and in many cases closes the door to further education and good job prospects for the mother. It even may (but does not have to) lead to a life of poverty. For these reasons, approximately 60 baby hatches are currently active in many Polish cities and towns. It should be noted that baby hatches are seen favorably by Polish society and are positively portrayed in the media. From the media coverage we can observe that many people positively comment on the fact that a baby was safely placed in a baby hatch, rather than left in unsafe surroundings or killed. Thanks to the media coverage and the Catholic Church teaching, the decision to relinquish a baby to a baby hatch if a mother does not want to or cannot raise her baby, is considered as good and responsible decision. Therefore, baby hatches are vigorously defended by Polish society and the Catholic Church, as well as by Marek Michalak, the Polish Ombudsman for Children, who has favorably compared baby hatches to an ambulance or a police patrol car.²⁵ Additionally, Michalak is

open to other solutions and supports so-called *in blanco* consent.²⁶ However, *in blanco* consent is a formal resolution, and the mother must disclose her identity to the court; therefore, this kind of formal consent does not provide full anonymity, which is a significant disadvantage compared to the baby hatch.

4. The Debate on the Baby Hatch in Poland

The debate surrounding the baby hatch in Poland seems to remain more in the realm of journalism rather than strictly scientific, ethically grounded literature. Therefore, one can find hardly any scientific references to this issue (except for some legal²⁷ and some pedagogical analyses^{28,29,30}). On the other hand, feature writers bring forward various arguments – both attacking³¹ and defending the baby hatch.³² The discussion flared up after the UN Committee on the Rights of the Child appealed to Poland to close existing baby hatches, as their idea deprives abandoned infants from knowing their origins. If we consider negative arguments raised against the baby hatch, the strongest case was presented by Jan Buczyński who claimed that they do not resolve the problem but create many new ones instead. The strongest arguments against raised by Janusz Buczyński were that 1) the baby receives pseudo assistance and even abuse; 2) the baby is harmed; 3) the mother is harmed; 4) problems arise for new parents; 5) harm is done to the whole society (which receives reinforcement that new methods of adoption are not worth promoting); 6) a morally questionable situation develops in the Catholic Church which promotes baby hatches instead of supporting adoption centers.³³ There are also opinions supporting introduction of anonymous birth, for example the ethical analysis of the baby hatch proposed by Agnieszka Żok and Izabela Rzymska.³⁴ Żok and Rzymska consider medical, legal and bioethical arguments for anonymous delivery; these arguments are persuasive. Namely, from the medical point of view, providing the best possible medical assistance both for the mother and her child during delivery has no strong counter-argument. From the legal point of view, it is better that a baby has the possibility to trace his or her mother's identity, whereas the mother could stay

anonymous during the time of delivery. And from a bioethical perspective, both the baby's right to live and the right to know its origins could be respected.³⁵ In favor of the anonymous birth, Żok and Rzymska argue that principles proposed by Beauchamp and Childress are also observed: nonmaleficence (the baby will not be harmed by being anonymous and the mother will not be harmed by social ostracism); beneficence (best medical care and quick adoption procedure will be provided to both the mother and the child); and justice (the mother has the right to deliver anonymously or confidentially, and the child has the right to trace her origin in the future).³⁶ However, Żok and Rzymska fail to note that the level of anonymity or confidentiality of anonymous or confidential birth may not satisfy every mother. For example some mothers do not want to show their face to other people, cannot live with the thought that some people know about their deed. They often do not want to confess even in front of themselves that they abandoned their own child, and want to remove it from consciousness. For such mothers, only the baby hatch is an option that leaves no trace of their child's origin.³⁷

Let us consider the public debate on the baby hatch which took place in Opole in October 2016. Organizers stressed that this was probably the first popularized scientific debate on the baby hatch in Poland.³⁸ However, the speeches of some discussants aroused some negative emotions and protests.³⁹ The speakers were closely related to the activities of the baby hatch, the Catholic Church and pro-life organizations, but no discussants with different backgrounds and worldviews were invited. The perceived imbalance of views presented at the debate was the cause why the debate was considered one-sided. The seminar was entitled "Are baby hatches necessary?" The speakers agreed that the baby hatch does not promote or encourage baby abandonment. Sister Ewa Jędrzejak, president of the *Evangelium Vitae* association who manages Wrocław's baby hatch, said that "I am the last person who will encourage people to leave their babies in the baby hatch; however, such institutions are necessary"⁴⁰ as the last resort and a spark of hope for mothers.⁴¹ She explained that the baby hatch institution is not only waiting for abandoned babies, but it

is also related to prevention, information and education,⁴² and mentioned that there are many cases in which mothers gave up on leaving their baby in the baby hatch after they were provided care and support.⁴³ She has been working in the Wrocław baby hatch facility for eight years. Sixteen babies have been left in Wrocław's baby hatch since its inception. Another discussant, Father Tomasz Kancelarczyk from the pro-life Foundation of Little Feet and one of the founders of Szczecin's baby hatch, emphasized that the baby hatch is "an element of a widely understood idea of life protection". However, he stressed that "in parallel, family support methods should be developed, because often mothers who initially decided to leave a baby, change their mind after receiving support".⁴⁴ He argued that the baby hatch itself does not resolve the problem and it is important to give careful protection and assistance to mothers who are thinking of using the baby hatch.⁴⁵ Kancelarczyk explained that the Opole region has advanced beyond the baby hatch, saying that a comprehensive system of support has been created: phone support, direct support in the Mother and Child Center, family counseling centers and a foster family network. Finally, he disagreed with the opinion that the baby hatch will resolve the problem of infanticide. He stressed that the important way to fight child abandonment should consist in responsible education for the youth.⁴⁶ Another speaker, Dr. Błażej Kmiecik from the Institute of *Ordo Iuris*, compared the baby hatch to the Emergency and Accident Department of a hospital, saying that "this is neither a place where someone wants to be placed, nor a place that needs advertising, but nobody has any doubts that it is necessary."⁴⁷ Another discussant, Dr. Tomasz Terlikowski, a Catholic journalist and publicist, analysed philosophical and ethical problems of the baby hatch, mainly the problem of the baby's anonymity. He stressed that everyone has the right to know who he or she is. However, Terlikowski shared an analogous example suggesting that babies are conceived heterogeneously from in vitro fertilization in which at least one parent or sometimes both are anonymous. He concluded that the problem of the baby's anonymity exists, but he noted that this anonymity also occurs in situations other than the baby hatch context. Therefore the problem of the

baby's anonymity cannot be a decisive objection. Indeed, there are better solutions than the baby hatch, but it is good if they exist as a "safety valve".⁴⁸ Terlikowski, emphasized that using the baby hatch should be an option of last resort, not a permanent solution. He claimed that mothers actually have many assistance possibilities and just have to look for them, for example, giving the baby up for adoption by leaving the baby at a hospital. This resolves the problem of the mother's medical assistance, gives her more time to make a decision and the baby can know his or her origin.⁴⁹

Let us now consider the debate concerning the conflict between a mother's (or parents') anonymity (and autonomy) from the one side and the baby's right to know its origins, after having matured sufficiently. In Poland, opinions based on the well-known argument that babies have the right to know their origins can also be found. Not knowing one's origins will lead to identity conflict in adult life (right to an identity).⁵⁰ Mária Herczog, member of the UN's Committee of Children Rights Protection, postulates that states should fight the causes of parental abandonment – poverty and social pathologies - rather than encourage abandonment.⁵¹ Maria Keller-Hamela from the Nobody's Children Foundation argues that "we do not try to identify these families with problems, educate them, and this is some kind of system failure. Maybe we do not have to close baby hatches, but let us be honest: it is not a good idea to open a new one, but we should rather support those families in which there is a problem."⁵² Additionally, she says that, "There are arguments that say there is either the window of life or death. We do not have any evidence that the children left in a baby hatch would otherwise be placed in the trash or that someone would have tried to kill them."⁵³ Keller-Hamela explains her statement that "there is no information attached to the baby hatch: "If you are thinking about leaving your child, if you are in a difficult situation, call us, we will help you, we will support you, we will think if there is any other way out. You have to go through this process so that you can let your child be as soon as possible in a family".⁵⁴ Her advice to attach the mentioned information to every baby hatch is worth considering.

To analyze the Polish debate on the baby

hatch, we have to add the voice of Magdalena Środa, a Polish ethicist, who claims that she “is not against the baby hatch institution;” however, this idea “cannot be eternal; this is a relic of the Dickens era”.⁵⁵ Her point is that we have to “rationalize and ‘disenchant’ adoption; it cannot be connected – as it is today – to the condemnation and exclusion of women. It is commonly thought that a woman who does not want her own child is a monster,⁵⁶ a freak of nature, the embodiment of evil.” Środa stresses that due to the mentioned reasons, “some women prefer to kill an unwanted baby rather than expose themselves to this kind of ostracism.”⁵⁷

We have to agree with arguments mentioned by the discussants (Żok and Rzymska, Kancelarczyk, Kmiecik, Terlikowski, Keller-Hamela, and Środa). Indeed, we should develop a better and more efficient system of support for mothers in crisis and try to change public stereotypes concerning adoptions. For example, every woman in a maternity ward or gynecological clinic (or other healthcare facility) should have the chance to receive free professional psychological support.⁵⁸ If we want to focus exclusively on women in crisis, then we also must acknowledge that it is also difficult for the system of social support to find such women in crisis and despair, particularly in a situation when they avoid medical and social institutions (hiding their pregnancies) from the beginning of pregnancy. Mothers must first give some signals that they need help and are open to accept it. If we receive such signals but still ignore the problem, then we cannot morally defend ourselves by the existence of a baby hatch.

On the other hand, we may consider examples of families from whom babies were taken away by the decision of a family court. These families did not decide to abandon them in a baby hatch, but due to various circumstances, they were unable to create healthy surroundings for child development. Michalak, the Polish Children’s Rights Ombudsman, reviewed such cases and pointed out the following problems of dysfunctional families: parental alcoholism – 52% (of reviewed cases); nursing neglect, including health and hygiene – 39%, violence, including physical, mental and sexual abuse – 36%; difficult financial situation – 21%; lack of proper parental supervision – 18%; mental

disorders of parents – 12%, and leaving the child under the care of another family member or hospital – 27%. He emphasized that in 88% of the examined cases, at least three of the reported problems were coexisting, and in 36% of the cases at least five problems were present.⁵⁹ The police annually record about 100,000 victims of domestic violence, of which about 20,000 are children.⁶⁰ Additionally, the number of children taken away from their parents on the basis of Article 12a of the Polish Anti-Domestic Violence Act is growing (in 2001 – 474 children, in 2012 – 500, in 2013 – 571 and in 2014 – 1359 children).⁶¹ From various data mentioned above, we can gather that leaving a baby in the biological family, at any cost, where children know very well their origins, is not always the best choice and the most important value itself. To stress it again, the most important value is to assure that the baby’s life and security is not threatened here and now, at the present moment (so that she or he is unharmed by parents in any way). The point is that we should not compare at the same level the value of present security with a value, which could actually be realized someday in the unclear future (a baby will benefit from knowing his origins in the distant future).⁶² If the mother expects that in her current situation she cannot protect the baby’s well-being and the closest future, and cannot protect the baby from other family members’ harm (physical or mental), or if she thinks that by open relinquishment for adoption, she herself may be harmed (by her partner, relatives or society), then the baby hatch is the best solution.

We can also approach the conflict of values posed by the baby hatch solely from the baby’s moral perspective. From the baby’s moral perspective, a conflict between two values occurs: the sanctity of a life and the quality of a life. If we assume that the life of a baby placed in the baby hatch is in danger of physical, psychological harm⁶³ or even death, and we want to diminish such threats, by advocating the baby’s well-being and safety, it is better for a baby to stay alive and safe, even at the cost of a lower quality of life, resulting in part from not knowing its origins.⁶⁴

The conflict of values related to the mother’s desires and impulses to leave the baby in the baby hatch can also be articulated in terms of first order and second order desires. The theory

of first and second order desires formulated by Frankfurt says that not only human beings have desires and motives, but only humans are able to form second order desires or, in other words, evaluate their desires and regard some as desirable and others as undesirable.⁶⁵ Taylor also agrees with this point; however, he goes further and distinguishes two kinds of evaluations of desires: 1) weak evaluation, which is concerned with outcomes and never with desires (and for something to be judged good, it is sufficient that it be desired and 2) strong evaluation, where there is also a use of a term “good” for which being desired is not sufficient.⁶⁶ Taylor explains that this radical evaluation is a deep reflection and a self-reflection in a special sense: it is a reflection about the self, its most fundamental issues, a reflection which engages the self most wholly and deeply (...) it can be called a personal reflection.⁶⁷ Christine Korsgaard presents a noteworthy point of view, saying that “being a rational agent entails having various motives, including a preference for one’s own greater good”.⁶⁸ Korsgaard claims that reflection gives us a kind of distance from our impulses, a reflection which both forces us and enables us to make laws for ourselves, making our laws normative.⁶⁹ Taking all of these remarks into consideration, we can reassess the problem of the baby hatch in terms of a value conflict between first-order and second-order desires in a person who leaves a baby. On the one hand, we have immediate desires,⁷⁰ which tempt a person to throw the problem away and escape. On the other hand, there are second-order desires with strong evaluation and the process of personal reflection, referring to the deepest self of human and moral identity which compel us to be responsible for the life of others. Thus, we need to promote reflection over our first-order desires, impulses and emotions. Mothers in crisis and despair often act and take decisions under such impulses. Providing a possibility for mothers to take a broader look at and reflection of their situation is the main factor which can enable mothers help and care for their babies.

To conclude this section, let us point out that the baby hatch in Poland has both vigorous defenders and ardent critics. The latter group point out the weakness of the Polish support system and social prejudices towards mothers who want to relinquish their children for

adoption. Though the baby hatch method is imperfect, in general, we can state that the baby hatch in Poland is already accepted as a cultural and religious symbol of care and mercy toward vulnerable, unwanted infants. The baby hatch is used as the last resort when any other methods have failed. This symbol has already been deeply rooted in the Polish mentality and morality, although the baby hatch has been operating for slightly more than a decade. The value of protecting lives of the weakest is the supreme value and is supported by the Catholic Church. However, we are morally obliged to promote reflection on our first-order desires and impulses. Support for mothers in crisis should be based on providing them with the opportunity to think over their immediate impulses and distance themselves from the crisis situation.

5. Child Abandonment in Poland: Definition and Cultural Context

In Poland, Article 210 of the Polish Penal Code penalizes the abandonment of a minor under the age of 15.⁷¹ The Polish Supreme Court asserts that child abandonment is an act that involves leaving a child behind and ceasing to care for the child, without ensuring that the child is taken care of by another person. Therefore, the essence of child abandonment involves the caregiver leaving the child all alone in a situation when the child cannot be offered immediate support.⁷²

However, there are two ways in which parents can relinquish their children without penalty: 1) the open way in which a child is officially left in some institution.⁷³ Each year, about 800 babies are openly left in Polish hospitals due to nonmedical reasons.⁷⁴ The parent(s) can be identified, and their intention is not to return, but to willingly relinquish parental responsibility for adoption; and 2) secret relinquishment in a baby hatch, in which a child is secretly left by the parent(s) who cannot be identified, and whose intention is not to return but to relinquish parental responsibility anonymously. In the first case (of open relinquishment) there is 1) direct contact with parent(s) who can be identified by names; 2) direct investigation and discussion of their will, situation and problems; 3) formal consent in writing; and 4) direct support, consultations. In the secret relinquishment, there

are the following issues: 1) no direct contact with parent(s) and relatives (grandparents), their history and problems; 2) we do not know whether the decision was really voluntary or against the partner's (or family's) will and who decided (mother, father, grandmother, relatives or some third person); 3) we do not have any formal confirmation of the parental or caregiver's will to relinquish in writing; 4) we do not know anything for sure (their real intention, motivation – sometimes financial or even criminal – getting the insurance money after a dead family member, etc.); 5) we do not have a chance to offer any support, solution or counseling to the parent(s) or caregivers; and 6) the baby does not know its origin, medical history etc.

In particular, a situation in which relatives of a baby are not informed that the baby was secretly left in the baby hatch is very serious. In 2017, there were two cases when mothers who left babies in the baby hatch were traced by the police (in the first case, they received a notice about abandonment;⁷⁵ in the second case, a 2-month old and an 18-month old baby were abandoned, so the police checked if a crime was committed⁷⁶). In both cases, the grandparents of the abandoned babies declared their willingness to become foster families for the abandoned babies.

Considering the cultural and social background underlying establishing the baby hatch can provide a deeper perspective of the situation in Polish society. Poland is a predominantly Catholic country, and the mentality of its citizens is significantly influenced by the teaching of the Catholic Church whose views concerning reproduction, sexuality and conceived life are often strictly interpreted. Abortion, artificial contraceptives and post-coital contraceptives are prohibited by the Catholic Church on the grounds of harming the dignity of human life. As an alternative, natural methods of family planning are recommended.

The Polish law, which is the strictest in the EU, prohibits abortion. It is permissible only in 3 cases until the 12th week of gestation: ① if the woman's health or life is endangered by pregnancy, ② if pregnancy is the result of a criminal act (such as rape or incest), ③ if the fetus has irreversible, serious malformation which endangers his or her life until the fetus has achieved the ability to live independently

outside the body of a pregnant woman.⁷⁷ Abortion due to difficult material living conditions of the pregnant woman is prohibited.⁷⁸ Polish law prohibits selling emergency post-coital contraception without medical prescription. As well, doctors may refuse to give prescriptions based on moral grounds.⁷⁹ Some doctors refuse to prescribe contraception (Article 38, section 1 of the Act concerning the profession of a doctor and dentist is used as a legal basis for refusing to prescribe contraception).⁸⁰ That regulation allows the doctor to withdraw from treating a patient, unless the woman's health is seriously at risk.⁸¹ We should mention that such strict regulations raise many protests of women who demand the right to legal abortion in Poland.⁸²

Compared to their counterparts in several other European countries, women in Poland experiencing an unwanted pregnancy have a narrower range of choice. If they wish to terminate their pregnancy, they must look for an illegal abortion in Poland (underground abortion business) or travel abroad (abortion tourism business, to the Czech Republic or the UK etc.). Otherwise, they have to deliver the unwanted baby, but deliver it secretly, often alone, in non-medical settings.⁸³ And here the baby hatch solution was established as a way of collecting unwanted babies. The purpose of the baby hatch is not only to protect babies from infanticide or violence, but to give one more option to mothers who became pregnant unintentionally. This option, unlike abortion or anonymous birth, removes the need of a face-to-face contact.⁸⁴ It is completely anonymous. It means the face of a mother or a father will be anonymous, because they opted for anonymity.⁸⁵ Now, the key question is what is the essential moral difference between the open relinquishment method (in the hospital), the baby hatch, and anonymous birth?

6. The Problems of Anonymous and Confidential Birth

In some countries, such as France, Sweden, Austria, and Germany, we can find a system of 1) anonymous birth, in which the mother does not have to disclose her name to the authorities and 2) confidential birth, in which the mother is asked to leave her personal data in a sealed envelope to a counselor or state authorities, and if her child

(aged over 16) ever asks in the future about his or her origin, with the mother's consent, the data will be disclosed. In addition, in the mentioned countries, abortion is allowed.⁸⁶ As well, there is data demonstrating a significant decrease in the number of police-reported neonaticides in Austria after the implementation of anonymous birth.⁸⁷ Austrian research shows only two or three babies left in the baby hatch⁸⁸ in comparison to 30–40 cases of anonymous birth a year.⁸⁹ France adopted the system of anonymous birth, considering the research of Bonnet, concluding that the nature of neonaticide is rather psychodynamic than socio-economic.⁹⁰

In Poland, the system of anonymous birth has not yet been introduced⁹¹ and there would be difficulties in implementing it. First of all, there is no real social interest and insistence to establish such legislation. Currently, there is a rather fierce fight for free access to abortion, which is expected to resolve, at least partially, the problem of unwanted babies. Secondly, as with the use of the baby hatch, there would be an objection regarding the question, 'Will easy and free access to anonymous birth not encourage mothers to make abandonment of their babies more frequent?' In addition, from the formal point of view, all Polish citizens must have an identity number (and insurance) to access the public medical service. It is hard to believe that in the current public care system, some medical treatment will be offered completely anonymously.⁹² In some cases, police must check whether a crime was committed. Therefore, such a method of anonymous delivery should be very well discussed in a public debate and then achieve social acceptance. Both public debate and the evolution of social acceptance, however, need time and effort.⁹³ However, we have to ask honestly whether an anonymous birth system in Polish society would or would not encourage child abandonment more than the currently used baby hatch. In many Polish hospitals, there is a lack of medical facilities for pregnant women who want to deliver. Very often, pregnant women have to stay in a shared multi-person room or move from one hospital to another in order to find a proper medical facility to deliver. An anonymous delivery system would require that some part of a hospital ward would be isolated (with single-rooms) to assure anonymity. Doing so may lead

to a paradoxical situation in which an anonymous delivery system offers better conditions for women who want to leave their babies than non-anonymous delivery system for mothers who want to keep their infants. Thus, paradoxically, because of security and convenience, this method of anonymous delivery may encourage some mothers (who do not want to abort their babies, but who would rather easily relinquish care of their infant) to abandon their babies, with even greater frequency than current use of the baby hatch. While introducing new systems, we have to take into consideration socio-cultural aspects and the mentality present in a certain country. Presently, without legal and social readiness, the system of anonymous or confidential birth may be difficult to apply in the Polish conditions. However, discussion about such an option should be initiated in the public debate.

There is one more problem, which also applies beyond the Polish context: the anonymous and confidential birth is not that anonymous. The mother's face is not anonymous to the medical personnel, administrative, cleaning staff, and visitors. Someone who knows that mother may, by chance, see the patient. This possibility of detection becomes more likely in small cities and towns where such chance encounters increase in probability. Such information will undoubtedly be immediately spread throughout the ward. This precarious level of anonymity may not satisfy some desperate mothers who do not wish to reveal their face to anyone, who want to erase any trace, and who do not want to be found by the baby in the future. The level of anonymity and confidentiality of such systems of birth is really questionable. Slander and rumors are exactly the things that women in unwanted pregnancies want to avoid. It is commonly said that slander had already "killed" many people (causing so-called "social death").

Here we have to stress the argument that for some women, it may be humiliating and shameful to use facilities of anonymous (or confidential birth). Let us give an example of abortion. In some countries, such as Germany, before having an abortion, women have to tell someone their story (in short) as well as why they want to abort the fetus, then wait for a certain period of time and reconfirm their decision. Similarly, the anonymous birth process in general, must

also begin with some short talk with relevant medical staff, concerning the women's practical situation. However, such confession and face-to-face confrontation with strangers may be very humiliating for some women (particularly in small cities). Not every woman has sufficient mental and emotional strength to confess her tragedy and reveal her hard, often shameful, situation to institutional care workers – office workers and medical staff who have to listen and record the details because doing so is their job.

Taking into consideration the mentioned reasons, we cannot completely abolish baby hatches (particularly in the Polish context) and easily replace them with an anonymous (or confidential) birth system. Perhaps the coexistence of these methods (baby hatch and anonymous or confidential birth) will be possible in the future, but further public debate on this issue is needed, if the idea is to gain any social acceptance. Though just over a decade in use, the current method of the baby hatch in Poland has been quite well adapted to the Polish socio-cultural context and widespread (with approximately 60 baby hatches in large and small cities); therefore, this system should be maintained. Otherwise, we will simply fail to hit the target group: mothers who wish to stay fully anonymous by name and by face.

At the end of this section, we want to stress one more argument concerning institutional care and child consultation (in the pre- and postnatal period). In many cities, we can find this type of consultation and questionnaire-style examination.⁹⁴ However, this method did not significantly contribute to a decrease in infanticide and child abandonment. The argument is that institutional assistance and child care is frequently only a formal, non-emphatic duty. Thus institutional assistance has its limits. There are cases when mothers changed their minds and gave up abandoning a baby, after having such a consultation. However, sometimes empty and non-emphatic advice received from an office worker who is not interested at all in the tragic situation of a woman may have a reverse effect of adding frustration. As a result, women may stop seeking help from such institutions.⁹⁵ Consultation for pregnant women and mothers is necessary in general, but we must be aware of its limits, and we definitely must improve the way of

approaching people in crisis. Moreover, women who want to keep anonymity will hesitate to go and ask for consultation. This is what we call a vicious circle. Now, let us consider the problem of anonymity.

7. The Problem of Anonymity and Social Stigma

We have to seriously ask one crucial question: what is the most important thing for a woman in crisis, who, for whatever reason, has decided to leave her baby in a baby hatch? If she did not want to keep the baby, she did not choose to leave the baby in a hospital, did not want to share her story with anyone during consultations, or have an anonymous or confidential birth,⁹⁶ then we can suppose that the most important matter for her will be to stay completely anonymous. She wants to be anonymous to her family (often to her partner who may threaten her; and to her parents), hospital staff, coworkers, the boss, neighbors, etc. In this sense, the baby hatch provides the highest level of anonymity for a mother considering the available methods. It leaves no trace, unlike other solutions. Consequently, the way of achieving this highest level of anonymity for a mother is to give birth in secret, often alone in a non-hospital setting, without receiving medical or psychological support. Unfortunately, giving birth alone is undeniably extremely stressful and risky, and very often there are some medical complications after the delivery,⁹⁷ so such women must finally ask for help in a medical facility and such help is provided.⁹⁸

Now, one more question should be asked: 'Why does a woman who abandons her baby need the highest level of anonymity?' We can guess that she wants to escape from violence, discrimination or social stigma (moral evaluation). Killing a baby or child abandonment which exposes the baby to death (leaving the baby in unsafe surroundings) is connected with a social stigma and condemnation, which we mentioned at the beginning of our analysis. Why is it so? Is the society wrong by stigmatizing such deeds? Or should we stop stigmatizing such deeds? It seems that social stigmatization is a sort of moral sanction for evil deeds, and it is a part of so-called common morality. However, a judgment expressed in social stigmatization is a

judgment formed without knowing all the details of the situation of a person. It is judging without a prosecutor, an advocate and a judge. Therefore, such quick judgments can be very superficial and unfair. This quick manner of forming judgments condemns not only an evil deed, but also can completely ruin the future life of that mother in the local community.

Here we have to clarify that the baby hatch or people who established the baby hatch do not decide matters of identity relating to child abandonment. Their priority is not to deprive babies of their origins, and they do not actively encourage or promote such anonymity.⁹⁹ The problem of an infant's identity results from a personal decision and will of a mother or other family member who left the baby. The more general problem for the mother or guardian lies in the decision-making process. The general rule is do not take crucial decisions when experiencing strong emotions, when basic needs are deprived, such as when a mother or guardian is in doubt; instead, the distressed mother should wait, press a button to talk with a caring person. A good place for such an emergency button and message would be at a baby hatch facility.

Problems arise from a conflict of wills within a given situation or family. If the parent(s) or other family members want the child to find them in the future, then they will surely leave some message or letter.¹⁰⁰ However, if the mother wishes to cut all ties with that baby and does not want to meet him or her or other family members, then the mother will leave no comment, no trace and also have the final say in such a decision, when a baby hatch is used. The mother's will, in such cases, prevails.¹⁰¹

To reiterate, the baby hatch saves not only the baby's life and future, but in some cases also the future life of a mother. The baby hatch protects the mother's and other family members' identity from social stigma at the cost of the baby's right to know its origin. In other words, the baby's right to know its origins is the price of the mother's choice that also provides anonymity to her, the father of the child, and any other family members as well as protection from social stigma or a shameful notation in her curriculum vitae. Further, the decision to use the baby hatch protects any participants from any future contact with the baby, perhaps from potential poverty

or from single parenthood, etc.¹⁰² Precluding an infant's chances of ever knowing its origin is the price of the future "peaceful" life of the mother without the burden of an unwanted baby.

Finally, we have to admit that in some cases, we cannot avoid the worst scenarios such as leaving babies in the garbage bin, on the street, in the toilet etc., no matter what means are applied (the baby hatch, anonymous or confidential birth, open relinquishment, etc). Some such cases cannot be helped, and we have to note and acknowledge this limitation clearly. We cannot completely eliminate infanticide,¹⁰³ murders, crimes, etc. because human beings exercise free will. A human is not a programmed robot and sometimes cannot control emotions and therefore acts irrationally, illogically and unpredictably in dramatic situations.

8. A Drowning Man Will Clutch at a Razor

At the end of our analysis, we should stress again that each problem relating to how best to deal with relinquishment of unwanted babies has several stages or phases of progress. In any given actual instance of child abandonment, the problems that arise can be described as occurring at various stages. We can try to react and solve the problem at a certain level of its progress, but the means and methods will differ. If we take the example of cancer, what can be done first is educating about prevention and symptoms. If we diagnose actual cancer, we start specific treatments according to the progress of the disease. Finally, at the last stage, when cancer cannot be cured, palliative care and pain relief are offered. Analogically, the problem of unwanted pregnancies has several stages of progress. First we must act at the level of education, prevention and symptoms; in specific instances of abandoned babies, active help is needed, and, after that, the last stage of this problem is a moment just before the dramatic act of leaving a baby in some unsafe place. At this dramatic juncture, the baby hatch is the method of last resort, the red "stop" sign appealing to desperate parents, "Stop! Relinquish the baby in a safe place!" Dramatic decisions need dramatic means. Common sense logic in emergency situations says that first, we have to try to save life, and

after that save other goods. There is a proverb in the Polish language “*tonący brzytwy się chwyta*” which means that “A drowning man will clutch at a straw.”¹⁰⁴ If we take the proverb from Polish literally, someone is drowning and we offer him a razor as her only hope living, there is a very slim possibility that we will rescue the person; however, she will deeply injure her hands during rescue action. In dramatic situations, people choose even harmful means (razor) to save a life. Desperate situations call for desperate measures, and there is some price which we have to pay for being rescued. This proverb can be applied to the last stage of the desperate situation of a mother going through an unwanted pregnancy. Questions for the outside observer are the following: Should we act preventively, to help people avoid potential mishaps or unwanted situations? Should we help an actual person who appears to be drowning, by throwing a life-preserver? Should we rather first ask the person, if she is really in danger? The situation of unwanted pregnancies could be interpreted analogically. Although we are aware that education cannot resolve all cases and problems, we cannot give up on it, as the truism says, ‘Prevention is better than cure.’ More than anything, education regarding responsibility toward one’s own body, the bodily integrity of others and responsible reproduction strategies is necessary, first, within the family, and second, at school.

9. Apart from the Baby Hatch, What Else Can Be Done?

We want to emphasize an argument which is not usually considered in the discussion about the baby hatch, namely, that people acting in despair need immediate help to prevent tragedy. People in despair cannot see a way out from the situation, and at the same time, their emotional tension is so strong that they are unable to wait a long time. Sometimes the last thing before the dramatic act relating to an unwanted baby is a phone call to somebody, even an unknown person.¹⁰⁵ In Poland, as in other European countries, there is a system of emergency phone numbers. However, we could also place an emergency button on the baby hatch itself. Under the current baby hatch system, people sitting behind such windows are passive; they just wait for the alarm to sound, notifying

them that a baby has been placed in the cradle. But we can make the baby hatch personnel more active if we install an emergency button which, when pressed, will connect the mother directly to a person who will provide support. We can also modify this idea and introduce an ambulance-like emergency help system.¹⁰⁶

Apart from this method, the public system of support must be improved.¹⁰⁷ The alimony system must be properly guaranteed and executed for mothers or fathers who are single parents. Single parents need attention and recognition to escape from isolation and stigmatization. Free day-care support for their children should also be provided.

In Poland, if a person feels lost and helpless, he or she can look for help at some Catholic community or other religious or charity group.¹⁰⁸ Such places can be easily found and serve as an asylum for desperate pregnant women who are all alone with a decision about their babies. People in crisis need attention and discreet care which will not harm their dignity and pride. It is sometimes impossible to ask for help in critical situations (due to pride, shame, accusations of being childish or helpless, etc.); someone must first lend a helping hand. Asking for institutional help¹⁰⁹ is humiliating for many people in the midst of a crisis, because, inevitably, the situation invites moral assessment.¹¹⁰ Communicating with such staff could easily undermine the person’s self-esteem and might harm the person’s sense of dignity.

Next, through social debates and campaigns, the negative image of open relinquishment for adoption should be changed to a less shameful one. We can also consider discussing and introducing anonymous or confidential birth. And at the last stage, when all other options have been closed or exhausted, we can offer a baby hatch. And only then we can say that we did everything we could to prevent such dramatic situations from happening and reducing the possibility of tragic options from outright abandonment without care for the baby.

A gradation of the methods of help is necessary. Helping others is an art. However, everyone who has at least a bit of compassion to the suffering of others is able to transform their assistance into art. People who choose to be deaf to the problems of others will do so, no matter

how loud and clear the appeal.

At the end of this paper, we want to recall the words of a Polish woman with a brave heart. Many people know the example set by Saint Maximilian Kolbe¹¹¹ and Janusz Korczak.¹¹² However, very few people know the name of Irena Sendler who during World War II saved about 2,500 Jewish children and infants, by secretly taking them out of the Warsaw Ghetto established by the Nazis.¹¹³ Years later, this heroic woman uttered these simple words: “Remember, if someone is drowning (needs help), you have to lend him a hand” and “Love, tolerance and humility are necessary to save the world”.¹¹⁴ Sendler’s testimony of life is a supreme expression of love and Samaritan spirit. Such acts constitute morally beautiful, unforgettable and indelible lessons. They are true lessons of morality which cannot be learned from any other philosopher, ethicist or moralist. With such lessons in mind, let us act accordingly.

Conclusions

There are four essential points to remember from this article, and the following points go beyond the context of Polish society:

1) Babies left in the baby hatch give testimony that society, in this particular case, Polish society, has a serious problem with human relations and trust and that the system of social assistance must be improved. The phenomenon of abandoned babies shows that nobody noticed or adequately reacted in time to the symptoms of women’s despair. The society, in some sense, allowed their isolation and exclusion, which are the main sources of pathology. A special screening and socio-psychological assistance program for pregnant and puerperal women, who are in the high-risk group of potential child abandonment cases, child abuse, or suicide should be devised by the Ministry of Health.

2) There is a deep gap between the public and the private spheres of the baby hatch and abandonment problem. People do not want to get caught in internal matters of somebody else’s family life, particularly when it involves violence, addiction or betrayal. They tend to say, ‘This is your problem; resolve it within your family.’ This gives a start to a vicious circle. When human dignity is threatened and violated, it is already

not a private, but a public matter. This conceptual border traces the insuperable line between “untouchable” private and “touchable” public matters. Therefore, society has a moral obligation to step into action and provide effective help by breaking the isolation of the mother and strengthening the local community bonds. A simple question of a neighbor, ‘How can I help you?’ can significantly affect a decision or save someone’s life.

3) Societies that have accepted the baby hatch method, including Poland, should continue their operation. In particular, baby hatches have been well adapted in the Polish socio-cultural context and spread throughout the country (approximately 60 facilities); therefore, their removal may bring more harm than good. At the same time, the idea of anonymous or confidential birth should be introduced for discussion in a public debate.

4) Society at large is collectively responsible for the phenomenon of child abandonment. Society is comprised of both mature, responsible people and immature, weak individuals. Mature and responsible people should try to resolve not only the surface of the problem, but also reach its roots. The root of the problem is degradation of human altruistic relations, trust, and deprecation of the value of human life. Therefore, we have to teach and spread the spirit of responsibility and respect toward one’s own body and the bodily integrity of others as well as the idea of responsible reproduction.

In conclusion, the existence of the passive method of anonymous relinquishment such as the baby hatch does not exempt Polish society from the moral duty of actively and effectively helping pregnant and puerperal women in crisis. In addition, on the window of the baby hatch, we should place a note: ‘If you want to relinquish the problem, please, leave the baby; if you want to resolve a problem together, please press the button to talk with a person who cares. Do not take decision in despair and haste. However, the choice is yours.’ Free will, indeed, is human’s greatest blessing and the greatest curse, and no legal or illegal means can suppress it.

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- [28] Gazeta.pl, Wiadomości [Internet website]: *Zakazać okien życia? „Nie powinniśmy budować przyzwolenia na anonimowe porzucanie dzieci”* [*Should we prohibit the baby hatches? “We should not build consent to anonymous abandonment of babies”*]; available 2017.11.30. (in Polish)
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- [33] Radio Opole
Okno życia nie zastąpi systemu opieki nad kobietami w ciąży, ale ono się przydaje. Nie brak na to przykładów, [Baby hatch will not replace the system of care for pregnant women, but it is useful. There are many examples], Radio Opole, 2016.10.10.: <http://radio.opole.pl/100,173518,oknozycia-nie-zastapi-systemu-opieki-nad-kobiet;available2017.11.30>. (in Polish)
- [34] Radio Sygnały
Debata o oknie życia, [Debate on a baby hatch], Radio Sygnały: <http://radiosygnaly.pl/4836-2/available2017.11.30>. (in Polish)
- [35] Sejm Rzeczypospolitej Polskiej, Kadencja VIII: www.sej.gov.pl [The Sejm - the lower house – of the Republic of Poland, VIII term of office] *Stenogram z 8. posiedzenia Sejmu w dniu 14 stycznia 2016 r., Projekt ustawy o zmianie ustawy Kodeks rodzinny i opiekuńczy; dyskusja o „odbieraniu” dzieci z powodu ubóstwa rodziny – wypowiedź RPD M. Michalaka*, [Transcript of the 8th session of the Sejm on 14 January 2016, Draft Act amending the Family Act and Guardianship Code; discussion about “taking away” children because of family poverty – The Polish Ombudsman for Children M. Michalak statement], s.138–139: http://orka2.sejm.gov.pl/StenoInter8.nsf/0/5BAC2D2FAB85C1D8C1257F4204A3B41/%24File/08_b_ksiazka_bis.pdf; <http://www.sejm.gov.pl/Sejm8.nsf/stenogramy.xsp?rok=2016;available2017.11.30>. (in Polish)
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- *Porzucone dzieci i śmietniki* [Abandoned babies and trash bins], <http://www.tvp.info/29741963/porzucone-dzieci-i-smietniki-ruszyla-kampania-10godzin;available2017.11.30>. (in Polish)
- [39] Wspólnota Chleb Życia [The Bread of Life Community], <http://chlebzycia.org/> (in Polish).

Endnotes

- 1 A parent who thinks it will be difficult or impossible to rear an unwanted baby.
- 2 Having a subjective desire to commit suicide does not mean that people should make a general principle that everyone who has a subjective desire to die should have a moral right to do it.
- 3 Not even action, but simply wishing someone's death or bad luck is also undeniably driven by hatred or other negative emotions.
- 4 Life understood as the base of every other value.
- 5 Logically, in the final analysis, if we put at risk 1) the value of life and 2) secondary values, the consequences of putting at risk the value of life are harsher (potential death) compared to the consequences of putting at risk the secondary values (potential identity problems).
- 6 Some people may feel guilty or have remorse of conscience.
- 7 People unfamiliar with ethical discourse may not be able to recognize what constitutes a good or a bad deed. Therefore, they cannot apply the universal moral norm of conscience (*synderesis*) to “do and pursue good and avoid evil”. They will rather apply the easier pragmatic rule ‘Do what is most profitable and beneficial in a given situation.’
- 8 We can therefore observe a tendency in which a good deed is one that is still within the range of the statutory law.
- 9 Fostered by parents, the school or reading ethical parables, etc.
- 10 We should stress that this article is the first part of a series analyzing and comparing the situation of unwanted pregnancies, child abandonment and

- the mechanisms of coping with the mentioned problems in various countries. The next paper analyzes and compares the case of Japan. Due to editorial limits only the Polish case was included in this paper and some parts were moved to footnotes.
- 11 Particularly during pregnancy, even an unwanted one.
 - 12 Physical sexual violence against the will of a partner.
 - 13 By an anonymous donor-assisted reproduction such as invitro fertilization with sperm or egg of an anonymous donor, artificial insemination, donated embryos (third party reproduction).
 - 14 There are so many cases that this pattern is not surprising in Polish society.
 - 15 A mother who has betrayed her family brings forth the worst connotations
 - 16 The maternal bond is based on the biological background and is also observed in much of the animal world. The maternal bond protects offspring from abandonment, thus giving the offspring a higher chance of survival and eventual adulthood. On the contrary, children who are not bound by a maternal bond are more susceptible to various diseases and disorders (such as anaclitic depression).The absence of a maternal bond may lead to abandonment by mothers which, in the worst case scenario, could lead to death. These facts support the assertion that the maternal bond is a functionally and evolutionally good mechanism which ensures physical and mental development as well as survival of the species. The additional assertion is that the absence of a maternal bond is functionally and evolutionally bad and dangerous, because this absence of a maternal body can lead to destructive and often fatal consequences for the offspring.
 - 17 Family, coworkers, schoolmates, neighbors, etc.
 - 18 Either by the mother or by the father, or by both parents, or else by other family members.
 - 19 „In dubious cases, you should not act.”
 - 20 In contrast, we can ask one more question: ‘Why does an ordinary mother not abandon her baby after delivery and does not even think about committing such an act?’ The reason is not only because she loves that baby and wants the offspring, but she also feels secure and trusts her partner and family, who will support her under any circumstances. She is strong enough to perform duties related to motherhood. Under such conditions the mother can develop and express the maternal bond and love toward her baby. However, when the mother cannot find support in her partner, family, relatives, or friends, and she lacks sufficient personal strength, then the situation becomes dramatically more complicated. In such a case, child abandonment is a possibility.
 - 21 A baby could be anonymously placed in a special barrel inside of the monastery wall. Later, the members took stock of things found along with the abandoned baby. Then a small double cross was incised on the baby’s right foot. This symbol of the Order and Hospital was expected to protect babies from child-trafficking. Abandoned children were taken care of by a woman (a “foster-mother”) in the monastery and then placed in a foster-family. See in: [23] Wojdyła.
 - 22 The police station is informed about the abandonment. Though the police will not look for the mother, they will still check whether a missing child report was issued.
 - 23 The procedure may take a few months or even longer. Time is of particular importance in the case of small infants. The first months of an infant’s life are the most important for perceptual, physical and motor skill development. Without a mother, this development is hindered (in a child care institution, nurses and caregivers change periodically, so it is difficult to develop a maternal bond with one person who will take the role of a mother). After adoption, infant development has the possibility to return to a normal level. However, the greatest damage is done to the baby’s emotional development and some consequences of parental abandonment are irreversible.
 - 24 The data provided by Caritas Polska do not show the numbers from 2017.
 - 25 See [13] Michalak, <http://www.polskieradio.pl/5/3/Artykul/1596862,10-lat-temu-powstalo-pierwsze-Okno-zycia-Uratowano-do-tej-pory-90-dzieci>; available 2017.11.30.
 - 26 It means that parents can relinquish parental rights in front of the Guardianship Court without indication of specific adoptive parents. Michalak stresses that such consent can be signed no earlier than 6 weeks from the baby’s birth. The new birth certificate is prepared on which adoptive parents’ name will be written. The old one with the names of biological parents is kept secret and can be disclosed after the approval from the court on the request of an adult child, see in: [13] Michalak, <http://brpd.gov.pl/aktualnosci-wystapienia-generalne/nie-dla-likwidacji-okien-zycia-tak-dla-zgody-blankietowej>; available 2017.11.30.
 - 27 See [4] Czaplicki, Kroczyk-Sawicka.
 - 28 See [16] Ruskiewicz.
 - 29 See [9] Krajewska.
 - 30 See [10] Kubicka-Kraszyńska.
 - 31 See [3] Buczyński.
 - 32 See [7] Kopeć.
 - 33 See [3] Buczyński.
 - 34 See [24] Żok, Rzymska.
 - 35 See [24] Żok, Rzymska, p. 24-25.
 - 36 See [24] Żok, Rzymska, p. 25-26.
 - 37 Let us imagine some example of a theft. Someone stole a wallet with documents, which is a bad and shameful deed in the public opinion’s view. We can encourage the thief to return it anonymously to the closest lost-and-found office worker (face to face contact) without any consequences. However, we can offer another way: leave it in a special box in front of the office. We can easily expect which way will be preferred. However, in many cases, the thief will just leave the wallet on the street or bench. People who committed a crime want to avoid face-to-face contact, moral assessment and shame.

- 38 See [25].
- 39 Due to their personal worldviews (Protests were not against the idea of baby hatch itself, which is right and good, according to protesters present.): in: [30] Protest Opolan, 8.10.2016: <http://www.nto.pl/serwisy/akademicka/a/chazan-i-terlikowski-na-uo-protest-opolan,10714402/>; available 2017.11.30.
- 40 See [30] Czy okna życia są potrzebne? Debata w Opolu: <http://www.nto.pl/wiadomosci/opole/a/czy-okna-zycia-sa-potrzebne-debata-w-opolu,10724180/>; available 2017.11.30.
- 41 See [34].
- 42 See [25].
- 43 See [33].
- 44 See [30] Czy okna życia są potrzebne? Debata..., *op.cit.*
- 45 See [33].
- 46 *Ibidem.*
- 47 See [30] Czy okna życia są potrzebne? Debata..., *op.cit.*
- 48 See [25].
- 49 See [33].
- 50 See [11] Kuźnicka.
- 51 See [1] Bałaban.
- 52 See [28] Gazeta.pl., Wiadomości.
- 53 *Ibidem.*
- 54 *Ibidem.*
- 55 See [21] Środa.
- 56 In the moral sense.
- 57 *Ibidem.*
- 58 It is necessary from the beginning of pregnancy. However, we must be realistic – it will generate big costs.
- 59 See [35].
- 60 See [20] Szymańczak.
- 61 See [36].
- 62 First protect the closest future, and then try to protect the distant future.
- 63 For some reason, they are not wanted by family, which means already psychologically abandoned, and this is also harm.
- 64 This is not a “right to live versus right to identity” conflict.
- 65 See [5] Frankfurt.
- 66 See [22] Taylor.
- 67 *Op.cit.*, 42.
- 68 See [8] Korsgaard, Ch., Skepticism about Practical Reason, *Journal of Philosophy* 83, 1986, p. 18.
- 69 See [8] Korsgaard, Ch., *The Sources of Normativity*, New York: Cambridge Press, 1996, p. 129.
- 70 An impulse to protect one’s own life and interest.
- 71 Or a person who is unable to live independently due to his or her mental or physical condition.
- 72 See [31]. Whoever, despite a duty to care for a person under 15 years of age or for a person who is helpless by reason of his mental or physical condition, abandons such a person shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2. If the consequence of the act is the death of the person specified in § 1, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.
- 73 Such as hospital, orphanage or other child care institution.
- 74 In order to put infants up for adoption, the mother must officially sign documents to relinquish parental rights. According to the data from the Center for Healthcare Information System (Centrum Systemów Informacyjnych Ochrony Zdrowia): in 2000 – 861 babies; in 2001 – 899; in 2002 – 1018; in 2003 – 1090; in 2004 – 1012; in 2005 – 1013; in 2006 – 825; in 2007 – 720; in 2008 – 775; in 2009 – 726; in 2010 – 798; in 2011 – 765; in 2012 – 918; in 2013 – 849; in 2014 – 772; 2015 – 762; in 2016 – 709);
See [26]; [38] *Porzucone dzieci i śmietniki*, <http://www.tvp.info/29741963/porzucone-dzieci-i-smietniki-ruszy-la-kampania-10godzin>; available 2017.11.30.
- 75 See [27].
- 76 See [38] *Babcia dzieci zostawionych w „oknie życia” chce walczyć o opiekę nad nimi*, October 17, 2017: <https://www.tvp.info/34427764/babcia-dzieci-zostawionych-w-oknie-zycia-chce-walczy-o-opieke-nad-nimi>; available 2017.11.30.
- 77 See [32], *Ustawa z dnia...*
- 78 Abortions for the preceding reason had been allowed since 1956, but the law was amended in 1997: see [32] *Obwieszczenia Prezesa Trybunału Konstytucyjnego z dnia 18 grudnia 1997 r. Dz.U. 1997 nr 157 poz. 1040*; available 2017.11.30.
- 79 Conscience clause, Article 39. See [32] *Ustawa o zawodzie lekarza i dentysty, Art. 39, 1997r.*: <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19970280152>; available 2017.11.30.
- 80 See [19] Szewczyk, 217-218, 2009.
- 81 *Ibidem.*
- 82 See [14] Mikulska.
- 83 If they do not want to disclose their identity and show their face.
- 84 Which can be stressful and shameful for women who do not wish to leave any trace of their pregnancy and delivery.
- 85 Can we imagine the baby hatch (window, box) which could be opened except by inserting the parent(s) name, address and ID number? Probably it is possible, but how many desperate parents will decide to use such a hatch? If they do not want to disclose their identity by such a modification, we will lose the target group.
- 86 Until the 12th week in France on demand and Germany – upon counseling; until the 18th week in Sweden – for any reason: See [29].
- 87 See [6] Klier *et al.*
- 88 See [12] Lischka *et al.*
- 89 See [37].
- 90 See [2] Bonnet. In this paper, we will not compare the psychological profiles of mothers who commit neonaticide with the group of mothers who abandon their babies in a baby hatch.
- 91 However, this point is discussed in a previously analyzed article: See [24] Żok, Rzymaska.
- 92 For example, homeless people who do not have identity documents, have a serious problem in accessing public medical care, due to their lack of

- documentation. (See [18] Stychlerz). However, a physician has a duty to treat such a person in an emergency situation; Medical Profession Act, Art 30.
- 93 We have to notice that there is a real possibility that anonymous birth could be performed in private medical clinics where a patient (client) must pay for the privacy and anonymity; this private option could open the door to various illegal actions (for instance, baby trafficking).
- 94 For example a mother has to respond to a questionnaire devised to detect postpartum depression.
- 95 Sometimes, desperate mothers do not need empty words from heartless institutions, but a concrete form of help in very basic daily needs, because they are exhausted physically and mentally, particularly if they are single mothers or cannot count on their family/partners and institutional help cannot provide more personal assistance. Usually, family should provide basic daily needs, such as shopping, cleaning, cooking, giving time just for having sleep or rest etc. There are many cases that a mother must take care of her infant and at the same time must continue her professional work or part-time job at home, without the possibility of sending the baby to a nursery school or hiring a babysitter. Such hard conditions may deepen her frustration, isolation and despair – the main factors, which disturb a rational decision-making process.
- 96 If there is such possibility in a certain country.
- 97 It is very risky both for the lives of mother and an infant.
- 98 There was a case in Poland, when a teenage mother who, after-delivery complications, was transferred to a hospital, where she was “recognized” as a mother of a baby abandoned in a baby hatch that night. As a result, the mother of the teenager declared to take the parental responsibility of her daughter’s baby: see [27].
- 99 Parent(s) have a free will to leave a baby without any letter or comment about the baby’s origin or with full data concerning the baby’s history (The baby hatch does not actively prohibit it). Parent(s) may as well leave a baby in a hospital facility. It is estimated that each year about 800 babies are openly abandoned in Polish hospitals. They can leave a baby in a toilet, trash bin, forest, etc., also without any message concerning the baby’s origin. The difference is that a baby hatch is a safe place and an immediate alert will be activated to call assistance. In contrast, a toilet (trash bin or forest) is an unsafe place with an inappropriate temperature and other dangerous factors which may cause serious health complications or the death of a baby.
- 100 There are even cases in which the mother left all documentation from the hospital, with vaccine and health checkup records and other infant-related data in a baby hatch.
- 101 And the time to take this decision is also relatively long (about 9 months of pregnancy).
- 102 Here, we can write any kind of excuse.
- 103 However, the data published by the Polish police in 2016 (Katarzyna Padło) shows that in Krakow and the Małopolska region in the last 3 years (counting from 03. 2016), there was no case of infanticide. In Poland, in 2000, there were 47 cases, and, in 2014, there were 4 cases. In Poland in the last decade, the number of abandoned children has fallen by a half, and the number of infanticide is three times lower during the same period: 10 lat temu powstało pierwsze okno życia. Uratowano do tej pory 90 dzieci, IAR/PAP, <http://www.polskieradio.pl/5/3/Artykul/1596862,10-lat-temu-powstalo-pierwsze-Okno-zycia-Uratowano-do-tej-pory-90-dzieci>; last updated in 19.03.2016. available 2017.11.30.
- In 2007, there were 13 cases of infanticide, 2008 – 13, 2009 – 10, 2010 – 10, 2011 – 5. See in: [26] *Dzieci w Polsce*.
- 104 The Polish equivalent means exactly that he clutches a razor instead.
- 105 Trust telephones, for example, for Children and Youth 116 111.
- 106 For example, after receiving a phone call from a desperate mother, an emergency car with a midwife or a nurse would be sent directly to the mother’s location. The mother could still stay anonymous and anonymously relinquish the baby to the midwife without any legal consequences. The difficulties of this method lie in the cost, face-to-face contact with the midwife and the consequences of false positive and false negative errors.
- 107 By free psychological consultations in pre- and post-natal period and financial aid.
- 108 Many nunneries run homes for homeless people, single mothers, orphans, drugs users, alcoholics and others who are forgotten by their families and by the state, for example, Sister Małgorzata Chmielewska from the Community - Wspólnota Chleb Życia (The Bread of Life Community): <http://chlebzycia.org/>
- 109 Appealing to a bureaucracy, writing application forms, telling private histories to unknown office workers.
- 110 ‘This is a bad person who cannot resolve it by himself or herself.’
- 111 He decided to sacrifice his life and die instead of another imprisoned man in Auschwitz.
- 112 He decided not to leave his pupils – very small children – and decided to accompany them until the end of their lives and was killed with them by the Nazis in the gas chamber in Treblinka.
- 113 Under the threat of losing her life, Irena Sendler, along with a team of a few brave volunteers, saved – to stress it again – about 2500 children from inevitable death in the Nazi Ghetto.
- 114 I. Sendlerowa, Czyniłam ludzką powinność: <http://www.polskieradio.pl/39/156/Artykul/973435,Irena-Sendlerowa-Czyniłam-ludzka-powinnosc>