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Politicians, Priests, Prosecutors: Who Governs Pregnancy in Poland?

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Abstract

This article investigates the political, social, and cultural dynamics influencing abortion law-making in Poland, a nation with some of the most restrictive abortion laws in Europe. Through discourse analysis of the Polish parliamentary debate held on April 11, 2024, the research uncovers the arguments and strategies employed by both pro-choice and anti-abortion advocates. The study identifies fourteen discourses and strategies, including human rights, emotional appeals, legal arguments, and whataboutism, highlighting a nuanced rhetorical landscape. The findings reveal a notable shift from religious to secular arguments and an increase in logical fallacies, reflecting the evolving nature of the debate. Additionally, the study situates the Polish debate within the broader European context, drawing comparisons with Ireland and Finland to underscore unique and shared elements in abortion discourse. The research contributes to a deeper understanding of how biopower, post-socialist economic transformation, political ideologies, and socio-cultural factors shape reproductive rights discussions and policy-making in Poland.

Introduction

Recent official research indicates a significant probability that between one in four and one in three adult Polish women have undergone an abortion at some point in their lives (Fundacja Centrum Badania Opinii Społecznej, 2013). The finding is particularly striking given Poland's stringent abortion laws, which are among the most restrictive in Europe. Since 1993, legal abortions in Poland have been permissible only under conditions of medical necessity, pregnancies resulting from a crime, or foetal anomalies. In 2021, these restrictions tightened further when the exception for foetal anomalies was removed. Consequently, in 2022, Polish hospitals reported only 161 abortions (Ferfecki, 2023). Despite the legal barriers, the high incidence of abortion suggests a widespread practice of alternative, out-of-system abortions operating outside the realm of official statistics. The prevalence of these alternative practices reveals a profound disconnect between the legal framework and the realities of reproductive health in Poland, highlighting the urgency for a deeper understanding and a more comprehensive approach. This disconnect was dramatically underscored by the Black Protests, during which thousands of women marched in opposition to the restrictive abortion laws, signalling widespread dissatisfaction with current policies (Banaś, 2023). What factors contribute to the gap between the legal framework and the realities of reproductive health? How do socio-economic and cultural influences shape the politics of abortion in Poland?

The restrictive legal environment in Poland reflects policymakers' belief that banning abortion will lead to its cessation—a notion supported only by official statistics. In reality, banning abortion does not effectively reduce the number of abortions but instead drives them underground, making them less safe. Studies indicate that restrictive abortion laws fail to decrease overall abortion rates and lead to significant public health issues, such as increased maternal morbidity and mortality due to unsafe practices (Haddad & Nour, 2009). These bans disproportionately affect marginalised groups, including low-income women, worsening existing inequalities (Oberman, 2022). Furthermore, the enforcement of such prohibitions often results in increased surveillance and criminalisation of pregnant women, impacting their autonomy and health rights (De

Londras et al., 2022). Overall, the primary impact of abortion bans is negative, adversely affecting public health and social equity.

The abortion ban in Poland not only influences public health but also has significant socio-political and demographic implications. Strict laws have led to widespread public protests and social unrest, highlighting deep societal divisions over reproductive rights (Lundberg, 2022). The resulting unrest has contributed to political polarisation and a strained relationship between the government and civil society (Ślarzyński, 2022). Additionally, the ban impacts the mental health of women, particularly those forced to carry unwanted pregnancies to term, leading to long-term psychological distress and affecting both individuals and their families (Tobón et al., 2023). The restrictive environment also chills healthcare providers, who may hesitate to provide necessary medical care for fear of legal repercussions (U.S. Department of Health and Human Services, 2024).

Furthermore, while pro-natalist policies in Poland, including the abortion ban, partially aim to counteract population decline, they often fail to address the underlying economic and social factors that influence fertility rates. Despite having some of the strictest abortion laws and the worst access to birth control in Europe, Poland has experienced the lowest birth rates since World War II. In 2023, the birth rate in Poland was 9.154 births per 1,000 people, a 1.55% decline from 2022 (World Bank, 2024). This rate is lower than neighbouring countries such as Germany, which had a birth rate of approximately 9.5 per 1,000, and the Czech Republic, with 10.0 per 1,000 (World Bank, 2024).

According to Statistics Poland (2024), the population will decrease by 4.8 million (12.7%) between 2022 and 2060. Addressing the disappearing Polish population should be a priority for policymakers, and increasing the number of women considering childbearing is essential to mitigate the drastic consequences of record-low birth rates. The mismatch between policy goals and real-world outcomes can lead to ineffective solutions and exacerbate demographic challenges (Cook et al., 2023).

The legal status of abortion in Poland was central to the parliamentary debates held on April 11th, 2024. The newly elected government's discussion on these proposals marks a pivotal moment for Polish women, offering hope for regaining access to safe abortion after 31 years. Studies indicate strong support for liberal abortion policies among younger generations and urban dwellers in Poland and Eastern Europe. Key findings show that urban areas and younger demographics, more exposed to liberal and Western European values, increasingly favour reproductive rights despite prevailing conservative policies (Nowicka, 2004; Zielińska, 2000). This division is highlighted during mass protests and public demonstrations advocating for women's reproductive rights, which have become more frequent in recent years (Lundberg, 2022).

Analysing the political debate surrounding abortion is essential for understanding the barriers to greater access to abortion services. The debate shapes laws and policies that directly impact service accessibility and influence societal attitudes and stigmatisation, which can deter women from seeking abortions (Dennis & Blanchard, 2012). Additionally, comprehending these debates helps contextualise legal rulings and the dynamics between advocacy groups and their opposition, both of which significantly affect abortion access (Norris et al., 2011). Previous research on political debates in Poland reveals significant barriers, including restrictive laws, religious influences, and socio-political dynamics (Nowicka, 2004). Findings indicate that these restrictive policies and cultural factors severely limit access to abortion services, exacerbating inequalities and impacting women's health (Mishtal, 2009).

This study conducts a discourse analysis of the parliamentary debate of April 11th, 2024, focusing on four legislative proposals: one decriminalising providing and assisting abortion, two legalising safe abortion until the 12th week of pregnancy, and one reinstating the "abortion compromise", making fetal anomaly a permissible reason for abortion until the fetus can live independently outside the pregnant woman's body. The debate of the 11th of April is particularly politically and socially relevant. It marks the first major legislative discussion on abortion since the Law and Justice (PiS) party lost its majority in the government, signalling a transformative shift in Poland's political landscape. The outcome of this debate could decisively influence the country's

reproductive rights policies, establishing a crucial precedent for future legislative developments.

The research aims to uncover the social and cultural dynamics influencing the political abortion debate in Poland and examine the arguments employed by both pro-choice and anti-abortion advocates. The key research question focuses on understanding the rhetorical strategies used by both sides in the political debate. Additionally, the study explores the underlying dynamics of the discussion within the framework of identified social, cultural, and political influences. This article is organised as follows: the theoretical background lays the foundation with concepts of biopower and gender relations in post-socialist Poland. The literature review examines the historical context and evolution of reproductive rights in Poland. The methods section outlines a discourse analysis of the April 11th, 2024, parliamentary debate. The results highlight key themes and strategies from the debate, followed by a discussion contextualising these findings within broader socio-political and demographic trends. The conclusion synthesises the insights gained, emphasising the complex dynamics of abortion law-making in Poland.

Literature review

Abortion is a common health intervention (WHO, 2022) that also functions as a legal and sociological concept due to its highly contentious nature. Abortion provision is often at the centre of political debate due to its ideological significance. Michel Foucault saw the human body's potential to become a place of political contestation, coining the term "biopower" in the referral to the relationship between human sexuality and the government. The concept provides a critical lens to understand how state power regulates populations by controlling bodies and reproductive rights. Biopower refers to the strategies and mechanisms through which human life processes are managed under regimes of authority over knowledge, power, and the processes of subjectivation (Foucault, 1978, p. 143). In Poland, biopower manifests in the state's control over women's reproductive rights, framing abortion as a national interest issue. Governance strategies aim to regulate reproductive capabilities to align with ideological and demographic goals, often using nationalist and religious rhetoric to justify restrictive policies (Shiffman, Skrabalo, & Subotic, 2002). These biopolitical strategies highlight the

state's effort to maintain a homogeneous national identity and moral order, placing women's bodies at the centre of socio-political objectives.

The restrictive abortion laws, such as Article 152 of the Polish Penal Code, criminalise aiding a willing woman in terminating her pregnancy, exemplifying biopower (Kapelańska-Pręgowska, 2021). The biopolitical agenda is further highlighted by the discourse portraying women's reproductive choices as threats to national continuity and moral order (Szczepańska, Marchlewska, & Karakula, 2022). Such an approach underscores the state's interest in controlling reproductive health to preserve the imagined moral fabric of the nation (Mishtal, 2015; Lundberg, 2022). The state's stance on abortion is deeply rooted in historical and cultural contexts, where Catholicism and nationalism play significant roles (Mishtal, 2009; 2015; Zielińska, 2000). Aligning state policies with religious doctrines exemplifies how biopower operates through institutional and ideological channels to regulate bodies and reinforce social norms (Mishtal, 2015).

During the socialist era in Poland, from the end of World War II in 1945 until the fall of communism in 1989, state policies ostensibly promoted gender equality by incorporating women into the workforce and providing reproductive rights (Kligman & Gal, 2000). The government aimed to mobilise all citizens, including women, to contribute to the national economy. However, these policies were contradictory, as they also reinforced traditional gender roles, expecting women to fulfil both professional and domestic duties, creating a "double burden" (Mishtal, 2015; Glass & Fodor, 2007). Policies provided maternity leave and childcare facilities, but propaganda also glorified women's domestic roles (Zielińska, 2000). These measures aimed to integrate women into the socialist project while maintaining control over their reproductive and domestic lives, demonstrating biopower by embedding state ideologies into personal and family spheres (Ignaciuk, 2019). Despite the promotion of gender equality, women faced significant inequalities, often relegated to lower-paying jobs and shouldering the majority of household labour, perpetuating traditional gender hierarchies (Mishtal, 2015). Gal and Kligman (2000) note that while socialist policies addressed gender equality, they also reinforced patriarchal structures, celebrating women's dual roles as workers and mothers but imposing significant strains on their lives. By regulating reproductive rights

and structuring family life, the state maintained control over women's bodies and societal roles, framing reproduction as a duty to the state (Kassabova, 2023).

In the post-socialist period, the shift to market economies and democratic governance significantly altered gender relations, disproportionately impacting women by increasing their economic vulnerability and re-domesticating their roles (Mishtal, 2015). The dismantling of childcare systems and social safety nets forced many women back into domestic roles, undermining previous workplace equality gains (Pascall & Manning, 2000). Economic transitions brought significant hardships, with poverty and social marginalisation increasing notably in the first decade of post-socialism, disproportionately affecting women (Rivkin-Fish, 2023). The widespread job losses and economic restructuring meant women often bore the brunt of these changes, and privatisation in post-socialist Poland resulted in a double burden of work and domestic responsibilities without the previously offered support. As state support systems eroded, women were increasingly expected to perform unpaid domestic labour while contributing to household incomes, exacerbating their economic vulnerabilities (Mishtal, 2015; Gal and Kligman, 2000).

Post-socialism in Poland and other Eastern European nations saw the resurgence of nationalist and religious identities, which anti-abortion movements harnessed by promoting traditional gender roles that position women primarily as homemakers and mothers (Gal & Kligman, 2000). The Catholic Church played a pivotal role in this process, exerting significant influence over political and social discourse to reinforce conservative views on gender and reproduction (Mishtal, 2015; Zielińska, 2000). Pro-choice advocates, emphasising human rights, bodily autonomy, and comprehensive reproductive health services, navigate these entrenched beliefs while pushing for progressive changes. They utilise public demonstrations, legal challenges, and collaborations with international organisations to challenge restrictive laws and advocate for women's rights (Mishtal, 2015). Conversely, anti-abortion advocates leverage nationalist and religious rhetoric, framing themselves as defenders of traditional values and the unborn. This rhetoric, resonating with those feeling alienated by rapid post-socialist changes, capitalises on socio-political nostalgia and perceived moral

crises linked to liberal reproductive policies (Butler, 2024; Heinen & Portet, 2010). Politically, pro-choice movements align with liberal and progressive parties advocating for broader women's rights and gender equality. At the same time, anti-abortion groups find allies in conservative and nationalist parties that promote traditional gender roles and family structures. This alignment reflects broader societal debates about the direction of post-socialist transformation, illustrating the conflict between progressive aspirations for equality and conservative desires to maintain traditional social values (Mishtal, 2015; Butler, 2024). The democratic process, therefore, becomes a stage where conflicting ideologies compete to assert their influence and implement their societal visions. The interactions between pro-choice and anti-abortion movements within the democratic structure highlight the evolving and dynamic nature of democratic governance, characterised by the constant negotiation and contestation of diverse perspectives and values (Zolkos, 2006). While deliberative democracy purports to offer a framework for addressing contentious political issues such as abortion, it often does so by oversimplifying the fundamental nature of the disagreements (Goi, 2005). This ongoing involvement within the democratic framework underscores the importance of active citizenship and political engagement in directing post-socialist transformations.

The anti-choice discourses in Poland are deeply intertwined with the broader anti-gender movement sweeping across Europe. Anti-gender movements have found significant traction in Europe, notably in countries like the Czech Republic, Hungary, Poland, and Slovakia, collectively known as the Visegrad Four (Matejková & Mihálik, 2023). In Poland, anti-gender rhetoric has become a peripheral theme in political campaigns, with gender-restrictive groups employing various strategies to adapt to local discussions and policy debates. These groups become particularly active during elections or when public discourse centres on gender-related initiatives, such as reproductive rights, including abortion and contraception, reproductive technologies, Comprehensive Sexuality Education, and initiatives utilising a gender perspective like gender violence prevention and gender mainstreaming (McEwen et al., 2023; Paternotte and Kuhar, 2018). Expenditures exceeding 700 million US dollars have been allocated to activities associated with anti-gender campaigns since 2009, with annual spending on anti-gender initiatives in Europe rising substantially from 22 million to 96

million USD between 2009 and 2018 (Datta, 2021). This financial support underscores the robust and organised efforts to challenge gender equality and reproductive rights.

Religion continues to be a central organising principle of gender-restrictive groups, with powerful and well-resourced global actors such as the Catholic Church, U.S. Christian Right organisations, and the Russian Orthodox Church acting as critical instigators of anti-gender politics within various country contexts and international policy arenas (McEwen et al., 2023; Datta, 2021; Butler, 2024). In Poland, the influence of the Catholic Church is particularly pronounced, leveraging its moral authority to shape public opinion and policy against reproductive rights. According to Butler (2024), spreading the concept of "gender" serves as a tactic for established powers such as states, churches, and political movements to manipulate people into conformity, endorse censorship, and direct their fear and hatred towards marginalised communities. These powers exploit existing fears regarding job security, family values, and the future while also exacerbating these fears by suggesting that "gender" is the root cause of anxieties about the world.

The abortion laws in Poland

The history of sexual and reproductive health and rights in Poland can be divided into three periods: from 1918 independence to 1956, from 1956 to 1993, and from 1993 to 2021. Initially, Poland had strict abortion laws, which were liberalised in 1932 and later in 1956, technically allowing "abortion on demand" until 1993. From 1993 onward, Poland's laws became increasingly restrictive, culminating in further tightening in 2021. Over the years, various regional and international interest groups influenced the Polish government's stance on abortion.

After regaining independence in 1918, Poland faced numerous socioeconomic challenges, including illegal and unsafe abortions performed by untrained practitioners or by the women themselves using hazardous methods (Koziołek et al., 2021; Slany, 2006). Abortion was illegal at this time, contributing to widespread unsafe practices, which prompted the abortion debate during the preparation of the penal code in the 1920s. The commission working on the abortion law was exclusively male and heavily

influenced by the Catholic Church, which regarded abortion as a taboo subject (Brzeziński, 2011).

In the interwar period, the influence of the Catholic Church grew as it became the state religion (Mishtal, 2015). Prominent figures, like writer Tadeusz Boy-Żeleński, criticised the state's total abortion ban, arguing it was a strategy to ensure military preparedness (Boy-Żeleński, 1930). The 1932 legislation criminalised abortion but allowed exceptions for medical indications and pregnancies resulting from rape, incest, or intercourse with a minor under 15 (Regulation of the President of the Republic of Poland of July 11, 1932). This law was considered one of the most liberal abortion laws in Europe at the time, second only to the Soviet Union, which had already legalised abortion for broader reasons (Hussein et al., 2018).

This law remained in effect until 1956, except during the Nazi occupation, when abortion was fully legalised. Post-World War II, Poland emerged as a Soviet satellite state, and the new socialist government promoted secular policies that clashed with the Catholic Church's influence (Wasilewski & Wnuk-Lipiński, 1995). The socialist government introduced policies to improve women's rights, including legalising divorce and expanding access to education and healthcare. These policies increased women's employment and provided state-supported childcare and welfare benefits (Mishtal, 2015).

In 1956, Poland enacted new abortion legislation that allowed abortions for medical, legal, and socioeconomic reasons up to 14 weeks of pregnancy. This law decriminalised self-induced abortions and provided free abortions in public hospitals, resulting in approximately 97% of abortions being performed on social grounds between 1956 and 1989 (Zielińska, 2000). The availability of contraceptives remained limited, making abortion a primary means of birth control for many women (Nowicka, 1994). Research indicates that while the state promoted contraceptives as alternatives to abortion, their availability and quality fluctuated significantly, often failing to meet the population's needs, leading to heavy reliance on abortion. Low-technology methods such as withdrawal and the rhythm method were commonly used due to the Catholic Church's

opposition to modern contraceptives, further complicating effective birth control (Ignaciuk, 2019).

The Catholic Church initially did not oppose state policies but began campaigning against abortion in 1984 (Mishtal, 2009; 2015). By the 1980s, the Church had gained significant political influence, contributing to the development of anti-abortion legislation. In 1989, as Poland transitioned to democracy, the first anti-abortion bill was introduced, leading to public protests and its eventual shelving before the 1989 elections (Zielińska, 1990).

From 1989 to 1993, the newly elected democratic government, heavily influenced by the Catholic Church, enacted increasingly restrictive abortion laws. The political shift began with the fall of communism in 1989, which saw the rise of the *Solidarność* (Solidarity) movement and a coalition government that included many Catholic Church supporters. In January 1993, after intense lobbying by the Church and its allies, the Polish Parliament passed the anti-abortion law. This legislation, often referred to as the "abortion compromise," prohibited abortion for social reasons and banned private practice abortions. It allowed abortions only in cases where the mother's life was at risk, fetal anomalies were detected, or the pregnancy resulted from a crime such as rape or incest (Zielińska, 1990; Mishtal, 2015). Politicians, both liberal and conservative, played a crucial role by aligning with the Church's moral stance, using their legislative power to transform these religious and moral views into national policy (Mishtal, 2015; Nowicka, 1994).

The "abortion compromise" reflected an agreement between the state and the Catholic Church, bypassing civil society. In the early 2000s, during Poland's EU accession negotiations, the government and the Church reached a tacit understanding to avoid liberalising abortion laws. This strategic alliance aimed to secure church support for EU accession amidst declining public support for EU integration. Politicians negotiated with Church leaders, promising not to promote policies contrary to the Church's teachings in exchange for the Church's backing in the EU referendum campaign. This collusion underscores the extent to which political leaders traded women's reproductive rights for

broader political gains, illustrating the enduring power of the Church in shaping Polish policies (Mishtal, 2015).

Between 1997 and 2016, various pro-choice and anti-choice bills were introduced, but none passed. The political landscape shifted in 2016 when the populist right-wing PiS party gained power. In 2016, the Civic Committee for Legislative Initiative "Stop Abortion" proposed a bill to tighten abortion laws, including imprisonment for unlawful abortions. In response, the "Save Women" committee proposed a counter-bill for unrestricted abortion up to 12 weeks. The parliament ultimately rejected both bills following widespread public protests against the "Stop Abortion" initiative (Wazynska-Finck, 2018).

The right to abortion was further challenged in 2020 when the Constitutional Tribunal declared abortion based on fetal abnormality unconstitutional. This ruling left only two legal grounds for abortion: when the pregnancy poses a severe risk to the mother's health or is the result of a criminal act. Poland now stands as the only EU member with such stringent abortion laws, comparable to those in small European states like Andorra, Liechtenstein, San Marino, Malta, and Monaco. However, the parliamentary elections 2023, in which the liberal coalition gained a majority, gave hope that the law would soon change, as promised by political leaders in the voting campaign. The debate of the 11th of April was the moment for the new government to make political progress on abortion law-making in Poland.

Methods

This study employs discourse analysis to examine the transcript of a one-day parliamentary debate on changing abortion laws in Poland. Inspired by Teun A. van Dijk's work on parliamentary debates, particularly his analysis of immigration discourse, this research explores how political discourse enacts, confirms, or challenges attitudes and ideologies, albeit in the context of abortion (van Dijk, 2000). While immigration and abortion are distinct issues, both are heavily politicised and reflect broader societal concerns about identity, religion, and cultural competition (Gattinara & Morales, 2017; Fuszara, 2003; Mishtal, 2015).

The data for this study consists of the transcript from a one-day parliamentary debate on abortion held in the lower chamber of the Polish Parliament. The transcript was obtained from the official online parliamentary archives. This primary source document provides a comprehensive account of the arguments and rhetoric used by legislators during the debate, offering insights into the political, social, and cultural dimensions of the abortion law discussion.

The methodological steps include (i) the development of a theoretical framework based on insights from previous research on political discourse, including works by van Dijk (2000) and Äystö and Hjelm (2024); (ii) data collection involving the search and extraction of the parliamentary transcript; (iii) content analysis to identify key themes, arguments, and rhetorical strategies used by pro-choice and anti-abortion advocates; and (iv) manual coding of the transcript to categorise different discourses, including identifying specific frames and justifications for supporting or opposing abortion rights. Each discourse instance is analysed for its context, novelty, popularity, or uniqueness concerning the historical and social context of the abortion debate in Poland.

The analysis places the identified discourses within the broader historical and social framework of the abortion debate in Poland and, where relevant, compares them to the contexts of Ireland and Finland. The study highlights unique and shared elements of how abortion is framed politically (Kozub-Karkut, 2017; Äystö & Hjelm, 2024).

This study focuses on parliamentary debates to illuminate legislators' political strategies for influencing public opinion and policy on abortion. These debates serve as critical platforms for public communication, where emotional appeals, cultural narratives, and political alignments are employed to sway opinions and legitimise policy decisions (Proksch & Slapin, 2015). Understanding these dynamics is crucial for comprehending the complexities of abortion law-making in Poland.

Discourse analysis

The Polish lower house of the bicameral parliament, the Sejm, convened on April 11, 2024, to debate parliamentary law drafts concerning the Criminal Code, safe termination of pregnancy, amendments to the Act on Family Planning, Protection of the Human Foetus, and Conditions for Permissible Termination of Pregnancy, and conscious parenthood (Sejm of the Republic of Poland, 2024). Print 176 aimed to decriminalise assistance with abortion and was filed by the left party. Prints 177 and 224 sought to ensure legal abortion until the 12th week and were filed by the left and liberal parties. Print 223 proposed a return to the former “abortion compromise” and was submitted by a centrist party. These proposals were put forward by members of Lewica (left), Trzecia Droga (centrist), and KO (liberal), all part of the ruling coalition. One hundred five MPs took the stand from Lewica (13), KO (35), Trzecia Droga (19), PiS (29), and far-right parties (Konfederacja, Kukiz’15, Ruch Narodowy; 9).

The parliamentary session opened with eight female MPs presenting the proposals and their justifications. Following the presentations, the Marshal of the Sejm opened the floor for questions. Ninety-seven MPs participated, using this opportunity mainly to voice their positions on legalising abortion, with the majority of actual questions about the legal and moral nature of the proposals. The MPs heard 50 pro-choice and 42 anti-choice statements. Five statements laid outside of the two categories, calling for depenalisation or return to the “abortion compromise”.

The analysis began with the discourse categories identified by Äystö and Hjelm (2024) in their study of the Finnish abortion debate. These categories include human rights, international comparison, medical, sociological, freedom of religion, compassion, societal change and progress, economic, and religious. However, it quickly became evident that some categories did not align with the Polish context, or their meanings shifted. In the Finnish study, the medical discourse centred on the biological aspects of fetal development. Although this discourse was present in the Polish debate, it was classified separately as biological to differentiate it from the medical discourse. In

Poland, the medical discourse also includes the challenges the medical profession faces, such as the fear of prosecution.

The analysis identified fourteen discourses in the order of prevalence: human rights, whataboutism, emotional, legal, freedom of religion (including conscience), religion, medical, international comparison, authorities, referendum, biological, demographic, and compromise. Discourses with five or more occurrences are detailed below.

| Number of occurrences | Discourse category | Use by pro-choice MPs | Use by anti-choice MPs |
|------------------------------|--|------------------------------|-------------------------------|
| 48 | Whataboutism | 11 | 37 |
| 43 | Human rights | 27 | 14 |
| 37 | Emotional | 20 | 15 |
| 24 | Legal | 8 | 16 |
| 22 | Freedom of religion (including conscience) | 15 | 7 |
| 14 | Authorities | 1 | 13 |
| 11 | Religion (Catholicism) | 1 | 10 |
| 9 | International comparison | 7 | 2 |
| 8 | Demographic | 4 | 4 |
| 5 | Biological | 0 | 5 |
| 5 | Sociological | 3 | 2 |

Table 1. Frequency of Discourses in Pro-Choice and Anti-Choice Statements in Polish Parliamentary Debate on Abortion

Whataboutism

Whataboutism emerged as the most prevalent strategy in the debate. It is not a discourse but rather a rhetoric strategy. In this analysis, whataboutism is an umbrella term encompassing various logical fallacies, such as the Hitler card, ad hominem, tu quoque, weak analogy, straw man, false dilemma, and complex question. According to Hansen (2015), informal fallacies involve problematic features that usually render the argument irrelevant to the issue at hand. Typically, a fallacy suggests that an opponent's argument is invalidated because they do not adhere to their stated principles. In the Polish debate, predominantly anti-choice MPs used whataboutism. Interestingly, ad hominem and tu quoque in Ireland were more prevalent among center-left-wing parties (Mustonen et al., 2017).

Examples include:

- “Farmers who have problems you don't care about at all, it's better to talk about abortion.” (Sójkka, PiS, 2024)
- “There is no (...) "light" abortionism (...) And now, the women's strike. Dates March 9, 1943, (...) Why March 9, 1943? The abortion lobby, demanding wide access to killing conceived children, abundantly draws from the achievements of Adolf Hitler, probably your model [speaking to whom?]. It was indeed the Führer who first introduced free abortion for Polish women and women from other conquered nations. It was about the physical destruction of non-Aryan populations and acquiring *Lebensraum* for Germans. Hitler understood that if he legalised abortion, it would become a mass phenomenon and lead to a decline in births (...)Who said that every refusal of abortion will be reported to the prosecutor's office? The Prime Minister of the revolutionary government [Donald Tusk] (...) We will manage to defend the lives of the unborn. Some women might say here: the abortion ban does not work; You[who?] are the vanguard of the civilisation of death.” (Fritz, Konfederacja, 2024)

Remarkably, the second statement refers to the Nazi occupation and the Hitler regime in Poland. The anti-gender movement often compares gender mainstreaming to

Nazism. In 2017, Pope Francis commented on the gender theory taught in Italian schools, calling it an “ideological colonisation” and adding that “the same was done by the dictators of the last century... think of the Hitler Youth” (Butler, 2024). The “Hitler card” was more prevalent among MPs debating abortion in Ireland than in Finland, where laypersons utilised the strategy more frequently (Mustonen et al., 2017).

The statement emphasises protecting national values, invoking the “civilisation of life” and “civilisation of death,” concepts rooted in Catholic teachings. The “civilisation of life” upholds the sanctity of life, opposing abortion and euthanasia, while the “civilisation of death” critiques policies perceived to devalue life (John Paul II, 1995). In parliamentary debates, MPs often reference the Catholic Church and Pope John Paul II to reinforce these ideas, framing abortion acceptance as a challenge to God's order and a threat to social stability. These religious arguments, however, are supplemented by secular ones, highlighting a nuanced use of religious discourse in a highly religious context like Poland (Zielińska et al., 2023).

Human Rights Discourse

The second most prevalent discourse in the analysed debate is human rights. In Poland, the human rights discourse refers to women’s rights to bodily autonomy and the fetus's right to live. This dual interpretation is consistent with previous research, which showed that human rights arguments are central to both pro-choice and anti-abortion rhetoric (Fuszara, 2003; Mishtal, 2015). Pro-choice MPs emphasised the importance of bodily autonomy and reproductive rights, while anti-abortion MPs framed their arguments around the fetus's right to life. Some of the anti-choice MPs argued that the right to abortion is not a human right, pointing to the lack of such provision in international laws. An example:

- “In no act of international law, in no convention, is there any mention of the right to abortion. Quite the opposite, it speaks of the right to life.” (Mulawa, Ruch Narodowy, 2024)

One may engage in the ethical and moral discussion on the righteousness of abortion; however, it is incorrect to assert that international laws do not foresee such a provision. For example, the European Union has consistently advocated for protecting and enhancing reproductive rights. The European Court of Human Rights has previously ruled on multiple occasions that Poland's restrictive abortion laws violate human rights (Ngendakumana, 2023). Denying the human rights nature of access to safe abortion can be seen as a form of “anti-intellectualism,” a concept Butler (2024) attributes to the anti-gender movement. Butler argues that this anti-intellectualism and distrust of academia correlate with the anti-gender stance's refusal to engage in public debate. Furthermore, Butler (2024) asserts that reading, as a means of acquiring information, is essential for democratic life, as it helps maintain debates and disagreements that are grounded, focused, and productive. Instead, speakers in the Polish discussion employ informal fallacies, such as whataboutism, which was previously discussed.

Emotional Discourse

Emotional discourse, the third most common, involves personal stories or anecdotes often found in testimonies and narratives. This discourse appeals to emotions and personal experiences to strengthen arguments (Mustonen et al., 2017). Emotional appeals can be powerful tools in persuasion, as they resonate deeply with the audience's values and beliefs (Walton, 1992; Howell & Kemp, 2014).

Emotions in parliamentary debates are not merely personal expressions but are strategically used to create solidarity and convey the intensity of an issue. Ahmed (2014) highlights how emotions are socially and politically constructed. They align individuals with particular ideologies and communities, influencing the reception and impact of arguments. By harnessing emotions, debaters can create a sense of urgency and moral clarity, which can be particularly persuasive in mobilising support or opposition. Pro-choice MPs evoked emotions of anger and empathy through testimonies of women who suffered or died due to the abortion ban. Anti-choice MPs evoked empathy by sharing their parental experiences, fear through constructing gender mainstreaming disaster scenarios, a sense of guilt for the unborn, and disgust towards women calling for their right to abortion.

In the context of parliamentary debates, emotional discourse helps to humanise abstract policies and laws, making the stakes of political decisions more tangible for the audience. This strategic use of emotion can be observed in the debates on abortion in both Poland and Ireland, where personal testimonies and emotionally charged narratives are employed to frame the discussion in terms of human rights and moral imperatives (Mustonen et al., 2017).

Examples from the debate include:

- “High Chamber! PiS is evil. They have subjected Polish women to inhuman treatment, they have subjected them to torture, they have subjected them to drama and death.” (Szczerba, KO, 2024)
- "I would like to speak today on behalf of men: fathers, husbands who love their wives, who love women, who love unborn children, and who surround their families with responsibility. I am speaking on behalf of fathers in defence of small children, and I move to reject all four abortion bills in the first reading." (Uściński, PiS, 2024)
- “I stand before you with a dream for my daughter. I dream that she will grow up in Poland, where, in difficult situations, she experiences support and assistance. I dream that she grows up in a country where every child, no matter the circumstances of their conception, is seen as a great gift and joy because in overcoming all obstacles and difficulties, a woman will not be alone.” (Bosak, Konfederacja, 2024)
- "One day, you may reflect on the fact that it doesn't matter which side you sit on here, in this chamber, because any woman, any man's wife, and father's daughter may one day, for various reasons need an abortion, and it should be her decision and hers alone." (Kotula, Lewica, 2024)

Other Discourses

Legal discourse emerged as the fourth most prevalent theme, focusing primarily on the alignment between the Polish Constitution, the Penal Code, and the right to abortion. Discussions emphasised the principles of free choice and personal conscience,

advocating that politicians should not interfere with these freedoms. Religious discourse's popularity, particularly Catholic arguments, has declined recently.

Historically, religious discourse has been a cornerstone of Polish political debates, particularly on issues like abortion (Zielińska, 2000; Kozub-Karkut, 2017). However, its current use is less pronounced. Zielińska et al. (2023) examined the role of religion in Polish parliamentary debates from 2011 to 2016. The findings indicated that even in Poland's highly religious context, religious arguments often required supplementation by secular ones to be effective. Currently, religious arguments are nearly absent from the debate.

This decline mirrors trends observed in Finland, where religious discourse is seldom employed, lacks effectiveness, and is considered inappropriate. Although Finland's political system is not explicitly secular, the secularisation of its political culture has significantly reduced the role of religion as a basis for political justification.

In contrast, feminist and pro-choice activists have consistently utilised human rights discourse to advocate for women's autonomy and reproductive rights. This discourse emphasises bodily autonomy and the right to make personal health decisions without state interference, highlighting the detrimental effects of restrictive abortion laws on women's health and well-being (Graff & Korolczuk, 2022).

Discussion

After thirty years of public debate on abortion predominantly influenced by the Catholic Church and its principles, Poland is witnessing a shift in rhetoric. The strategies employed by both pro-choice and anti-choice advocates have evolved. Religious arguments, which once dominated the discourse, are now limited. Instead, the debate is dominated by the frequent use of logical fallacies. Although religious arguments persist, they are now mainly confined to a small group of far-right politicians who utilise the Catholic ideology of “civilisation of death”, a trend that started in December 2013 with the reading of the Pastoral Letter of the Polish Episcopate on the Feast of the Holy Family (Korolczuk et al., 2019)

An analysis comparing the Polish debate to those in Ireland and Finland reveals interesting contrasts. Finland has long maintained liberal abortion laws, whereas Ireland liberalised its laws only in 2019 following a referendum (Carnegie & Roth, 2019). The research indicates that Irish and Polish MPs avoid substantive debate, often resorting to logical fallacies. In Poland, these fallacies frequently centre on internal political tensions between parties, further politicising the abortion debate to the point of obstructing parliamentary proceedings.

The politicisation and ineffectiveness are vividly illustrated by the observation of a right-wing politician, who remarked, "Practically all day, it goes like this: someone comes in, insults someone, and leaves" (Płaczek, Konfederacja, 2024). This statement underscores the dysfunctional nature of the current debate and prompts the question: how did it reach this point?

In the early 2000s, Fuszara (2003) highlighted that the abortion debate in Poland was heavily politicised, noting that "the politicisation of reproductive rights in Poland has prevented any substantive debate. The language of human rights has been excluded from the discourse, as has the voice of women." Since the 1993 ban on abortion, the Catholic Church's influence on politics has been a significant force in maintaining strict abortion laws (Zielińska, 2000; Mishtal, 2009, 2015). This influence has also led to the defunding of in vitro fertilisation (Capacci, 2017), the failure to legalise same-sex partnerships (Kowalczyk, 2015), and limitations on access to birth control and the morning-after pill (Maciąg, 2021). Poland ranks the lowest in Europe for access to birth control, even trailing behind authoritarian regimes like Belarus and Turkey (European Parliamentary Forum, 2024), and was the last country in Europe to begin refunding the HPV vaccine (Zagórski, 2023).

In 2020, Poland's conservative government initiated steps to question and potentially withdraw from the Istanbul Convention, driven by significant anti-gender mobilisations. These efforts, led by conservative and nationalist groups, argued that the Convention's provisions on gender equality conflicted with traditional Polish values and family structures. By framing the Convention as a threat to national sovereignty and traditional

gender roles, these groups sparked political debates and public resistance, stalling the ratification and implementation of the Convention and reshaping discussions on women's rights and violence against women in Poland (Krizsán and Roggeband, 2021).

Shortly afterwards, the Polish Constitutional Tribunal ruled that abortions due to fetal defects were unconstitutional, effectively banning nearly all abortions in the country. The anti-gender movement in Poland significantly influenced these restrictive abortion laws by embedding its agenda within political and legal frameworks. By portraying abortion as a threat to traditional values and national identity, the movement garnered support from conservative and religious groups. This strategic alignment with ultraconservative actors resulted in stringent anti-abortion regulations, exemplified by the legislative successes of organisations like *Ordo Iuris*, which has been indirectly responsible for the ban (Desperak, 2023). *Ordo Iuris*, a conservative think tank and legal organisation based in Poland, is identified by the European Parliamentary Forum for Sexual and Reproductive Rights as a central player in the anti-gender movement in Europe (Datta, 2019).

According to Butler (2024), the anti-gender movement is a direct reaction to economic factors that have left many individuals feeling profoundly insecure about their prospects and experiencing a decline in their quality of life. Graff and Korolczuk (2023) contend that viewing gender critics merely as moral conservatives focused on preserving traditional family values is oversimplified. Instead, they argue that these critics are responding to the displacement and insecurity generated by neoliberal policies.

Graff and Korolczuk (2022) observe that anti-gender proponents often portray themselves as champions of justice and advocates for ordinary people against corporate greed and global capitalism. They identify not only international entities like the UN and World Health Organization as adversaries but also prominent capitalistic figures such as George Soros and Bill Gates, pharmaceutical companies promoting contraception, and medical institutions offering abortion and IVF services. These actors oppose individualism, privatisation, and the dismantling of public services, which they attribute to austerity measures imposed by the European Union and international

financial institutions. After thirty years of neoliberal rule, the economic hardships continue for women (Rivkin-Fish, 2023) and aggravate for men, making society susceptible to populism. According to Graff and Korolczuk (2022), the anti-gender movement aligns with the Left in opposing the detrimental effects of neoliberalism. However, in comparison to the long-established Left political agenda, the recently emerged anti-gender movement provides a mental refuge for people who feel deceived by the last thirty years of the neoliberal system, misallocating their anger to disadvantaged groups, which, in the case of post-socialist Poland, mainly pertains to women. In addition, exercising biopower through the restraint on reproductive health is seen as a means of “returning to balance” by the anti-gender movement and as a breach of human rights to the Left.

Four legislative proposals were discussed on April 11th and subsequently voted on the following day. The voting outcome did not result in the proposals being rejected during the first reading; instead, they were forwarded to the Special Committee for the Consideration of Draft Laws on the Right to Terminate Pregnancy. This committee, composed of 26 members of parliament, will employ their expertise, consult with specialists, and conduct additional plenary discussions before presenting a revised draft of the legislation for further debate and voting.

Since 1993, no commission has successfully presented legislation that has been passed in a vote. The current commission's work is ongoing, and no specific timeline has been provided. President Andrzej Duda, a former politician from the Law and Justice Party (PiS), has declared that he will not sign any legislation that liberalises abortion in Poland, stating that "abortion is the taking of a human life, and if someone demands an abortion, they are demanding the right to kill" (Latos, 2024). Given that the president's signature is essential for legislation to become law, the Polish public is looking ahead to the 2025 presidential election, after which Andrzej Duda will conclude his second term in office.

Conclusion

The article highlights the complex interplay between Poland's restrictive abortion laws, socio-economic transformation, and political and religious influences. Despite stringent regulations, the high incidence of abortions indicates a significant reliance on out-of-system procedures, revealing a profound disconnection between legal frameworks and reproductive health realities. Widespread public protests like the Black Protests underscore societal dissatisfaction with current policies.

The precarious nature of Poland's economic transformation, particularly in the post-socialist era, has exacerbated the impact of restrictive laws. Economic vulnerability and re-domestication of women's roles have intensified, revealing the inadequacies of pro-natalist policies that fail to address underlying socio-economic factors. Despite efforts to counteract population decline through stringent abortion laws, Poland continues to experience one of the lowest birth rates in Europe, highlighting the ineffectiveness of these measures.

Religious influences, particularly the Catholic Church's role, have heavily shaped Poland's abortion debate for the past thirty years. However, reliance on religion as a strategy has proven inadequate in addressing current Polish society's diverse needs and values. Now, the political landscape is marked by significant polarisation, with debates often reduced to logical fallacies, reflecting their deeply politicised nature.

Analysis of the April 11th, 2024, parliamentary debate reveals a shift in rhetoric and strategy, particularly the weakening of the religious arguments, indicating a potential transformation in Poland's approach to reproductive rights. However, the enduring influence of conservative ideologies and economic insecurities suggest that achieving substantive change will require addressing these foundational issues comprehensively.

In conclusion, the article underscores the need for a more nuanced and holistic approach to reproductive rights in Poland that goes beyond restrictive legal measures and addresses the socio-economic and cultural realities shaping women's lives. As Poland navigates its economic transformation and demographic challenges, a shift

towards policies that genuinely support women's health and autonomy, free from politicisation and ideological constraints, is imperative for achieving equitable and effective reproductive health outcomes.

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