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When whispers turned to scream

Path to the 2020 near abortion ban and the role of the Catholic Church

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Abstract

This thesis examines the profound influence of the Catholic Church on Poland's increasingly restrictive abortion laws, culminating in the near-total ban of 2020. It explores how, despite Poland's transition to democracy post-1989, women's reproductive rights have paradoxically regressed, with abortion laws becoming more stringent than during the communist era. The study begins by contrasting the concept of abortion as a human right with the Catholic Church's stance on the sanctity of life. It then analyzes the Church's methods of exerting influence, both direct and indirect, on Polish society and politics. The research delves into the historical and cultural foundations of the Church's power in Poland, including the 'Polak-Katolik' identity and the legacy of Pope John Paul II. By examining the Church's role in shaping abortion legislation in post-communist Poland, with particular focus on its relationship with the Law and Justice party and the 2020 Constitutional Tribunal verdict, this thesis argues that the Catholic Church's impact extends far beyond overt political action, permeating Polish cultural identity and moral frameworks. This comprehensive analysis provides crucial insights into the complex dynamics of religion, politics, and reproductive rights in contemporary Poland.

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Introduction

Poland has one of the most restrictive abortion laws in Poland and since the end of communism in 1989 women see how their right to choose their body autonomy shrinks more and more. After the spectacular win of the pro-choice movement in October 2020 the conservative government decided to use its influence to restrict the law even further giving up on something that has been known as the “abortion compromise”. The name of the abortion law from 1993 was however the overstretch as the solution was not a compromise between the two equal groups of interest. It was rather the solution imposed by the influential organization onto the rest of the society. That organization was Catholic Church

Everyone who has ever been in Poland for a longer period of time let alone was born there is aware that the Catholic Church plays an important role first and foremost in the private life of each citizen. According to the 2021 National Census, just over 27 million Poles, representing 71.3 % of the total population, are considered to be Catholics. Therefore, even if some people’s lives in Poland are always somehow intertwined with the Catholic Church. Even those people who have different religions or at some point decided they do not want to actively manifest Christianity despite being baptized. Due to participation in baptisms, weddings, and funerals are still connected to the Catholic Church. Many people in Poland, who do not identify themselves as catholic learned to treat the Catholic Church as a disliked old neighbor. They try to avoid it as much as possible or pretend it is not there. Some decide to be civil with it, the neighbor is not that problematic. Some forget it is even still here. The Church has always been seen in Poland as a powerful political actor but its problematic position became more clear for many after the near-total abortion ban of 2020, which was a planned and well-executed mission of the Catholic Church. A multifaced nature of the Catholic Church needs to be realized to understand that the fight for reproductive rights in Poland has never been equal. The thesis intends to show the scale in which the Catholic Church has been present in Polish politics and believe that something looking back might be the only way to move forward.

Since neither the Polish Constitution nor any international treaties ratified by Poland provide the right to abortion. The thesis starts by presenting abortion through human rights lances and contrasts it with the approach used by the Catholic Church. The second chapter introduces the ways of influencing of Catholic Church, which together with the third chapter would be a building block to show the differentiated tactics of the Catholic Church when it comes to abortion. Chapters four and five present the change in the abortion law at two different points in time in post-communist Poland and in the second decade of the

XXI century culminating in the decision of the Constitutional Tribunal to further restrict abortion law in 2020.

Chapter 1: Scarcity of Life: The Catholic Church's Position on Abortion

Abortion is a highly divisive issue to legal and ethical scholars. It is a highly contentious and sensitive topic, as it involves the sanctity of human life and thus, cannot be considered a purely private matter (Rodziewicz, 2021, pp. 91–92). Abortion is a subject of personal, religious, and moral debate, with the underlying principle of prohibiting killing being interpreted in ways that either forbid abortion or do not apply to it at all (Shaw, 2010, pp. 633–634).

Those in favor of abortion often put forward arguments such as population control policies, concerns over the health and life of the pregnant woman, financial hardship, unwanted pregnancies, fears of losing physical attractiveness, and social stigma surrounding illegitimate children, as well as arguments made by feminist advocates. Conversely, pro-life advocates have arguments rooted in religious, demographic, social, or moral grounds. For legal purposes, a distinction is typically made between therapeutic abortion, eugenic abortion, social abortion, and abortion upon the request of the woman (Rodziewicz, 2021, p. 93). This chapter will first introduce the argument that abortion could be considered a human right and present the confirmation of that statement using the mechanism present in the international and regional human rights law documents; then, it will compare it to the Catholic Church's opinion on abortion.

Specifically, this chapter aims to illustrate how the Catholic Church's stance on abortion differs fundamentally throughout history. There will be a special emphasis on the argument used by the Catholic clergy based on the scarcity of human life that appeared in the 19th century and was later used to abolish a woman's right to abortion (O'Brien and Morello, 2011, p. 24). The disagreements between the Church and proponents of abortion rights have been a major factor in shaping the political discourse and policies around reproductive rights in many countries, including Poland. (Freedman and Stulberg, 2013). The information presented in this chapter will allow us to better understand the line of argumentation used by the Polish episcopate to influence the change in the abortion law in 2020, as well as the reactions that this policy change has provoked (Szelewa, 2016, p. 743).

1.1 Abortion as a Human Right

While there is no explicit right to abortion in the international human rights law, the right to abortion has been increasingly recognized as an essential component of several fundamental human rights, such as the right to life, right to health, right to equality, non-discrimination, right to privacy, and right to be free from torture and other cruel, inhuman, or degrading treatment (Erdman and Cook, 2020).

The United Nations (UN) Conference on Human Rights that was held in Tehran in 1968 significantly broadened the understanding of human rights by recognizing the connection between family planning and economic and social development. Although the UN's Commission on the Status of Women found it disappointing that Tehran did not prioritize or emphasize the autonomy and decision-making power of individuals or couples in matters related to their reproductive choice, it opened the discussion that eventually led to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, which affirmed reproductive rights as central to women's rights and gender equality (Bracke, 2021).

The significant milestone in the recognition that the protection of reproductive and sexual health is a matter of social justice was the 1994 International Conference on Population and Development (ICPD), held in Cairo, and the 1995 World UN Conference on Women, held in Beijing. They both argued for the improvement in the application of human rights contained in existing national constitutions and regional and international human rights treaties. The 1994 ICPD Program of Action encourages governments to consider the health consequences of unsafe abortion and urges state authorities and relevant organizations to reinforce their dedication to women's health by directly confronting unsafe abortion as a significant public health issue and decrease the occurrence of abortion by expanding and enhancing family planning services. In the 1995 Beijing Declaration and Platform for Action, governments devoted to taking measures to ensure women's access to quality healthcare services, including those related to sexual and reproductive health, and affordable and accessible contraception (Zampas and Gher, 2008, pp. 252–253).

Finally, in 2003, The Protocol to the African Charter on Human and Peoples' Rights was the first treaty in the world to recognize abortion under certain conditions as women's human right that they should enjoy without restriction or fear of being prosecuted (Zampas and Gher, 2008, p. 254).

Moving to the realm of soft law, non-binding statements were made by major UN human rights bodies. All the committees, with the exception of the Committee on the Elimination of Racial Discrimination, have expressed concern over illegal abortions and made important connections between illegal, unsafe abortion and high rates of maternal mortality (Center for Reproductive Rights, 2008. pp. 15–17). In March 2016, the Committee on Economic, Social, and Cultural Rights (CESCR) adopted General Comment 22 (2016) on the right to sexual and reproductive health. It aimed to assist state parties with the implementation of their international obligations regarding the right to sexual and reproductive health. Among other matters, General Comment 22 affirms that states have an obligation to adopt appropriate

legislative measures to achieve the full realization of sexual and reproductive health and rights (Pizzarossa and Skuster, 2021).

This general comment states that the right to sexual and reproductive health is an integral part of the right to health and recognizes abortion services as a component of the right to health. It notes that states have an obligation to repeal or eliminate laws, policies, and practices that criminalize, obstruct, or undermine an individual's or a particular group's access to health facilities, services, goods, and information, including abortion. Laws that criminalize or restrict access to abortion are cited as examples of laws that must be repealed (Pizzarossa and Skuster, 2021).

One of the most recent developments in international human rights law regarding abortion is the Human Rights Committee's General Comment 36 on the right to life. This general comment, which interprets Article 6 of the International Covenant on Civil and Political Rights (ICCPR), asserts that states "must provide ... legal and effective access to abortion" in expansive terms (CCPR, General Comment 36, 2019). Additionally, the general comment declares that states "may not regulate" abortion in a manner that compels resorting to "unsafe abortion" and that states "should revise their abortion laws accordingly".

Furthermore, the CESCR recently adopted General Comment 25 (2021) that calls for states to take a gender-sensitive approach for ensuring that the benefits of scientific developments are realized. This is particularly relevant to sexual and reproductive health and requires governments to provide access to up-to-date scientific technologies, including abortion medications. Even before this general comment, the UN Special Rapporteur on cultural rights had emphasized that the rights to science and culture encompass the right to access and utilize information, communication, and other technologies in self-directed and empowering ways. (Pizzarossa and Skuster, 2021).

These developments speak to a growing consensus that the international human rights framework supports women's right to abortion, even if there remains diversity in how states implement this right in their domestic legal systems.

While the right to abortion is not internationally recognized as a human right, there are two relevant human rights legally recognized in the context of reproductive rights. The first is the right to life of women. In international human rights law, this is expressed in Article 6 of the ICCPR, which states that

"every human being has the inherent right to life." Importantly, General Comment 28 of this Covenant clearly states that states should impose a legal duty on doctors and other healthcare personnel to report cases of women who have undergone an abortion, as this could potentially violate the right to life and the right to be free from torture or cruel, inhuman, or degrading treatment. Additionally, Article 6 of the Convention on the Rights of the Child protects children's right to life and survival, which the Committee on the Rights of the Child (CRC) has interpreted as including access to safe abortion services for adolescent girls (CRC General Comment No. 4, 2003). In the European system, the right to life is protected by Article 2 of the European Convention on Human Rights (ECHR). Jurisprudence from the European Court of Human Rights has determined that when a pregnant woman's life is at risk, access to abortion is non-negotiable (*X v. the United Kingdom*, 1978).

The second relevant human right is the right to health. At the international level, this right is recognized in Article 12 of the ICESCR, which states that States Parties should recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". The CESCR has elaborated that access to safe and legal abortion is a key component of this right. ICEDAW and ICRC also confirmed women's right to health, and treaty-monitoring bodies have interpreted and applied that right in the context of abortion. The ICCPR's provisions do not explicitly protect the right to health; however, the Human Rights Council in *KL v Peru* (2002) has addressed the intersections of health, privacy rights, and the right to be free from inhumane and degrading treatment and called for broad exceptions under a state's abortion law to protect women's rights. Similarly, the ECHR does not guarantee any health or reproductive rights or any determined standard of medical care. Nevertheless, the rights relating to health can be found in Article 2 (right to life), Article 3 (freedom from inhuman and degrading treatment), and Article 8 (right to respect for private and family life) by ECHR bodies. According to the European human rights system, Member States of the Council of Europe have an obligation to ensure procedures to protect lives when threatened under Article 2 of the ECHR. In the *A, B and C v. Ireland* case, the ECHR permitted Ireland's restrictive abortion law; however, it affirmed that a woman must have accessible lawful means that will allow her to have an abortion that could save her life (Katsoni, 2021).

In conclusion, the argument for abortion as a human right hinges on the understanding of the right to life and right to health as enshrined in international law. Advocates emphasize that denying a woman access to safe abortion can not only jeopardize her physical and mental well-being, potentially infringing upon

her right to life but also push her toward unsafe practices, thereby violating her right to health. However, this perspective stands in stark contrast to the position of institutions like the Catholic Church (Eberts, 1998), which vehemently opposes abortion, considering it as taking an innocent human life. This divergence underscores the intricate ethical, moral, and legal complexities that continue to surround the issue of abortion.

1.2 The Catholic Church's Stance on Abortion

While the preceding discussion highlighted arguments framing abortion as a human right rooted in the right to life and health, this chapter delves into a contrasting perspective—that of the Catholic Church. (Eberts, 1998) Deeply rooted in its doctrines and interpretations of sacred texts, the Catholic Church maintains an unwavering stance against abortion, considering it a grave moral transgression. This part will explore the theological underpinnings of the Church's position, examining its arguments for the sanctity of life from conception and its implications for individuals and societies.

Although the Catholic hierarchy says that the prohibition on abortion is both unchanged and unchangeable, this does not comport with the actual history of abortion teaching and dissent within the church. Although the Catholic Church has long taught that abortion is a sin, the reasons for judging abortion as sinful have changed over time. In fact, through most of history, the Church did not pay much attention to abortion, except for treating it as a sexual issue. The early prohibition of abortion was not based on concern about the fetus but rather a view that only people who engage in forbidden sexual activity would attempt abortion and that abortion is wrong from either an ontological perspective or from a negative judgment about sexuality and sexual behavior, known as the perversity view. “The ontological view is that the human fetus is a person from the earliest moments of conception, hence, to abort it is either murder or something closely approximating murder; the perversity view is that sex is only licit within marriage and for the primary purpose of having children, hence, abortion perverts sex and is immoral in the same way that contraception is immoral” (Dabrowski and Deltete, 2000).

This ontological view, which centers on the personhood of the fetus, became more prominent in the 19th-century Catholic doctrine, in contrast to the earlier theological perspectives that considered the fetus to be "animated" or ensouled only later in pregnancy (Muir, 2021).

In 1869, Pope Pius IX reaffirmed the doctrine that the soul enters the body at the moment of conception and since then, the Catholic Church has considered the fetus to be a person. Following that line of

understanding, if the fetus has a soul, the Church believes that it must be baptized to remove the original sin that originated from Adam and Eve. Therefore, Catholics hold that not only is abortion a form of murder, but it also condemns the unborn person to hell. In 1951, Pope Pius XII used the phrase “right to life” for the first time in a papal encyclical, directing midwives globally not to interfere with pregnancies (Muir, 2021).

In 1995, Pope John Paul II published the encyclical *Evangelium vitae*, strongly reaffirming the sanctity of life from conception. Although *Evangelium vitae* didn't introduce novel doctrines, it consolidated and powerfully articulated already existing Church's teachings on abortion in the face of the growing societal acceptance of abortion rights. In that regard, the fact that the Pope used the human rights discourse to defend the right to life of the unborn could be seen as innovative.

The Polish Pope, John Paul II, indicated human rights in line with the Thomistic notion of natural law and other international human rights. He differentiated between human rights so that the right to life as well as the freedom of religion were more significant than the others. He asserted these two rights to be the dominant rights that have the primary intention to answer to the call of God. *Evangelium vitae* therefore affirms the Catholic Church's stance on natural law, which has been founded on the three postulates (Bauer, 2023, p. 254). First, since life starts at conception, the fetus is a person with a right to live. Second is the principle of the equal and inalienable right to dignity of a person, regardless of the developmental stage. Third, life is a gift from God and thus, a human being has a right to life being made in the image of God (Thomas and Wassmer, 1968, pp. 313–315). John Paul II's anti-abortion stance, amplified by his Polish origin and global platform as the Pope, contributed significantly to the prominence of the anti-choice movement in Poland. This context is crucial for understanding the 1997 and 2020 Constitutional Tribunal's decision on the abortion law (Kulczycki, 1995). Although John Paul II's legacy is directly responsible for the rulings, as would be further explained in Chapter 3, the rulings directly recall the scarcity of life, connecting it to human rights included in the Polish Constitution, and similarly, to John Paul II.

While the human rights law does not entirely align with the perspective of John Paul II, there are some similarities (Bauer, 2023, p. 255). Scholars examining the historical understanding of the Universal Declaration of Human Rights (UDHR) in 1948, as well as ICCPR and ICRC, have confirmed that the right to life does not include fetuses. The right to life that could be found in Article 3 of the UDHR is restricted by the term born, which was purposefully used to exclude fetuses or any other antenatal

applications of human rights. This is further confirmed by the rejection of amendments to repeal this term and include the right to life from the gestational stage. Thus, in the case of abortion, the UDHR also derogates the right to life for women and girls. The ICCPR also disapproves of the notion that the right to life comes into play before the commencement of human life, as evidenced by the rejection of a proposition to grant the right to life from the point of conception (Zampas and Gher, 2008, pp. 262–264). Additionally, the UN Human Rights Committee has repeatedly urged states to decriminalize and/or liberalize abortion laws, which is incompatible with the idea of a fetal right to life. Furthermore, most fetal claims to the right to life filed in the European human rights system have been ineffective. The European Court of Human Rights has consistently concluded that fetuses do not enjoy an absolute right to life, as confirmed in the *Paton v. United Kingdom* (1981) case, where the use of the term “everyone” in Article 2 was found to exclude fetuses, although the potential for the “right to life” to encompass the “life” of the fetus was left open with implied limitations.

Chapter 2: Exercising Influence: The Catholic Church and Political Power

Churches are often considered to be important public institutions because they embody what people consider sacred and divine. Nevertheless, as can be seen, based on the history of many countries, their interests as religious organizations extend well beyond the spiritual realm. Churches tend to exercise their influence on policy outcomes and insert themselves into political debates, transforming lives in the process. Many countries are “nations under God”; therefore, in some democracies, churches have succeeded in couching political debates in religious terms, vetting government appointments, and influencing legislation in domains ranging from education to abortion to the drafting of constitutions. In Poland, the Roman Catholic Church has achieved most of its political goals, including an abortion ban. The Church is a major political figure. Priests have blessed soccer games, and they helped ensure Poland’s entry into the European Union in 2004. Today, despite legal challenges and unfavorable rulings by the European Court of Human Rights—such as in Polish cases involving the denial of abortion to a woman facing blindness as a result of pregnancy and a fourteen-year-old victim of rape—the law remains unchanged. The Roman Catholic Church has effectively restricted access to abortion in democratic Poland by using its privileged position. (Grzymala-Busse, 2016).

2.1 Methodology

The term “church” is to be understood as the “hierarchical church,” not as a community of the faithful. The term is synonymous with the Catholic Church hierarchy, i.e., the bishops, particularly the diocesan bishops. Bishops shape the social teaching of the Church, *Nauczanie Społeczne Kościoła* (NSK), by issuing pastoral letters, preaching homilies, and giving interviews. In the territory of Poland, the bishops are concentrated within the Polish Bishops' Conference. This body issues documents developed according to the NSK in the form of pastoral letters, communiqués, and statements and undertakes dialogue with political authorities (Kowalczyk, 2018 p. 14-16).

The Church is defined by representatives of political science as a community, religious organization, interest group, and political and religious actor. Warner describes the Catholic Church as an unusual interest group. In her view, the Church seeks preferential treatment from political power and aims to obtain specific resources from the economic and political system. The Church lobbies democratic governments through political parties and other means to influence the education system, impose its

morals on society through legislation, and retain certain tax privileges, among other things. It seeks to provide its members with certain collective goods (such as answers to moral and philosophical dilemmas), associational goods (such as places of worship), or individual incentives (such as the sacraments). As well as being the institution of an organized religion, the Catholic Church can be described as an interest group. Hierlemann (2005) concludes that the Church acts as a representative of interests and a lobbyist that tries to make important contacts, establish good relations with decision-makers, and obtain resources. The Church, operating in the secular sphere, is subject to the same rules as other associations. (Kowalczyk, 2018 p. 13).

This chapter will introduce the main ways in which the Catholic Church exercises its influence on politics, leading to major changes in modern democratic society. To address the key research problem, a systems analysis was performed based on the typology of the influence of the national church on the political system developed by Krzysztof Kowalczyk (2018). According to his analysis, there are two forms of church influence that can be distinguished by how values and interests are articulated. He lists three types of church influence: direct, indirect, and moral sanction. In the first case, bishops directly influence decision-makers, while in the second case, they use the mediation of other actors. Direct influence can be oral or written. The oral form includes official and behind-the-scenes conversations, meetings, conferences, and symposia with politicians. The written form, on the other hand, can include letters, statements, de-statements, and studies addressed to policymakers.

The indirect form of influence is characterized by the Church's mobilization of the following actors: interest groups (associations, foundations, trade unions, non-formalized groups), joint church-state bodies, mass media, experts, scientists, and public opinion. Moral sanctions are a special form of influence the institutional Church has on the political system, going beyond classic lobbying methods (Grzymala-Busse, 2016). They mobilize and induce individual and collective political actors to act in accordance with the values and interests of the Church. Moral sanctions are the Church's reactions to the behavior of its members in socially important situations. Moral sanctions can be positive reinforcing, such as praise, expressions of public appreciation, or support for a particular political actor, as in the case of those advocating an anti-choice option in parliament. In this thesis, moral sanction is not treated as a separate kind of influence but as an integral part of both direct and indirect ways of impact. (Kowalczyk, 2018).

2.2 The direct form of influence

The direct way in which the Church exercises its power is institutional access, where the secular government allows the religious organization to influence politics legally. Such access comprises formulating everyday legislations and bills, participating in government and parliamentary committees, vetting state officials, and even, in some contexts, administering state sectors such as education. The channels of institutional access may vary considerably. Besides actively participating in policy discussions and formulating legislative bills, church officials influence personnel and organizational decisions within ministries. Institutional access appears to be more beneficial for the Church than for the state; however, there are some countries that give the Church that privilege as a sort of insurance policy. Often, political actors grant institutional access when its survival is threatened by lower opinion polls, mass protests, or general public dissatisfaction. Such moments include newly gained state independence or the beginning of a system's transformation into a democracy. Some governments tend to rely on the Church's support before critical elections. In other words, the Church tends to gain power when a fragile secular state needs support. (Kowalczyk, 2018 p. 13).

The Church can often act as a mediator, urging patience or nonviolence on moral grounds. When the majority of people find themselves connected to the Church to some extent during a time of crisis, its voice can be a huge advantage for the governing party. The Church can mediate potential conflict between state elites and societal representatives. By influencing public rhetoric, it can act as a bridge between the old and new regime. This appeared to be especially useful in communist Poland, where after the protests of 1956 and the enormous mobilization of 1980–81, the Church prevented violence and bloodshed by calming furious Protestants in the name of national peace. This is why the Polish United Workers' Party respected the Church's position and tried to create a certain symbiosis, scared of its far-reaching influence. On the other hand, after the system's transformation, the newly chosen government and President Lech Walesa created the storing alliance with the Polish episcopate, securing the Church's political position in the democratic state (Dziaczkowska, 2020). According to the model, churches that defend the nation against a hostile regime or colonial aggression gain high moral authority. Churches that protect or aid national identity, without necessarily defending it against an alien aggressor, can also gain moral authority. Finally, churches that oppose the nation gain low moral authority. These levels of moral authority then translate into strategies of policy influence: churches with high moral authority gain institutional access, and they can also enter partisan coalitions, as indicated by the white dotted lines. This point will be explained further in Chapter 3.

Another way in which the Church exercises influence is by investing its moral authority by explicitly endorsing a particular political party or candidate. That is mostly the case when the Church wants to increase its institutional access after the system's transformation or after the long-lasting governance of the more liberal, secular party that introduces, or tries to introduce, certain policies that are not in favor of it. According to the statistics, churches should be careful in doing so, as moral authority rests on the assumption that the Church represents national interests and identity. In general, churches are at their most influential when they appear above partisanship and petty politics. Electioneering and coalitions with political parties are explicitly (and publicly) partisan affairs, undermining that authority and soiling churches' reputations.

Finally, the way in which the Church's direct influence is found to be most successful is through secret meetings with powerful political actors away from the public eye. The secret lobbying is according to the. Research is often far more successful than public pressure or partisanship. The Church's ability to insert itself into those quiet corridors of power depends on its historical record of defending the nation—thus gaining moral authority within society and among politicians.

2.3 Indirect form of influence

As previously noted, the Catholic Church expresses its principles through connected interest groups. According to Konrad Oświecimski (2012), an interest group is a collective of individuals or organizations that are under the jurisdiction of public authority and endeavors to impact public policies based on mutually held values. The group does not necessarily strive to hold formal power (Oświecimski, 2012, pp. 43–44). Catholic interest groups differ in their reliance on the Church. Some groups, such as ecclesial groups, function within the Church structure, while non-ecclesial groups remain outside of it. Examples of ecclesial groups in Poland include Catholic non-governmental organizations (e.g., the Catholic Association of Polish Doctors), church institutions (e.g., the National Council of Lay Catholics), religious movements (e.g., the Light-Life Movement), and groups of believers. These ecclesiastical groups are established with the approval of the relevant Church authority and have an appointed ecclesiastical assistant. Non-ecclesiastical groups, on the other hand, are comprised of non-governmental organizations, like associations and foundations (e.g., the Polish Association of the Guardians of Human Life and the "Voice for Life" Foundation), and exist independently of the Church's hierarchy. The religious nationalist groups

Catholic interest groups aim to advance the principles and teachings of the Catholic Church; therefore, they can be seen as its natural allies. Some of the advocacy actions they take include reaching out to politicians, sending letters, distributing leaflets, and organizing demonstrations. They are also engaged in the legislative process, creating bills that can then be voted on in parliament. Of particular importance for this thesis are so-called pro-life groups. They focus on upholding Catholic values in relation to marriage, family, and social teaching in the government's legislative framework. Their objectives include promoting comprehensive human-embryo protection through stricter anti-abortion laws, advocating for natural family planning methods, criticizing contraceptive measures, and opposing the legalization of civil unions and same-sex marriages.

There are also interest groups that claim to adhere to Christian values but due to their problematic, nationalistic character are approached by the Catholic Church with caution. Some of them have close ties with particular lower-ranking priests like Warriors of Mary, a community led by priest Dominik Chmielewski. But in 2017, the official Catholic Church hierarchy issued an official statement:

The Church has always taught that patriotism is a duty and, as a form of love of neighbour, should be a great value. However, it is not an absolute value. It must have its place in the hierarchy of values, since any attempt to elevate one's own nation to the status of an absolute or to seek a Christian justification for spreading national conflicts must be considered unacceptable.

The presence of such groups is favored by the Church, but indirectly. This is only beneficial for the institution, as it creates distance from some of the initiatives that society may see as controversial or prejudiced.

Mass media is another way for the Catholic Church to have indirect influence. The Catholic Church has a long history of using media to spread its message and engage with its audience. In the early days of printing, the Church was quick to recognize the power of books and pamphlets to reach wider audiences. The development of radio and television allowed the Church to connect with people more personally. The Catholic Church's use of media is not limited to evangelization and education. The Church has also used media to influence public policy, particularly on issues related to social justice and human rights. In recent years, the Catholic Church's use of social media has been particularly noteworthy. Paul IV called mass media the modern pulpit and stated that the Church would be guilty before God if it did not use them. Pope Francis, in particular, has been a vocal advocate for the use of digital media to engage

with people and has a strong presence on social media platforms like Twitter and Instagram. The Church has also launched a number of initiatives aimed at using social media to promote dialogue and understanding across diverse communities.

In Poland, the Catholic press includes the daily *Polak-Katolik*, the weekly *Posiew*, and the monthly magazines *Anioł Stróż* and *Kółko Różańcowe*. When it comes to radio and television, *Radio Maryja* and *Telewizja Trvam* (Television Trvam), some of the most known Catholic media, were created by the priest Tadeusz Rydzyk. *Radio Maryja's* program consists of a religious and journalistic aspect. The religious part includes numerous transmissions of masses and religious ceremonies, on-air prayers, and catechesis. The journalistic part consists mainly of "Unfinished Talks," which is a two-hour evening program with guest speakers. The radio program line-up is clear and unchanging so that regular listeners are very familiar with it. The radio almost exclusively broadcasts religious music, classical music, and patriotic songs. Both the prayers and public broadcasts are based on telephone contact with the listeners. The attitude of the Polish episcopate towards both of Rydzyk's programs can be described as inconsistent. The hierarchy of the Catholic Church usually remains neutral or civil towards it, as they are aware that a significant portion of the deeply Catholic society enjoys Rydzyk's radio and television shows. However, as soon as *Radio Maryja* or *Telewizja Trvam* present a view different from the Polish episcopate's, the Church is quick to clarify its distance from Rydzyk. This was the case during the 2003 Polish European Union membership referendum. At that time, both Pope John Paul II and the Polish episcopate were in favor of Poland joining the EU, while media created by Rydzyk claimed that joining the EU would be a mortal threat to traditional values, religion, family, homeland, and the nation as a whole.

The last indirect form of influence that will be discussed in this thesis are Catholic institutions of higher education. Pope John Paul II claims that research, teaching, and working in Catholic universities play a fundamental role in the Church's dialogue with contemporary culture and politics. A university ecclesiastical faculty is one that has been canonically founded or approved by the Holy See and is dedicated to the cultivation and transmission of theological sciences and related branches of knowledge. An example of a Catholic university in Poland is John Paul II Catholic University of Lublin (KUL). The legal status of higher education institutions such as KUL, the mode and scope of state recognition of ecclesiastical degrees and titles, and the legal status of Catholic theological faculties at state universities are regulated by agreements between the government of the Republic of Poland and the Polish Bishops' Conference that are authorized by the Holy See. Therefore, these schools function outside of state

supervision and pursue, in addition to their academic goals, formative objectives, their main task being the training of clergy or future clergy. In the past, there have been doubts about KUL's legal status and financing of activities. According to Gmiterek-Zabłocka (2020), for years KUL was perceived as an institution that is open to everyone, where everyone can express their own opinions, even if they are not especially popular. Today, some of its graduates say that the university has changed and lurched "to the right," often taking the side of far-right parties.

Understanding the ways in which the Catholic Church has utilized different forms of influence to shape public discourse and interact with policymaking can provide important insights into its impact on the abortion law debate in Poland, especially in 2020. By analyzing the Church's strategy, we can gain a better understanding of the mechanisms through which it wields its influence and its ability to sway public opinion in support of its stances on social and political issues. The analysis would not be complete, however, without understanding the process of how the Catholic Church achieved that position of power. Therefore, to fully comprehend the Catholic Church's impact on the 2020 abortion law debate, we must move beyond simplistic explanations and delve into the historical processes that have shaped its unique position of power in Poland. Chapter 3 will examine [mention specific historical aspects you'll cover] to illuminate the deep-rooted and often overlooked factors that enabled the Church to exert such a significant influence on this pivotal moment in Polish history.

Moreover, an interesting observation has been made by the Catholic Church that continues to shape politics, even where popular majorities oppose such influence. Christianity itself views the sacred and the profane as two distinct domains. Examples of this can be found in the Bible, as in the famous Jesus's words, "Render to Caesar the things that are Caesar's and to God the things that are God's." In addition, individual experiences and priorities often conflict with religious tenets (Grzymala-Busse, 2016). For example, Catholics still get divorced despite that it is seen as a sin according to Christian doctrine. Following that, it is easy to identify a contradiction. On one hand, popular religious observance, faith, and belonging do in fact correlate with the influence of religion on politics. On the other hand, this religiosity does not create popular demand for religious influence on governments, voting, or policy. An important building block of this thesis, then, is that the Church's influence cannot be easily measured based on numbers or statistics. To prove that point, in the time of many policy changes in favor of the Polish episcopate throughout the 1990s and 2000s, on average 50% of the respondents wanted the Church to have less influence on politics. Meanwhile, 78% of the respondents did not wish for the Church to be politically active (CBOS, 2007; Komunikat z Badan, 2007).

Furthermore, according to surveys that evaluated public trust in the Church, there was a definite fall between 1991–1993. Concerning the second half of the 1990s, the OBOP in its explanation stated: The percentage of personal trust of respondents in the Church is the highest. It remains at a level of over seventy percent. Less than half of Poles support the need for the state authorities to apply the principles of the Church's social teaching. Nearly two-thirds believe that the Church's participation in the political life of the country is too high. Thus, it can be said that Polish society generally trust the Catholic Church even though they are reluctant to see its involvement in political life, especially directly.

Chapter 3: The Role of the Catholic Church in Poland

According to Hruby (1982) the impact of religious values and organized religion on Polish society is in many ways unique—no other post-Communist country has a church that enjoys comparable strength or political influence. The first is the fusion of Catholicism with Polish identity itself. Over centuries, the Church became more than just a religious institution; it evolved into a repository of Polish culture, a bastion against foreign powers, and a symbol of national unity. This inextricable link between faith and nationhood explains why even those who no longer consider themselves religious often still respect the Church's opinion. The second pillar is the Church's historically privileged position, strategically cultivated through the coordinated actions of its clergy and the formal endorsements of Poland's ruling elites. This legacy, enshrined in law and reinforced through social structures, granted the Church tangible power and influence that extend far beyond the spiritual realm. This chapter will explore how these two sources of power – one grounded in the profound intertwining of faith and national identity, the other in the tangible structures of authority and influence – have enabled the Church to wield such significant influence in contemporary Poland, particularly on issues like abortion.

3.1 Polak-Katolik identity

The exceptional and influential impact of the Catholic Church on Polish society is widely known in the academic sphere (Porter, 2001). Urbanek and Pelczar (2018) state that Polish identity and culture, as there has been a long-standing association between the nation and the Roman Catholic Church, resulting in a connection between Polish national and Catholic identities. Therefore, the function of religious unions and church institutions is to cultivate not only tradition but also human identity. Bernhard Porter-Szucs, (2017) stated that Catholicism is a question of national identity in Poland. Porter the linkage between Polish and Catholic identity is even claimed to be accepted by “universally English as well as Polish language. The glue that links Poland and Catholicism together is often expressed in academic discourse as “Polak Katolik.” The term is often described as a stereotype (Dziaczkowska, 2020), a myth (Strutyński, 2005), or a rhetorical practice (Porter-Szucs, 2017).

Although Poland became Christianized in the X century, the drastic shift in Polish identity that linked it with Catholicism started in the XVII century, when Poland faced multiple armed conflicts with Orthodox Russia, Protestant Sweden, and Islamic Turkey. The constant wars created a reluctance to dissent among Polish citizens, as many viewed them as allies of the hostile invaders (Sturyński, 2005). Biernat (1989) claims that the Polish–Katolik identity is closely connected to the myth of Poland being the last bastion

of Christianity and the Battle of Vienna that saved Catholic Europe from the Ottoman Imperium in 1683 (Skwarnicki, 1973). At least that is how it was remembered by Polish elites and described in many Polish historical books (Battle of Vienna, 2012). The loss of Poland's independence and the division of its territory in the XVIII century among three countries, including non-Catholic Germany and Russia, increased the notion that a real Pole was a Catholic. That was one of the factors that made Poles different from their invaders (Dziaczkowska, 2020).

In the 19th century, various Polish national uprisings occurred, and the idea of Polish messianism developed, which fueled the ideology of Polish independence. The primary figure associated with this messianic thought was Adam Mickiewicz (1798–1855), who was among the three most significant Polish poets of the époque. (Cochran, 2009). Mickiewicz's ideas, which gave salvific importance to the suffering of divided Poland, formed a basis for Polish national identity and the interpretation of Polish patriotism for subsequent generations of Poles. This perspective became particularly notable between November (1830–1831) and January (1863–1864). The Polish independence movement embraced the idea of Poland being the “Christ of the nations,” which meant that Poland's struggle for freedom was not just significant to its own people but also had the potential to bring freedom, justice, and independence to other oppressed nations. As a result, the idea of Polish independence became a sacred concept that was integral to the Catholic faith in Poland. The messianic notion made Polish politics more ethical and imbued it with a sense of moral value (Dziaczkowska, 2020).

In the early XX century, the intellectual and organizational efforts of Father Krzysztof Lutoslawski, a theologian and physician who founded the Polish Scouting Association, had a significant impact on the development of the younger generation. Father Lutoslawski, who is regarded as a precursor to the integration of national ethics with Catholicism, became an increasingly emphasized figure in subsequent years, particularly by the National Democrats (known as the *Endecja* in Poland) (Strutyński, 2005). After Poland regained its independence, ideologists who belonged to this group, such as Roman Dmowski, Zygmunt Balicki, and J.L. Pulawski, used *Polak–Katolik* in their political doctrine for the first time. In 1926, Dmowski published the political manifesto *Church, Nation and Country*. According to the ideology included within it, people of other faiths or origins had the right to live in Poland as long as they adhered to Polish, i.e., Catholic, values. Dmowski believed that Catholicism was not an addition to Polishness but was part of its essence, and that to attempt to separate Catholicism from Polishness was to destroy the very fabric of the nation (Dziaczkowska, 2020). During this period, the concept of the mono-ideology

gained popularity, stating that the nation should have one dominating ideology. In his book *Catholicism and the National Idea*, Rafał Lętocha quotes an article in the magazine *SN "Walka"*: "(...) great nations are those that have their own historical mission, shaping their collective soul, marking out the paths of the historical process. We have our historical mission and we have our universal idea. It is Catholicism." (Dziaczkowska, 2020).

The standpoint of nationalist groups on the connection between Polish identity and Catholicism remained unchanged in the aftermath of the outbreak of the Second World War. Groups engaging in conspiracy fighting for Polish independence from the Nazi regime continued to uphold the concept of *Polak–Katolik*. The ethos of serving the nation was equated with a sacred avenue to God. In other words, the *Polak–Katolik* was chosen by God to work hard for the improvement of the nation.

During the communist period in Poland, religion was the only aspect of human freedom that was widely allowed and practiced in society, especially among the common people. Thus, religious freedom became a significant factor for religious revitalization in Poland, and it affected not only the Catholic elites but also the masses who had been strongly influenced by Catholicism and the church clergy in their local communities. Until 1989, *Polak–Katolik* meant the real Pole, the one who was not a communist. That is why the Church was widely respected by those who did not consider themselves religious or even as having leftist political views but who still stood in opposition to the Polish United Workers' Party (PUWP). That appreciation was expressed by the masses in both their participation in religious life and the activities of the Church (Strutyński, 2005). The communist era, system transformation, and the first years of newly born democracy until the death of Pope John Paul II appeared to mark an important time for Poland's religious awakening. Here, many scholars believe that the *Polak–Katolik* concept lost its significance, with Strutyński (2005) claiming that the concept lost its appeal and that perhaps the myth was dying. Casanova agreed with this view, predicting that Poland would experience similar secularization to other countries after joining the European Union. That is far from the truth. Although society had been exposed to modernization and religious pluralism, which had been natural effects of democratic changes and the opening of borders, the Catholic Church remained, in Polish consciousness, the national church.

In summary, Brian Porter-Szűcs (2017) links the concept of the *Polak–Katolik* to five main possible meanings. First, as a political observation, Catholicism is treated as an official religion. Second, it can be

seen as a demographic observation rooted in the observation that the vast majority of Poles are Catholic. Third, as a historical observation, the Catholic Church has played an important role in Polish history. Fourth, as an anthropological observation, Catholicism serves as a marker of Polish identity in daily life. Finally, as a prescriptive rule, Poland should be Catholic, and a true Pole should be Catholic.

3.2 Historical conditioning

Understanding the role that Catholicism plays in Polish society must begin by recognizing that there is a clear and undeniable difference between the Catholic Church understood as an institution by the Vatican and the Catholic Church that was utilized, changed, and sustained by the Poles throughout their country's complicated history. It is questionable, to say the least, to attempt to decide if the formal position of the Catholic Church is a result of the presence of the Polish identity supported by the elites of the society or if it was more a strategic long-term coordinated action performed by the Catholic Church clergy over centuries. This is not the question that will be explored (Dziaczkowska, 2020). Returning, however, to the events discussed above, it is important to note that during Poland's fight to regain national independence in the XVIII century, it was mainly lower-ranking priests that were highly involved. They often linked spiritual leadership with the active proclamation of Poland's liberty. They were also involved in the actions that linked strengthening the Catholic faith with supporting Poland's economic development. This trend would also become visible later during the periods of Solidarity and system transformation.

At the beginning of the XX century, Krzysztof Lusztowski was a huge influence on Polish youth, as he created the Polish Scouting and Guiding. He is thought to be the precursor to the combination of the national ethic and religious values of the grassroots movement. His approach was exceptionally important for the right-wing movements that gained popularity after Poland regained its independence in 1918. Pope Benedict XVI recognized its independence much later, in March 1919, largely due to the fact that the Holy See was more focused on the hypothetical threats of the revolution rather than the aspiration to be an independent country at that time. The actual attitude of the Holy See toward Poland had a secondary importance for the state of faith in the country, both in the XX century and now (Woroniecki, 2022 p.28). During the interwar period, nationalistic movements used religion to an even larger extent. Two of the biggest parties at that time, the Polish People's Party (known as Sanacja in Poland) and the aforementioned National Democrats, were imbued with Catholicism. Sanacja was not dominated by the Catholic Church and was not as associated with it as much as the Endecja. However, in its policies,

Sanacja sought to maintain good relations with the Catholic Church, recognizing its importance to the social and cultural life of Poland. For this reason, Sanacja did not pursue an openly anticlerical policy, which at the time could have caused controversy and public resistance. (Mariański 2017 p.145). In reality, both parties took the position of opposition to the Bolshevik parties, meaning there was no real opposition that could disturb the Catholic Church by using its position to engage in national politics. That was reflected in all of the codified laws of the time, where the Catholic Church, as an institution and clergy, received special privileges, unlike many other religions present within Polish borders at that time. In the March Constitution of 1921 and the April Constitution of 1935, there is an article stating that “the Roman Catholic religion, which is the religion of the overwhelming majority of the nation, occupies the leading position among equal confessions in the state.” (Woroniecki, 2022 p.39).

In 1925, a concordat was signed between Poland and the Holy See. It granted the Catholic Church extensive powers and privileges over other denominations in the country. The concordat treaty granted the Catholic Church significant privileges, ensuring that it was in the leading position, among other confessions, as stated in Article 114 of the Constitution. The most critical aspect provided by the concordat was Article 1, which guaranteed the Catholic Church complete autonomy to practice its faith and manage its affairs and assets, comfortably adhering to divine rights and canon law. Under Article 2, the bishops had the right to oversee the Church's authority, with the clergy and the lay community able to communicate with the Roman Curia freely. In addition, Article 2 canceled all forms of placetum regium on pastoral letters and orders issued by ecclesiastical authorities. According to Articles 5, 15, and 22, the Catholic clergy were given special privileges: a special tribunal in civil and criminal causes before an ecclesiastical judge, exemption from taxation, and the right to proper sustenance. Article 4 of the concordat guaranteed the support of state authorities in carrying out decisions and decrees handed down by the Church. Rules were also established for the selection process of ecclesiastical offices, the compensation of the clergy, and the teaching of the Catholic religion in schools, all following the Church's interests (Dziewanowski, 1954). Every religious legal establishment and entity was guaranteed the right to acquire, hold, and utilize movable and immovable property per canon law, with the right to defend their civil rights before all legal instances and state authorities. The Polish concordat was considered to be one of the most favorable agreements for the Church. It was reached by the Holy See following the First World War. This close relationship between the Catholic Church and the state has strongly influenced Polish society ever since.

Despite lacking formal political power during World War II, the Catholic Church in Poland used its profound moral and social influence to resist Nazi occupation and support the Polish people. The Church's educational and charitable activities, although restricted, provided crucial support. They ran clandestine schools to counter Nazi attempts to eradicate Polish culture and provided aid to those in need, including families of those imprisoned or killed by the occupiers (Delaney, 2001). Moreover, the Polish Church's leaders, such as Cardinal August Hlond and Stefan Wyszyński, condemned Nazi atrocities and provided moral leadership to the Polish people throughout the occupation (Weindling, 2008).

After the Second World War, the Church continued to play a crucial role in Polish society, which Ramet calls the source of the present mindset of the Catholic Church in Poland. In her opinion, the communist era could be categorized into four phases in terms of state–church relations: repression (1945–56), retrenchment (1956–70), stabilization (1970–80), and system decay (1980–89) Hruby (1982). During the communist era in Poland, the Catholic Church faced severe repression that involved the annulment of the Concordat of 1925, confiscation of Church property, and prohibition of Catholic publications from public libraries. Pope Pius XII condemned the communist authorities publicly in 1949 and urged Catholics to resist obedience to the new regime (Valkenier, 1956). The Catholic Church faced considerable difficulties in the early 1950s, with the arrests of several bishops and clergymen, as well as the banning of the weekly Catholic *Niedziela*. However, from 1956 to 1970, under the leadership of Władysław Gomułka, there was a respite from repression, with the Church's publishing activities and education programs experiencing a revival Zadniwcz (1979).

The Communists recognized that directly confronting the church would make the country ungovernable, and they viewed the church's widespread influence as a resource they could leverage for their own advantage. While they attempted to undermine the church's moral authority, the Communists often turned to the church when facing social unrest, and the church was willing to lend its support to its ideological adversary in exchange for certain concessions. For instance, during the post-Stalinist, the church encouraged people to participate in the 1957 "elections" in return for the restoration of religious instruction in Polish schools. The church also consistently demanded freedom of religious expression, but it also petitioned the government to censor content it found objectionable on moral or religious grounds Hruby (1982 p.321-322). Throughout the social upheavals in Poland between 1956 and 1980, the church acted with great caution, seeking to protect its own interests, calling for social peace, and working to depoliticize the protest movements. Despite regularly speaking out on behalf of those victimized by Communist repression, the church also viewed the emerging democratic opposition in the

mid-1970s with suspicion. During the 1980 strikes that led to the creation of Solidarity, the Polish primate urged the protesters to return to work, and the church only became partially involved in the movement when it became clear the protesters could not be appeased, aiming to ensure the movement's "Christian character" and limit the influence of liberal opposition figures Hruby (1982 p.320-323).

The church insisted that the new independent trade union's goal should be a moral and spiritual transformation of the nation, rather than political reform. After the Communist crackdown in December 1981, the church established a wide support network for political prisoners, unemployed activists, and even underground Solidarity leaders. However, the church likely also participated in secret negotiations with the regime, which ultimately led to the partial

Even amid these challenges, the Church abandoned its defensive stance from 1980 to 1989, when the communist regime began to crumble and the independent trade union, Solidarity, emerged. The movement gathered more than 10 million members, mostly from the working class, driven by poverty, aversion to communism, and absolute adoration for Pope John Paul II, whose role will be explored later. As per numerous periods in the history of Poland, while the Catholic Church provided moral and material support, including the use of its facilities, technical equipment, and press and publications for opposition activities against the authorities, it never officially took action against them. The Church's hierarchy, mindful of the significant break in the one-party authoritarian system, abstained from acting against those in power and preferred to restrict priests' involvement in opposition activities. The Church recognized the government's verbal declaration of secularism and its promotion of an atheistic society. During this period, the Church prioritized maintaining good working relations with the government. Historically, the Church in Poland has exercised restraint in the face of power, seeking to avoid confrontation with the state. Among the public, however, the support of the lower-ranking priests organizing masses during strikes and protests combined with the presence of religious symbolism in marches and demonstrations defined the Church's role as a moral and social pillar of the Polish resistance against communism and solidified its presence in the public sphere.

As of October 1989, an overwhelming 87% of Poles trusted the Catholic Church, more so than the army, government, Solidarity, or the PUWP. The Church's considerable strength impeded the communist authorities from exerting control over aspects relating to the Catholic faith. The PUWP, which had dominated Polish politics since the communist takeover, finally collapsed in the same year and Poland

transitioned to democracy. Soon after the elections of June 1989, the Church made several economic and political claims. The Church swiftly benefited from the political changes and, under Prime Minister Tadeusz Mazowiecki, the government responded positively to its property claims, granting the Church exclusive rights to shape societal imagination, morality, and education, along with institutional access to power. In 1997, the new concordat was signed between the Holy See and the Republic of Poland, which further solidified the legal status and freedoms of the Catholic Church in the country. One of the most debated aspects of the concordat was the mandatory requirement for all public schools to offer optional Catholic religious education classes (Skwarnicki, 1973). Within these classes, school supervision bodies can only regulate the methods of teaching and are not permitted to oversee the content of instruction. The state budget is responsible for financing all financial aspects of religious education courses within public schools. The concordat outlines the preparation and training required for religious teachers. Clergymen holding seminary diplomas are automatically eligible to teach these classes, while lay teachers must have higher theological education credentials. Consequently, there exists a standardized framework that religious education teachers have to comply with.

Despite the undoubtedly privileged position the Church holds in Poland, it had to face challenges posed by liberalism with its advocacy for moral relativism and denial of the truths of natural law. (The Church therefore inserted itself into the public debate about sexual education, homosexual rights, and, of course, abortion. As more and more groups sought to expand reproductive and sexual rights, the Catholic Church in Poland deployed its considerable resources to counter these trends and maintain its influence over social values and political decision-making. As many progressive voices, after great stagnation following communism, started to question the Church's motives and role in politics, the episcopate had to develop its own media, which functions in Poland to this day. However, Radio Maryja's association with right-wing nationalist and anti-Semitic views proved to be controversial. Father Tadeusz Rydzyk, the station's director, responded by labeling his detractors as "servants of Satan." The Catholic press shared the Church's view that secular media sources propagated harmful materialism dominated by left-wing extremists. While newspapers such as *Slowo* and *Niedziela* echoed the episcopate's views, they often did so in a more subdued manner. (Kuzma-Markowska, 2022).

Throughout its long and intertwined history with the Polish nation, the Catholic Church in Poland has consistently served as both a mirror reflecting and an instrument shaping Polish identity. From its role in preserving Polish culture under foreign rule to its unwavering opposition to communist regimes, the

Church has cultivated a deep well of moral authority, often perceived as inseparable from Polish patriotism itself. This historical conditioning, deeply rooted in experiences of resistance and resilience, has profoundly shaped the Church's approach to navigating the complex realities of an increasingly globalized post-communist world. The Church's staunch stance on issues such as abortion, often framed within the narrative of defending life against oppression, echoes its historical struggles against hostile ideologies. This enduring legacy of the Church as a bastion of Polish identity would become inextricably linked with the papacy of John Paul II, a figure who emerged from the heart of Poland's struggles to reshape the global Catholic Church and leave an indelible mark on his homeland.

3.3 John Paul II and the Catholic Church in Poland

The ascent of Karol Wojtyła, a Polish cardinal, to the papacy in 1978 as Pope John Paul II marked a watershed moment for both the Catholic Church and Poland. His election, unprecedented in modern times, infused the Polish nation with immense pride and hope, particularly as it struggled under communist rule. Pope John Paul II, deeply rooted in Polish history and culture, understood the Church's unique position as a moral and spiritual bulwark against oppression. His papacy, imbued with this understanding, would become a catalyst, amplifying the Church's voice in Poland and on the world stage. As the first non-Italian pope in over 450 years, Pope John Paul II's Polish origins and his personal experiences under both Nazi and communist rule profoundly shaped his worldview and his approach to leading the Church (Heinen and Portet, 2010).

John Paul II believed that the destiny of the nation was connected to God's salvific plan, particularly in the eschatological dimension. In a well-known homily he gave during his first pilgrimage to Poland as the pope, he remarked that comprehending and evaluating the contributions of the Polish nation to the advancement of man and humanity in the past and present were difficult without Christ. He added that it was necessary to trace what Christ meant to the sons and daughters of Poland, not only for the believers who confessed their faith in the Church but also for those who doubted or were opposed (Kościelniak, 2023).

Furthermore, he claimed that comprehending Warsaw as the capital of Poland and its unequal battle against the aggressor in 1944 that was abandoned by the Allied powers—leaving the city buried under its own ruins—would be impossible if one did not remember the statue of Christ the Savior with his cross that stayed beneath the same ruins in front of the church at Krakowskie Przedmieście. These concepts

were also mirrored in the records of the Polish Bishops' Conference. The Polish episcopate stated in the 1973 that "The destruction of religion would imply the destruction of the foundation of the Nation." During his third visit in 1987, the pope, in his homily in Gdansk—Walesa's home city—spoke openly: "There cannot be a struggle more powerful than solidarity. There cannot be an agenda for struggle above the agenda of solidarity." The pope deliberately made his speech ambiguous so the crowd did not know if he meant "solidarity" or Solidarity. Was he speaking about religion or politics? Was he talking about moral or political struggle? (Woroniecki, 2022 p.43).

The ideology used by the pope is a continuation of the vision of Polish rhetoric that has been witnessed before but with an interesting twist. As a head of the Holy See and the spiritual leader, the pope gives direct permission to the Catholic Church, especially the Polish episcopate, to engage in politics. In effect, Pope John Paul II and the Polish episcopate played a significant role in the Polish Round Table Talks that ended communism in Poland.

After 1989, the then-pope had developed an explicit discourse on the role that his homeland was expected to play in a re-united Europe: the right and responsibility to become a member of Europe but based on its own values, without uncritically adopting Western customs. The interpretation of such a critical stance relies on the assumption that "not everything that the West offers by way of theoretical vision and practical lifestyles reflects the values of the Gospel Resistance to perceived Western values such as secularism, consumerism, materialism, and even atheism, was coupled with the mission of re-evangelizing Europe." This shows the attitude of Pope John Paul II, who replaced the vast majority of bishops with more Orthodox ones during his pontificate and also fought against theological innovations and opposed changes in the Church's stance toward changes in morals.

John Paul II's profound influence on the Catholic Church extended far beyond his Polish roots, shaping global discourse on matters of faith and morality. His unwavering stance on the sanctity of life, particularly his firm opposition to abortion, found its most powerful expression in his 1995 encyclical, *Evangelium Vitae* (II, P, I.) (1995). This document, a clarion call in defense of human life from conception to natural death, resonated deeply within the Church and beyond, galvanizing anti-abortion movements worldwide. In Poland, where the issue of abortion had long been a source of tension between the Church and the state, Pope John Paul II's teachings reinforced the Church's position as a moral and political force to be reckoned with (Holifield, 1995).

The central streets, hospitals, schools, and, recently, the temples named after Pope John Paul II confirm that the figure perception of the Polish pope remains central to understanding Polish history and the national identity, regardless of confessional commitments. According to a survey conducted in 2020 on behalf of the Rzeczpospolita newspaper, 96% of respondents between the ages of 18 and 29—meaning those who either did not know the pope or remembered him only from early childhood—rated the pontificate of John Paul II positively. The pope remains the authority not only for those who remember the times of communism and the difficult path to democracy. On the other hand, many describe the problematic aspects of Pope John Paul II being in Poland’s collective memory. The following of the Polish pope became, for many, a type of cult, creating the infallible perception that all of his actions and decisions were right and good.

The legacy of John Paul II, his unwavering stance on abortion, and his deep connection to Polish identity have cast a long shadow over the Catholic Church in Poland. His papacy, bridging the tumultuous years of communist rule and the transition to democracy, solidified the Church's position as a powerful force in both the spiritual and political realms. This influence, deeply intertwined with Polish history and national identity, has continued to shape the debate surrounding abortion, culminating in a legal landscape that reflected the Church's teachings but also exposed the growing tensions within Polish society. In the years leading up to 2020, these tensions resurfaced, as the battle lines between pro-choice and anti-abortion advocates hardened, setting the stage for a pivotal moment in the struggle over reproductive rights in Poland.

Thus, human rights and the Catholic Church’s teachings provide entirely disparate ways of perceiving abortion as an act. The human rights law interprets abortion as a woman’s right to control her body and receive adequate reproductive health, including a safe abortion. On the other hand, the Catholic church continues to uphold the policy against abortion on the grounds of the sanctity of life, which begins right from conception. Therefore, such a basic difference in the fundamental beliefs serves to throw more light on issues that surround abortions and why it is difficult to arrive at a consensus. However, to fully understand the degrees of this conflict, one should look at singular issues that might emerge out of the connection between religion and law. Poland can be taken as an example, based on which the sociopolitical influence of the Catholic Church is still predominant in the country. The next chapter is

devoted to the role of the Catholic Church in Poland, which serves as the key background information that is needed to comprehend the change in the approach to abortion in 2020.

Chapter 4: The Catholic Church and Abortion Law in Post-Communist Poland

The fall of communism in Poland in 1989 started a societal transformation that significantly impacted the legal landscape surrounding abortion. The Catholic Church as a powerful force in Polish society, played a significant role in shaping the abortion debate. This chapter delves into the complex relationship between the Catholic Church and abortion law in Poland, examining both its direct and indirect influence. Prior to 1989, Poland had a relatively liberal abortion law. Enacted in 1956, it permitted abortion on social and economic grounds. However, the post-communist period witnessed a concerted effort by the church to restrict access to abortion. This movement gained momentum in the early 1990s, culminating in the 1993 “abortion compromise,” which significantly limited the circumstances under which abortion was legally permissible (Eberts, 1998 p.824).

This chapter will analyze the church’s strategies, including its mobilization of public opinion, lobbying efforts, and influence within the political sphere. It will further explore the subsequent tightening of abortion restrictions through the constitutional tribunal’s 1997 decision, which further narrowed the legal criteria for abortion. By examining these key events, this chapter aims to provide a comprehensive understanding of the Catholic Church’s multifaceted influence on abortion law in post-communist Poland.

4.1 The Direct Influence of the Catholic Church

Perhaps the most controversial and socially divisive area of the church’s involvement in post-communist politics and public affairs is the issue of abortion. Under the 1956 abortion law, women could obtain abortions practically on demand, and to most Polish women, the procedure served as a form of birth control (Eberts, 1998 p.825). The church and its anti-choice supporters have always opposed the law, but it was not until after the fall of the communist regime that their demand for an abortion ban was able to come to the forefront. The political landscape at that time was favorable to the Polish Episcopate and its anti-choice agenda. The country’s left wing, which historically was not a strong supporter of women’s equality or reproductive and sexual rights, had grown weaker over the preceding decade. Meanwhile, the Catholic Church was steadily gaining political strength. As mentioned in the previous chapter, the church was supported and guided by Pope John Paul II, an important figure known affectionately by many inside and outside Poland as the “Polish Pope” (Nowicka, 1994).

In the 1980s, the church expanded its anti-abortion efforts and was poised to challenge existing laws by the decade's end. It organized and supported various abortion-related meetings, including seminars marking the 20th anniversary of *Humanae Vitae*, which convened Catholic physicians and lawyers under the auspices of the Episcopal Commission for the Family. Participants petitioned Parliament to repeal the 1956 law and grant full legal protection to the unborn. The commission also appointed experts to address parliamentary committees from 1988 to 1989. To effectively advocate for change, the church entrusted Catholic lawyers to draft a bill aimed at protecting the conceived child. The church viewed this as a means to reshape Poland's moral consciousness, which had been scarred by the previous regime. This set the stage for fierce debate once systemic changes began.

Even before the partially free parliamentary elections took place in June 1989, an anti-abortion draft bill was introduced in the Sejm, calling for an unconditional ban on abortion. The subsequent free elections were overwhelmingly won by candidates endorsed by the Solidarity Union. Social liberals and conservatives alike allied with the church, a key source of patriotic resistance to communism (Kulczycki, 2023). Lech Wałęsa, head of the Solidarity movement and 1983 Nobel Peace Prize winner, served as president from 1990 to 1995. As a devout Catholic, he was subject to strong pressure from the Catholic Church, which had inserted itself into the political sphere. In the meantime, bishops and priests frequently preached against abortion during Sunday masses, emphasizing its immorality.

The Catholic Church gave general political support to democratic opposition activists, especially Lech Wałęsa. The martyrdom of priests such as Father Jerzy Popiełuszko, who supported the pro-democracy movement, fostered a sense of debt and obligation toward the church within the new democratic government. This created a sense of inevitability when it came to accommodating certain political demands of the Episcopate. The Catholic Church pushed for changes after the fall of communism, especially on the issue of abortion, hoping to undo the separation of church and state created by the communist party. In their view, the new society that was to emerge after the systemic transformation should be less secular. Since there was a lack of religious plurality and the majority of Polish society was Catholic, the church did not face any competition from other religions when trying to influence the new government (Caytas, 2013 p.67).

On the first page of the first issue of *Gazeta Wyborcza* of 8 May 1989, a photograph of Lech Wałęsa is accompanied by the following quotation: "For things to be different and better, we have to win this

election.” Printed underneath is a letter from Wałęsa to the voters. Also featured is a short article entitled *The Primate of Poland Talks to Wałęsa About the Election*. The article reads: “The Primate of Poland, Cardinal Józef Glemp, welcomed the chairman of the NSZZ ‘Solidarność’ Lech Wałęsa and Zbigniew Bujak, Bronisław Geremek, Tadeusz Mazowiecki, Andrzej Stelmachowski, Witold Trzeciakowski, Andrzej Wielowiejski.” From the note, we learn that they discussed the election campaign, the formation of Solidarity structures, and the independent press, while the cardinal spoke about the importance of the election program “for the functioning of ethical principles in public life” (Eberts, 1998 p.822).

At this time, just after it had successfully pressured the government to reintroduce religious instruction in public schools, the church set out on a large-scale anti-abortion campaign. The church’s sudden push to ensure the outlawing of abortion was connected in large measure to the coming visit of Pope John Paul II. Ultra-conservative members of parliament were eager to outlaw abortion, to “make a gift” to the “Sainted Father.” This bill failed despite the pope’s firm support for the Polish Episcopate’s anti-abortion efforts. While the issue was being addressed in Parliament, the clergymen concentrated in their sermons and statements on the plight of the “conceived child.”

They also mobilized the church’s followers to sign petitions against “the killing of innocent children,” threatening, in some cases, to refuse the sacrament to anyone not opposing abortion. The most profoundly anti-democratic stand taken by the church with respect to abortion was its firm opposition to a proposed referendum on the issue in 1991. The Episcopate strongly objected to the idea, arguing that the right to life should never be subject to popular opinion. Undoubtedly, the church and its right-wing supporters objected so strongly to a referendum in large measure because opinion polls conducted at the time indicated overwhelming support for abortion. Defending the church’s position on the matter, a deputy of the Christian National Union argued that “a referendum shows what people think about specific subjects. But in this case, we are dealing with a moral issue. In such matters, you don’t go around asking people’s opinions. Good is good and evil is evil regardless of what the majority or the minority think”.

In 1991, the church pressured the medical establishment to modify its ethics regulations by mobilizing the Catholic factions within the medical community. As a result, an emergency conference to discuss new medical ethics was organized by a group of Catholic physicians, and the resulting Extraordinary National Assembly of Physicians concluded with the adoption of the new Medical Code of Ethics (Kulczycki, 2023 p.9). The new code included two relevant elements: the Conscience Clause law and a

restrictive new code specifically on abortion, which stated that only life or health-threatening circumstances or pregnancy from a crime could warrant termination of a pregnancy (Szawarski, 1992). A significant group of doctors at the assembly strongly opposed the latter, as the restriction proposed in the code was in direct violation of the Polish abortion law, which at the time still allowed abortion on the grounds of socioeconomic hardship. Forty delegates walked out of the assembly in protest of the proposal's undemocratic process, effectively excluding themselves from the vote on the new code. Thus, only doctors who favored abortion restrictions voted on the code (Regulska, 2012)).

The dispute between the Catholic Assembly and Poland's Civil Rights Ombudsmen Ewa Łetowska (and, later, Tadeusz Zielinski) about the legitimacy of the new Medical Code of Ethics continued for a while. In the meantime, the Catholic members of the parliament proposed a bill banning abortion. Consequently, obtaining a medical consensus in Poland on the issue of abortion presented a nearly insurmountable obstacle, not to mention the social, religious, and professional pressures on doctors from the Catholic Church, sensationalist media, and activist groups, as became apparent in the case of *S and P v Poland*, discussed below (Mishtal).

The Conscience Clause paved the way for the abortion ban implemented in 1993. At the outset, the Polish Episcopate lobbied members of the parliament belonging to the Polish Catholic and Social Association. Under the influence of the Catholic Church, they drafted the Law on the Legal Protection for the Conceived Child (Kuzma-Markowska, 2022, 536). Opponents of the ban requested a nationwide referendum, as public opinion surveys at the time showed 82 percent of Poles opposing a total ban on abortion and 60 percent favoring legal access to abortion with minimal or zero restrictions (Nowakowska and Korzeniowska, 2000). At the height of the debate, women's organizations led by the Federation for Women and Family Planning formed the Committee to Create a Referendum. They collected 1.3 million signatures, well surpassing the 500,000 signatures needed under the Polish Charter of Civil Rights to put the bill to a nationwide vote. Nevertheless, the conservative prime minister Suchocka (who later became the Polish ambassador to the Vatican) rejected the petition. As a result, the referendum was never held, and the near-total abortion ban was passed in 1993 (Zielinska, 2000).

Polish Primate Cardinal Jozef Glemp referred to the law as only "a step in the right direction". His words marked the fact that the parliament did not completely fulfill the church's wishes. Instead of ensuring a total abortion ban, the law permitted abortions in a number of exceptional cases: (1) when the woman's

life or health is seriously threatened; (2) when the fetus is irreparably damaged; and (3) when the pregnancy occurs as a result of rape or incest. Anyone performing an illegal abortion could face up to two years' imprisonment, but the woman undergoing the procedure would not be punished. The law was perhaps more liberal than the church wanted but was nevertheless considered extremely restrictive. The church never allowed the legalization of abortion even when the woman's life is threatened yet stopped short of campaigning for a total abortion ban. The act is known as the "abortion compromise" in Poland because it yielded to the Episcopate's will without completely banning abortion.

Undoubtedly, the church's decision not to press harder for a restriction of abortion law stemmed from the fact that opinion surveys continued to indicate strong support for less restrictive legislation. According to a CBOS poll conducted in February 1993, 58.2 percent of respondents opposed the church's position on abortion, and only 33.2 percent supported it (Eberts, 1998 p.826).

It is then perhaps not surprising that in the September 1993 elections, parties who had vowed to liberalize the restrictive abortion law obtained a majority in the Sejm. The Democratic Left Alliance and the Labor Union had particularly favored such liberalization and proceeded to fulfill their election promises. In summer 1994, the Sejm passed an amendment to the abortion law, which allowed abortions when the woman had "difficult living conditions or a difficult personal situation". But the pro-church and anti-abortion president, Lech Wałęsa, vetoed the amendment, arguing that "No economic barriers can legalize assassination of a human life, especially personal conditions of a woman, which cannot be objectively verified" (Titkow, 1994). Characteristically, after the enactment of the amendment of the act of 10 June 1994, President Wałęsa declared that even if his veto were overruled, he would not sign the new act, which would constitute a serious breach of the constitution. President Wałęsa's avowed attachment to Catholic values and the image of the Mother of God worn on his jacket lapel supported the opinion that his decision was motivated by his religious convictions. it (Eberts, 1998 p.827).

The issue was not put to rest, though, and in August 1996 the Sejm once again passed a liberalized anti-abortion bill. The law met with harsh criticism from the church, and the Secretary of the Polish Episcopate, Bishop Tadeusz Pieronek, called it "a crime against humanity." Similarly outraged, in a letter to the Episcopate, Pope John Paul II declared that the "church in Poland is in mourning because of the criminal law approved by the Sejm". Bishop Kazimierz Ryczan provided an even more critical and hostile response: "Unworthy parliamentarians, I pay tribute to the mothers who decided to give birth to

you, though it would have been better for Poland if they had thought as you did. Then you simply wouldn't be here." In churches across the country, clergymen abhorred the liberalized law, and, in some cases, expressed their anger in extreme and ethically questionable ways.

Despite the hostility between the church and the state spurred by the Sejm's decision and the church's anti-democratic stand, President Aleksander Kwasniewski signed the liberalized law on 20 November 1996. Under the new law, women facing difficult living conditions or facing personal problems could terminate their pregnancies before the 12th week. To obtain an abortion for either of these reasons, women had to give their written consent and undergo counseling. The law allowed abortions to be performed in both state hospitals and private clinics, where the procedure could not be legally offered before. The law also included a provision to enhance the affordability of contraceptives and raise public awareness about them. President Kwasniewski urged that it was "necessary for the state, the church, and social organizations to cooperate to liquidate the reasons for abortion".

Yet again, the church's position did not align with that of the majority of Polish citizens. According to a 1992 poll conducted by CBOS, 67.9 percent of respondents did not approve of the church's opposition to the usage of contraceptives, a figure that rose to 73.3 percent in 1996. In December 1996, a group of senators took the liberalized anti-abortion law to the constitutional tribunal, alleging that it violated the constitution. On 28 May 1997, the constitutional tribunal ruled that five of the articles of the liberalized anti-abortion law were unconstitutional, including the provision allowing women to obtain abortions for material or personal reasons, days before the Pope's visit to Poland (Calkin and Kaminska).

The tribunal's decision was welcomed by the church, including Bishop Pieronek, who exclaimed that he "felt safer in Poland" after the ruling. On 17 December 1997, the newly elected Sejm accepted the tribunal's decision by a margin of 71 votes, thereby reintroducing the 1993 abortion restrictions. Thereafter, most scholars were convinced that it was very unlikely that the matter would end there, given not only the controversial nature of the issues but also the church's support for a complete ban on abortions.

4.2 Indirect Influence of the Catholic Church

The collapse of communism in 1989 was the beginning of a new era for Polish media. As they were no longer defined by censorship and state control, they could aid the Catholic Church in influencing public

policy. This section examines selectively how, between 1989 and 1998, Catholic newspapers and radio stations served as platforms to disseminate religious teachings, promote traditional values, and ultimately indirectly influence the political landscape of a newly democratic Poland. The recently elected pope was quoted in anti-abortion leaflets and brochures issued and distributed “in defense of human life” (Kuzma-Markowska, 2022, p.534). Anti-abortion activists widely publicized the statement from the first papal visit to Poland in 1979 when Wojtyła said “Again, I express the wish and I always pray for this, that the Polish family may beget life and may be faithful to the sacred right to life”. Anti-abortion quotes from Wojtyła were also cited in anti-abortion magazines, such as *Zrodło* (Kuzma-Markowska, 2022, p.534). Notably, Polish Catholic authorities often referred to Wojtyła’s statements during efforts to criminalize abortion in the early 1990s.

In Poland, anti-abortion activists relied on visual representations of fetuses to convince the public at large that the product of pregnancy was not “clotted blood” but a “human being” with well-developed organs. The anti-abortion movement combatted the belief that early pregnancy is merely a “jelly” using statements of medical authorities, films, and photographs at displays and small exhibitions in churches in the 1980s and in the press and during public marches in the early 1990s. Similarly, in Ireland, anti-abortion groups refuted claims that at 10 to 12 weeks the human fetus is “simply a blob of jelly, no different from a pig or a rabbit” through public lectures, talks to schools, and showings of slides and films.” (Kuzma-Markowska, 2022, p.534).

In the 1990s, Polish anti-abortion activists strengthened their allegedly scientific arguments by referring to the expertise of foreign doctors from the United States and France, among other countries. Polish anti-abortion materials regularly quoted the maker of the *Silent Scream* Nathanson, who used his medical expertise to legitimize his anti-abortion arguments: “As a scientist I know—not suppose, but know—that the life of a human being starts with the conception” (Kuzma-Markowska, 2022, p.535). Another foreign anti-abortion medical expert often featured in anti-abortion materials was the French doctor and prominent geneticist Jerome Lejeune, a close acquaintance of Pope John Paul II, who opposed the legalization of abortion in France and promoted anti-abortion beliefs in the scientific community.

Naturally, the Catholic media supported the church’s efforts to introduce a total abortion ban. As early as March 1989—before the collapse of communism—the Polish Episcopate published in the Catholic magazine *Powiernik Rodzin* (“Families’ Confidant”) a first draft of the Unborn Child Protection Bill

(Caytas, 2013 p.67). Messages supporting the total abortion ban had been broadcast since 1991 by Catholic Radio Maryja. The radio made a significant contribution to the polarization between the religious and secular segments of society in Poland that can still be seen today. (Millard, 1997)

Rising labor unrest in the 1970s led to the emergence of the independent Solidarity Union in 1980, which received critical advice and support from the Catholic Church. During the political turmoil of 1980–1981, the church reinterpreted the slogan for renewal) as the moral and societal renewal of the nation. It gave a strong moral critique of abortion and ‘artificial contraception’ and fostered the growth of several Catholic anti-abortion groups, such as ‘Gaudium Vitae’ (‘Joy of Life’), ‘Troska o Zycie’ (‘Care for Life’), and ‘Pro Familia’ (‘Pro-Family’). These and other church-affiliated organizations, along with the church’s pre-marital courses, press, and sermons, focused on the moral and health risks of abortion. They also castigated oral contraceptives as harmful to women’s fecundity and health, heightening fears of the side effects associated with high dosages of hormonal contraceptives (Kulczycki, 2023, p.9).

The first organization to become influential politically was the Pro-Life Federation, followed by several Catholic women’s organizations. These groups became visible after the 1994 Cairo conference and intensified their efforts in tandem with the 1995 World Conference on Women in Beijing. Thanks to easy access to the public and Catholic media, they were effective in promoting anti-choice positions, collecting signatures on petitions, and holding anti-choice demonstrations in front of the parliament building.

After the first draft of the near-total abortion ban had been rejected by a majority of the Polish Senate’s Committee on Human Rights, it was accepted by the entire senate in its September 1990 session. In January 1991, the Sejm established an ad-hoc committee dominated by pro-life legislators to deliberate on the bill. This committee polled public opinion by inviting citizens to write to their representatives. A mass mobilization of parishes and Catholic organizations resulted in a groundswell of support for the proposed legislation—80 percent of letters received were in favor—though independent polls suggested the opposite. (Eberts, 1998 p.828).

The Catholic media were effective in promoting and actively using the anti-abortion vocabulary that became increasingly visible in the creation of the abortion bill in 1993 and the debate surrounding it. The rhetorical shifts in the abortion debate were reflected in the replacement of the words embryo, fetus, and pregnancy with the terms unborn child, conceived child, and the child in the mother’s womb in the rubric

of the sharply restrictive 1993 law. Additionally, conservative media coupled ideologically with the government and ruling parties, as well as the statements of the clergy and other church entities, amplifying anti-abortion discourse (Koralewska and Zielimnska, 2022). Despite the ban on abortions on socioeconomic grounds, these groups depicted the new law as a compromise because pregnancies could still be terminated in the rarer cases of rape, incest, fetal abnormality, or threats to a woman's life.

After the victory of the liberal coalition, the church hierarchy's close contact with government decision-makers effectively ceased after the 1993 elections, and mechanisms of dialogue with the Episcopate remained part of the political process. The Catholic Church was able to communicate its message through the pulpit and its own media, while also enjoying easy access to the secular media.

To buttress its moral case to reform the law, the church cited the high number of abortions performed. These calls were echoed in the expanding Catholic press and in the new premarital courses set up by the church that slowly began to discuss what church leaders considered responsible love and parenthood (Wojtyła, 2013) and "natural family planning" (Jarska, 2019; Kuzma-Markowska and Ignaciuk, 2020). The Court of Human Rights, which accepted one part of the complaint, awarded damages to the plaintiff (European Court of Human Rights, 2007). However, an official church newsletter compared her to a Nazi war criminal for wanting to murder her own child (Federacja, 2013). While it is difficult to give an exact number, it is undeniable that many similar cases were not reported on.

Constitutional Tribunal (TK) and Catholic Church influence

There are two elements in the sequence of events: (1) the will to change and the possibility of changing the status quo and (2) the church's objection to changes in the status quo. The role of the church in blocking the attempts to change the status quo remains a moot point. Formally speaking, the church did not participate in such actions; the attempt to change the status quo was blocked by the state's two constitutional organs: first the president, and then the constitutional court. Both these organs have the factual right of veto, but in strictly defined circumstances. In the case of the president, a veto should reflect their function of arbiter, moderator, and guardian of the constitution and not their ideology or worldview (Zuba, 2000).

In May 1998, the Committee on Economic, Social, and Cultural Rights (the monitoring committee under the UN Covenant on Economic, Social, and Cultural Rights) reviewed Poland's abortion law. The

committee noted that “the recent imposition of legal restrictions on abortion has excluded economic and social grounds. Because of this restriction, women in Poland are now resorting to unscrupulous abortionists and risking their health in doing so.” The committee expressed its concern “that family planning services are not provided in the public healthcare system so that women have no access to affordable contraception.” Legislation was enacted in Poland in 1996 to liberalize abortion law and allow procedures for compelling social reasons, but the country’s Constitutional Tribunal – a judicial body composed of 15 judges elected by the parliament for a nine-year term whose purpose is to scrutinize the constitutionality of legislation and of activities of state institutions rejected this legislation in 1997. This illustrates a discrepancy between international human rights law and rulings of some influential national courts (Girard and Nowicka , 2020).

A new leftist president elected in late 1996 signed into law legislation restoring abortion on socioeconomic grounds (Republic of Poland, 1996). The tribunal ruled the new abortion law unconstitutional based on Article 38 of the Polish Constitution, which protects “the life of every human being,” including unborn life (reference number K 26/96). The tribunal left the new law temporarily in place until a new election was held several months later. The victorious center-right coalition (Solidarity Election Action) formed the major voting bloc in the new Parliament, which declined to challenge the tribunal’s ruling, allowing the new government to effectively reinstate the “1993 abortion compromise” in December 1997 (Kulczycki, 1995).

political transformation, a resurgent patriarchal system co-opted issues of women's health and bodily autonomy, wielding them as tools for ideological and political gain. The transition to democracy in the wake of 1989's paradoxically, resulted in a significant erosion of women's rights and interests, particularly in the realm of reproductive health. The new legislation that emerged proved far more restrictive than anything imposed during the communist era. This regression in reproductive rights persists to the present day. Despite the already severely limited legal access to abortion, conservative political factions in Poland continue to advocate for a complete prohibition of the procedure. This push for an absolute ban disregards both the current scarcity of lawful abortion access and the potential risks such a prohibition would pose to pregnant women in exceptional circumstances.

The Catholic Church’s influence in post-communist Poland, both direct and indirect, proved undeniably significant. From its role in shaping the constitution to its advocacy on social issues, the church leveraged

its moral authority, political capital, and media platforms to leave an indelible mark on the nation's transition to democracy. However, this period also witnessed the emergence of a more pluralistic media landscape and a growing secularization within Polish society, factors that would challenge the church's dominance in the years to come. This evolving dynamic set the stage for the dramatic events of 2020, when a controversial tightening of Poland's abortion law ignited widespread protests and reignited the debate over the church's role in the public sphere. The following chapter delves into this pivotal moment, examining the factors that led to the restriction of abortion access and the profound societal consequences that followed.

Chapter 5: The Church's Influence on Poland's 2020 Near-Total Abortion Ban

Building upon decades of advocacy against abortion, the Catholic Church in Poland achieved a significant victory in 2020. This pivotal year witnessed a near-total ban on abortion, marking a dramatic shift in the country's legal landscape and sparking widespread protests and international condemnation. This chapter examines the Catholic Church's multifaceted influence in the events leading up to the 2020 restriction, exploring both its direct and indirect roles in shaping public opinion, mobilizing support, and influencing the legal process. As the events mentioned in this article happened recently, the thesis will analyze the evidence behind Church involvement mainly based on news articles, interviews, and communication released by the Polish episcopate between January 2019 and December 2020.

5.1 Catholic Church relationship with Law and Justice

As was broadly established in the previous chapter, the most common form of direct influence is the partisan coalition with the ruling party. In the 1990s, however, the Church's alliance with the post-Solidarity movement was in some sense unavoidable due to the shared history of fighting communism (Kościelniak, 2020). The informal coalition with Law and Justice (PiS) is considered to be more the result of a desire for political gain. Before the Law and Justice party came to power in 2006, party leader Jarosław Kaczyński decided to turn to the right-wing fringe of society (Krasowski, 2016). In his view, the ruling party should have a hardcore electorate that they can always turn to. The author argues that this was a big switch for Kaczyński, as in the 1990s he reportedly abhorred "exaggerated traditionalism, devotional religiosity and extreme patriotism" (Krasowski, 2016, p. 98). Kaczyński thus decided to get politically closer to Radio Maryja founder Father Tadeusz Rydzyk. Knowing how much influence the wild priest has with his media, he offered him cooperation and support from the authorities. Until then, Tadeusz Rydzyk had been linked to another right-wing party, the League of Families, which did not want to lose an influential ally. The League proposed, therefore, sharpening abortion laws by enshrining the principle of protection of conceived life in the constitution. This move was intended to show Rydzyk that there is only one party in Poland that intends to defend his interests. PiS found itself in a difficult position. Jarosław Kaczyński and his brother Lech Kaczyński, who was president of Poland at the time, would not support such a law because of their own political views. The Polish Episcopate joined the discussion by supporting the League's proposal. The bill did not pass, and although the Law and Justice party had in

effect formed an alliance with the Catholic Church, it had to promise that the abortion law would be tightened (Krasowski, 2016).

Following that, the Church's reasons behind the alliance with PiS were not only dictated by the desire to obtain a more powerful position in the state. It was rather a response to the decreasing level of social trust and support. The change was not drastic, as the Catholic Church was still viewed positively by the majority of society. Nevertheless, compared to post-communist times, the Church was aware that it no longer held the same high position it once did in post-communist Poland.

Since the first decade of the 21st century, public opinion researchers have noted a slow decline in public trust in the Church. According to a CBOS poll from March 2010, 68% of surveyed adult Polish citizens assessed the activities of the Roman Catholic Church positively, while 23% viewed them negatively. In March 2012, these figures were 61% and 28% respectively; in March 2014, they were 62% and 29%. The youngest respondents, those with primary education, residents of rural areas, those involved in religious practices, and those declaring a right-wing political orientation approved of the Church's activities to a greater extent.

In September 2015, 53% of adult Poles surveyed by CBOS assessed the activity of the Roman Catholic Church in their country positively, while 33% assessed it negatively. In March 2016, these figures were 55% and 32% respectively, and in March 2017, they were 52% and 35%. The remaining respondents had no opinion on the matter. Ratings of the functioning of the Roman Catholic Church have remained fairly stable over the last few years, even if there was a slight increase in critical ratings between 2011 and 2017 - a difference of 3% (Maryanski, 2017, p.82).

In 2012, the Institute of Catholic Church Statistics SAC conducted a large-scale survey titled 'The Catholic Church in the Awareness of Poles'. The survey aimed to gauge the public perception of the relationship between the Catholic Church and politics in Poland. Of the total surveyed, 66.6% of respondents claimed that the Catholic Church meddles in politics. This viewpoint was more commonly expressed by people under 34 years of age, with a lower financial status, unemployed, and holding left-wing political views. The survey also found that 34.6% of respondents believed that priests should speak out on government policy, while 57.3% disagreed. Interestingly, among regular practitioners and firm believers, less than half of the respondents expected such statements. Some respondents cited pre-election

campaigns by priests during parliamentary and presidential elections as examples of Church interference in political affairs (Maryanski, 2017, p.91).

During the 2015 campaign for the presidential and general elections, the Church visibly supported Law and Justice. An unnamed priest in an article for Newsweek magazine stated that although the Church had little to complain about during the 8 years of the liberal Civic Platform (PO) government, according to him, the Church did not lose much, but it also did not gain anything significant (Hall, 2017). Although none of the articles state this directly, the Church could also have been afraid of losing its income received from the state. Between December 2011 and January 2013, four bills to abolish the Church Fund appeared in parliament (Szostkiewicz, 2015). The leader of PO also mentioned this in his exposé, claiming: "This government and the future one, if we win the elections, will not bow low to bankers or trade unionists, we will not kneel before a priest. The Church is the one which should kneel" (Szelağ, 2012).

Since 2015, bishops and priests have not shied away from expressing their happiness that PiS came to power. It was obvious to the general public that this was a dream scenario for the Church. Bishop Józef Wysocki of Elbląg thanked God for this gift. Addressing Prime Minister Beata Szydło, he said: "Prime Minister, this is how I would like to say [...] how much we all love you. And to thank you, the entire government and all those who are undertaking this great task of recovery. [...] We have received you, President, this is a gift from God. We have received you as a great gift, we have received all that is happening, and we will do everything not to waste it" (Kazimierczuk, 2016).

Indeed, during Law and Justice governance, the Church hoped that the restriction of the abortion law promised by the party would become a reality. In March 2016, the Sejm of the Republic of Poland received a proposal for a total abortion ban bill. The project called "STOP ABORTION" was submitted by the conservative organization Ordo Iuris; with the help of the Polish episcopate, they managed to gather 400,000 signatures. Although similar attempts had been made many times over the last two decades, never before had the threat of tightening the existing law been so real (Korolczuk et al., 2019, p. 14). The Law and Justice Party could easily pass the proposed draft. The President was a member of Law and Justice and was still loyal to the party, therefore his signature in such a situation seemed a formality. Although Law and Justice and the Church expected that part of society would be against this change, the scale of opposition overwhelmed them. The social mobilization across Poland and the scale of the resistance came as a surprise to everyone: from politicians looking for a space to broaden their

electorate to journalists reporting on subsequent events to committed researchers considering the origins and social consequences of the mass protests (Korolczuk et al., 2019, pp. 14-15).

Elżbieta Korolczuk (2016) noted that there had been a shift in the social horizon as a result of the successive controversial actions of the ruling party. What had previously seemed impossible to many had become real. As a result of the mass mobilization of women, topics hitherto locked deep in the private sphere were able to enter the public sphere and mainstream politics. The Black Protests created a space in which different women's experiences, as well as the barriers and limitations to women's full engagement in social and civic life, resonated. In a journalistic text written a few days after Black Monday, Julia Kubisa (2016) analyzed the slogans as well as the scope and scale of the protests: in effect, she concluded that the protests transformed the abortion discourse. Women became active subjects and not just objects of abortion. Tens of thousands protested a Catholic Church-backed effort to criminalize abortion in Poland, as stated in Politico. Warsaw authorities estimated that the largest demonstration gathered between 22,000 and 30,000 people in the capital's historic Castle Square (Kość, 2016).

The sudden awakening of Polish Civil Society was an unforeseen shock for the Catholic Church. In the past, the pro-choice movement was actively fighting against the tightening of abortion law; however, the scale of it and the real threat were manageable. At this time, Law and Justice simply backtracked from the abortion bill altogether (Korolczuk et al., 2019). Since then, Law and Justice, despite still actively maintaining a good relationship with the Church, has not actively supported the anti-abortion efforts of the Polish Episcopate (Grondecka, 2018). In October 2017, a group of members of parliament supported by the Church submitted a motion to the Constitutional Court with the aim of declaring one of the grounds for legal abortion unconstitutional. However, it came to light that the judges, who were led by Julia Przyłębska and appointed by PiS, were unofficially instructed to postpone their decision on the matter for the time being (Szczęśniak, 2017).

In 2019, the Catholic Church faced yet another unexpected challenge following the release of a documentary film entitled "Tylko nie mów nikomu" (Tell No One). Independently produced by brothers Tomasz and Marek Sekielski, "Tell No One" exposed pedophilia within the Polish Catholic Church. The backlash was so significant that some began to speculate whether Poland would become a second Ireland, where support for the Catholic Church dropped significantly after numerous cases of child abuse and maltreatment by priests came to light. However, as explained in Chapter 3, Poland has a unique approach to religion. It is reasonable to assume that the Catholic Church was aware that although its position might

be temporarily weakened, its overall status would remain intact. Nevertheless, this incident solidified the Church's desire for a promised change in the abortion law (Kościańska, Kosiorowska, Pomian, 2021).

5.2 Verdict of Constitutional Tribunal from 2020

Chrzczonowicz, in her article for OKO Press, establishes several reasons that seem to answer the question: why now? Firstly, after the three-year election marathon, the possible loss of more moderate voters no longer threatens the Law and Justice Party. Secondly, the crisis present in the coalition run by Law and Justice might deepen, and early elections could have happened in November. If that were the case, the abortion ban may be the price Jarosław Kaczyński would pay to Father Rydzyk for supporting and leaving Zbigniew Ziobro's Solidarna Polska behind. In such a scenario, the adoption of the motion would be a nod to ultra-Catholic circles, including Radio Maryja. PiS seemed to use the same strategy that was developed by the League of Families more than a decade ago (Chrzczonowicz, 2020).

Thirdly, Jarosław Kaczyński has recently been losing to Zbigniew Ziobro in the race for the "most discriminatory and most fundamentalist idea". Ziobro has been on the frontline of the fight against the LGBT community for quite some time and recently announced the denunciation of the anti-violence convention. The Law and Justice (PiS) leader lagged behind, and a positive consideration of the MPs' motion may boost his image in the battle for the fundamentalist electorate. Lastly, PiS politicians have repeatedly raised hopes among ultra-Catholic voters for the adoption of such a measure. Although it is hard to predict what happened behind closed doors, some speculate that one of the conditions on which the Catholic Church agreed to support Law and Justice was the restriction of abortion law (Chrzczonowicz, 2020).

The COVID-19 pandemic could also be a factor in why PiS agreed for the Constitutional Tribunal to proceed with the decision. It could be the case, as it was noticed that Law and Justice hoped that due to the ongoing restrictions, the mass protests that took place would not happen. It can be undoubtedly seen that the ruling party had its own motives for introducing restrictions on the abortion law. However, there was clear persistent pressure from the Catholic Church directly leading to the verdict of the Constitutional Tribunal. Below, I will discuss the direct and indirect influence of the Catholic Church on politics that caused the near-total abortion ban (Januszewska, 2020).

5.3 Direct Influence of the Catholic Church

In 2018, the President of the Polish Bishops' Conference, Archbishop Stanisław Gądecki, gave an interview to the website niedziela.pl. His political circumstances were as follows: in 2017, with the acquiescence of Jarosław Kaczyński, a motion was submitted to the Constitutional Tribunal to declare the embryo-pathological premise of abortion - based on the probability of permanent and incurable damage to the fetus - unconstitutional. Law and Justice party President PiS put the project aside; therefore, the Constitutional Tribunal did not make any decision on that matter. The decision was not favored by some MPs of Law and Justice who signed an appeal to the Constitutional Tribunal to speed up the work (Dorn, 2020)

A Law and Justice spokeswoman announced then: "The application to the Constitutional Tribunal on the constitutionality of abortion legislation is an individual decision of MPs; the party leadership does not accept pressure on the Tribunal" (Borecki, 2019). This was a clear indication to the general public that the leadership of PiS wanted to put the abortion issue aside for now. It was after this statement that Archbishop Gądecki decided to openly criticize the government: "We have already been waiting for more than a year for a ruling on the most important case, which is in the Constitutional Court." He pointed out that the Law and Justice party's withdrawal of its promise to abolish the embryo-pathological premise would be a great disappointment and could have potentially bad consequences for the party. In such words, he also hinted that it could affect the outcome of the elections: "I think the expectation and impatience that the Catholics feel, also on behalf of the voters of the ruling party, are huge in this respect" (Radio Polskie, 2020).

In 2019, 119 parliamentarians from the governing Party Law and Justice (PiS), Konfederacja, and Kukiz'15, inspired by his words, submitted a motion to declare one of the cases of fetal abnormalities as unconstitutional (Sitnicka and Klauziński, 2020). The same project was already filed in 2017. The project was then again kept in the Constitutional Tribunal for quite some time. In the meantime, the parliament legally had to put the citizen project "Ban Abortion" up for voting as it was submitted to the parliament before the end of the last term. The thesis will discuss that project later. Finally, at the beginning of October, the date on which the Tribunal was meant to examine the project was set (Dorn, 2020).

Then on 22 October 2020, the Constitutional Tribunal, consisting mainly of judges appointed by the ruling party PiS and supported by the Catholic Church, declared the law authorizing abortions for malformed fetuses to be unconstitutional (file reference number K 1/20). The majority of society, even

those who voted for Law and Justice in 2018, were unhappy about this decision (Dorn, 2020). Protests started on a mass scale - according to estimates, around 430,000 protesters gathered across the country on 28 October. Based on survey methodology, Frąckowiak-Sochańska and Zawodna-Stephan (2022, p. 22) could examine the most common emotions that women felt during that time. From the statements of the women interviewed, objects towards which they feel resentment also emerge. These are by no means those directly responsible for the situation, i.e., the Constitutional Tribunal or its chairwoman, Julia Przyłębska. The respondents place the blame for the tightening of their right to choose above all on those responsible for government policy, which is consistent with their belief in the use of abortion as a political strategy. Respondents are therefore angry at the ruling party and the Catholic Church, and they expressed that during protests, manifesting in front of churches and the Residence of the Archbishops of Warsaw.

The reaction of the church to those protests could be expressed in the Pastoral letter of the Bishop of Siedlce, Kazimierz Gurdy, for Advent. The letter had to be read in all the churches and chapels that belong to the Diocese of Siedlce on the First Sunday of Advent (29th November) and published on all the parish's websites. He first listed all the threats that people of faith have to face in the modern world and then he stated:

"I have pointed out the dangers to the faith so that we are aware of the need to counteract this situation, which is so difficult for us believers. We have experienced it in recent months. The demonstrations against the life of the unborn, combined with the devastation of churches and religious and national symbols that are precious to us, have shown how far atheistic indoctrination has gone. We are surprised by this. Nobody thought that our young people, who come from families of faith, could be so easily manipulated. Perhaps we ourselves have noticed that we also give in to ridiculous slogans and applaud attitudes that we do not approve of. Therefore, we cannot remain passive, either in the face of atheistic ideology or the lifestyle that results from it. We are aware of the good that faith in God gives us, the good that we have experienced so much in our daily lives" (List pasterski Biskupa Siedleckiego Kazimierza Gurdy na Adwent 2020).

5.4 Indirect Influence of the Catholic Church

After analyzing all the factors behind decision K 1/20, it seems rather clear that the main aspect of the indirect form of Catholic Church influence in 2020 was interest groups. Starting from the Institute of Legal Culture, Ordo Iuris considers itself an independent legal think-tank. The organization gathers ultra-conservative, Catholic lawyers whose goal is to bring such changes in secular Polish law that it would

reflect restrictively and fundamentally interpreted principles of the Christian religion. The About Us section on the Ordo Iuris website states:

"We fight for the respect of fundamental rights certified in the Constitution - the right to life, the identity of marriage and family, freedom of conscience. We combine analytical and litigation activities and are present in the public debate both in Poland and internationally. Thanks to this, our activities are not only professional and substantive but also effective."

In 2020, the Great Coalition for Equality and Choice published a report titled "Cultural and Religious Counterrevolution - Is Polish Law under the Threat of Christian Fundamentalists' Ideology? Publication – Context and Summary." The authors established that Ordo Iuris uses several strategies to promote and implement their ultra-conservative values into the public domain. One of those strategies, "The Strategy of Legal Manipulation," involves selectively presenting legal analysis or violating the principles of legal interpretation. The underlying incentive is to distort the legal understanding of key concepts such as discrimination, freedom of conscience and religion, and private life. The strategy of legal manipulation is closely related to the strategy of legitimization, whereby an individual who is considered an expert, such as a lawyer or a professor, interprets legal concepts, acts, or court rulings. However, when adopting this approach, individuals may employ various measures, including omitting inconvenient rulings, using incorrect citations that make verification difficult, and juxtaposing the thesis of a court judgment with a dissenting opinion without a relevant explanation of the hierarchy between texts. Furthermore, individuals may also cite non-binding positions of the UN Commission alongside official positions such as General Observations or rulings.

On October 21, 2020, the day before the Constitutional Tribunal further restricted abortion law, Ordo Iuris announced that it had sent an *amicus curiae* opinion to the Court, signed by 31 ultra-conservative organizations (Ordo Iuris, 2020).

The opinion, written by Ordo Iuris, was sent to the Constitutional Tribunal as 'the voice of a broad coalition of civil society'. Journalists from the Reporters Foundation, together with partners from abroad, checked this list of signatories and established which organizations and figures were linked to or collaborated with Ordo Iuris. Over the past few years in Central Europe, some of them have attempted to influence the decisions of governments or parliaments. Some of them are fighting against the decriminalization of homosexuality in African countries, others for a ban on abortion in cases of rape.

Among them was the American Family Watch International - considered to be a movement that promotes hate speech: this is how the organization is classified by the American Southern Poverty Law Center, which runs, among other things, the Hatewatch project (monitoring the activity, organization base, and figures of the American radical right). The list also includes Personhood Alliance, Catholic Family & Human Rights Institute, Slovakian Association for Life and Family, and Croatian In the Name of the Family. The names of these organizations say little to those who do not follow the ultra-right movements. Meanwhile, behind them are influential figures who have been building, funding, and training anti-abortion international organizations for years.

In its opinion, Ordo Iuris referred to the obligation to protect the life of unborn children, which stems from acts of international law ratified by Poland. Using *The Strategy of Legal Manipulation*, Ordo Iuris mentions the Convention on the Rights of the Child, the position of the UN Committee on Persons with Disabilities, and Resolution 1763 of the Parliamentary Assembly of the Council of Europe from 2010. The arguments formulated by Ordo Iuris were already discussed in Chapter 1, therefore they won't be discussed further here. Human rights lawyer Agnieszka Bzdyń compared the language used in the decision of the Constitutional Tribunal and claimed that there are undoubted influences of the opinion written by Ordo Iuris, especially in terms of the arguments stating that human life starts at conception. The decision of the Constitutional Tribunal was openly celebrated by Ordo Iuris as part of their personal victory (Gielewska, Dauksza, Szczygieł, 2020).

Outside of Ordo Iuris, the thesis will focus on other chosen anti-abortion groups that significantly contributed to the decision of the Constitutional Tribunal in October 2020. The first one is the Foundation Life and Family led by anti-choice activist Kaja Godek. In 2017, they submitted the bill "Ban Abortion",¹ after realizing that changing the abortion bill through the Constitutional Tribunal would not be possible at that time. MPs decided to send the bill to commission work and keep it there until the next term. In April 2020, however, the project was meant to be voted on by the first chamber. During the first reading of the project, Godek's behavior could be described as persistent. She demanded that the ruling party act and restrict abortion as promised by many politicians from Law and Justice. She stated:

¹ The project should be translated as "Stop Abortion" (Zatrzymaj aborcję) to be exact. However, since it is not the same project that was submitted in 2016 by Ordo Iuris, to improve the fluency of the text, the English translation of the project has been changed.

"We will not let go of you, honorable Members. We will fight for the life of every child. We will follow you to the committees, we will mention the issue in the media, we will picket at your offices and at the doors of the chambers where you meet with your constituents, and we will demand you pay for every child that will die because of your incompetence." (Onet, 2020)

Her speech turned out to be highly divisive even among the MPs of Law and Justice, as some were eager to vote for the bill immediately while others claimed that the project still required some work and discussion, supposedly in the designated committee. Perhaps one of the reasons why Law and Justice set the date for the Constitutional Tribunal to decide on abortion was because the party knew how obstinate Kaja Godek and her movement were. If PiS had already intended to restrict abortion, strategically it was better to do it through the Constitutional Tribunal. The process was quicker, less divisive for the party, and gave less time for the pro-choice movement to self-organize and start mass protests (Chrzczonowicz, 2020).

Another organization that tried to influence the Tribunal Decision was the Polish Association for the Protection of Life. On October 20, 2020, they issued a statement to the Constitutional Tribunal that said:

"The eugenic abortion which allows the killing of a human being suspected of having a disease or disability at the prenatal stage is contrary to the provisions of the Constitution of the Republic of Poland, guaranteeing the protection of human life (Article 38), respect and protection of human dignity (Article 30) and protection against discrimination (Article 32). We await recognition of this fact by the Constitutional Court. We would like to remind that the rectification of the defective law (i.e. the correction of the eugenic premise, which is incompatible with the Constitution of the Republic of Poland) is also important for social reasons, among others, the concern for the formation of positive attitudes towards persons with disabilities" (Zięba, 2020).

The anti-choice interest groups are often invited to Catholic media as experts, which is another layer of the strong indirect influence of the Catholic Church on politics. Other interest groups are forced to accept that traditional media like press, radio, or television, still enjoyed by a large part of society, might not give them adequate exposure (Pokorna-Ignatowicz, 2019). Meanwhile, due to the common agenda, these Catholic interest groups may experience that obstacle on a lesser scale. In the previous chapter, Catholic media, especially those belonging to Tadeusz Rydzyk, played a significant role in shaping society. In 2020, Radio Maryja experienced a significant drop in listenership. Nevertheless, Telewizja Trwam still

generates significant viewership. Moreover, the typical recipient of Telewizja Trwam claims they do not follow any other media, which means that whoever is supported by Telewizja Trwam can potentially gain the sole sympathy of a significant number of voters. In 2019, President Andrzej Duda, in an interview for Trwam, admitted that for him abortion should never take place and if any bill restricting abortion would need to be signed by him, he would do it. That statement, although it might not be surprising for many, shows a significant shift from his presidential campaign where he tried to be diplomatic about abortion. That could potentially be the first sign that Law and Justice was ready to introduce abortion restrictions, sooner or later (Telewizja Trwam, 2019).

Although the main focus of the thesis is to show the influence of the Catholic Church on the decision of the Constitutional Tribunal, the picture would not be complete without discussing the response of the anti-choice groups to the mass protests (Czarnecka, 2022). At the end of 2020, 1,500 anti-abortion billboards appeared in 11 Polish cities. First, the billboards featured an unborn baby in a heartbeat, and then the slogans "Mum, Dad, love each other" or "I trust you". To better visualize the scale of the project, Martyna Kaczmarek and Paulina Zagórska, in cooperation with Dom Mediowy Media People, calculated that by the end of January, the campaign cost 5.5 million zloty (Żyśko, 2022). The organization responsible for this project, Our Children - Education, Health, Faith, is a non-profit organization and its main goal is to promote family values. It is financed by Polish millionaire Mateusz Kłosek. According to the survey, the billboards did not cause a major opinion shift in society. Nevertheless, they showed the strength of the anti-abortion movement in Poland and the access to financial means that many NGOs do not have (Kamionka, 2022).

5.5 Catholic ideology behind TK's decision on abortion

The Polish Constitutional Tribunal's K 26/96 decision, while significant, did not definitively establish the protection of conceived life from the moment of conception. The Court relied heavily on the concept of "scarcity of life," arguing that the state's obligation to protect life is heightened in situations where life is most vulnerable (Łętowska, 2020).

However, the Court stopped short of equating this heightened protection with a complete ban on abortion. It acknowledged the complexities surrounding women's rights and reproductive autonomy, leaving room for future legislative and societal debate. The decision's ambiguity stemmed from the lack of explicit language in the 1997 Constitution regarding the beginning of legal personhood (Soja, 2021). This lack

of clarity fueled ongoing debate about the scope of fetal rights and the constitutionality of abortion regulations.

The Polish Constitutional Tribunal's reasoning in its 2020 ruling on abortion (K 1/20) relied heavily on its previous 1996 decision (K 26/96). However, this paper argues that the Court's reliance on the earlier ruling is problematic for several reasons (Niżnik-Mucha, 2023, p. 61).

Firstly, the Court in K 26/96 referred to Article 38 of the then-newly adopted Polish Constitution, which guarantees the right to life. The Court suggested that this article confirmed its stance on the legal protection of life from conception. However, this interpretation is questionable. During the drafting of the Constitution, there was no consensus on the beginning of life's legal protection (Niżnik-Mucha, 2023, p. 61). As a result, Article 38 was intentionally phrased broadly, simply stating that "Poland ensures every human being legal protection of life." The Court in K 26/96, therefore, failed to adequately demonstrate that Article 38 indeed provides legal protection to the unborn from conception (Niżnik-Mucha, 2023, p. 58).

Secondly, the Court in K 1/20 claimed that it considered the findings of K 26/96 "binding" and "having a normative basis" in the current Constitution. This claim is problematic because it creates a circular argument. The Court in K 26/96 did not convincingly establish the constitutional protection of the unborn from conception, and the Court in K 1/20 then used this unsubstantiated claim as a basis for its own ruling (Niżnik-Mucha, 2023, p. 61).

In essence, the Court in K 1/20 failed to independently analyze the scope of Article 38 and determine whether it truly provides legal protection to the unborn from conception. Instead, it relied on a flawed interpretation from a previous ruling, creating a significant legal loophole in its reasoning. This paper argues that the Court's approach in K 1/20 raises concerns about the thoroughness and objectivity of its decision-making process (Soja, 2021).

In its K 1/20 ruling, the Polish Constitutional Tribunal attempts to establish a constitutional basis for protecting the unborn, drawing heavily on its prior decision in K 26/96. The Court argues that the state's obligation to protect human life, rooted in Article 2 of the Constitution (specifically the principle of a democratic state ruled by law), extends to the unborn (Niżnik-Mucha, 2023, p. 65). The Court's reasoning

hinges on connecting the right to life with human dignity. It posits that since human dignity is inherent and inviolable, legal protection must extend to all stages of life, including the prenatal phase. The Court concludes that the unborn, as human beings possessing inherent dignity, are therefore entitled to the right to life.

However, this interpretation is problematic for several reasons. Firstly, the Court conflates the philosophical concept of a "right to life" with the legal framework of a "right to the protection of life." While the former is a philosophical ideal, the latter is what the state can legally guarantee (Niznik-Mucha, 2023, p. 63).

Secondly, the Court's assertion that any limitation on the protection of life inherently violates human dignity is an oversimplification. The Constitution protects human dignity through various rights and freedoms, not solely through the right to life. Equating the two disregards the distinct nature and scope of other fundamental rights.

Finally, the Court's argument disregards the fact that the Constitution itself does not establish an absolute right to life, regardless of developmental stage. By drawing a direct and singular link between human dignity and the protection of life, the Court constructs a narrative that disregards the nuanced and multifaceted nature of constitutional rights and principles.

Conclusion

After the general elections in 2023, the article eagerly shared on social media stated: that the Law and Justice government was destroyed by women. That was a symbolic statement showing that the main social group that voted against PiS were women hoping to overturn the decision of the Constitutional Tribunal from 2020. The need for that change to happen was so boldly expressed by the society that the liberal parties had to put it in the coalition agreement to ensure that the change is only a matter of time.

After a year of the cadency of the new government, the abortion law is unchanged despite many promises and even some bills that have been voted on by the parliament. This work is an additional confirmation that while facing the Catholic Church. The change in abortion law in Poland is not a matter of a favorable government or a liberal president. The Catholic roots of Poland present in Polish identity and in Polish law installments create a challenging situation for pro-choice efforts. Polish Episcopate as undoubtedly a wealthy institution armed with catholic media and loyal anti-abortion media is a difficult opponent.

To change abortion law there is a need for resources, better education to increase social awareness and first and foremost time and ongoing effort. The change is unlikely to come suddenly.

Bibliography

- Alfabet buntu - czarny protest* (2018). <https://archiwumosiatynskiego.pl/alfabet-buntu/czarny-protest/>.
- Axel Springer (2012) 'Rok po expose. Które obietnice spełnił rząd Donalda Tuska?,' *Onet Wiadomości*, 11 October. <https://wiadomosci.onet.pl/tylko-w-onecie/rok-po-expose-ktore-obietnice-spelnil-rzad-donalda-tuska/hs453>.
- Axel Springer (2020) 'Kontrowersyjne projekty światopoglądowe i gorąca debata o aborcji w Sejmie,' *Onet Wiadomości*, 15 April. <https://wiadomosci.onet.pl/kraj/kaja-godek-w-sejmie-aborcja-gorsza-niz-koronawirus/f08fpem>.
- Axel Springer (2021) 'Kim jest Kaja Godek, która walczy o delegalizację aborcji? 'Historia idzie tam, gdzie ją popchniemy',' *Onet Wiadomości*, 1 December. <https://wiadomosci.onet.pl/kraj/ustawa-stop-aborcji-w-sejmie-kim-jest-kaja-godek-ktora-walczy-o-delegalizacje-aborcji/68v4efr>.
- Bracke, A, M. (2021) "Women's Rights, Family Planning, and Population Control: The Emergence of Reproductive Rights in the United Nations (1960s–70s)," Routledge, 44(4),p. 751-771.
Available at: <https://doi.org/10.1080/07075332.2021.1985585>.
- Calkin, S. and Kaminska, M.E. (2020) 'Persistence and change in morality policy: The role of the Catholic Church in the politics of abortion in Ireland and Poland,' *Feminist Review*, 124(1), pp. 86–102. <https://doi.org/10.1177/0141778919894451>.
- Caytas, J.D. (2013) 'Women's reproductive rights as a political price of post-communist transformation in Poland,' *Amsterdam Law Forum*, 5(2), p. 64. <https://doi.org/10.37974/alf.251>.
- Chrzczonowicz, M. (2020) '31 lat temu politycy dogadali się z Kościołem w sprawie aborcji. A kiedy wreszcie przyjdzie wolność?,' *OKO.press*, 7 June. <https://oko.press/aborcja-rocznica-zakazu-kiedy-wreszcie-przyjdzie-wolnosc>.
- Czekanski, M. 1999. Pielgrzymka Ojca Swietego do Ojczyzny, Czesc Pierwsza. [The Holy Father's Pilgrimage to the Fatherland] Krakow: Wydawnictwo M John Paul II. 1999. Pielgrzymki do Ojczyzny, 1979, 1983, 1987, 1991, 1995, 1997, 1999: Przemowienia Homilie. [Pilgrimages to the Homeland, 1979,

Delaney, J. J. (2001) "Totalitarianism: Racial Values vs. Religious Values: Clerical Opposition to Nazi Anti-Polish Racial Policy," Cambridge University Press, 70(2), p. 271-294. Available at: <https://doi.org/10.2307/3654454>.

Dorn, L. (2020) *Aborcja, Kościół i Trybunał Konstytucyjny a konstytucja realna III RP. Jak PiS zburzyło kompromis*. <https://klubjagiellonski.pl/2020/12/12/aborcja-kosciol-i-trybunal-konstytucyjny-a-konstytucja-realna-iii-rp-jak-pis-zburzylo-kompromis/>.

Dziaczkowska, M. (2020) "The Polish Case: Pedophilia, Polak-Katolik, and Theology of the Nation," *Svensk Teologisk Kvartalskrift*, 96(3), p. 235-251. .

Eberts, W. M. (1998) "The Roman Catholic Church and democracy in Poland," *Routledge*, 50(5), p. 817-842. .

Episkopat. (2015a). *Opinia Biura Prawnego KEP; „Dlaczego sprzeciw wobec uchwalonej przez Sejm w dniu 25 czerwca 2015 r. ustawie o leczeniu niepłodności, w sposób liberalny legalizującej zapłodnienie in vitro”*. Pobrane z: <http://episkopat.pl/dlaczego-sprzeciw-wobec-uchwalonej-przez-sejm-w-dniu-25-czerwca-2015-r-ustawy-o-leczeniu-nieplodnosci-w-sposob-liberalny-legalizujacej-zaplodnienie-in-vitro/>.

Episkopat. (2015b). *List Przewodniczącego KEP do Prezydenta RP*. Pobrane z: <http://episkopat.pl/list-przewodniczacego-kep-do-prezydenta-rp-2/>.

Episkopat. (2015c). *Odpowiedź Przewodniczącego Konferencji Episkopatu Polski na list Prezydenta RP z 22 lipca 2015 r.* Pobrane <http://episkopat.pl/odpowiedzprzewodniczacego-kep-na-list-prezydenta-rp-z-dnia-22-lipca-2015-r/>.

Episkopat. (2015d). *Kościół w Polsce o in vitro*. Pobrane z: <http://episkopat.pl/kosciol--w-polsce-o-in-vitro/>.

Episkopat. (2015e). *Oświadczenie w sprawie konsekwencji na płaszczyźnie sakramentalnej, wynikających z głosowania i podpisania ustawy dotyczącej procedury in vitro.*, Warszawa 3 sierpnia 2015 r. Pobrane z: <http://episkopat.pl/oswiadczenie-w-sprawie-konsekwencji-na>

plaszczynie-sakramentalnej-wynikajacych-z-glosowaniai podpisania-ustawy-dotyczacej-procedury-in-vitro/.

Erdman, N, J. and Cook, J, R. (2020) Decriminalization of abortion - A human rights imperative. Available at: <https://www.sciencedirect.com/science/article/pii/S1521693419300471>.

Freedman, L. and Stulberg, B, D. (2013) "Conflicts in Care for Obstetric Complications in Catholic Hospitals," Taylor & Francis, 4(4),p. 1-10. Available at: <https://doi.org/10.1080/21507716.2012.751464>.

Gliszczyńska-Grabias, A. and Sadurski, W. (2021) 'The judgment that wasn't (But which nearly brought Poland to a standstill),' *European Constitutional Law Review*, 17(1), pp. 130–153. <https://doi.org/10.1017/s1574019621000067>.

Grzymata-Busse, A. (2015). Nations under God: How Churches Use Moral Authority to Influence Policy. Princeton University Press. <https://doi.org/10.2307/j.ctv7h0sfx>

Hall, A. (2017) 'Kościół wobec państwa PiS,' *Więź*, 6 July. <https://wiesz.pl/2017/07/05/kosciol-wobec-panstwa-pis/>.

Heinen, J. and Portet, S. (2010) "Reproductive Rights in Poland: when politicians fear the wrath of the Church," Taylor & Francis, 31(6),p. 1007-1021. Available at: <https://doi.org/10.1080/01436597.2010.502735>.

Hennig, A. (2011). Conclusion. Pattern and Perspectives. W: J. Haynes, A. Hennig (red.), *Religious Actors in the Public Sphere. Means, objectives and effects* (s. 213–225). London: Routledge.

Holifield, B, E. (1995) "Book Review: Religious Melancholy and Protestant Experience in America," SAGE Publishing, 56(2),p. 378-380. Available at: <https://doi.org/10.1177/004056399505600222>.

- Hruby, S. (1982). THE CHURCH IN POLAND AND ITS POLITICAL INFLUENCE. *Journal of International Affairs*, 36(2), 317–328. <http://www.jstor.org/stable/24356444>
- II, P. I. (1995) *Evangelium Vitae* (25 March 1995). Available at: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html.
- Januszewska, P. (2020) 'Wybuchła pandemia? Zakażmy aborcji!', *KrytykaPolityczna.pl*, 16 April. <https://krytykapolityczna.pl/kraj/pandemia-zakaz-aborcji-dziemianowicz-bak/>.
- Jelen, T.G. and Wilcox, C. (2005) 'Continuity and change in attitudes toward abortion: Poland and the United States,' *Politics & Gender*, 1(02). <https://doi.org/10.1017/s1743923x05050099>.
- Kazmierczuk, A. (2016) 'Bp Wysocki: prezydent Duda to dar od Boga - rp.pl,' *Rzeczpospolita*, 24 April. <https://www.rp.pl/kraj/art11072091-bp-wysocki-prezydent-duda-to-dar-od-boga>.
- Korolczuk, Elżbieta. (2017). Explaining “black protests” against abortion ban in Poland: the power of connective action..
- Kościańska, A., Kosiorowska, A. and Pomian, N. (2021) „Kobieta powinna decydować w swoim sumieniu” – o katolickim zaangażowaniu w protesty przeciwko zakazowi aborcji w Polsce, ”, 105,p. 12-43. Available at: <https://doi.org/10.12775/lud105.2021.01>.
- Kościelniak, C. (2023) 'John Paul II and the three phases of his leadership in Poland,' *Church, Communication and Culture*, 8(2), pp. 154–166. <https://doi.org/10.1080/23753234.2023.2252488>.
- Kościelniak, M. (2020) 'Transformacja i aborcja. Genealogia „kompromisu aborcyjnego”,' *Widok* [Preprint], (27). <https://doi.org/10.36854/widok/2020.27.2247>.
- Kość, W. (2016) 'Women in black protest Poland’s new abortion proposal,' *POLITICO*, 4 October. <https://www.politico.eu/article/women-in-black-protest-polands-new-abortion-proposal/>.
- Kowal, P. (2018) *Polityka wschodnia Jana Pawła II*. <https://www.ceeol.com/search/article-detail?id=661619>.

- Kowalczyk, K. (2016). Między antyklerykalizmem a konfesjonalizacją. Partie polityczne wobec Kościoła katolickiego w Polsce. Toruń: Wydawnictwo MADO.
- Kowalczyk, K. (2018) 'KOŚCIÓŁ KATOLICKI w POLSCE JAKO PODMIOT ODDZIAŁUJĄCY NA SYSTEM POLITYCZNY. CASUS REGULACJI PRAWNYCH o ZAPŁODNIENIU POZAUSTROJOWYM IN VITRO,' *Athenaeum*, 57, pp. 7–19. <https://doi.org/10.15804/athena.2018.57.01>.
- Kulczycki, A. (2023) 'Between a rock and a hard place: abortion, catholicism, the populist right and public health threats in Poland,' *Religions*, 14(10), p. 1271. <https://doi.org/10.3390/rel14101271>.
- Kuźma-Markowska, S. and Kelly, L. (2022) 'Anti-abortion activism in Poland and the Republic of Ireland c.1970s–1990s*,' *Journal of Religious History*, 46(3), pp. 526–551. <https://doi.org/10.1111/1467-9809.12870>.
- Łacki, N. and Wróblewski, N. (2023) 'Niekonstytucyjność tzw. aborcji eugenicznej (embriopatologicznej). Schemat argumentacji Trybunału Konstytucyjnego w sprawie K 1/20,' *Przegląd Konstytucyjny*, (3 (2023)), pp. 83–107. <https://doi.org/10.4467/25442031pko.23.018.18565>.
- Międzynarodowe poparcie dla ochrony życia. Opinia Ordo Iuris i organizacji prorodzinnych trafiła do TK | Ordo Iuris* (no date). <https://ordoiuris.pl/ochrona-zycia/miedzynarodowe-poparcie-dla-ochrony-zycia-opinia-ordo-iuris-i-organizacji>.
- Millard, F. (1997). The Influence of the Catholic Hierarchy in Poland, 1989-96. *Journal of European Social Policy*, 7(2), 83-100. <https://doi.org/10.1177/095892879700700201>
- Mishtal, J.Z. (2009) 'Matters of “Conscience”': The politics of reproductive healthcare in Poland,' *Medical Anthropology Quarterly*, 23(2), pp. 161–183. <https://doi.org/10.1111/j.1548-1387.2009.01053.x>.
- Motak, D., Krotofil, J. and Wójciak, D. (2021) 'The Battle for Symbolic Power: Kraków as a stage of renegotiation of the social position of the Catholic Church in Poland,' *Religions*, 12(8), p. 594. <https://doi.org/10.3390/rel12080594>.

- Motak, D., Krotofil, J. and Wójciak, D. (2021b) 'The Battle for Symbolic Power: Kraków as a stage of renegotiation of the social position of the Catholic Church in Poland,' *Religions*, 12(8), p. 594. <https://doi.org/10.3390/rel12080594>.
- Mulligan, K. (2006). Pope John Paul II and Catholic Opinion Toward the Death Penalty and Abortion. *Social Science Quarterly*, 87(3), 739–753. <http://www.jstor.org/stable/42956152>
- Onyiloha, C.A. and Iheanacho, N.N. (2016) 'Socio-ethical implication of contraception and abortion: A rising paradigm of John Paul II's culture of death,' *AFRREV IJAH*, 5(2), pp. 82–95. <https://doi.org/10.4314/ijah.v5i2.8>.
- Pichlak, M. (2020) *Abortion, Constitution and the Role of Constitutional Court: Lessons from Poland*. https://blogs.eui.eu/constitutionalism-politics-working-group/abortion-constitution-and-the-role-of-constitutional-court-lessons-from-poland/?fbclid=IwAR08QZhUFc4k_SdvhdTMlm0NLcgSAN_VrsYaMGm9-jxTSBPFiPDeo3GG2YM.
- Poguntke, T. (2012). Series Editor's Preface. W: J. Haynes (red.), *Religion and Politics in Europe, the Middle East and North Africa* (s. XIV–XV). London: Routledge.
- Polskie Radio 24* (no date). <https://polskieradio24.pl/artykul/2631758,prawo-do-zycia-podstawowym-prawem-czlowieka-przewodniczacy-episkopatu-odpowiada-na-rezolucje-pe>.
- Porter-Szucs, B. (2017) "The Birth of the Polak-Katolik," *Sprawy Narodowościowe*, 49(1280). Available at: <https://doi.org/10.11649/sn.1280>.
- Porter, B. (2001) "The Catholic Nation: Religion, Identity, and the Narratives of Polish History," *American Association of Teachers of Slavic and East European Languages*, 45(2), p. 289-289. Available at: <https://doi.org/10.2307/3086330>.
- Rodziewicz, K.M. (2021) *Spór o aborcję – stanowisko Jana Pawła II a poglądy Mary Anne Warren*. <https://www.ceeol.com/search/article-detail?id=1061295>.

- Rodziewicz, M, K. (2021) "The dispute over abortion – John Paul II’s position and the views of Mary Anne Warren," *Warszawska Prowincja Redemptorystów*, p. 91-103. Available at: <https://www.cceol.com/search/article-detail?id=1061295>.
- Shaw, D. (2010) 'Abortion and human rights,' *Baillière’s Best Practice & Research. Clinical Obstetrics & Gynaecology/Baillière’s Best Practice and Research in Clinical Obstetrics and Gynaecology*, 24(5), pp. 633–646. <https://doi.org/10.1016/j.bpobgyn.2010.02.009>.
- Sitnicka, D. (2022) 'To oni chcą całkowitego zakazu aborcji. Publikujemy nazwiska posłów, którzy poparli wniosek do TK,' *OKO.press*, 14 November. <https://oko.press/to-oni-chca-calkowitego-zakazu-aborcji-publikujemy-nazwiska-poslow-ktorzy-poparli-wniosek-do-tk>.
- Skorowski, H. (2009). *Kościół a polskie spory okresu transformacji*. Warszawa: Wydawnictwo Naukowe UKSW.
- Skwarnicki, M. (1973) "The Catholic Church in Poland," Cambridge University Press, 16(4), p. 24-26. Available at: <https://doi.org/10.1017/s008425590001723x>.
- Sowiński, S. (2012). *Boskie, cesarskie, publiczne. Debata o legitymizacji Kościoła katolickiego w sferze publicznej w Polsce w latach 1989–2010*. Warszawa: Oficyna Wydawnicza ASPRA.
- Strutyński, M. (2005) "The political myth of a Pole as a Roman Catholic," *Sprawy Narodowościowe*, 38(1289), p. 147-160. Available at: <https://ruj.uj.edu.pl>.
- Szcześniak, A. (2022) 'W 2016 roku PiS wkurzył kobiety. Czy w 2017 znów spróbuje?,' *OKO.press*, 14 November. <https://oko.press/2016-roku-pis-wkurzyl-kobiety-2017-znow-sprobuje>.
- Szelewa, D. (2016) "Killing ‘Unborn Children’? The Catholic Church and Abortion Law in Poland Since 1989," SAGE Publishing, 25(6), p. 741-764. Available at: <https://doi.org/10.1177/0964663916668247>.

- Szostkiewicz, A. (2015) 'Jak episkopat i PiS reglamentują katolicyzm,' *Polityka*, 21 April. <https://www.polityka.pl/tygodnikpolityka/kraj/1616665,1,jak-episkopat-i-pis-reglamentuja-katolicyzm.read>.
- The Constitution of the Republic of Poland (1997). Available at:
<https://www.sejm.gov.pl/prawo/konst/angielski/konse.htm>.
- Topidi, K. (2019) 'Religious freedom, national identity, and the Polish Catholic Church: converging visions of nation and God,' *Religions*, 10(5), p. 293. <https://doi.org/10.3390/re110050293>.
- Urbanek, A. and Pelczar, M. (2018) 'Guarantee of religious practices as a part of the cultural security of Polish-Speaking Catholics living in Germany,' *Czech-Polish Historical and Pedagogical Journal*, 10(2). <https://doi.org/10.5817/cphpj-2018-015>.
- Urbanek, A. and Pelczar, M. (2018) "Guarantee of Religious Practices as a Part of the Cultural Security of Polish-Speaking Catholics Living in Germany," *De Gruyter Open*, 10(2). Available at:
<https://doi.org/10.5817/cphpj-2018-015>.
- Weindling, P. (2008) "'For the Love of Christ': Strategies of International Catholic Relief and the Allied Occupation of Germany, 1945—1948," *SAGE Publishing*, 43(3), p. 477-492. Available at: <https://doi.org/10.1177/0022009408091836>.
- WojMał (2020) *Oświadczenie Polskiego Stowarzyszenia Obrońców Życia Człowieka w sprawie rozprawy Trybunału Konstytucyjnego*. <https://pro-life.pl/oswiadczenie-polskiego-stowarzyszenia-obroncow-zycia-czlowieka-w-sprawie-rozprawy-trybunalu-konstytucyjnego/>.
- Zampas, , , C. and Gher, M, J. (2008) Abortion as a Human Right International and Regional Standards. Available at: <https://academic.oup.com/hrlr/article-lookup/doi/10.1093/hrlr/ngn008>.
- Zampas, C. and Gher, J.M. (2008) 'Abortion as a Human Right--International and Regional Standards,' *Human Rights Law Review*, 8(2), pp. 249–294. <https://doi.org/10.1093/hrlr/ngn008>.

- Zolkos, M. (2006) 'Human Rights and Democracy in the Polish Abortion Debates: Concepts, discourses, subversions,' *ResearchGate* [Preprint]. <https://www.researchgate.net/publication/26606020>.
- Zuba, K. (2021) 'Not so much societal: the Catholic Church in Poland as a veto player,' *Eastern European Politics and Societies/East European Politics and Societies*, 36(4), pp. 1204–1223. <https://doi.org/10.1177/08883254211018773>.
- Żyśko, S. (2023) *Wiara miliardera, czyli kto wieża w całej Polsce religijne billboardy*. <https://www.tygodnikpowszechny.pl/wiara-miliardera-czyli-kto-wieza-w-calej-polsce-religijne-billboardy-179968>.
- Convention on the Rights of Persons with Disabilities. 2006. Ratification by Poland, 2012. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&clang=_en (Accessed: 26 June 2024).
- Optional Protocol to the Convention on the Rights of Persons with Disabilities. 2006. Ratification by Poland, 2012. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&clang=_en (Accessed: 26 June 2024).
- International Covenant on Economic, Social and Cultural Rights (ICESCR). 1966. Ratification by Poland, 1977. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en (Accessed: 26 June 2024).
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. 2008. Ratification by Poland, 2014. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-b&chapter=4&clang=_en (Accessed: 26 June 2024).
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). 1979. Ratification by Poland, 1980. Available at:

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=_en (Accessed: 26 June 2024).

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. 2000. Ratification by Poland, 2004. Available at:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&clang=_en (Accessed: 26 June 2024).

Convention on the Rights of the Child (CRC). 1991. Ratification by Poland, 1991. Available at:

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=_en (Accessed: 26 June 2024).

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. 2005. Ratification by Poland, 2006. Available at:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&clang=_en (Accessed: 26 June 2024).

Krasowski, R. (2016). *CZAS KACZYŃSKIEGO: Polityka jako wieczny konflikt* [Kindle]. Czerwone i Czarne.

Woroniecki, M. (2009). *Katolicyzm jako ideologia autorytarnej władzy* [Kindle]. Wydawnictwo STAPIS.

UN Human Rights Committee. (2018). General Comment No. 36 on Article 6: Right to Life. Available at: <https://www.refworld.org/docid/5c4400bc4.html> (Accessed: 26 June 2024).

UN Committee on Economic, Social and Cultural Rights. (2016). General Comment No. 22 on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights). Available at:

<https://www.ohchr.org/EN/HRBodies/CESCR/Pages/GC22.aspx> (Accessed: 26 June 2024).

UN Committee on Economic, Social, and Cultural Rights. (2020). General Comment No. 25 on Science and Economic, Social and Cultural Rights (Article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights). Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhs>

pnmN7uhtdTVQO78EL5t2HAO4gySOpyx4TpFXdMIAuLW4nbxaytfVzK6HbTxHE7Ia4X9Vj
k4nwe%2FkVE2f%2BadTs%2B%2BcqIJn%2BIRmGZrW4FeEdm (Accessed: 26 June 2024).