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The Back-and-Forth of Abortion Debates in Poland

Towards a Historical Understanding of the Misrecognition Gambit of the National Catholic Right[1]

Abstract: This article describes the back-and-forth pushes and pulls of abortion law in Poland based on insights into the power structures of political participation and exclusion. This narrative is guided by Nancy Fraser's theory of justice, which focuses on the set-up of the political stage that impacts how abortion is legally regulated and culturally interpreted. By arguing that the legal accessibility of abortion (or the lack thereof) is not an epiphenomenon of cultural identity, this historical overview considers the topic of abortion as ammunition to gain political power. To explain this, we introduce two notions – the zero-sum game and the misrecognition gambit – to demarcate the shifts in political organizing between women's mobilizations, the Catholic Church, and the communist rule. The analysis portrays how the communist rule leveraged the topic of abortion into a powerful political weapon that strongly symbolized anti-communist opposition. The zero-sum game marks the period of the flourishing of conservative forces under democracy, leading to a period of defeat on the side of women's organizing. However, once the state-church alliance decided to gamble again on further restricting access to abortion after 2015, the gambit forcefully backfired-resulting in the largest anti-state and anti-Church mobilizations since the communist rule in Poland.

Keywords: abortion law, women's rights, parity of participation, national Catholic right, political gambit

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The recent history of abortion law in Poland is one of back-and-forth movements, pushing and pulling between liberalization and restriction. Poland had a liberal abortion regime under communist rule since the 1950s, which became more restrictive in the early years of the subsequent democratic transformation. This was followed by a brief moment of liberalization of the law in 1996, but this push quickly reversed in 1997. Abortion law then stabilized – until October 2020, when the Constitutional Tribunal, in an undisputedly politically motivated ruling at the behest of the then governing national-conservative party Law and Justice (*Prawo i Sprawiedliwość*, PiS), delegalized access to abortion on grounds of severe fetal impairment. As a result, the political salience of abortion boiled over to the point where it became an electoral game changer. In October 2023, after eight years in power, PiS lost its parliamentary majority to the broad coalition, which promised a liberalization of the abortion law demanded by the momentous mobilizations of women and younger voters, for many of whom the restriction of reproductive rights was the decisive reason for casting their vote. At the time of writing, one year into its term in power, the new coalition has failed to deliver on this promise, and abortion remains a highly divisive issue for the former anti-PiS opposition.

In this article, we provide a historical overview of how the topic of abortion became a maelstrom of socio-political debate in which various social forces sought to gain recognition by having their position on reproductive rights, and on abortion in particular, endorsed by official law. Important to our argument is our conviction that it is impossible to understand the post-1989 back-and-forth pushes and pulls without considering their structural connection and continuity with the denial of recognition faced by the Catholic Church in communist Poland before 1989. Not to mention the global dimensions and cultural exchanges that impact political struggles and identification processes. Painted with broad brushstrokes, 1989 marked a structural shift in political participation: the Communist Party, a pro-abortion fortress, lost both power and political recognition, while the anti-abortion force that was the Catholic Church moved into the position of the political establishment. Our narrative reconstructs the various political stages of women's organizing in Poland: whether under the Communist Party, Western blueprints of feminism, or the misrecognized assault of the national Catholic right. This structural path dependency placed the feminist movement in an uncomfortable position, analogous to that previously occupied by the discredited Communist Party as a pro-abortion force, while so far lacking the power to have its pro-abortion positions enshrined in law.

In a historical overview such as this, some simplifications are inevitable. First, collective social actors – for example, the Catholic Church, the Communist Party, or the feminist movements – are not coherent monoliths. However, due to the scope of this overview, the various diversifications of these actors remain largely

unaddressed. Second, any landmark dates by which a historical narrative such as ours is organized are only signposts: we are talking about processes that do not, as a rule, follow strict calendar entries. Polish feminists opposed the Church's position on abortion long before it became politically and legally recognized, as indeed the Church opposed feminism long before it gained any political influence. Moreover, neither the Church nor feminists were the only actors advocating for or against abortion, and there were many variations of these positions predating 1989 that contradict today's binary imaginary. Occasionally we refer to other scholarly conceptualizations that package certain socio-political processes and developments in metaphors of feminist or anti-feminist waves, anti-waves, or backlashes. We have decided to re-use these conceptualizations as they offer useful anchor points to guide our narrative. Nevertheless, we also highlight other disadvantages of such a strategy, such as the omission of other events that may have led to these over-fixated moments.[2] Lastly, the back-and-forth movement could certainly be traced back to the interwar period and beyond. We therefore do not presume to give a complete overview of the historical landscape of positions on abortion in Poland. Rather, our goal is to reconstruct the complexity of recent Polish political struggles for recognition, which have developed into an abortion-centred stage, and why their only outcome so far has been the discouraging back-and-forth movement in which mobilization, participation, and recognition have become disjointed.

To achieve this, we use figurational sociology of long-term processes, combined with Nancy Fraser's theory on recognition, to interpret the back-and-forth pushes and pulls that guide our narrative. To make these movements easier to analyse, we focus on the interdependencies and exchanges between the main actors identified in the introduction: the Communist Party, the Church, and feminist movements. Our historical overview begins in 1956, when abortion became legally available at women's request, slowly opening the way to a *zero-sum game* of recognition struggles set in motion by the post-1989 Catholic revival. Our argument then addresses *the misrecognition gambit* by what we call the national Catholic Right after 2015, a political bet that appears to have gone awry. We conclude by discussing the back-and-forth phase in mid-2024 when a bill to relax Poland's current abortion law was rejected by parliament.

2 Nancy A. Hewitt, Feminist Frequencies. Regenerating the Wave Metaphor, in: Feminist Studies 38/3 (2012), 658–680.

1. Theory and method

By focusing on the figurations of interdependent actors and their power struggles as reflected in the regulatory arrangements of Polish society, such as the law, we follow the basic tenets of Norbert Elias's social process theory, striving to steer clear of both historical determinism and process reduction.[3] For our historical overview, we reconstruct the abortion-centred stage as the background of political participation through which reproductive matters are cemented in the legal system. In this proposition, law is not simply a derivative of power but a vital tool in recognition struggles: a certain level of participation is necessary to influence how laws are made, but once made, laws can further enhance participation, reinforce identity, and provide performative force to the minority positions that seek to reduce power differentials in figuration.

For our conceptualization of political participation, we combine process-sociological historical analysis with Fraser's theory of recognition. To approach the implicit query of justice hidden in recognition, we construct a framework built on Fraser's three-dimensional theory of justice, which is rooted in social structures rather than the individual psyche or free-floating cultural discourses disconnected from economic structures.[4] In this context, justice refers to the principle of 'parity of participation', meaning that justice translates into equal participation in all social arrangements. To overcome the possible pitfalls of identity issues leading to the reification of identities, Fraser suggests that recognition should be studied in the light of distribution and politics. The three dimensions must be approached as interconnected and overlapping rather than as fixed observation units. To briefly elaborate on the three dimensions: distribution (that is, substantive issues, the 'what') is rooted in the political-economic structure of society, focusing on the distributive justice of access to resources. This dimension is shown to be in relative decline due to the explosion of recognition matters, which is described as a shift in justice from distributional to recognitional claims.[5] In turn, the question of recognition (frame issues, the 'who') is embedded in the status order, meaning the pervasive cultural patterns used to interpret and evaluate society that elaborate on the symbolic injustice (that is, subordination). This is not about (re)claiming individual identity, but about overcoming institutional barriers to achieve equal participation in society.

3 Marta Bucholc/Stephen Mennell, The Past and the Future of Historical Sociology. An Introduction, in: David McCallum (ed.), The Palgrave Handbook of the History of Human Sciences, Singapore 2022, 1–21.

4 Nancy Fraser, Fortunes of Feminism. From State-Managed Capitalism to Neoliberal Crisis, New York 2013.

5 Nancy Fraser, From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age, in: New Left Review 212 (1995), 68–93; Nancy Fraser, Rethinking Recognition, in: New Left Review 3 (2000), 107–120.

As argued elsewhere, participation must be viewed as relational, both in the sense that it assumes a relation between the participating subjects, and because the subjects are performatively preconstituted in the process of gaining participation.[6] Recognition thus requires a performance, which means that one must let go of specific properties of individuals in order to acknowledge any principle applicable to a social type or category. Finally, although both recognition and distribution are manifested on political grounds, Fraser adds a third dimension useful for depicting the power-laden decision rules: politics (process issues, the 'how').[7] For it is only by foregrounding the existing stage (for example, the constitution and jurisdiction of the state) on which the struggles are played out that we can see who can make claims and how claims are adjudicated.

This article argues that legal accessibility of abortion (or the lack thereof) is not an epiphenomenon of cultural identity, but rather an expression of political injustices that can only be understood through historically informed insights into the power structures of political participation and exclusion. This historical overview draws on existing scholarship from disciplines such as socio-legal studies, sociology, and gender studies. The reconstruction of the back-and-forth pushes and pulls is crucial to demonstrating the evolution of events, ideologies, and social structures. Occasionally we will reproduce empirical findings from other studies to show actual utterances that expose such movements. The distillation of the two fixations we wish to introduce – that is, the zero-sum game and the misrecognition gambit – is the continuation of the scholarly debates that provide a more granular level of detail on the topic of abortion in Poland, further stylized by the country's recent socio-political developments.

2. Before 1989: mobilization rather than participation

Starting from a position of open hostility in the late 1940s and 1950s, the Catholic Church and the Communist Party gradually found ways to arrange their unsolicited cohabitation in a society that was composed almost entirely of Catholics and governed by an overtly anti-religious political force.[8] Despite the general pre-

6 Marta Bucholc, Abortion Law and Human Rights in Poland. The Closing of the Jurisprudential Horizon, in: Hague Journal on the Rule of Law 14/1 (2022), 73–99, 93.

7 Fraser, Fortunes, 2013.

8 Jerzy Kochanowski, 'The Offensive of the Clergy Continues'. Or a (Temporary) Role Reversal, in: Jerzy Kochanowski, The Other October Revolution. Poland 1956–57, Paderborn 2023, 151–185; Adam Dziurok, Actions against the Catholic Church in Polish People's Republic till 1953, in: The Person and the Challenges 9/2 (2019), 41–51.

cariousness of its position and the loss of a vast part of its property in the 1950s, the Church retained a non-negligible power, especially in rural areas, and maintained independent networks in Poland and abroad. In the dual society that existed in Poland before 1989, the Church's de facto influence did not translate into a recognized claim to political participation. Its existence remained the elephant in the room, as did the Church's predominant view of the Party as the de facto power.[9] The same reasoning applies, to some extent, to the Church's place in the processes of distribution.[10]

Not only was the Church denied institutional recognition. Polish Catholics were also in danger of being denied recognition if they were categorized according to their religious identity, which was projected onto their relationship with the state and the Party, but also according to their position in distribution, which was based on the fiction of the irrelevance of religion. Political participation was denied to Catholics qua Catholics. The only acceptable voice of Catholics in the public sphere was the state-sponsored association of the pro-Communist Catholics PAX Association, established in 1947, which was represented in Parliament (until 1991) and initially took anti-Church positions which later became more moderate.[11] The majority of Catholics, however, invested their social energy in gaining recognition, despite the lack of political representation. Ongoing persecution and harassment of the Catholic clergy by the Security Service also contributed to their mobilization, especially in the 1980s as it accelerated the delegitimization of communist rule. This was perhaps best illustrated by the trial of the murderers of Jerzy Popiełuszko, a priest who would become a symbol of anti-communist opposition that ended in martyrdom, as recognized by the Catholic Church in his beatification in 2010.[12]

The momentum of anti-Communist political mobilizations started to grow in the 1970s and 1980s. A test of the Party's policies came in 1978, when Cardinal Karol Wojtyła from Kraków was elected pope.[13] As John Paul II, he embarked on an

9 In 1945 the communist authorities declared the 1925 concordat null and void due to the Holy See's default, and from then on, until the very last days of the Polish Republic, state-church relations were never fully and legally normalized.

10 In general, churches and clergy of all confessions were excluded from state distribution processes, with the exception of resources allocated from the Church Fund, established in 1950 and still in existence in 2024. The liquidation of the Church Fund became an important issue in the 2023 electoral debate.

11 Piotr H. Kosicki, Five – Vatican II and Poland, in: Piotr H. Kosicki (ed.), Vatican II Behind the Iron Curtain, Washington 2016, 127–198.

12 Indira Dupuis, The De-Legitimization of General Jaruzelski's Government by Official Mass Media. Studying the Coverage of the Jerzy Popiełuszko Trial, in: Communist and Post-Communist Studies 53/2 (2020), 93–112.

13 Marcin Zaremba, Karol Wojtyła the Pope. Complications for Comrades of the Polish United Workers' Party, in: Cold War History 5/3 (2005), 317–336.

agenda of undermining communist rule.[14] The universal acclaim for John Paul II in Poland was probably the best evidence of the intensity of mobilizations in a politically deprived population. Scholarship on the *Solidarność* movement uniformly stresses its religious underpinning and the synergy of religious and class mobilizations in the 1970s and 1980s, both of which were reinforced by the charisma of the "Polish Pope".[15] The increasing appeal of the Church from the late 1970s coincided with a significant trend in the attitudes of Polish society towards law and the state: a withdrawal from the organized state, driven by a growing "legal nihilism".[16]

The mobilizations of the 1970s and 1980s were directly related to delegitimization of the liberal abortion law: the regulations in force since the 1950s, allowing for abortion to be performed as part of public health care for a wide range of reasons, including social and economic ones, were the product of a regime that was increasingly morally disinvested from society. That is why anti-abortion initiatives often operated as a cover for a more general anti-communist organizing, by way of a strategic understatement.[17] This led to a growing politicization of abortion and an alignment of its political meaning with that promoted by the Catholic Church. Under John Paul II, the Church increasingly prioritized the values of life, family, marriage, and procreation, while largely ignoring the consequences on women's health, the social and economic burdens of childbearing and childrearing, in effect curtailing women's bodily autonomy and self-determination.[18]

Thus, while abortion had not been a central issue in the Polish state since the 1950s, it gained new significance as a powerful reference point for the anti-communist opposition.[19] Until 1989, abortion was a common phenomenon, with between 300,000 and 500,000 abortions per year, but the church-driven sensitization to the subject changed its meaning, sidelining it with medical discourses of harm.[20] In the

14 Frank Bösch, The 'Media Pope' as a Challenger of Socialism. Pope John Paul II's First Trip to Poland, in: Mariano P. Barbato (ed.), The Pope, the Public, and International Relations. Postsecular Transformations, Cham 2020, 45–62.

15 Maryjane Osa, Pastoral Mobilization and Contention. The Religious Foundations of the Solidarity Movement in Poland, in: Christian Smith (ed.), Disruptive Religion. The Force of Faith in Social Movement Activism, New York 1996, 67–85.

16 Grażyna Skąpska, O Nihilizmie Prawnym Raz Jeszcze, in: Kaja Gadowska (ed.), Socjologiczna Agora. Wykłady Mistrzowskie, Kraków 2023, 115–134.

17 Sylwia Kuźma-Markowska/Laura Kelly, Anti-Abortion Activism in Poland and the Republic of Ireland c.1970s–1990s, in: Journal of Religious History 46/3 (2022), 526–551.

18 Rosemary Radford Ruether, Women, Reproductive Rights and the Catholic Church, in: Feminist Theology 16/2 (2008), 184–193.

19 Joanna Mishtal, The Politics of Morality. The Church, the State and Reproductive Rights in Postsocialist Poland, Ohio 2015.

20 Agata Ignaciuk, 'Ten Szkodliwy Zabieg'. Dyskursy Na Temat Aborcji w Publikacjach Towarzystwa Świadomego Macierzyństwa/Towarzystwa Planowania Rodziny (1956–1980), in: Zeszyty Etnologii Wrocławskiej 20/1 (2014), 75–97; Sylwia Kuźma-Markowska, Marx or Malthus? Population Debates

1980s, abortion was transformed from what was perceived as a pragmatic medical intervention into a symbol of totalitarian communist power. This collective reinterpretation of abortion can be seen as part of the misrecognition project of women's rights, in which not women's needs and determinations were central to its definition, but the Church's interest in biopolitical population control. In other words, the conservative gender scripts propagated by the Church deliberately impacted women's lives through sexist status subordination, "a serious violation of justice", as Fraser puts it.[21]

Finally, recent scholarship engages with "feminist revisionism" to add new interpretations of the history of the socialist states in which the topic of women's organizing is pivotal. In response to the rigid descriptions of totalitarian Soviet rule that supposedly obscured women's opportunities to contribute to and shape the satellite states' socio-economic infrastructure, this scholarship addresses such normative statements by also challenging the "*post-1989* triumphalist discourse about the primacy of autonomous Western women's movements in spearheading global feminist activism during the Cold War".[22] In line with feminist revisionism, Magdalena Grabowska demonstrates how Polish women under the Communist Party played a productive role in shaping state policies, contributing to the further liberalization of the 1956 abortion law in late 1959.[23]

3. Democratic transformation: a patriarchal 'emancipation' project

The debate about the promised revolutions of 1989, which have to some extent failed to recognize the vastly different experiences of Eastern European women, is rich and diverse.[24] Moreover, the communist gender equality policies created a different terrain for feminist organizing, with locally induced forms of feminist agency

and the Reproductive Politics of State-Socialist Poland in the 1950s and 1960s, in: The History of the Family 25/4 (2020), 576–598.

21 Fraser, Fortunes, 2013, 229.

22 Kirsten Ghodsee, State-Socialist Women's Organizations in Cold War Perspective. Revisiting the Work of Maxine Molyneux, in: Aspasia 10 (2016), 111–121, 114.

23 Magdalena Grabowska, From Revolutionary Agents to Reactive Actors. The Transformation of Socialist Women's Organizing in Poland from the 1940s through the 1980s, in: Aspasia 10 (2016), 126–135.

24 Barbara Einhorn, Cinderella Goes to Market. Citizenship, Gender, and Women's Movements in East Central Europe, London/New York 1993; Susan Gal/Gail Kligman (eds.), Reproducing Gender. Politics, Publics, and Everyday Life after Socialism, New Jersey 2000; Joanna Regulska, W poszukiwaniu przestrzeni dla kobiet. Integracja Europy a równość płci, in: Biuletyn OŚKA 3, Warsaw 2001; Elżbieta Matynia, Provincializing Global Feminism. The Polish Case, in: Social Research 70/2 (2003), 499–530; Kirsten Ghodsee, Why Women Have Better Sex Under Socialism And Other Arguments for Economic Independence, Durham 2018.

that should not be interpreted as a response to Western feminism, as various scholars have argued.[25] For the reconstruction of the pushes and pulls around abortion in Poland, let us briefly note how Mira Marody, in her once famous essay "Why I Am Not a Feminist", observed that the struggle "for securing civil rights was perceived as a more important one than the struggle for formal equality between men and women", as gender differences were widely regarded as biological fate.[26] The naturalization of gender differences was a foundation of familial collectivism, which, according to Agnieszka Graff, fuelled resistance to feminism itself, which allegedly "[came] out of a herd ethic which precludes the rise of ideologies grounded in values such as human autonomy, self-determination and risk-taking".[27]

While numerous analyses have been revisited and reinterpreted,[28] another way of unpacking such dated insights is through the complicated relationship between feminism and human rights. Whereas human rights were an important item on the opposition's agenda in many Eastern European countries before 1989,[29] the human rights discourse was primarily rooted in the political rights of the first generation. The Church, in particular, used the new human rights vocabulary to its advantage between 1989 and 1997, including "the life of the unborn" in the category of human beings.[30] Weronika Grzebalska and Andrea Pető highlight the importance of a feminist analysis in understanding the illiberal transformations of 21st-century Poland, where the discourse of human rights is rearticulated to prioritize normative values that emphasize the protection of the family over women's rights. This broader phenomenon, driven by the religious right since the 1990s, is framed as a "battle for symbolic control of the human rights discourse."[31] Even though initiatives to utilize

25 Magdalena Grabowska, Bringing the Second World In. Conservative Revolution(s), Socialist Legacies, and Transnational Silences in the Trajectories of Polish Feminism, in: Signs 37/2 (2012), 385–411; Grabowska, Agents, 2016; Ghodsee, Organizations, 2016; Agnieszka Graff, Necessary and Impossible. How Western Academic Feminism Traveled East, in: Teresa Kulawik/Zhanna Kravchenko (eds.), Borderlands in European Gender Studies. Beyond the East–West Frontier, Abingdon 2019, 41–62.

26 Mira Marody, Why I Am Not a Feminist. Some Remarks on the Problem of Gender Identity in the United States and Poland, in: Social Research 60/4 (1993), 853–865, 859.

27 Agnieszka Graff, Lost between the Waves? The Paradoxes of Feminist Chronology and Activism in Contemporary Poland, in: Journal of International Women's Studies 4/2 (2003), 100–116, 101.

28 Marody, Feminist, 1993, 853–864; Graff, Waves, 2003, 100–116.

29 Michal Kopeček, Human Rights between Political Identity and Historical Category, in: East Central Europe 46 (2019), 261–289; Ned Richardson-Little, The Human Rights Dictatorship. Socialism, Global Solidarity and Revolution in East Germany, Cambridge 2020.

30 Processes aiming at the humanization of the embryo can be traced back to as early as the 1970s. See Agata Ignaciuk/Agnieszka Kościańska, Regendering Childbirth. Catholicism, Medical Activism, and Birth Preparation in Post-War Poland, in: Journal of the History of Medicine and Allied Sciences 78/3 (2023), 249–269.

31 Weronika Grzebalska/Andrea Pető, The Gendered Modus Operandi of the Illiberal Transformation in Hungary and Poland, in: Women's Studies International Forum 68 (2018), 164–172, 168.

the language of human rights were sparked by *Solidarność*, Elżbieta Matynia points out that the transition from being an "object" to an active "subject" of the state, and thus a subject of rights, did not happen overnight.[32] Similarly, Magdalena Zolkos demonstrates how feminists used the language of human rights, but since this discourse was mostly embedded in liberal thinking it did not fit with the embodied experiences of most Poles.[33]

And so, while the transformations of 1989 invoked hopes for broader political participation in a new socio-political economy, it was soon noticed that during the process of EU negotiations, "priority [was] given to economic over social or political concerns […]. In fact, women's issues appeared in only one of the 30 areas of negotiations."[34] As a result, the democratic turn did not bring any impulse for women's rights in Poland.[35] This weakened feminist framing on the topic of abortion, which at the end of communism became the signal of an anti-communist agenda.[36] As early as June 1989, Catholic activists submitted a bill proposing an abortion ban, followed by a move towards greater restrictions through sub-statutory policy means.[37] In a socio-political climate of traditional "gender restoration" of the public sphere,[38] the "first wave of anti-feminism"[39] or "conservative revolution"[40] quickly appeared on the new Polish horizon. This countermovement is usually conceptualized in terms of neoliberal austerity cuts in social spending, which in turn appealed to burdensome maternalism, as the now institutionalized Catholic Church promoted conservative gender roles.[41] For women, in particular, it could be argued that 1989 marked the beginning of a period of systematic misrecognition and maldistribution. As the Polish philosopher and feminist Sławomira Walczewska summarized: "The revolution

32 Matynia, Feminism, 2003.

33 Magdalena Zolkos, Human Rights and Democracy in the Polish Abortion Debates. Concepts, Discourses, Subversions, in: Essex Human Rights Review 3/1 (2006), 1–21.

34 Elżbieta Matynia, Provincializing Global Feminism. The Polish Case, in: Social Research 70/2 (2003) 499–530, 504.

35 Mishtal, Politics, 2015.

36 Marcin Kościelniak, Aborcja i demokracja. Przeciw-historia Polski 1956–1993, Warsaw 2024.

37 Agata Chełstowska, Stigmatisation and Commercialisation of Abortion Services in Poland. Turning Sin into Gold, in: Reproductive Health Matters 19/37 (2011), 98–106; Eleonora Zielińska, Between Ideology, Politics, and Common Sense. The Discourse of Reproductive Rights in Poland, in: Susan Gal/Gail Kligman (eds.), Reproducing Gender. Politics, Publics, and Everyday Life after Socialism, New Jersey 2000, 23–57.

38 Renata Ingbrant, 'Gender Restoration' and 'Masculinisation' of Political Life in Poland. The Controversies over the Abortion Legislation after 1989, in: Yulia Gradskova/Ildikó Asztalos Morell (eds.), Gendering Postsocialism. Old Legacies and New Hierarchies, Oxon/New York 2018, 195–210.

39 Dorota Szelewa, The Second Wave of Anti-Feminism? Post-Crisis Maternalist Policies and the Attack on the Concept of Gender in Poland, in: Gender and Research 15/2 (2014), 33–47.

40 Grabowska, World, 2012.

41 Szelewa, Wave, 2014.

of the *Solidarność* movement has paradoxically become simultaneously pro-democratic and anti-women."[42]

4. Abortion at the heart of identity politics after 1989

Subordinated to the political project of restoring the patriarchal gender order, and due to the increased tensions related to reproductive care, 10,000 women joined the Women's Section of *Solidarność*, whose influence was actively suppressed.[43] In response to the earlier attempt to outlaw abortion,[44] two MPs initiated the Committee for a Referendum on the Criminalization of Abortion. Not only did the committee call for a national referendum, but it also managed to collect over 1.3 million signatures through grassroots organizing.[45] Since the 1990s, more than 300 women's organizations and other initiatives have sprung up, most of them initiated from below.[46] In January 1993, the ignoring of pro-abortion demands finally led to the Law of 7 January 1993 on Family Planning, the Protection of the Human Foetus and the Conditions for the Admissibility of Pregnancy Termination. This law was framed as an "abortion compromise", since it was the only scenario acceptable to the Catholic Church other than a total abortion ban.[47] At the time, it was commonly believed that how "the problem of abortion is decided would be prognostic of the world landscape of democratic Polish society, and of the constitutional identity of the democratic Polish state".[48] The issue of abortion was only a reflection of a larger socio-political urgency.

In August 1996, with a left-wing government in place, access to abortion was briefly liberalized with the re-introduction of a socio-economic legal base, but it only took a few months for this to be overturned as unconstitutional on 28 May 1997. It quickly became clear that the compromise was now being gilded as the constitutional identity of the state. In response to the remasculinization of the public sphere and the expansion of the Catholic Church, Polish feminists "appropriated identity politics

42 Walczewska, 1999 cited in Zolkos, Human Rights, 2006, 17.

43 Ingbrant, Gender, 2018; Judy Root Aulette, New Roads to Resistance, in: Jill M. Bystydzienki/Joti Sekhon (eds.), Democratization and Women's Grassroots Movements, Bloomington 1999, 217–240.

44 11 restrictive drafts were proposed during the first parliamentary period, of which only two reached the parliament. See Wanda Nowicka, Poland—The Struggle for Abortion Rights in Poland, in: Richard Parker/Rosalinde Petchesky/Robert Sember (eds.), SexPolitics. Reports from the Front Lines, n.p. 2004, 167–196.

45 Ibid.

46 Małgorzata Fuszara, Between Feminism and the Catholic Church. The Women's Movement in Poland, in: Czech Sociological Review 41/6 (2005), 1057–1076.

47 Dorota Szelewa, Killing 'Unborn Children'? The Catholic Church and Abortion Law in Poland Since 1989, in: Social and Legal Studies 25/62 (2016), 741–764.

48 Bucholc, Abortion, 2022, 82.

based in liberalism", Grabowska argues, which was needed to resist "emerging nationalism and religious fundamentalism".[49] This appropriation of foreign feminist strategies is then described as a "double-edged sword", as it helped Polish feminists articulate their goals but it also alienated many (particularly working-class) women as it failed to align with their everyday language and lived experiences.

In 2007 a bill to further restrict abortion was rejected in parliament as only 13 per cent of the population supported it and the Church was reluctant to start a "new abortion civil war".[50] In 2011 the struggle over recognition culminated in the anti-abortion movement collecting 500,000 citizens' signatures in favour of a near-total abortion ban – whereas pro-abortion activists only managed to collect 45,000 signatures, falling far short of the 100,000 signatures required to pass the bill in parliament.

Through interviews and focus groups with pro-abortion activists, Narkowicz investigated why the proposed ban on abortion in 2011 did not achieve the same results as the famous Black Protests of 2016 (see next section),[51] which surprised even seasoned feminists.[52] The study brought with it a sense of mourning for feminism as it was known in the 1990s. The backlash that feminists faced, the argument goes, combined with the growing and largely institutionalized support for the anti-abortion movement, made other voices reluctant to speak out and led feminists to online spaces rather than concrete streets. In short, the experiences shared in Narkowicz's study suggest emotions of despondency, exhaustion, and even fear – a slow withdrawal from the movements due to the unease and high stakes of speaking out. Others explain that Polish feminism was mainly an intellectual and political phenomenon, pursued by middle-class women in academia, NGOs, and more radical left-wing organizations.[53]

Two caveats are in order here: first, it would be wrong to assume that the mourning described above eliminated feminist organizing, as the project of gender mainstreaming ensured women's access points to state institutions.[54] Second, the adaptation of such strategic essentialism (that is, the strategy of identification with feminism in the West) should also not be seen as a form of desire to transplant such thinking, but rather as a pragmatic response to the national Catholic right.[55]

49 Grabowska, World, 2012, 396.
50 Jacqueline Heinen/Stéphane Portet, Reproductive Rights in Poland.When Politicians Fear the Wrath of the Church, in: Third World Quarterly 31/6 (2010), 1007–1021, 1014.
51 Kasia Narkowicz, Before the Czarny Protest. Feminist Activism in Poland, in: Cultivate 1 (2018), 79–90.
52 Elżbieta Korolczuk, Explaining Mass Protests against Abortion Ban in Poland. The Power of Connective Action, in: Zoon Politikon 7 (2016), 91–113.
53 Grabowska, World, 2012.
54 Marta Rawłuszko, Gender Mainstreaming Revisited. Lessons from Poland, in: European Journal of Women's Studies 26/1 (2019), 70–84.
55 Magdalena Grabowska, Cultural War or 'Business as Usual'? Recent Instances, and the Historial Origins of a 'Backlash' against Women's Sexual Rights in Poland, in: Heinrich Böll Foundation (ed.),

The year 2013 still marks what is sometimes called the "second wave of anti-feminism" in Poland.[56] In addition to deepening austerity measures, more and more allegations criticizing the Polish clergy surfaced in public the debate. In response, the Church propagated a counter-narrative that blamed feminists, which some commentators, as Szelewa explains, linked to the explicit and intensified attack on gender as a so-called threatening ideology. Feminists were accused of destructive knowledge practices and damaging traditional Polish values rooted in familial ties. In the same period, the Church doubled down on its offensive and started to push for the withdrawal of sex education and all equality-oriented courses from schools, framing them as a "collective rape of the children's souls". In light of all this, we situate the strategies adopted by the Church within the framework of the identity model as described and questioned by Fraser,[57] in which Catholicism is positioned as a dominant group identity, highly essentialist and in need of protection, while cloaked in misappropriated anti-colonial rhetoric.[58]

In the struggles for reproductive autonomy that feminists faced before 2015, they played a *zero-sum game* against the Catholic Church, losing ground in the vie for democratization and identitarian nation-building. This loss highlights how the topic of abortion became a weaponized symbolic threat, powerful enough to exert moral pressure on the Church's repressive conformity. An appropriate perception of the above is that the denial of equal participation of Catholicism during the communist regime was an additional incentive to seek not only recognition and distribution but also hegemonic power. Then the challenging task of localizing feminist ideas, combined with the decentralizing socio-economic transition, led to a temporary state of disorientation and fatigue. Following Graff, we emphasize the *existing* feminist organizing, ambitions, and work that did not yet have the strength, knowledge, and resources to participate fully – allowing all tokens to be transferred to the now fully recognized Catholic Church. [59]

5. The misrecognition gambit of illiberal democracy and the Catholic counteroffensive

In order to identify the changing dynamics of the abortion debate, it is of particular importance to look briefly at how the politics of morality were (mis)used to jus-

Anti-Gender Movements on the Rise? Strategising for Gender Equality in Central and Eastern Europe, Berlin 2015, 43–53.

56 Szelewa, Wave, 2014.

57 Fraser, Redistribution, 1995; Fraser, Recognition, 2000.

58 Agnieszka Graff/Elżbieta Korolczuk, Anti-Gender Politics in the Populist Moment, London 2022.

59 Graff, Waves, 2003, 100–116.

tify anti-democratic practices by the PiS government. The constitutional crisis of 2015 initiated a shift from the zero-sum game to the next phase of the back-and-forth movement, what we call *the misrecognition gambit*. This shift appears to be most detrimental to the Catholic Church since the "Unholy Alliance" between PiS and the dominant conservative wing within the Catholic Church not only hijacked religion for political and personal purposes but also triggered a growing distrust of the Church.[60] The former effect can be further explained by the denial of the existence of a more liberal school of Catholicism in Poland, while the latter implies a process of people's disconnect from the church-state alliance. The period after October 2015 marks the beginning of the illiberal turn in Poland,[61] in which the Eurosceptic PiS started to tactically implement policies and spread hate speech, especially affecting (if not directly attacking) women, activists, LGBTQIA+ people, and migrants.[62] PiS thus joined the ranks of what David Patternotte and Roman Kuhar call anti-gender campaigns, adapting the position on sexuality and reproduction inspired by the prevalent agenda of the Vatican.[63] The liberal concept of democracy based on individual rights, protection of minorities, and equal political participation was replaced by an illiberal one centred on state sovereignty and a majoritarian view of political participation based on an essentialist and exclusivist understanding of nationhood. The support of the Catholic Church was crucial for the implementation of the illiberal project in Poland between 2015 and 2023.

Throughout this article, we have discussed several explanations of the state-church alliance. In 2015, in addition to the conveyed partisan preferences, the processes of secularization must be regarded as a partial cause of the PiS's misrecognition gambit.[64] There is a noticeable decline in religiousness among Poles, especially in terms of practising their faith and trusting religious institutions.[65] There is

60 Madalena Meyer Resende/Anja Hennig, Polish Catholic Bishops, Nationalism and Liberal Democracy, in: Religions 12/2 (2021), 94; Mariusz Chrostowski, 'Unholy Alliance'. Identification and Prevention of Ideological and Religious Frames between Right-Wing Populism and Christianity in Poland, in: Zeitschrift für Religion, Gesellschaft und Politik 7/1 (2023), 321–348.

61 Wojciech Sadurski, How Democracy Dies (in Poland). A Case Study of Anti-Constitutional Populist Backsliding, in: Sydney Law School Research Paper 18/1 (2018), 104–176.

62 Bucholc, Abortion, 2022; Piotr Żuk/Paweł Żuk, 'Murderers of the Unborn' and 'Sexual Degenerates'. Analysis of the 'Anti-Gender' Discourse of the Catholic Church and the Nationalist Right in Poland, in: Critical Discourse Studies 17/5 (2020), 566–588.

63 Roman Kuhar/David Paternotte (eds.), Anti-Gender Campaigns in Europe. Mobilizing against Equality, London/New York 2017.

64 Radoslaw Markowski, Creating Authoritarian Clientelism. Poland After 2015, in: Hague Journal on the Rule of Law 11/1 (2019), 111–132; Piotr Żuk/Paweł Żuk, Dangerous Liaisons between the Catholic Church and State. The Religious and Political Alliance of the Nationalist Right with the Conservative Church in Poland, in: Journal of Contemporary Central and Eastern Europe 27/2–3 (2019), 191–212.

65 Dominika Motak/Joanna Krotofil/Dorota Wójciak, The Battle for Symbolic Power. Kraków as a Stage of Renegotiation of the Social Position of the Catholic Church in Poland, in: Religions 12/8 (2021), 594.

also a demographic component to this development: younger generations tend to be consistently less religious.[66] As the Public Opinion Research Centre reported in 2021: "the youngest age group (18–24) fell from 69% in 1992 to 23% in 2021".[67] The Church's "besieged fortress syndrome" became more and more pronounced, despite the Church's unrivalled position in public life and the absence of any confessional competition.[68] In order to protect the so defined Catholic identity of Polish society, the Church chose a defensive strategy of legal, political, and administrative methods, which could only be carried out in alliance with PiS. In this gambit, abortion was an obvious choice to spearhead the Catholic counteroffensive.

As a first sign of the rapid change of course, state funding for in vitro fertilization programmes was withdrawn in 2015, immediately after the elections. This was a harbinger of the new parliamentary majority's stand on reproductive rights and the first instalment of its political payoff to the Church. The latter followed suit. During a Polish bishops' conference in 2016, a call to action was issued for a complete abortion ban.[69] This call must be seen as another act in the global mobilizations against reproductive and women's rights.

Since 2015 PiS has capitalized heavily on the Church's teachings on womanhood, the family, and parenthood. Another important resource was the widespread circulation and production of alternative (gender) knowledge, both in the national right and in the Church,[70] in which a cocktail of anti-gender, anti-European, and anti-Western flavours of national-conservative politics coalesced.[71] In our view, most of the strength of the church-PiS alliance, which became the church-state alliance after 2015, came from the Church's shift to a recognized position after 1989 and its subsequent testing of the limits of its power under the conditions of relatively open political participation.

66 Awomir Mandes/Maria Rogaczewska, 'I Don't Reject the Catholic Church––the Catholic Church Rejects Me'. How Twenty- and Thirty-Somethings in Poland Re-Evaluate Their Religion, in: Journal of Contemporary Religion 28/2 (2013), 259–276.

67 Polish Public Opinion, Poland in the EU, November 2021, https://www.cbos.pl/PL/publikacje/public_opinion/2021/11_2021.pdf.

68 Agnieszka Laddach, Anti-Gender Preaching on IKEA Intranet. Catholic Church as a Besieged Fortress (2019–2021), in: Marta Bucholc (ed.), Established-Outsiders Relations in Poland. Reconfiguring Elias and Scotson, New York 2024, 53–82.

69 Bogumila Hall, Gendering Resistance to Right-Wing Populism. Black Protest and a New Wave of Feminist Activism in Poland?, in: American Behavioral Scientist 63/10 (2019), 1497–1515.

70 Elżbieta Korolczuk, Counteracting Challenges to Gender Equality in the Era of Anti-Gender Campaigns. Competing Gender Knowledges and Affective Solidarity, in: Social Politics. International Studies in: Gender, State & Society 27/4 (2020), 694–717.

71 Graff/Korolczuk, Anti-Gender, 2022; Anna Gwiazda, Right-Wing Populism and Feminist Politics. The Case of Law and Justice in Poland, in: International Political Science Review 42/5 (2021), 580–595.

6. The gambit that backfired: feminist countermobilizations after 2015

With the establishment of the All-Poland Women's Strike movement in 2016, a "new wave of feminism"[72] emerged in Poland amidst a period of sustained demonstrations in response to the proposed bill to fully delegalize abortion, known as the Black Protests.[73] In some 200 cities and towns across Poland, 150,000 people gathered to express their dissatisfaction and anger. Transnational connections were used to share information and express solidarity – the "we are not alone" slogans used by the protestors demonstrate a degree of transnational connectedness.[74] The Black Protests were preceded by the 'Stop Abortion' campaign launched in March 2016 – calling for prison sentences for both women and doctors for illegal abortions – initiated by the Ordo Iuris Institute with the support of the Church, the ruling government, and the Stop Abortion Network (450,000 signatures). In addition to the obvious pro-abortion agenda of the protests, the scholarly debate also speaks of anti-government attitudes,[75] gestures of challenging the institutionalized role of the Catholic Church in Poland, and, more broadly, Poland's positioning in Europe.[76] Most activists identified themselves as "ordinary women",[77] who gathered with other protesters out of a political fear of the dangerous consequences of the proposed law, which was described as "barbaric", "inhuman", and "torturing women".[78] Whereas the PiS government relied on an interpretation of human rights backed by medical and legal experts to validate its credibility[79] – of which the recently released documentary *Tętno* (Heartbeat) (2023) is a paradigmatic example – the development of the counter-organizations went in the opposite direction.

Graff and Korolczuk describe the Black Protests not as an intellectual project, but rather as a "collective expression of powerful emotion, a form of 'popular feminism,' that circulated through inclusive symbols and embodied knowledge aiming to reject the ethnonationalist definition of 'the people' enforced by right-wing pop-

72 Hall, Resistance, 2019.

73 An important side note in interpreting the Black Protests is their continuity with the anarcho-feminist activism of the past. See Barbara Dynda, Odzyskać Noc. Revisiting the 1990–2000s Anarcho-Feminist Protests in Poland as a Strike against Gender-Based Violence, in: Atlantis 44/2 (2024), 26–39.

74 Graff/Korolczuk, Anti-Gender, 2022.

75 Przemysław Szczygieł, Mężczyźni uczestniczący w czarnych protestach w Polsce. Ujęcie andragogiczne, in: Rocznik Andragogiczny 26 (2019), 33–50.

76 Hall, Resistance, 2019.

77 Jennifer Ramme/Claudia Snochowska-Gonzalez, Solidarity Despite and Because of Diversity. Activistsis of the Polish Women's Strike, in: Praktyka Teoretyczna 4/30 (2018), 75–100.

78 Korolczuk, Challenges, 2020.

79 Korolczuk, Protests, 2016.

ulist forces".[80] The dominant frames of the mobilizations favoured embodied forms of knowledges – precluding a unified feminist identity based on disembodied expertise or mainstream liberal feminist frames, as often found in women's movements.[81] These arguments do not exclude the presence of liberal attitudes in the protests, but they do point to their most binding and successful factor. Indeed, Bogumila Hall stresses how the young cohort in particular seems to find comfort and strength in liberal feminism, as their demands are often characterized by the language of human rights and an uncritical view of the European Union's promises of progress.[82] Many of the young activists highlight a national civilizational regression, blaming their fellow citizens for their "backwardness and narrow-mindedness", while pinning their hopes on the EU as a saviour.[83] Hall describes these findings as an echo of old narratives in which the Polish culture is portrayed as anti-feminist and the EU as women-friendly, while the older generation of activists has developed a more critical stance towards the EU.[84] The former attitudes also embody the superiority implicit in the discourse of the "advanced" liberal West.[85]

In October 2016, the 'Stop Abortion' bill was rejected, and the feminist agenda gained currency as a collective fight against the Church-backed ultra-conservative elite. Nevertheless, the bill was revived in April 2020. Meanwhile, the counter-proposal 'Save the Women' collected around 500,000 signatures in October 2017, but was rejected in January 2018. In 2020, however, PiS chose to address abortion laws in Poland through a constitutional review rather than a parliamentary vote. The Constitutional Tribunal's ruling of 22 October 2020 created one of the strictest abortion laws in Europe, delegalizing abortion on grounds of severe fetal malformation. The ruling came into force on 27 January 2021.

Between October and December 2020, under the slogan 'This is War,' 985 protests were mobilized against the ruling, forming the largest anti-government mass mobilization since *Solidarność,*[86] and the first large-scale opposition to the Church.[87] Even though criticism of individual members of the Catholic elite had been possible before, the now organized opposition to the Church made history.[88] In her account

80 Graff/Korolczuk, Anti-Gender, 2022, 144.
81 Korolczuk, Challenges, 2020.
82 Hall, Resistance, 2019.
83 Ibid., 1510.
84 Ibid.
85 Graff/Korolczuk, Anti-Gender, 2022.
86 Anatol Magdziarz/Marc Santora, Women Converge on Warsaw. Heightening Poland's Largest Protests in Decades, in: The New York Times, 30 October 2020, https://www.nytimes.com/2020/10/30/world/europe/poland-abortion-women-protests.html (4 July 2025).
87 Motak et al., Battle, 2021.
88 For a full account of the 2020–2021 projects we refer to: Adrianna Zabrzewska/Joshua K Dubrow (eds.), Gender, Voice, and Violence in Poland. Women's Protests during the Pandemic, Warsaw 2021.

of the protests, Korolczuk argues that the mass gatherings "solidified a seismic shift in the attitudes of the young generation of Poles with regard to the authority of the state and the Church".[89] Grabowska, on the other hand, emphasizes how the 2020 mobilizations overcame the "hegemony of two dominant ways of articulating gender justice demands in Poland": liberal feminism and femonationalism.[90] While the countermobilizations have been framed in various terms (including populist, everyday, or intersectional feminism), our theoretical contribution to the debate unfolds an interpretation of recognition struggles as "institutional remedies for institutionalised harm", in which a "universalist recognition" is demanded irrespective of identity.[91] Countermobilizations were thus not rooted in the isolated event of the 2020 ruling, but in the repeated acts of political subordination and cultural-political misogyny and homophobia now also translated into law. The following quote vividly highlights these struggles: "Now it's not really just about abortion, it's a protest about the loss of humanity".[92]

In the political discourses following 2020, Marta Bucholc and Marta Gospodarczyk identify a rhetoric device that they call the "negative synecdoche of womanhood", which is responsible for the construction of an imaginary threat imposed on feminists who are portrayed as an undesirable minority alienated from the Polish 'true' identity.[93] Departing from Fraser's insights, we add to this conclusion that the public degradation and demonization of social categories simultaneously evoke institutionalized patterns that prevent equal participation in social life. By vilifying the protesters, as the sources available in English in Zabrzewska and Dubrow's collection show,[94] including parliamentary and presidential speeches, the hegemonic illiberal discourse turns feminist mobilizations into a demonized ideology. The new grammar of political/feminist claim-making transcends questions of identity politics based on nationalist traditionalism and its notions of conformism and intolerance towards those who do not fit into the self-generated collective identity. Instead, by emphasizing the humanity of all, the countermobilizations resist the institutionalized meanings and norms responsible for the hegemonic cultural script. A telling example of the misrecognition gambit concerns the thousand applications for abortion rights filed in 2021 with the European Court of Human Rights (ECtHR), known as the 'Women's Complaint,' marking a turning point in the abortion debate

89 Ibid., 194.
90 Ibid., 198–199.
91 Fraser, Recognition, 2000.
92 Santora et al., 2020, cited in Motak et al., Battle, 2021, 10.
93 Marta Bucholc/Marta Gospodarczyk, Feminist Mobilization, Abortion Law and Political Images of Womanhood. Feminists as 'the Worst Minority', in: Marta Bucholc (ed.), Established-Outsiders, Cham 2024.
94 Zabrzewska/Dubrow, Gender, 2021.

in which the so-called "crisis of the Church" and "undemocratic fraud" became apparent.[95] Agnieszka Kubal explains how the Women's Complaint exposes this:

> "[E]ffectively [PiS has] bypassed democratic decision-making and, in this process, has legally disenfranchised a significant proportion of Polish society–all women of reproductive age. In exposing this cheating, the Women's Complaint became more than a reproductive rights case: it is a broad rights-based litigation against the rule of law crisis in Poland."[96]

Even though the Women's Complaint was declared inadmissible in June 2023, partly due to the hypothetical nature of the applicants' claims, the intrinsic connection between the rule of law and reproductive rights was soon afterwards articulated by the ECtHR in the case of *M.L. v. Poland* of 4 December 2023, the essence of which was to declare any limitation by the Constitutional Tribunal in its 2020 composition in the field of human rights to be in violation of the European Convention on Human Rights.[97]

In order to assess the events after 2015, it is crucial to look at the overarching mechanism of contestation: PiS threw in its lot with the Church, correctly seeing this as a guarantee of electoral success among the more Catholic-minded voters. However, this winning move also cost PiS dearly: its credibility among the youngest voters, whether right- or left-leaning, was reduced to almost zero, since the right-leaning young cohorts in Poland are far from uniformly church-going. Therefore, the demographic consequences of the alliance with the Church were detrimental, even though it led PiS to victory: PiS's gambit was but a gamble. All-in feminist organizing provoked massive mobilizations for participation (of women in politics), for distribution (of state resources to pregnant women seeking health care), and for recognition (of self-determination and bodily autonomy as individual rights). These mobilizations did not translate into the formation of a political force, but they did spark a mobilization of women in the 2023 elections, and some increase in the number of women in politics. Additionally, anti-Church rhetoric has never been as strong in the electoral campaign as it was in 2023, articulated from the right, the left, and the centre – with PiS standing largely alone as the defender of the Church. Poll results published in January 2024 showed a significant decline in anti-abortion attitudes, with 51 per cent of a representative sample in favour of legalizing abortion up to

95 Application nos. 4188/21, 4957/21, 5014/21, 5523/21, 5876/21, 6114/21, 6217/21, 8857/21.

96 Agnieszka Kubal, The Women's Complaint. Sociolegal Mobilization against Authoritarian Backsliding Following the 2020 Abortion Law in Poland, in: Journal of Contemporary Central and Eastern Europe 31/3 (2023), 583–605, 599.

97 Application no. 40119/21.

the end of the 12th week of pregnancy, with no explanation required.[98] In October 2024, however, this support appears to be have dropped to 46 per cent, whereas 21 per cent of this newer sample prefers to return to the 'abortion compromise'.[99] Thus, these polls illustrate that the majority of the Polish population supports liberalizing the country's current abortion laws.

7. Conclusion

The early period of post-communist democratization in Poland, as outlined above, appears to be a period of defeat, lack of know-how, and division on the part of feminist organizing and women in general. This coincided with the rise of national conservative forces, which preferred to strategically align themselves with the anti-abortion stance of the Catholic Church – moving to a position of broadly recognized authority. Subsequently, the zero-sum game that was lost in terms of state-guaranteed reproductive possibilities evolved into what we call the misrecognition gambit of the governing national Catholic right after 2015. With the increased political influence of both PiS and the Catholic Church, the political majority relied on the denial of legal access to abortion and the active misrecognition of reproductive needs and urgencies essential to women's health. This meant "not the depreciation and deformation of group identity, but social subordination – in the sense of being prevented from participating as a peer in social life".[100] The bet on misrecognition, however, was confronted with unprecedented pro-abortion, anti-government, and anti-Church mobilizations, which, we argue, shifted the issue of women's recognition in Poland from an identity-based to a status-based recognition model.

A limitation of this historical analysis is its relative isolation of the topic of abortion amongst many others in the struggle for recognition. Our narrative lacks a discussion of the significance of the Church in depriving the parity of participation for LGBTQIA+ people, which is also impacted by Poland's stance toward international human rights and EU fundamental rights commitments.[101] For example, in Decem-

98 Radio Zet, Legalna aborcja do 12. Tygodnia ciąży. Polska podzielona niemal na pół, in: Radio Zet, 31 January 2024, https://wiadomosci.radiozet.pl/polska/polityka/legalna-aborcja-do-12-tygodnia-ciazy-polska-podzielona-niemal-na-pol (4 July 2025).

99 Rzeczpospolita, Sondaż. Większość Polaków chce referendum w sprawie aborcji. Oto jak by zagłosowali, in: Rzeczpospolita, 3 January 2024, https://www.rp.pl/polityka/art41239711-sondaz-wiekszosc-polakow-chce-referendum-w-sprawie-aborcji-oto-jak-by-zaglosowali (4 July 2025).

100 Fraser, Recognition, 2000, 113.

101 Marta Bucholc, Tactical Boundary-Setting in the Struggle for Recognition, in: Piotr Kulas/Andrzej Waśkiewicz/Stanisław Krawczyk (eds.), Understanding Recognition Conceptual and Empirical Studies, Abingdon 2022; Korolczuk, Challenges, 2020; Barbara Grabowska-Moroz/Anna Wójcik.

ber 2023, the ECtHRights ruled that Poland had failed to provide a legal framework for same-sex couples *(Przybyszewska and others v. Poland)*. Other issues, such as the protection of asylum seekers, migrants' rights, children's rights, historical justice, or animal rights, may also open up new fronts against the Church, in which its alliance with the political right may become increasingly problematic. As previously mentioned, another limitation of this study entails the legacy of the figuration of Polish society in the communist era, which was easy to represent in binary terms of 'us' and 'them', society and the Party. More detail could be granted to the internal diversification of the church hierarchy to grasp the much greater diversification of Polish Catholic communities.

For the time being, the back and forth continues. As early as December 2023, in a symbolic reversal of the 2015 decision of the first PiS government, state funding for in vitro fertilization was reinstated by the parliament in which PiS no longer has a majority. However, there is still no sign of the national Catholic right folding. In July 2024, a bill aiming to soften the near-abortion ban was rejected by parliament – with a certain bitterness for those celebrating Donald Tusk's new position as prime minister of Poland.[102] In our view, this does not delegitimize the earlier gambit, as anti-Church voices are undeniably getting stronger in Polish socio-political spheres. While much of this critique is related to the Church's involvement in child abuse and related miscarriages of justice (a problem by no means unique to the Polish Church), the right to abortion remains a crucial and most radical element for anti-Church policies, alongside the removal of religion from public schools, cuts in state funding for Church institutions, a general revision of the Church funding model, and a more rigorous application of the constitutional principle of the separation of Church and state.

As the gambit of the national Catholic right backfired, feminist mobilizations in Poland appear to be in a mid-swing: still fighting against the sexist misrecognition distorting women's social status, but also taking on the academic challenge of (re)constructing Polish feminist movements by questioning the historical normative blueprints of mainstream Western feminism that supposedly enabled women's organizing in Poland after 1989. The aftermath of the gambit is still unfolding, and there is no real sign of an end to the back-and-forth pushes and pulls.

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102 Wojciech Kość, Poland's Tusk Hits a Wall on Legalizing Abortion, in: Politico, 24 July 2024, https://www.politico.eu/article/poland-prime-minister-donald-tusk-abortion-laws-protests/ (4 July 2025).