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Beyond backsliding: tracing the roots of Polish gender troubles with democracy in transition-era reproductive policies

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ABSTRACT

Over recent decades, the Polish political landscape has experienced significant shifts, from an exemplary democratization to rapid decline to a recent democratic resurgence. While attacks on reproductive rights between 2015 and 2023 were recognized as an important component of "democratic backsliding," many of these rights were never guaranteed in the first place. In fact, some, such as abortion rights, were rolled back as part of the process of democratization. To understand the gendered troubles with contemporary Polish democracy, we focus on that initial rollback in 1993 as a moment when the shape of Polish democracy and the new social contract were negotiated. We focus on how this controversial "Abortion Compromise" between political elites and the Catholic Church entrenched conservative values and restricted women's rights. Based on an analysis of policy and parliamentary debates, we argue that the resulting narrow understanding of the political demos and a weak formal democracy facilitated contemporary challenges to gender equality and Polish democracy, offering insights into the ongoing international debates on democratic backsliding and crisis.

KEYWORDS Abortion; Poland; democratic transition; democratic backsliding; poststructural policy analysis

HISTORY Received 16 December 2024; Accepted 2 October 2025

Introduction

Since 2015, Poland has shifted from a third-wave democratization success story to one of the fastest-declining democracies in the world (Hellmeier et al. 2021) and back to a democratic revival following the 2023 elections won by the liberal opposition. Throughout these political shifts, women's rights – and particularly the right to abortion – have remained central

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issues of contention. A growing body of literature recognizes that democratic erosion often includes attacks on gender equality and minority rights (Kováts 2017; Roggeband and Krizsán 2018; Verloo 2018). Indeed, in Poland, the Law and Justice (PiS) government – in addition to breaching the Constitution, capturing national media, and transforming the judiciary – also orchestrated attacks on so-called "gender ideology," leading to an almost complete ban on abortion in 2020 (Bucholc 2022; Grabowska 2023). Yet, a similar restriction of abortion rights was an important element of Poland's transition to democracy in the 1990s (Grabowska 2012; Kramer 2009). Furthermore, the victory of a "democratic" coalition in the 2023 parliamentary elections has not and – according to Prime Minister Donald Tusk – will not bring the widely demanded liberalization of abortion laws either. This history of reproductive rights in Poland points to a complicated relationship between gender equality and democratic quality, which needs to be further explored.

In this article, we focus particularly on the curtailment of abortion rights during Poland's democratic transition, framing it as a central arena of democratic contestation over control of bodies and reproduction. We do so by exploring the following research question: how was reproduction negotiated during Poland's democratic transition and with what implications for the political demos? Using poststructuralist policy analysis (Bacchi and Goodwin 2016), we examine the process and outcomes of the contestation over the right to abortion to draw broader conclusions about the logics of the Polish democratic system and the gendered power relations that shaped the representation of interests on which it was founded. We argue that Polish gender troubles with democracy extend far beyond the populist moment and are ingrained in the very foundations of Polish democracy. In the context of reproductive rights, abortion stands out as a key arena for state power, as it is directly linked to the state's role in shaping citizenship and defining the boundaries of the nation (Anthias and Yuval-Davis 1989; Kramer 2009; Miller 2007). At the same time, the right to control one's body has profound consequences for political agency and other fundamental rights, including the rights to life and health.

Today, Poland's enforcement of one of the most restrictive abortion policies in Europe makes this dynamic especially evident. Abortion is legally permitted only when the pregnant person's life is at risk or when the pregnancy is the result of a crime. Yet even within these narrow exceptions, access is often obstructed in practice. Some medical professionals refuse to provide care, delaying or denying abortions even when legally required. In several high-profile cases, this has proved fatal – with doctors prioritizing the fetus over a woman whose life was at risk. These are not merely medical failures; they are failures of citizenship. When law on paper does not translate into protection in practice, the formal rights of a political community become hollow. Abortion policy thus serves as a revealing test of democratic integrity:

a measure of whether all members of the demos can exercise equal standing, not just in theory, but in the moments that matter most. At the same time, its negotiation in the 1990s was and still remains limited to the four walls of the Polish Parliament, where fierce protests and public demands for liberalization have been consistently ignored. A close examination of the policy and the process of its adoption offers an insight into the gendered ideological foundations on which Poland's democracy was built.

Gendering Polish democracy

Mainstream democratic literature portrayed Poland in the late 1990s as a prime example of the democratic transition model, praising its non-violent transfer of power, commitment to democratic values, and swift conversion to a market economy (Michta 1997). However, following the overwhelming victory of PiS in 2015, Poland took an unexpected illiberal turn, becoming one of Europe's prime suspects of "democratic backsliding" driven by a right-wing populist ideology. Despite the widespread use of both transition and backsliding paradigms in mainstream democratic literature, these present several issues. First, they tend to reduce complex, manifold processes to "movement along a linear trajectory of progress, standstill, or regression" (see also Carothers 2002; Cianetti and Hanley 2021, 66). Second, the transition paradigm often ignores the contextual peculiarities that affect democratization (Carothers 2002), while the backsliding framework assumes that democratic decay is preceded by successful consolidation (Cianetti, Dawson, and Hanley 2020). Developments in Poland challenge this assumption. When democracy is examined not only through the lens of formal institutions but also in terms of its gendered and sexual dimensions, it becomes evident that democratization does not necessarily lead to emancipatory gender policies, and that backsliding is not always preceded by steady progress.

From a gender perspective, backsliding is often seen as leading to the closure of civic spaces for progressive and feminist movements (Roggeband and Krizsán 2021) and a rollback of women's and minority rights (Kováts 2017; Krizsán and Roggeband 2021). However, even consolidated liberal democracies have often failed to deliver their promises of equality and rights, particularly for marginalized groups, including women and racialized and sexual minorities (Pateman 1989). These problematic legacies of exclusion often facilitate further rollback of rights and emancipatory policies during times of democratic erosion (Roggeband et al. 2025). Furthermore, the democratization of institutions does not necessarily result in the democratization of power relations (Waylen 1994), and can involve problematic trade-offs in which the exclusion of certain groups from full democratic participation – perceived universally as detrimental to the quality of democracy – can serve as a stabilizing mechanism (Cianetti and Hanley 2021). Therefore, when it comes to

gender and equality, democratization and backsliding cannot be described in linear terms of progress and decline. Instead, we propose framing them as moments of negotiation, where different visions for the future state and its political demos are at stake (Biroli and Roggeband 2025).

In contemporary Poland, this negotiation first took shape during the transition to democracy in the 1990s, particularly through debates on abortion policy (Grabowska 2023; Kramer 2009). At that time, two competing democratic projects collided: one focused on formal democracy, emphasizing the systematic exchange of political elites within stable legal framework and institutions, and another centered on an inclusive, participatory democracy (Grabowska 2023). Contemporary feminist movements in Poland pursue the latter vision of democracy, struggling across intersecting dimensions of exclusion to create a more equal democratic system (Grabowska 2023). Central to these efforts is control over social and biological reproduction, particularly the right to abortion (Grabowska 2023; Kramer 2009). That is why debates over abortion policy have become a central arena for negotiating the future shape of the Polish state (Kramer 2009).

The scrupulous regulation of marriage, family, and especially reproduction serves the state's interests by enabling it to delineate the political boundaries of the nation (Anthias and Yuval-Davis 1989; Miller 2007; Yuval-Davis 1997). Since women are primarily responsible for biological reproduction, control over their bodies becomes a central element of nationalist ideology (Anthias and Yuval-Davis 1989; Yuval-Davis 1997). The womb, as a physical space, thus becomes a political battleground where control over citizenship is contested (Miller 2007). At the same time, abortion policy directly affects the access of pregnant individuals to full citizenship, since the state denies them the basic right to bodily autonomy (Deutscher 2008; Kuswa, Achter, and Lauzon 2008; Miller 2007; Sutton and Vacarezza 2021). When individuals lack control over their own bodies – and when their health and rights are subordinated to those of the fetus – they are effectively placed in a state of exception. In such conditions, the political participation of women, who are primarily affected by these policies, on equal terms with men becomes unattainable.

Through abortion policy, women are assigned a specific role in the reproduction of the nation, relegating them further away from the public sphere and into the private (Anthias and Yuval-Davis 1989; Pateman 1989; Yuval-Davis 1991). Citizenship – understood as full membership in a community (Marshall 1950), including civil, political, and social rights – is neither universal nor stable. It relies on a theoretical distinction between the public and the private and involves the perpetual negotiation of the cultural and social boundaries of that "community" (Yuval-Davis 1991). Thus, abortion policy is not only a moral issue, but also a political one that has implications for the boundaries of the nation and inclusion in the political demos. Its negotiation reveals and impacts access to political power, as well as the fundamental right

to bodily autonomy. Thus, while formal democratic checks and balances might be in place, these boundaries of the nation exclude some citizens from equal civil participation, calling into question the assumption that democratization promotes inclusive and emancipatory policies.

Negotiating abortion policy in Poland

Concerns over the quality of Polish democracy following democratic transition in the 1990s are not new. A considerable body of literature has already discussed particularly the exclusion of women from the process (Dzido 2016; Heinen 1992; Penn 2005) and their position in the new system expressed in reproductive policies (Heinen 1992; Holc 2004; Kościelniak 2020; Mishtal 2015), the division between the public and the private (Graham and Regulska 1997), and the influence of the Catholic Church (Nowicka 1996). Nevertheless, these concerns have remained largely ignored by mainstream literature, which has praised Poland for its peaceful transition and conversion to a market economy (Michta 1997). That system, however, was built on a shaky foundation of nationalist ideology and trade-offs between stability and inclusion, both expressed in the drawing of boundaries of the nation through abortion policy. The Polish case highlights broader patterns in contemporary democracies, which often fail to fully include marginalized groups (Pateman 1989; Roggeband et al. 2025). Built on contentious legacies, these states reinforce national boundaries – including through reproductive policies – and perpetuate exclusionary patterns of unequal access to power and a narrow definition of the political demos. In Poland, this dynamic is especially evident in its history of abortion regulation, which has evolved through various regime changes.

After the Second World War, abortion in Poland was only legal in cases where the pregnancy resulted from a crime or when the mother's life was in danger (Wężyk 2021). However, following Joseph Stalin's death, many Soviet and satellite states liberalized access to the procedure as part of profound socio-political reforms (Ignaciuk 2022). In 1956, abortion was legalized based on socio-economic arguments and became widely available on demand (Ignaciuk 2022; Jankowska 1992). The policy's main goal was to eliminate abortions performed by people without medical training, such as friends, family, or traditional female folk healers (Kuźma-Markowska 2017). These unregulated procedures were often dangerous, leading to complications and even death. At the same time, the state was unable to provide alternative birth control methods, arguing that the legalization of abortion was necessary to safeguard women's health. This shift brought women's reproductive health under the control of medical institutions, turning their bodies into a resource for the economic and demographic goals of the state (Dudova 2012, 138; Kuźma-Markowska 2017).

During the Polish Peoples' Republic, the 1956 policy faced moderate opposition. Contestation came mainly from Catholic members of Parliament (MPs), doctors, and organizations affiliated with the Catholic Church (Kuźma-Markowska 2017). The only two attempts made by these factions to restrict abortion, in 1977 and 1989, were never debated in Parliament (Kościelniak 2020). Meanwhile, the Church became a natural ally to opposition movements, receiving strong support from the Vatican following the election of a Polish cardinal as Pope in 1978 (Nowicka 1996). Pope John Paul II advocated against what he termed the "civilization of death," which included opposition to reproductive rights and an emphasis on traditional values (Żuk and Żuk 2020). While the Church was a powerful ally – and many agree that without its support, the trade union Solidarność, which was the main anti-communist force in Poland's democratic transition, would not have succeeded in challenging the totalitarian government (see for example Kościelniak 2018; Szczerbiak 2016) – it also dictated the terms of this alliance (Nowicka 1996), one of which was official support for a restrictive abortion policy in exchange for the Church's backing during election campaigns (Grabowska 2012).

The story of the policy that is still in force today began even before the 1989 elections, when the Catholic Intelligentsia Club from Szczecin proposed revoking the 1956 act with a policy prepared by the Episcopate (Kościelniak 2018). Their notion was never discussed and eventually expired. Similarly, other proposals, including a widely supported referendum project, were eventually rejected (Kulczycki 1995). The referendum initiative, led by Zbigniew Bujak and his committee, gathered 1.3 million signatures but was ignored by Parliament (Nowicka 1994). Instead, in March 1992, another policy was drafted by a special commission proposing a full criminalization of doctors performing abortions, with only one exception: if the mother's life was in danger. Several months later, it was adopted with several changes and became what is commonly referred to as the "Abortion Compromise." This law made abortion illegal, with three exceptions: if the mother's life or health were in danger, if the pregnancy resulted from a crime, or if the fetus was suspected to have severe impairments (Kancelaria Sejmu 1993). Compared to the earlier version, it elaborated on the role of schools in providing sexual education and information about contraception methods. It also required schools to support pregnant students to continue their education and guaranteed expectant mothers legal, social, and medical protection. In 1996, the law was briefly liberalized by a social-democratic government to include the socio-economic premise that provided wide access to abortions under communism, but the amendment was ruled unconstitutional several months later (Bucholc 2022).

Abortion became heavily contested again following PiS's victory in 2015. Between 2015 and 2020, several proposals were submitted to Parliament

by civic initiatives. While drafts prepared by feminist activists were immediately rejected, those proposing restrictions were accepted for further proceedings, sparking nationwide protests and forcing the government to retreat (Szczygielska 2019). Shortly after, during the COVID-19 lockdown, the PiS-controlled Constitutional Tribunal ruled that the fetal impairment exception was unconstitutional, effectively making abortion almost entirely illegal (Bucholc 2022). This sparked unprecedented feminist mobilization – first in the streets, and later at the ballot boxes, putting an end to PiS's term in power in 2023 (Pacewicz 2023). However, at the time of writing, the law remains unchanged. Despite mass mobilization and wide public support, a democratic debate about liberalizing access to abortion remains out of reach, with attempts at decriminalization consistently undermined by conservative factions within the governing coalition (Chrzczonowicz 2024). This continuing centrality of abortion in Poland's political struggles echoes the contestation that took place during democratic transition, prompting us to trace the roots of the current gender troubles of Polish democracy back to the negotiation of reproductive rights in the early 1990s.

Methodology

We employ a poststructuralist approach to policy analysis, following Carol Bacchi and Susan Goodwin (2016), to examine the implicit knowledges and assumptions that shaped the governance of reproductive rights in Poland during its democratic transition. Grounded in Foucauldian concepts of power and governmentality, this approach views policy as discourse. Understanding policy in this way enables us to uncover the techniques and rationalities of governance embedded within it, as well as the workings of power-knowledge. According to Bacchi and Goodwin (2016), policies – including policy proposals – function as prescriptive texts. They articulate specific practices grounded in particular problematizations, shaping what is perceived as acceptable and desirable behavior.

A poststructuralist policy analysis offers a critical lens through which to examine policy texts and political debates, emphasizing the constitutive power of language and its tangible effects on social norms and practices. This approach invites reflection on the presuppositions and conceptual logics that underpin particular representations of issues – how certain problem framings are made intelligible, gain acceptance, and may even become hegemonic. It also considers the effects produced by how a "problem" is defined and understood.

Such an analysis is particularly useful for understanding the negotiation of the 1993 "Abortion Compromise" in Poland. It helps to trace how specific constructions of abortion as a political issue emerged, what effects these constructions produced, and how they might be contested. Abortion policies

construct specific subject positions – such as "mother," "fetus," and "child" – that define individuals' legal status and shape their access to full citizenship. In doing so, they reinforce specific visions of society, the nation, and its cultural boundaries. This discursive construction reveals the ideological struggles at play and their broader implications for the development of an inclusive democracy. By situating the abortion debate within broader historical and discursive contexts, this approach sheds light on the complex and often contradictory emergence of Polish democracy, which was, in part, negotiated through these policy struggles. Understanding this entanglement allows for a more critical interpretation of both current policy developments and the trajectory of the democratic project in Poland.

The starting point for this analysis was identifying key policy proposals and parliamentary debates from 1989 to 1993. Four policy drafts were ultimately included: a proposal drafted before the 1989 elections; the first version of what would become the "Abortion Compromise," submitted in March 1992; the final policy adopted in 1993; and one of the more liberal proposals drafted in 1991. Alongside policy drafts, the sample also includes two resolutions: a 1990 Senate initiative to grant legal protection to conceived human life, and a 2017 resolution commemorating the establishment of a Polish Committee for the Defence of Life, Family, and Nation in 1977. Selected debates include a 1990 Senate discussion on the 1990 initiative to grant legal protection to conceived human life, and two 1992 parliamentary debates covering the first and second readings of the "Abortion Compromise," as well as two rejected proposals: the referendum project and a liberal alternative. To trace back the origin of these proposals, we included additional documents such as archival documents of Solidarność, an interview with a female Solidarność member, a Helsinki Watch report, and other secondary data including books, online archives, and academic articles. The final timeframe of the study is from 1980, when Solidarność started consolidating as a political power, until 1993, when the "Abortion Compromise" was adopted.

The analysis follows the six steps developed by Bacchi and Goodwin (2016), tracing the representation of the "problem," the presumptions behind it, its origin, silences, the effects of such representation, and finally the ways in which it can be contested. The guiding questions suggested for each of the six steps were used to code policy documents and debates. The representation and assumptions underlying the "problem" were analyzed using the policy proposals underlying the "Abortion Compromise" as primary texts alongside statements made by its supporters during the debates to trace the framing of the issue and its underlying assumptions; these represented a variety of political parties that emerged from Solidarność structures, as well the Polish People's Party – historically agrarian and considered a satellite party during communist times. Statements made

by opponents, mainly representing post-communist left parties and other liberal factions in Parliament were read as alternative representations and possible contestations.

Making democratic Poland through abortion

The 1993 "Abortion Compromise," which is still in force in its restrictive form at the time of writing, represented the "problem" of abortion regulation as primarily a matter of protecting human life at its prenatal stage. As we argue throughout our analysis, this problematization, the assumptions on which it relied, and the process of its negotiation produced a number of effects that still resonate in Polish democracy today. First, it created the fetus as a citizen, inscribing it into the legal order and guaranteeing it legal protections. Second, it relegated women to their civil duties as mothers and marginalized their interests in policymaking process. Third, and finally, it designated the Catholic Church as a moral authority, giving it a seat at the political table. At the same time, the negotiations over abortion policy were discursively tied to a broader discussion about the shape of Polish democracy. Throughout the debates, both proponents and opponents of the restrictive policy, representing the whole spectrum of Polish politics at that time, agreed that abortion regulations would define the ideological underpinnings of the Polish state. We argue that through the "Abortion Compromise" a majoritarian political order was established, which prioritized Catholicism as a foundational principle of the new Polish democratic state. In doing so, it marginalized women's rights, along with the rights and interests of citizens who did not adhere to the Catholic vision of Polish society.

The problematization of abortion as a matter of protecting the fetus was immediately evident from the policy title: "Act of January 7, 1993 on Family Planning, Protection of the Human Fetus, and Conditions for the Permissibility of Abortion" (Kancelaria Sejmu 1993).[1] Arguments centered on the protection of the fetus were also the ones most often recalled by MPs representing various political factions that supported the restriction of access to abortion. For example, Senator Walerian Piotrowski, representing Solidarność, mentioned it as the central aim of the policy: "[I]f in several years this law contributes to saving at least thousands, but maybe even millions, of human lives, it will have fulfilled its aim" (Senat Rzeczypospolitej Polskiej 1990, 167). Similarly to other MPs, he explicitly linked abortion policy to saving and protecting human life in its prenatal form.

This representation further resonated in the policy's emphasis on encouraging women to carry their pregnancies to term. This was expressed in the text of the Abortion Compromise bill, which legally bound appropriate "local authorities to provide pregnant women with social, medical, and legal protection" (Kancelaria Sejmu 1993). It also attempted to make

pregnancy, childbirth, and motherhood less disruptive to women's lives by requiring schools "to ensure that a pregnant student is given appropriate maternal leave and receives necessary support to graduate" (Kancelaria Sejmu 1993). Alternative family-planning methods were available to a limited degree and the bill only mentioned vague regulations concerning sexual education. Contraceptives and education were also brought up by several MPs from various political parties as an alternative way of lowering the number of abortions to strengthen the protection of fetuses. For example, representing the Polish People's Party, MP Mikołaj Kozakiewicz argued that "[t]he only really effective method to minimize the number of, and eventually eliminate, abortions is a systematic and modern sexual education, as well as commonly available choice of contraception" (Sejm Rzeczypospolitej Polskiej 1992b, 47).

Finally, abortion – as a matter of human life and its protection – was framed in terms of state control and authority. The need to reclaim control over reproduction was expressed in the justification of the policy, which criticized the 1956 regulation for delegating enforcement to the Ministry of Health and allowing it to interpret the law freely. Instead, the document argued that abortion should be under precise jurisdiction of Parliament (Sejm Rzeczypospolitej Polskiej 1991). This was also evident during the debates, where, in 1990, Senator Alicja Grześkowiak, representing Solidarność, argued that granting the mother the right to decide over the life of the fetus would make the matter entirely private, whereas, in fact, it involved the state's interest in protecting the most fundamental right to life (Senat Rzeczypospolitej Polskiej 1990, 183). Similarly, when arguing for the "Abortion Compromise" and against a referendum, a German Minority MP, Erhard Bastek, claimed that while he was "not against this form of democratic expression of public opinion," he opposed "leaving the eternal matters of ethics and morality to the blind result of a referendum" (Sejm Rzeczypospolitej Polskiej 1992b, 58). He therefore suggested that despite vast social support for a referendum and a liberal abortion policy, the authority to designate abortion as an ethical matter and its evaluation lay with the emerging elites and their political allies, who – as we argue further in our analysis – represented the stance of the Catholic Church.

These arguments drew from the Catholic dogma too, presuming that human life and individual personhood began at conception. This was already suggested in the policy preamble, which mentioned the moment of conception as a guarantee for state protection (Kancelaria Sejmu 1993). In the debates, some politicians, such as the aforementioned Solidarność Senator Walerian Piotrowski, stated this as a universal truth:

> In this chamber, there is no doubt that the *nasciturus* is a human being, and there is no need to convince anyone that this debate is not about pregnancy,

> but about human life. Even the most radical opponents do not dare to question the fetus' humanity. (Senat Rzeczypospolitej Polskiej 1990, 166)

In the lower chamber of Parliament, MP Anna Knysok, representing a post-Solidarność Christian Democratic grouping, similarly argued: "Contemporary medicine leaves no doubt that human life begins at the moment of conception" (Sejm Rzeczypospolitej Polskiej 1992b, 19). Framing this assumption as an indisputable and even scientific truth laid the groundwork for inscribing the fetus into the law as a holder of rights.

As a result, rights and protections guaranteed from the state produced a fetal pseudo-citizen, lacking full citizenship because some of its rights depended on being born alive yet remaining under the legal protection of the state (Kancelaria Sejmu 1993). Among some of the specific rights that the fetus obtained, the abovementioned MP Anna Knysok listed "protection of health and life, social rights, right to recognition by the father, possibility of appointing a guardian, possibility of donation to a conceived child and possibility of insurance" (Sejm Rzeczypospolitej Polskiej 1992b, 20). By equating the fetus' right to life with that of born people, the law enabled a framework in which the fetus' legal claims could be weighed against and overrule women's rights to bodily autonomy and freedom of choice.

In fact, the policy and the debates hardly referred to women's rights and agency at all, emphasizing instead their reproductive role and duties. For example, the commission reviewing the bill concluded that "the mother's will cannot be put above the law, and no one is free to decide about another person's life. That would also violate the father's rights, who would not have a say in the unborn child's life" (Sejm Rzeczypospolitej Polskiej 1992b, 22). Thereby, the person carrying the fetus was attributed the role of a "mother" even before the child was born, reducing women to their reproductive and caring duties. At the same time, their right to bodily integrity was framed as violating the rights of the "fetal citizen" and those of their sperm-contributing partner.

Similarly, those arguing for this restrictive policy alluded to natural law when speaking of women as if their main civil duty was to carry children. For example, a Solidarność representative, Senator Władysław Findeisen, argued:

> Next to the law, there is another natural power that must be considered: the maternal instinct. It is hard to imagine the forces that push a mother to kill the life inside her. That goes against the most powerful instinct known to men and is a central tragedy of women's lives today. (Senat Rzeczypospolitej Polskiej 1990, 197)

Even politicians advocating for less restrictive solutions reinforced the notion of parenthood as a universal societal duty and existential need. For example,

while calling for a compromise, MP Włodzimierz Puzyna, representing the centrist Democratic Union, said:

> The plague of abortions comes from the 1956 policy, which opened the door for abortions on socio-economic grounds or for personal reasons. This door also turned out to be an open gate for those who could have been happy parents today. (Sejm Rzeczypospolitej Polskiej 1992b, 56)

He therefore implied that women who terminated their pregnancies were denying themselves – as well as their partners – the opportunity for authentic happiness guaranteed by parenthood. In doing so, he also positioned policymakers as necessary guides in shaping women's life choices, enforcing a paternalistic vision of governance and the state.

Puzyna was not alone in suggesting that women were unfit to make reproductive choices independently. For example, the Solidarność Senator Władysław Findeisen argued that legal restrictions were needed to protect women from those who might encourage them to have abortions. Similarly, a post-Solidarność representative, MP Roman Andrzejewski, claimed that a decision to terminate a pregnancy had to stem from some sort of "female insanity" and suggested that women had to be protected from such irrational impulses (Sejm Rzeczypospolitej Polskiej 1992b, 33). In both cases, male politicians framed abortion not as a legitimate choice made by a woman about her body and life, but rather as an outcome of coercion or individual dysfunction. This rhetoric not only delegitimized women's autonomy but also reinforced the problematization in which the fetus had to be protected from abortion itself and from the woman's decision to seek one. This reduction of women to their role as mothers – lacking agency and unable to make reasonable life choices – dominated the analyzed debates. This was possible, in part, because women as active agents were not only discursively erased from abortion policymaking, but also physically marginalized from institutional politics and decision-making positions of power.

Despite their central role during the 1980 strikes leading to the emergence of Solidarność, women had little to no say in shaping its political agenda (Dzido 2016; Penn 2005). Once the union consolidated, female activists were denied access to its decision-making structures, and, during its first convention, constituted only 7 percent of participants (Dzido 2016). In 1989, a Women's Section (UWS) was formed within Solidarność in response to concerns raised by the union's main funder regarding the inclusion of women. However, shortly after challenging the Solidarność leaders' decision to support a restrictive abortion policy, UWS members started experiencing harassment from their male colleagues (Helsinki Watch 1992; Tarasiewicz 2003). Ultimately, the UWS was dissolved by Solidarność leaders, suggesting that it never held any political power, whether concerning "women's issues" or the union in general. This marginalization extended to the formal political

sphere. During the 1989 round table talks with the withdrawing communist regime, only two women were present among 53 men (Dla Demokracji 2014). Similarly, in the first partially democratic Parliament (1989–1991), women held only 13 percent of seats – a figure that dropped to 10 percent after the 1991 elections (Fuszara 2019). To this day, women's representation in Parliament has not exceeded 30 percent, placing Poland far behind the European average (Ambroziak and Pacewicz 2023; Fuszara 2019).

This poor descriptive representation of women in Parliament translated into the marginalization of feminist claims in the policymaking process. Concerns about the consequences of restrictive abortion laws and calls for the recognition of women's agency and rights, voiced during the analyzed debates, were largely ignored. For example, MP Izabella Sierakowska, a former representative of the Communist Party, noted that the proposed legal solutions granted the fetus claims to the mother's body, health, and life – rights not afforded to her born children or anyone else (Sejm Rzeczypospolitej Polskiej 1992b, 52). Other MPs representing post-Solidarność as well as post-communist factions, such as Barbara Labuda (Sejm Rzeczypospolitej Polskiej 1992b, 45) and Danuta Waniek (Sejm Rzeczypospolitej Polskiej 1992b, 25), also highlighted that restrictions would push abortions underground or abroad, with safer solutions only available to those with sufficient financial means, thereby reinforcing economic inequalities. Yet these concerns were not addressed by the final policy, which instead prioritized the protection of the fetus.

At the same time, contestation of the emerging status quo extended beyond Parliament, where women and other supporters of more liberal policies remained active advocates of women's rights and agency. The alternative policy project, which proposed to resolve the issue through a national referendum, was supported by a mass mobilization that gathered over a million signatures (Kulczycki 1995, 485). Furthermore, abortion debates that took place between 1989 and 1993 were accompanied by numerous protests organized by emerging feminist movements in several cities including Warsaw, Kraków, and Łódź (Kościelniak 2020). In 1992, several organizations established during this period consolidated into the Federation for Women and Family Planning and continued to advocate for reproductive agency and freedom of choice (Nowicka 1996). At times, contestations also took legal forms, such as an appeal submitted to, and later supported by, the Plenipotentiary for Human Rights, Professor Ewa Łętowska (Jankowska 1992).[2] However, despite this broad mobilization and resistance, Parliament disregarded those voices entirely. Instead, it proceeded to adopt an unpopular policy, prioritizing the protection of the fetus over women's agency, bodily autonomy, and civil rights.

The term "Abortion Compromise," commonly used to refer to the 1993 policy, might suggest that an agreement was reached in balancing feminist

claims to agency and bodily autonomy and the rights of the "fetal citizen." However, as our analysis shows, feminist claims were systematically marginalized throughout the debates. Instead, the agreement centered on determining the extent of criminalization, ultimately allowing the fetus' right to life to overrule the mother's right to bodily autonomy. A statement by a moderate right-wing MP, Krzysztof Król, illustrates well that the "Abortion Compromise" never truly engaged with the question of the conflicting rights of the fetus and the mother. He argued that a referendum – the main alternative to the adopted policy – would be unnecessary if Parliament added a clause freeing women from criminal liability (Sejm Rzeczypospolitej Polskiej 1992b, 30). In saying so, he falsely implied that there was a social and political consensus regarding the need to legally protect the fetus by restricting women's reproductive choices, and particularly the right to abortion.

This argument also reveals that the actual middle ground negotiated was not between feminist and conservative positions, but between the Catholic Church and Poland's emerging political elites. To understand how the Church gained access to shaping abortion policy, it is necessary to examine the origins of its involvement in abortion debates in Poland, starting with the contestation of the 1956 abortion regulation. Though the Polish People's Republic was officially secular and did not support forms of organized religion, the Church remained a significant cultural and social anchor. Even during the 1956 parliamentary debate, criticisms of liberal access to abortion were voiced by Catholic factions of the opposition (Kuźma-Markowska 2017). Though unsuccessful, anti-abortion groups continued to also mobilize outside formal politics. Backed by individual priests or official Church structures, they led campaigns to restrict abortion laws in 1977 and 1989 (Kościelniak 2020; Senat Rzeczypospolitej Polskiej 2017).

At the same time, the emerging Solidarność opposition movement formed an alliance with the Catholic Church. The movement's commitment to national Catholicism was already visible during the August 1980 strikes, which were marked by Catholic symbols and religious rituals (Kościelniak 2018). In 1981, Solidarność drafted its official program, in which it formally committed itself to a moral renewal of Poland embedded in Catholic values (Solidarność 1981). The anti-communist political opposition became more closely entangled with the Church throughout the 1980s, reinforced by support from the Holy See, led by a Polish pope. Building up to the first partially free elections in 1989, this alliance became central to the political and electoral strategy of the democratic opposition. Local parishes and individual priests actively campaigned for the democratic opposition and individual Solidarność candidates, often explicitly in exchange for their support for a restrictive abortion policy (Kościelniak 2020). As a result, abortion became

one of the central political issues during Poland's democratic transition, and the Catholic Church was granted influence over the adopted policy.

The analyzed debates clearly illustrate the Church's privileged position as a moral authority in Polish politics. The belief that human life began at conception, while presented by some MPs as a scientific truth, was actually rooted in Catholic dogma. Many politicians made explicit references to the Church's teachings on the matter. Even when opposing the criminalization of women, a Polish People's Party MP, Janusz Maćkowiak, relegated that authority to the Christian God:

> I believe that men do not have the right to change God's natural law, and I do not feel mandated by religious voters to remake or improve that fragment from the Ten Commandments – "Thou shall not kill"– and to impose punishment for acts against the will of God. (Sejm Rzeczypospolitej Polskiej 1992b, 59)

The presumption that the Catholic Church held legitimate authority over matters of morality and ethics was extended to the expectation that these values were – or should become – universal in Poland as part of a Christian Europe. The post-Solidarność MP Roman Andrzejewski, for example, invoked Polish Catholic identity to argue against a secular state:

> We would like to believe that the battle against the religious state stems mainly from insufficient knowledge of the Polish philosophy – a philosophy that lies at the heart of our national spirit. The spirit of a nation, which safeguarded not only the Polish, but also the European cradle of Christian culture. (Sejm Rzeczypospolitej Polskiej 1992b, 34)

He continued: "[A]ccording to the majoritarian Catholic belief, the Church consists of all believers, and therefore anyone wishing to support democracy […] cannot even think of arranging the state in a way that would make Catholics feel alienated" (Sejm Rzeczypospolitej Polskiej 1992b, 34). Such framing of the debate legitimized the Catholic Church not only as a moral compass, but also as an authority entitled to define what counted as a "moral issue" in Polish politics.

Moreover, the statements cited above suggest a conflation of the issue of abortion with the processes of state making and the negotiation of the emerging Polish democratic order. Similar points were also raised by proponents of more liberal alternatives, who warned that the adopted policy would determine not only reproductive rights, but also the very shape of Polish democracy. For example, a representative of liberal democratic circles, MP Bogusław Choina, reminded Parliament that "it creates law for all citizens – the religious and agnostics, the rich and the poor – and no ideology […] should influence decisions made in its chambers" (Sejm Rzeczypospolitej Polskiej 1992b, 46). At the same time, proposals advocating for a referendum referred to political participation as a source of legitimacy and a democratic

principle for policymaking. For example, the aforementioned post-communist MP Danuta Waniek noted:

> The authors of the discussed project propose the exact opposite of what society wanted. In doing so, they ignored the views of the majority, politicized the debate around abortion, and turned it into a crusade against the proponents of a democratic solution to this problem. (Sejm Rzeczypospolitej Polskiej 1992b, 23)

Yet, similarly to the mass civil mobilizations around the referendum petition and during protests – each enacting principles of direct and participatory democracy – these appeals were disregarded by the ruling majority.

Instead, the emerging Polish democracy was discursively tied to and made dependent on the recognition of the fetus as a bearer of rights. Liberal abortion laws were framed as remnants of a totalitarian past that had to be replaced for a truly democratic Poland to emerge. For example, representing the center-left Alliance of Democrats, MP Jan Świtka argued that "the killing of unborn children is a residue of the Bolshevik-Communist ideology that the atheist Real Communism was built on" (Sejm Rzeczypospolitej Polskiej 1992b, 42), explicitly linking access to abortion with communist legacies. Similarly, the Solidarność MP Anna Knysok argued that "if Poland wishes to be a democratic country, then it cannot deny legal protection and care for unborn people" (Sejm Rzeczypospolitej Polskiej 1992a, 202), and Polish People's Party MP Wanda Sikora suggested that "the right to life is a fundamental element preparing the Polish society to exist in a contemporary, free, democratic world" (Sejm Rzeczypospolitej Polskiej 1992a, 199). Through such representations, the "Abortion Compromise" embedded Polish democracy in Catholic dogma, positioning the Church not only as a spiritual guide, but also as a legitimizer of Poland's democratic transition and the emerging legal order. At the same time, it created a precedent for disregarding the demands of civil society and the electorate and instead prioritizing the political interests of the ruling elites.

Discussion and conclusions

In this article, we have examined the abortion debates that took place as part of Poland's democratic transition in the 1990s to better understand and situate the current gendered troubles with democracy in Poland. In the analyzed debates, discussions regarding abortion policy were conflated with a debate on the shape of the emerging Polish democracy and became a key arena for defining the new social contract. Commonly known as the "Abortion Compromise," the 1993 abortion policy was, in fact, a controversial agreement that prioritized the protection of the fetus over a woman's right to bodily autonomy. Instituted against popular demand, and through a highly

undemocratic process that ignored calls for genuine deliberation and disregarded civil participation, it relegated women both physically and discursively to the private sphere, where they were expected to fulfil their roles as biological and cultural reproducers of a narrowly defined nation.

As a result, the transition process in Poland instituted formal democracy with its electoral procedures and legal checks and balances, while simultaneously rejecting genuine civil participation and deliberation, entrenching unequal access to political power. It discursively tied the "Abortion Compromise" – and with it the prioritization of a fetus's life over women's right to bodily autonomy – to the establishment and sustaining of democracy in Poland. At the same time, it consolidated the Catholic Church's position as a powerful actor in political deliberations and a legitimizer of Poland as a democratic country. Consequently, the exclusion of women from equal political participation – and, by extension, any group failing to conform to the conservative vision of a Catholic Poland – became part of a problematic trade-off (Cianetti and Hanley 2021), stabilizing and legitimizing formal democratic rule but with detrimental effects for equal participation. This is also why change remains unlikely; it would require the new liberal government to recognize the problematic legacies and failures of the current democratic system and to reimagine Polish democracy in alternative, more inclusive and participatory terms.

These findings call into question the dominant assumptions underpinning the democratization and backsliding paradigms. The case of Poland shows that the erosion of women's and minority rights is not solely a symptom of recent democratic backsliding (Kováts 2017; Krizsán and Roggeband 2021) but is deeply rooted in the foundational structures of the democratic project itself. The gender troubles of Polish democracy extend well beyond the PiS era and must be understood as part of the broader, exclusionary logic that has shaped the country's democratic trajectory. From its beginning, Poland's democracy has failed to fulfil the promises of equal participation and access to deliberative processes (Carothers 2002; Cianetti and Hanley 2021). Focusing narrowly on democratic backsliding or the erosion of rights risks treating them as a temporary setback, rather than the outcome of longer-term struggles over who is included in the political community and on what terms. Democratic transitions are not simply openings for greater inclusion; they are also contested moments in which gender and power are renegotiated, often reinforcing or reconfiguring existing hierarchies (Serrano-Amaya 2017). To fully understand the current moment, it is essential to trace these struggles back to the very construction of the democratic order itself.

The Polish case also highlights the centrality of reproduction in understanding how state power and democratic inclusion are negotiated. As feminist scholars have long argued, reproduction is a key site through which the

state asserts control and delineates the symbolic and material boundaries of the nation – boundaries that have tangible consequences for individuals' ability to exercise civil rights and participate in the political demos on equal terms (see for example Anthias and Yuval-Davis 1989; Miller 2007). In Poland, abortion policy served as a catalyst for competing visions of democracy articulated by various actors during Poland's democratic transition and it remained a focal point of contestation during the period of democratic backsliding under the PiS government, precisely because control over reproduction enables states to regulate the boundaries of political belonging.

The problematic legacy embedded in the "Abortion Compromise" continues to echo in today's troubles with democracy. The orchestrated attacks on women's and minority rights during the PiS government (2015–2023), and their continuation today, are not a sudden conservative turn in an otherwise progressive trajectory but part of an ongoing struggle with deep roots in the past. These outcomes were enabled by a persistent distortion of popular social interests and demands, which were sidelined in favor of those of the Catholic Church and its narrow vision of formal democracy (Grabowska 2023). As a result, even after PiS lost the 2023 parliamentary elections, liberal democracy remains inadequate in meeting the needs of marginalized groups or fully incorporating them into the political community. Despite widespread protests, a vibrant civil society, and clear popular demand, the new government – elected, largely thanks to women voters (Pacewicz 2023) – has reneged on its promises to liberalize abortion laws. This failure to enact meaningful change reflects not only the enduring legacies of Poland's post-transition compromises, but also an ongoing prioritization of institutional stability over genuine inclusion – an approach that continues to serve male-dominated interests and reinforce gendered power imbalances, rather than fostering an inclusive, participatory democracy (Grabowska 2023).

This dynamic is not unique to Poland. In numerous countries experiencing the rise of illiberal and far-right politics, reproductive rights have become part of broader struggles over the future of democracy. Intensified campaigns to restrict abortion policy also took place under Jair Bolsonaro's far-right government in Brazil, and in Hungary, where Viktor Orbán's illiberal regime introduced a requirement to listen to the fetal heartbeat before an abortion, reinforcing state control over pregnant bodies. In Italy, the right-wing populist government of Giorgia Meloni has targeted same-sex parenthood, leaving thousands of families in legal limbo and undermining the principle of equal recognition under the law. Elsewhere, far-right actors frame reproduction in explicitly racialized terms. In the Netherlands and the United States, for example, the racist "Great Replacement" conspiracy theory is used to frame the reproductive capacities of Muslim migrants as a demographic and civilizational threat. These examples demonstrate that contestations over

reproduction are not peripheral but central to contemporary battles over democracy. Control over reproductive bodies becomes a proxy for control over the boundaries of the demos itself. As such, reproductive rights are about not only individual autonomy but also the very terms of democratic inclusion, participation, and pluralism.

Notes

1. All quotes have been translated by the authors.
2. We would like to thank one of the anonymous reviewers for pointing us to this information and helping to strengthen our argument.

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