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Parliamentary Parties and the Anti-Abortion Laws in Poland (1991–2019)

Abstract: This article aims to analyze the approach of Polish parliamentary parties to the anti-abortion legislation in 1991-2019 on the level of their ideological programmes. Classification of political parties concerning their ideological families has been proposed. Next, the article presents a typology based on the party's attitude to the discussed problem, distinguishing the following categories of parties: the proponents of apportioning, the opponents of abortion, heterogeneous parties, and parties that do not express an opinion on this issue.

Keywords: *Poland, parliamentary parties, abortion, legislation*

Introduction

Since 1989, the abortion question is one of the critical issues in public debate in Poland. The parliamentary debates about abortion laws have been ideological bones of contention between the political parties. The crucial participants of this debate are, on the one hand, the Catholic Church and pro-life organizations, on the other – the pro-choice organizations. These actors have been affecting the process of anti-abortion legislation (Chałubiński, 1994, pp. 125-142). The 1956 law, which was valid until 1993, allowed abortion in three circumstances: 1) when the termination of pregnancy was dictated by medical concerns; 2) when there was a possibility that the pregnancy was a result of an unlawful act; 3) when the pregnant woman faced difficult living conditions. On January 7, 1993, Sejm passed the Family Planning, Human Embryo Protection, and Conditions of Permissibility of Abortion Law. Under this act, abortion is permitted if: 1) the pregnancy poses a threat to the life or health of the pregnant woman, 2) prenatal examinations indicate a high probability of severe

and irreversible fetal defects, or 3) there are reasons to suspect that the pregnancy is a result of an unlawful act (Ustawa, 1993; Hennig, 2012, pp. 272-274).

The primary purpose is to analyze the position of the parliamentary parties towards the abortion law in 1991-2019 in terms of the ideological aspects of their political programme. The dates of parliamentary elections dictate the time range. The initial date indicates the first democratic elections in 1991, while the end date is the latest election of 2019. This analysis covers those parties that have had at least three representatives in Sejm or Senate. To answer the research question, the comparative qualitative method is used. First, synthetically, the ideological viewpoint of the party families, including their attitude to abortion, is examined. Then, an original typology of the analyzed subjects' attitudes to abortion is presented. This article refers to the author's previous research (Kowalczyk, 2012, 2014, 2020).

Political Party Families

Political changes in East-Central Europe at the turn of the 1980s and 1990s initiated the erosion of communism. As a result of negotiated reform – the Polish Round Table Talks in 1989 – slow democratization started. One of its elements is political pluralism. The emerging political parties may be divided in terms of their genetics into the following groups: post-communist, post-Solidarity, historical, and new parties. These political parties were characterized by an undefined ideological standing. In some cases, the classic party families known in western Europe do not have their counterparts in Poland (Antoszewski, 2009; Hloušek & Kopeček, 2010; Sokół, 2003, pp. 200-258). Therefore, the party families distinguished in Poland are social democratic, left-libertarian, liberal, Christian democratic, conservative, pro-independence, people's parties, and non-standard. Usually, the programmes of political parties are considered from an ideological, political, and socio-economic point of view. The first dimension – the ideological one – is the focus of the following discussion.

The social democratic parties have been promoting the ideas of tolerance and freedom, including the freedom of religion. These values were related to the postulate of separation church and state. The social democratic parties have questioned the cornerstones of the Catholic ethics of family life, supporting women's right to abortion and the introduction of sexual education to schools. In the III Polish Republic, the social democratic parties were dominated by the parties that originated from the Polish United Workers' Party (PZPR), which, according to the genetic criteria, belong to the family of post-communist parties; this coincided with a weakness of historical and new parties. The post-communist parties included Social Democracy of the Republic of Poland (SdRP), Democratic Left Alliance (SLD), and Social Democracy of Poland, while among the historical parties were the Polish Socialist Party and the Labor Union was a new party.

The left-libertarian parties accentuated individual freedom, the concept of a secular state, and women's right to abortion. Representatives of this group included Palikot's Movement, Your Movement (TR), and Grzegorz Napieralski's Red and White.

The liberal parties are characterized by extensive ideological eclecticism. Their common denominator was freedom, including freedom of religion, tolerance, respect, and accepting multiple worldviews. Accepting the importance of Christian values and the significance of the Catholic Church for the history of Poland and its public life, liberal parties proposed ideological neutrality of the state. They pursued to build the relations between the Church and the state on the foundation of independence, autonomy, compromise, cooperation, and common sense. The liberal parties and their fractions were characterized by their varied attitudes to abortion, ranging from accepting women's right to abortion to a negative approach to this issue, including a proposal of penalization. The family of liberal parties was represented by: Liberal Democratic Congress (KLD), Democratic Union (UD), Freedom Union (UW), Democratic Party (PD), Civic Platform (PO), and Modern.

The Christian democratic parties put human dignity and the idea of common good among the central values of their programmes, referring to Christian ethics and social teachings of the Catholic Church. Christian democrats emphasized the importance of the Church in history and the social life of Poland. They perceived the Church as a promotor of values and a stabilizer of social life. The bond linking Christian democratic parties was their rejection of abortion, perceived by them as morally evil and incongruent with the social teachings of the Church. Two groups may be distinguished within this party family: Christian democratic national parties, which, when it comes to their programmes, are related to the classic Christian democratic parties, and Christian democratic union parties. The first group includes the Christian National Union (ZChN) and the Right-Wing of the Republic (PR). The classic Christian democratic parties comprise the following: Centre Agreement (PC), Party of Christian Democrats, and Polish Christian Democrats Agreement (PPChD). The union family of Christian democratic parties is represented by: Social Movement for the Electoral Action Solidarity and Independent Self-Governing Trade Union "Solidarity".

The conservative parties in Poland see the Christian and Catholic religion as the foundation of European civilization and their values. The conservatives proclaim the superiority of religion and morality that stems from it over the state. Religion and the Church are treated as one of the permanent elements of national heritage, a stabilizing factor for social life and the political system. These parties object to abortion, which is consistent with their promotion of Christian morality and its dogma of respecting human life from its conception till its natural end. Within the conservative party family, a conservative-liberal, moderate (neo-conservative), and "revolutionary conservative" parties may be distinguished. Among the conservative-liberal parties are the Real Politics Union and the Conservative Party. The neo-conservative parties include the Conservative People's Party (SKL) and the Conservative People's Party – Young Poland's Movement. The "revolutionary conservative" parties comprise Law and Justice (PiS) and United Poland (SP).

The characteristic feature of the Polish party system is the existence of parties that often do not have equivalents in more stabilized western democracies. The people's parties refer to agrarian ideas and Christian values. Generally, ideological issues, including abortion, have not

been part of their interests. The Polish People's Party (PSL) is one of the post-soviet agrarian parties, while the post-Solidarity agrarian parties are represented by the Mikołajczykowski's Polish People's Party, "Solidarity" Polish People's Party, Polish People's Party – People's Agreement, and Christian People's Party. The pro-independence parties see the construction of an independent, sovereign, and democratic state as their priority, and they referred to Christian inspirations in their programmes. The importance of the Catholic Church in the history of the Polish nation has been accentuated. These parties represent a varied attitude to abortion, from an indifferent one to the legal protection of conceived life. In terms of their genetics, pro-independence parties come from two stems: 1) the post-Solidarity anti-communist opposition: Confederation of Independent Poland (KPN), Confederation of Independent Poland – the Patriotic Camp and Confederation of Independent Poland "Fatherland", and 2) the post-Solidarity group: Movement for the Polish Republic, Movement for the Reconstruction of Poland (ROP) and National-Catholic Movement (RKN). The factor that distinguished the national parties are the overriding values of the nation and Catholicism. The Church is mainly perceived as a religious and moral authority, which supports the political work in favor of protecting the Polish nation and the stability of a Polish family. Nationalists are in favor of the complete protection of human life from its conception to its natural end. The national party family was represented in the parliament by the League of Polish Families. The non-standard parties include those parties that cannot be classified into the mentioned categories regarding their programme. The non-standard parties are characterized by an eclectic approach to the ideological aspects of their programmes, and they refer to almost all the values mentioned in the party families above. Among the non-standard parties are the parties devoted to one issue (the Polish Beer-Lovers' Party) or populist parties, such as Party "X" and the Self-Defense of the Republic of Poland (Kowalczyk, 2014, pp. 107-198).

A Typology of Political Parties Regarding the Abortion Issue

As a result of the analysis of ideological programmes of selected parties, the following topology has been distinguished: the parties that support the right to abortion, the opposing parties, the heterogeneous parties, and those which do not deal with this issue. Generally, the social democratic parties and left-libertarian parties favor abortion, whereas the Christian democratic, the conservative, the national, and pro-independence parties are against abortion. The attitude of liberal parties to this issue is ambiguous. The rest of the parties do not have a particular opinion on introducing anti-abortion laws that would be expressed in their programmes.

The parties that favor women's right to abortion usually refer to the separation of the positive law from the natural law and the social teaching of the Catholic Church and a woman's right to make decisions concerning her own body and reproductive rights. The ban on abortion, contraceptive drug benefits, and modern sexual education have been seen as a result of the oppression of women performed by the Catholic Church and right-wing

political parties. Such behavior of the Church and right-wing politicians objectifies women, reduces them to breeders or even tools in the hands of men; therefore, it conflicts with the concept of gender equality, and it becomes an expression of the domination of the patriarchal model of society. According to the proponents of this outlook on the issue, the consequence of the restrictive law of 1993 was the emergence of “the abortion underground” (performing illegal pregnancy terminations) and “abortion tourism” (women having abortions abroad).

For instance, in the 2011 programme of the Democratic Left Alliance, titled “Tomorrow without concerns”, it has been noted that the existing anti-abortion law is very restrictive, and the access to legal abortion within the provisions of the law is somewhat problematic. Therefore, the party concluded that it would aim to abolish the 1993 abortion law, “which results in the growth of the abortion underground; women are increasingly convinced about their second-citizen status, with no right to decide about their lives” (Jutro bez obaw, 2011, p. 118). Instead of the existing legislation, the party planned to introduce its act concerning planned parenthood, which would enable access to all methods of planned parenthood and promote reproductive health. On the other hand, paragraph 64 of the Your Movement programme says, “we are in favor of the legalization of abortion, concluding that assigning a status of a human being to a fetus or a zygote is a result of insane ideology. The ban on abortion affects mainly impoverished women, who have little access to expensive contraception or to private clinics or clinics abroad, where terminations are performed” (Nowoczesne państwo, 2013).

In opposition to left-wing (social democratic and left-libertarian) parties are the Christian democratic, conservative, nationalist, some pro-independence (ROP and RKN) or non-standard (Self-Defense of the Republic of Poland) parties, which generally are in favor of the abortion ban. Their acknowledgment of the social teachings of the Church (in particular, the teachings of John Paul II) implicates such an attitude to abortion. They state that human life is God’s gift, and therefore it should be protected from its conception to its natural end. Abortion is perceived in this context as breaking God’s laws and the natural law. Moreover, abortion is also seen as an infliction upon the perseverance of the nation and society.

The most outstanding proponent of the pro-life stance was the Christian National Union (ZChN). The politicians of this party justified their objection to abortion regarding Catholic ethics, natural law, and the need to guarantee the stability of the family. They saw the 1956 act as “aiming to destroy the Christian foundations of our social life”, perceived as a remnant of the communist past. At the same time, the politicians of ZChN would not agree that abortion should be decided upon by the parliamentary majority, stating that the right to life cannot be subjugated to a “liberal consensus” or “democratic-liberal totalitarianism”. On the other hand, they explained that abortion should be penalized because of the Catholic conviction that “human beings are tainted with the Original Sin, and by their nature are not good; therefore, penalization of pregnancy termination is a form of influence to make sure people do not kill each other” (“Nie beautyfikujemy narodu”, 1990, p. 5). The politicians of

the Christian National Union and the Right Wing of the Republic (PR) saw the act of 1993 as insufficient protection of human life. Center Agreement (PC) did not discuss the issue of abortion as often. It was because, firstly, the party gathered people who represented various ideological options; secondly, the politicians from the Centre Agreement, in contrast to the Christian National Union, did not want to be considered a party of only one enterprise. Nevertheless, the leader of the Centre Agreement, Jarosław Kaczyński, claimed that abortion was a “phenomenon that destroyed the social fabric and endangered our civilization” and had to be opposed (Czas na zmiany, 1993, p. 159).

To some extent, Law and Justice (PiS) continued the ideological approach of the Centre Agreement. The programme of Law and Justice referred to the social teachings of the Church, which resulted in the negation of liberalization of anti-abortion law. In their 2005 brochure titled “Catholic Poland in Christian Europe”, the party states, “Law and Justice appreciates the existing scope of the protection of unborn life. The current law in most cases protects human life, and its abolishment would mean legalization of prenatal infanticide for the so-called material or social reasons” (Polska katolicka, 2007). The party’s programmes of 2009 and 2014 affirm this approach. At the same time, the leader of PiS, Jarosław Kaczyński, was against the radicalization of the anti-abortion laws. He considered the existing act as sufficient. It resulted from the fact that in PiS, there were both the representatives of the axiologically cautious approach, as well as radicals who stood guard of the Catholic doctrine. On the other hand, The League of Polish Families was a strong proponent of the radicalization of abortion laws. As defenders of traditional moral values, the League demanded a total abortion ban to be introduced (C. Maj, & E. Maj, 2007, p. 68). Andrzej Lepper’s Self-Defense of the Republic of Poland was also against abortion. The documents of the party issued in 2002 and 2003 state that a human being is a fundamental good and is protected from the moment of his or her conception. They considered spiritual poverty, material poverty, lack of education, and disrespect for the right of the citizens to information, education, and legal advice as to the main reasons for abortion. Therefore, they saw the solution to the problem of abortion not in legal regulations but in creating optimal material conditions for women who are in a difficult situation by providing stable sources of income, housing, and sexual education. This party did not advocate either liberalization of anti-abortion laws or its radicalization.

A heterogeneous, ambiguous position dominated among the liberal parties. The attitudes of liberals in the abortion debate oscillated between a recognition of the woman’s right to termination of pregnancy as an expression of her freedom, or an acceptance of the legal “compromise”, to a negative approach to the issue, thus proposing to accept and introduce anti-abortion legal regulations. However, Polish liberals of various parties have never supported a total abortion ban.

The Liberal Democratic Congress (KLD) politicians believed that the legal protection of a conceived child should not be a topic for a public debate and should be “free of a moral blackmail”. Abortion has been perceived in terms of a social evil against which the state should counteract, but legal and penal sanctions were not perceived as effective solutions

(they would only lead to pathologies); this should be done by applying methods that in other countries proved to be effective in the elimination of the causes of abortion, that is, sexual education and contraception.

The Democratic Union (UD) represented a wide range of approaches to the issue of abortion. The social-liberal fraction of UD (Andrzej Bujak, Zofia Kuratowska, Barbara Labuda) was against the penalization of abortion based on the fact that it violates the rule of ideological neutrality of the state and the women's right to make decisions that are key to their lives. A fight with abortion boiled down to sexual education, family state care, state protection of single mothers, and social activities. The representatives of the social-liberal fraction were the proponents of a referendum on the issue of abortion. The politicians of the democratic right fraction were at variance with the previously described fraction. According to Kazimierz M. Ujazdowski, the obligation to protect conceived life results from the natural law and does not demand any additional premise stemming from religious norms. Aleksander Hall believed that an abortion referendum would result in a "dramatic intensification of the social conflict" (Nyzio, 2014, pp. 163-164). UD has never presented a unified, coherent approach to abortion. The Freedom Union and the Civic Platform have not produced any documents concerning anti-abortion laws either. However, their leaders' statements indicate that, while it is generally against abortion, the Civic Platform is a proponent of preserving the existing legal compromise. During the Civic Platform convention, the party leader, Grzegorz Schetyna, said: "Like most Polish men and women, we do not consider abortion as another contraceptive, and we have never been in favor of abortion on demand" (Chrzczonowicz, 2018). The Civic Platform's views on abortion result from two factors: the declared moral conservatism and the necessity to maximize their electorate, which represents a wide variety of opinions and values – from accepting the social teachings of the Church to a liberal postulate of ideological neutrality.

Initially, Modern did not present its stance on abortion. The opinions of the politicians from this part were not univocal. The party was for the ideological neutrality of the state. During the programme convention of the party in 2017, Katarzyna Lubnauer said, "This state must provide access to procedures providing abortion for medical reasons or to victims of rape, and this access should be given by facilities that are financed by the state" (Nowoczesna przedstawiła, 2017). A year later, she endorsed the idea of liberalization of the 1993 act, and thus the Modern evolved into a pro-abortion party.

Not all parties analyzed here have presented their attitude to abortion in their ideological programmes. The following parties have not expressed their opinions on the issue: in the family of left-libertarian parties – the Red-White; among the liberal parties – the Democratic Party and the Modern; among the Christian Democrats – The Polish Christian Democrats Agreement; among the conservative parties – the Conservative People's Party (SKL), the Conservative People's Party – Young Poland's Movement, and United Poland; among the pro-independence parties – Movement for the Polish Republic, Confederation of Independent Poland and its fractions; and among the non-standard parties – the Polish

Beer-Lovers' Party, Party "X" and all people's parties. At the core of the conflict between the availability of abortion and its ban were the social democratic parties and the Christian democratic and conservative parties, which was reflected in parliamentary debates and works.

Conclusion

To sum up: the abortion issue has polarized the parliamentary political actors in Poland. The proponents of anti-abortion law referred to the right to life since conception, resulting from the Catholic, or more generally Christian system of values, medical findings which claimed that life starts from conception, and the educational aspect of the legislation, which was supposed to limit the scale of abortion. The opponents of the anti-abortion law called upon the idea of freedom and equality, women's right to motherhood, the lack of precision in medical findings on the beginning of human life, and the existence of the abortion underground. Both sides of the debate have used legal argumentation (the right to life versus the human right to decide on one's fate).

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