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Abortion and the Electoral Campaign in Poland AD 2023¹

1. Introduction

From 2015 to 2023, Poland faced the illiberalisation of the constitutional system². The exercise significantly affected the rule of law and human rights protection. The Constitutional Tribunal (hereinafter, CT) has been captured by illiberal rulers and packed with loyal persons towards these rulers³. The initial attack on the CT made it an illiberal constitutional court⁴. This court, in 2020, and not the first time, decided to restrict abortion procedures almost totally⁵. The CT decision may be perceived as a manifestation of the illiberal rulers' fear of women's autonomy, as was raised in relation to the United States and the *Dobbs* ruling⁶. Both cases and the judgments are different at first glance. However, their outcomes and impact on women's rights and position in the family and society are similar.

The CT abortion decision caused mass protests of women supported by men despite the ban on assemblies imposed during the period of the

¹ The paper was presented during the 2023 annual ICON conference in Wellington, New Zealand.

² T. Drinóczy, A. Bień-Kacała, *Illiberal Constitutionalism...*

³ A. Bień-Kacała, *Illiberal Judicialisation...*, pp. 197–213.

⁴ T. Drinóczy, *Illiberal Constitutional...*, pp. 3–25.

⁵ A. Bień-Kacała, *Nieliberalny...*, pp. 15–27.

⁶ C.N. Coughlin, N.M.P. King, *Dobbs...*, pp. 344–356.

COVID-19 epidemic⁷. The protest was fought violently by police on the political order. The situation created anger among women directed against illiberal politics targeting women and the LGBTQAI+ community.

Two years after the abortion decision of the Polish Constitutional Tribunal in October 2022 and just after the mid-term election in the USA in November 2022, there was a calculation that the abortion issue might play a pivotal role in the parliamentary election in Poland in the Fall of 2023. Analysis of the USA election showed that the *Dobbs v Jackson Women's Health Organization* decision of the Supreme Court of June 2022⁸ and discontent among voters on its result violating women's rights significantly contributed to the electoral achievement of Democrats⁹. These events confirm that access to safe abortion remains a crucial issue shaping women's rights in the agenda of constitutional change worldwide¹⁰. Although constitutions are relatively silent on this issue, it is still at the centre of social interest¹¹. On the eve of the electoral campaign in Poland, there was a hope that the abortion issue might contribute to the loss of the majority of illiberal rulers in the 2023 election. Qualitative and quantitative research of public opinion published in the Summer of 2023 before the election confirmed the willingness of Poles to political change¹².

The paper focuses on the use of abortion as a topic of the electoral pre- and campaign by competing political parties. The main question is, to what extent did the abortion issue influence the result of a general election in Poland in 2023 and the change of the ruling majority.

The paper is structured as follows: first, the development of access to abortion procedures in the legal context will be provided, then the language and topics of the campaign will be described, and finally, a brief conclusion will be formulated.

⁷ A. Bień-Kacała, *Limiting...*

⁸ *Thomas E. Dobbs, State Health Officer of the Mississippi Department of Health, et al. v Jackson Women's Health Organization, et al.*, decided on 24 June 2022, 597 U.S. 215.

⁹ A. Kirzinger et al., *How the Supreme...*

¹⁰ S. Suteu, *Gender...*, p. 348.

¹¹ A. Śledzińska-Simon, *Constitutional...*, pp. 399–406.

¹² E. Bendyk, M. Cześniak, S. Gutkowski, *Polacy...*, pp. 1–36.

2. The development of access to abortion procedures in a legal context

2.1. Legal changes

Poland inherited permissive abortion rules of the socialist regime¹³. In socialism, abortion was more a political than a moral question influenced by its very ideology. The liberalization or criminalization of abortion was connected to the actual capability of the socialist state to meet production plans and implement population control policies. During the 1989 transition to democracy period, the permissive regulation of 1956 had been criticized by the Catholic Church¹⁴. This criticism moved the point of reference from a political to a moral question¹⁵. Thus, it became clear that democratic transformation would include the change of the laws on abortion. Parliament finalized such a change in 1993¹⁶. The law on family planning, which focused on the protection of the human fetus and the conditions for the admissibility of termination of pregnancy, contained two crucial rules. First, it has provided that every human being has a natural right to life from the moment of conception and, second, that the life and health of the child from the moment of conception remain under legal protection. The law also indicated three cases in which termination of pregnancy was legal. This could have occurred when: (1) pregnancy posed a threat to the life or health of a pregnant woman, (2) prenatal examinations or other medical conditions indicated a high probability of severe and irreversible impairment of the fetus or an incurable life-threatening disease, (3) there was a reasonable suspicion that the pregnancy arose as a result of a crime¹⁷. The amendment to the Family Planning Act of 1996, which entered into force on 4 January 1997, added one more ground for legal abortion¹⁸. The procedure was available when

¹³ A. Bień-Kacała, T. Drinóczy, *Abortion Law...*, pp. 263–282.

¹⁴ J. Kapelańska-Pręgowska, *The Scales...*, pp. 213–324.

¹⁵ A. Kulczycki, *Abortion...*, p. 471.

¹⁶ K. Kocemba, *Right-wing...*, p. 11.

¹⁷ Ustawa z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży [the Act of 7 January 1993 on family planning, protection of the human fetus and conditions for the admissibility of termination of pregnancy], *Journal of Laws 2022*, item 1575, consolidated text.

¹⁸ Ustawa z dnia 30 sierpnia 1996 r. o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o zmianie niektórych innych ustaw [the Act of 30 August 1996 amending the Act on family planning, protection of the human fetus and conditions for the admissibility of termination of pregnancy and amending certain other acts], *Journal of Laws 1996*, no. 139, item 646 as amended.

a pregnant woman is in a difficult life or personal conditions. Nevertheless, this regulation was challenged before the CT by pro-life senators as soon as it entered into force. Due to the Judgment of the CT of 1997, the regulation ceased to apply in December 1997¹⁹.

The CT argumentation was strictly conservative and based more on philosophical and moral issues than constitutional and legal grounds. The CT suggested that abortion damages women as well as fetuses by destroying the bond between mothers and children. The CT also emphasized the functions of a family, among which procreation is the most important one. The dignity of a woman and her self-determination were not considered at all²⁰.

In October 2020, the CT removed the possibility of having an abortion in case of a high probability of severe and irreversible impairment of the fetus or an incurable life-threatening disease²¹. The CT recognized incompatibility with constitutional principles governing the dignity of the human person, the legal protection of human life, and the principle of proportionality. The CT drew on contemporary rightwing history and philosophy to analyse human life²². Based on this logic, the CT reasoned that the dignity of the unborn child was a paramount constitutional value – and concluded that the obligation to legally protect life at every stage is superpositive, meaning both – that it flowed from natural law and should be protected to the fullest extent possible. The CT treated the well-being of the pregnant woman as a socioeconomic concern rather than a matter of constitutional liberty. As observed in the literature, when deciding on the abortion case, the CT again did not properly balance competing constitutional rights and completely disregarded the dignity of the woman²³, her self-determination²⁴, and her right to her body²⁵. The European

¹⁹ Judgment of CT of 28 May 1997, K 26/96, OTK 1997, no. 2, item 19.

²⁰ K. Kocemba and M. Stambulski use the concept of right-wing constitutionalism, describing it also as Catholic constitutionalism, see: K. Kocemba, M. Stambulski, *Gotowanie zaby...*

²¹ Judgment of CT of 22 October 2020, K 1/20, OTK-A 2021, item 4.

²² W. Łączkowski, *Ochrona...*, pp. 270–277; R Grabowski, *Prawo do ochrony...*, pp. 211–215.

²³ Article 30 of the Constitution of the Republic of Poland: “The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities”.

²⁴ Article 47 of the Constitution of the Republic of Poland: “Everyone shall have the right to legal protection of his private and family life, of his honour and good reputation and to make decisions about his personal life”.

²⁵ A. Młynarska-Sobaczewska, *Unconstitutionality...*, pp. 155–167.

Parliament passed a resolution twice – relating to the CT decision and after one year of it²⁶.

As a result of the legal development, Polish women have no right to abortion, strictly limited legal protection, not even mention access to procedures. The regulation is not supportive or at least permissive²⁷. Moreover, the procedures allowed under the regulation are performed with reluctance and obstacles that make access to legal abortion illusory²⁸. Furthermore, the state policy and practice are hesitant towards sexual education and financing contraceptives²⁹. Consequently, Polish development is exceptional in Europe as other states liberalize access to termination procedures rather than limiting them³⁰.

2.2. “Abortion Compromise”

The 1993 regulation has been commonly called an “abortion compromise” by politicians, society, and academics³¹. Of course, the statute was decided based on the consent of a parliamentary majority, but whether it was a true compromise is less evident as it was reached without a genuine social dialogue³². In fact, the ruling majority of that time, with the support of the Catholic Church, decided on the extent to which the life conceived should be protected without consulting stakeholders or directly referring the question to the issue. The law rewarded the Church for its contributions to the independence struggle and tried to distinguish the new democratically elected government from the socialist one that preceded it by taking a different, more stringent position on abortion. Even if the ruling majority was democratically elected, it followed the clergy’s demands on abortion more than

²⁶ Abortion rights in Poland – European Parliament resolution of 26 November 2020 on the de facto ban on abortion in Poland (2020/2876(RSP)), P9_TA(2020)0336, OJ C 2021, 425/147; The first anniversary of the de facto ban on abortion in Poland – European Parliament resolution of 11 November 2021 on the first anniversary of the de facto ban on abortion in Poland (2021/2925(RSP)), P9_TA(2021)0455, OJ C 2022, 205/44.

²⁷ E.C. Romanis, *Abortion...*, pp. 378–390.

²⁸ Judgments of the ECtHR: of 20 March 2007, *Tysic v Poland*, application no. 5410/03; of 26 May 2011, *R.R. v Poland*, application no. 27617/04; of 30 October 2012, *P. and S. v Poland*, application no. 57375/08; of 13 November 2012, *Z. v Poland*, application no. 46132/08; of 14 December 2023, *M.L. v Poland*, application no. 40119/21.

²⁹ See the arguments on the American legal ground: B.A. Manninen, *A Critical Analysis...*, pp. 357–367.

³⁰ M. Buijsen, *On Interpretation...*, p. 324.

³¹ J. Kapelańska-Pręgowska, *The Scales...*, p. 217.

³² A. Gliszczyńska-Grabias, W. Sadurski, *The Judgment...*, pp. 130–153.

societal needs. The liberalization of abortion law had been and still is a constant part of the expectations of a relatively large social group³³. Framing the post-transition law bill as a compromise is thus a radical oversimplification.

Since 1993 and even after the first and then the second abortion decisions, the discussion has not happened, regardless of which political option was in power. On the contrary, it has been a long-lasting political will of rather conservative Polish politicians to restrict abortion law, notwithstanding permissive views in society³⁴. However, the legislative process has been an ineffective way of narrowing access to legal and safe abortion. Instead, the traditional vision of cross-generation families focused on raising children is pursued. As in some other cases worldwide, the CT was activated to please religious entities and illiberal rulers³⁵. As a result, Polish women have very limited liberty to make decisions over their bodies.

For a long time until 2016, Polish women were somewhat reluctant to take the initiative and protest. The mass protest exploded in 2016 as a consequence of the citizens' anti-abortion legislation initiative submitted by the *Ordo Iuris* and supported by the Catholic Church³⁶. The "Black Monday" collected thousands of women marching around Warsaw and other Polish cities wearing black clothes and holding umbrellas. As early as 2016, the protests concerned not only access to safe abortion but also broader claims of women's rights³⁷. The protest was ineffective, though. The claims stayed unanswered by rulers, and women's situation did not improve.

In 2020, Polish women were determined to march again to defend their rights. The CT decision of 2020 launched mass protests even under the ban on assemblies during the COVID-19 pandemic and the harsh reaction of the police. Protests did not bring changes in legislation but changed part of Polish society's willingness to bring abortion arguments to the public forum and negotiate "a new abortion compromise"³⁸.

³³ A. Czarnacka, *Krótką historia...*

³⁴ CBOS, Komunikat z badań BS/100/2010: *Opinie...*, pp. 3–12.

³⁵ See the cases of Bulgaria, where the Constitutional Court declared the anti-violence Istanbul Convention unconstitutional; Croatia, where the Constitutional Court heard the case on pregnancy termination restriction; and the United States, where the famous abortion decision in the case of *Roe v Wade* was overturned. See also: K. Kocemba, *Right-wing...*, p. 7.

³⁶ *Black Monday...*

³⁷ J. Teysler, *Walka płci...*, p. 135.

³⁸ Although opinions on accessibility to abortion procedures are divergent, in 2020, most Poles supported "abortion consensus", see: CBOS, Komunikat z badań 153/2020: *O dopuszczalności...*, pp. 9–16. However, the support for free abortion until 12 weeks of pregnancy has been growing. In January 2024, it achieved 51%, see: *Sondaż: Legalna aborcja...*

Nevertheless, the ruling party Prawo i Sprawiedliwość (Law and Justice; hereinafter, PiS) did not recognize this societal transformation. Jarosław Kaczyński directly and cynically stated that:

(...) it is nonsense to say that abortion is prohibited. It is still allowed if the pregnancy is the result of a crime and if it threatens the woman's life or health. It is only about Down or Turner syndrome, where the possibility of abortion has been removed. The decision of the Tribunal is of a legal and moral nature; in practice, it may be different, but I believe that something will also change in practice. I also know there are advertisements in the press that any person of average intelligence understands and can arrange such an abortion abroad, cheaply or expensively³⁹.

This statement means that the focus of the PiS leader has been a formal legislative ban on abortion with acceptance of abortion procedures outside of the official system. Therefore, even more restrictive regulation was considered by the CT based on the argument of “life for life”, leading to the elimination of a ground for abortion in case the pregnancy arose as a result of a crime. This way, the CT left the ground for a new motion restricting legal abortion even more. However, such a motion has not been submitted.

3. The language of the campaign

According to the Polish Electoral Code, the electoral campaign starts on the day of the announcement of the act of the competent authority ordering the elections. It ends 24 hours before the day of voting⁴⁰. In 2023, it was 8 August when the President of the Republic announced the election⁴¹. Far before this date, in November 2022, the abortion argument came into play with the hope that it could be of pivotal importance.

³⁹ D. Tilles, *There Is...*

⁴⁰ Ustawa z dnia 5 stycznia 2011 r. Kodeks wyborczy [the Electoral Code of 5 January 2011], Journal of Laws 2023, item 2408 consolidated text, as amended, Article 104.

⁴¹ Postanowienie Prezydenta Rzeczypospolitej Polskiej z dnia 8 sierpnia 2023 r. w sprawie zarządzenia wyborów do Sejmu Rzeczypospolitej Polskiej i do Senatu Rzeczypospolitej Polskiej, Journal of Laws 2023, item 1564 [Decision of the President of the Republic of Poland of August 8, 2023, on ordering elections to the Sejm of the Republic of Poland and the Senate of the Republic of Poland].

3.1. Campaign topics

The hope was verified in December 2022 with the poll of public opinion. According to the survey, economy and inflation were the most critical topics, with 67% of answers. The second was energetic security (43%), the third rule of law, judiciary and constitutional system (35%), further health care (35%), war and defence (19%), education (16%), abortion (14%), housing (11%), migrants (6%), and the last topic LGBT, gender, same-sex marriages (4%)⁴². The abortion issue did not achieve significant importance.

In March 2023, the three most relevant focuses were healthcare, high prices and issues related to education – 95%, 92% and 90%, respectively⁴³. In the survey, Poles were asked to answer whether they think a given topic is important and whether it should be discussed before the elections. The approach towards abortion was picked as important by 72% of respondents.

In June 2023, the ruling option wanted to attract support by creating the new leading idea of migration and compulsory relocation, as the Prime Minister called it⁴⁴. However, this crafted idea failed.

Finally, one month before the election, during the regular electoral campaign, the chairman of the PiS party gave a speech at his party's convention, and he said that "a pregnant woman also has a full right to life and health"⁴⁵. This shift marks the change of the focus from abortion to women's rights.

3.2. The focus shifts

This change has its roots in certain events. On the one hand, tightening even more the already strict abortion law caused broad anxiety. On the other hand, the sad consequences of abortion legislation and the CT decision mobilised the masses against the rulers and their rhetoric.

The citizens' initiative to tighten the abortion law was discussed in the Sejm, but it was rejected with the majority of votes of all political options in March 2023. The initiative was submitted at the end of December 2022 and,

⁴² The study, carried out by Kantar Public on behalf of "Polityka", was conducted using CAWI interviews on 1–5 December on a nationwide sample of adult Poles. 1004 interviews were conducted, < <https://www.tvp.info/65335116/sondaz-nowe-badanie-kantar-wybory-do-sejmu-wygraloby-prawo-i-sprawiedliwosc-przed-opozycja-porownanie-do-1989-r> >, accessed: 30 November 2023, currently unavailable.

⁴³ See: *Key issues in 2023...*

⁴⁴ M. Szuldrzyński, *Jak PiS...*

⁴⁵ See: *Jarosław Kaczyński wspominał...*

therefore, could facilitate abortion arguments in the pre-electoral campaign. The initiative concerned punishment for informing about abortion procedures in the country and abroad and the prohibition of public promotion of any activities regarding such procedures. Those who persuaded women to terminate their pregnancies would face imprisonment. However, the initiative did not achieve enough support to become a binding law. One of the prominent PiS politicians – Małgorzata Wasserman – stated that:

It was a bad project. This project was supposed to lead to a division in society. Today, we do not need to shake the country on emotions, leading to even greater social divisions (...). The law on abortion in Poland is “quite strict” anyway, and the ideas that were included in the Godek Foundation’s project were even more restrictive. Let’s not forget that apart from people like me, who would not have an abortion regardless of the law, there are people who have different views. I would like us to all feel equally comfortable in Poland. Let’s not introduce a draconian law. Then it will certainly not be observed⁴⁶.

This statement was followed by the conviction of an activist of the Abortion Dream Team, who was accused of helping to perform an abortion. The judgment of the District Court Warsaw-Praga Południe was the first such judgment. This decision demonstrates that, indeed, the law on abortion is strict in Poland. It also shows the thickening legal and social environment to perform abortion procedures. In addition, during the election period, the abortion issue may be a political fuel generating support for extreme views⁴⁷.

Health care, women’s rights and abortion cumulated as a result of several sad cases. Already in March 2023, the cumulative topic of women’s rights was tested by Donald Tusk in Pszczyna – a place where a pregnant woman died. He said that in the electoral narratives, “the issue of the position of women, the role of women, the suffering of women in Poland play one of the most important roles substantively, and symbolically”⁴⁸. While Tusk assessed women’s situation as very poor and imperfect, Kaczyński published in May 2023 a spot with the lead that women are grateful to PiS for their opportunities and care provided by the state⁴⁹. However, surveys showed that public opinion was closer to the opposition diagnosis. In June 2023,

⁴⁶ See: *Wassermann o projekcie...*

⁴⁷ See: *Pierwszy taki wyrok...*

⁴⁸ See: *Tusk w Pszczynie...*

⁴⁹ See: *Kobiety mają...*

the situation of women in Poland under the PiS government was assessed as worsened by 48% of respondents. According to 24%, it has improved, and according to 18%, it has not changed. Similar rates repeated in September 2023 – a month before the election day⁵⁰.

The populist rulers' narrative about the happiness of Polish women under their rule failed as in May 2023 another pregnant woman died in a hospital. It was not the first time when women's lives were sacrificed, even if the abortion should have been performed. According to the opposition, a medical service during pregnancy is improper, and this is a competence of the government to improve the health care system. The ruling majority claimed that such cases occur even in the best hospitals. A few days later, the opposition came to the idea of women's commemoration, but the ruling coalition did not support it⁵¹. Jarosław Kaczyński stated that the case is not connected to the CT abortion decision. Such a link is made up by propaganda and is a part of this "imaginary reality"⁵². In the same vein, he stated in an interview that women can undergo abortion in many places in Poland following Internet advertisements. His words provoked loud criticism, underlining his lack of societal and family competences to arrange women's lives⁵³.

Jarosław Kaczyński's view on almost free accessibility to abortion pills was verified a month later. In July 2023, another woman who had taken an abortion pill was interrogated and searched by police officers in the hospital. The medical examination was interrupted. The woman had to give away the computer and phone to the officers⁵⁴. The police officers' behaviour was criticized and commented on. According to Donald Tusk "The case is more than just another drama of a Polish woman in a country ruled by PiS"⁵⁵. The opposition leader announced on October 2023 the idea of the "March of a Million Hearts". Two weeks before the voting the March flooded Warsaw, demonstrating support for the change of the ruling majority⁵⁶. The electoral slogans' most important addressees and topic were women and their rights⁵⁷. Women mobilized themselves around these slogans and engaged in the public sphere by joining the March and, further, the election.

⁵⁰ See: *Jak zmieniła się...*

⁵¹ See: *Premier o dopuszczalności...*

⁵² M. Tkacz, *Kaczyński o śmierci...*

⁵³ M. Warchoń, *Burza po słowach...*

⁵⁴ See: *Sprawa pani Joanny...*

⁵⁵ A. Zalewska, *Politycy reagują...*

⁵⁶ A. Bień-Kacała, A. Juškevičiūtė-Vilienė, *Teisinis...*

⁵⁷ M. Birecka, *Marsz...*

The final assessment of the campaign arguments shows that gender equality and women's rights, with stress on reproductive health and the right to abortion, were present in electoral programs of all competing options. The campaign focused primarily on women in the context of motherhood and having or not having children. Then, access to abortion, *in vitro* fertilization, contraception, gynaecological care and anaesthesia during childbirth were put forward. Less attention was paid to topics such as counteracting violence towards women, activation of women in the labour market or women's participation in decision-making bodies⁵⁸.

However, there were vital differences among concurring political options. Right-wing parties, Law and Justice and Confederation, during the campaign, tried to discredit the mass movements of women, such as the Black Protest and Women's Strike. The parties presented themselves as defenders of the rights of "normal" women (quiet, docile, reconciled with current gender norms based on patriarchy). The Law and Justice Party emphasized its pro-family policy, treating women as mothers. The Confederation presented a limited approach focused only on entrepreneurs, promising them lower taxes and contributions from the social security system. Opposition parties (New Left, Civic Coalition, Third Way) presented complex and holistic programs to improve women's situation. However, the programs varied from conservative (Third Way) to progressive (New Left)⁵⁹.

3.3. Referendum on abortion

The last issue associated with abortion was a referendum on access to the procedure. At the beginning of March 2023, one of the opposition options – Third Way – presented a proposal concerning the organization of an abortion referendum. A wide range of voters could accept such a referendum topic⁶⁰. However, according to Jarosław Kaczyński, a referendum after the verdict of the Constitutional Tribunal on abortion would not matter as abortion can be done "on almost every corner"⁶¹. The referendum did not attract much attention from other political parties during the campaign either. The disinterest with direct democracy instrument in this regard may have a threefold meaning. On the one hand, a referendum has been politicized in the last few

⁵⁸ M. Druciarek, A. Niżyńska, I. Przybysz, *Kampania...*, pp. 1–26.

⁵⁹ *Ibidem*.

⁶⁰ M. Kolanko, *Sondaż: Poparcie...*

⁶¹ M. Warchoń, *Burza...*

electoral campaigns and failed, with the notable example of a referendum ordered on election day in 2023⁶². The voters could support the government in a referendum focusing on state assets, retirement age, barriers on the border with Belarus and illegal migration. However, its results were not valid because of the low turnout (40.91% of the validity threshold of over 50%), while the turnout in the election was the highest after the transition (74.38%). Therefore, a reference to the directly articulated will of the people may not generate support for those who initiate the referendum. The second is that abortion as such does not define the current needs of Poles. Women's rights, in their complexity, better reflect the essential needs of the polity. The third reason demonstrates the hesitation towards a direct majoritarian decision on any of human rights as the right to abortion is for many.

4. Conclusions

On 15 October 2023, United Right, led by PiS and Jarosław Kaczyński, lost the majority. The new broad coalition formed a government led by Donald Tusk. The new government faces many issues to be fixed after eight years of PiS in power. The most appealing is the rule of law improvement, education, and bringing back the neutrality of public media. The abortion issue is also among the leading problems to be solved. Even though it is not mentioned in the coalition agreement, it also means there is no consensus on this topic⁶³. However, the main concern is women's rights, including proper health care associated with reproductive rights⁶⁴.

Although young women voted for Civic Coalition and Left – the most women's rights-focused political options – the main reason for the support was not limited to the abortion question⁶⁵. Indeed, the abortion restrictions introduced by the CT generated strong emotion that was present in public space and cultivated by feminist circles in connection to the election. Still,

⁶² E. Zgut-Przybylska, *Toxic Polarization...*

⁶³ Umowa koalicyjna Koalicyjnego Komitetu Wyborczego Koalicja Obywatelska PO .N iPL Zieloni, Koalicyjnego Komitetu Wyborczego Trzecia Droga Polska 2050 Szymona Hołowni – Polskie Stronnictwo Ludowe, Komitetu Wyborczego Nowa Lewica, Warszawa, 10 November 2023, < <https://platforma.org/upload/document/203/attachments/433/UmowaKoalicyjna.pdf> >, accessed: 10 June 2024.

⁶⁴ M. Druciarek, A. Niżyńska, I. Przybysz, *Kampania...*, pp. 1–23.

⁶⁵ See: *Jak głosowali...*

this topic did not become a leitmotif of the campaign⁶⁶. Nevertheless, after the election, one of the prominent PiS politicians stated that the abortion judgement had a significant impact on the election results⁶⁷. However, the success of women's rights-oriented politics that was drown during the campaign depends on the effectiveness of Donald Tusk's government and the stability of the ruling coalition. Achievement of several electoral goals may be difficult as still the President and the CT operate according to illiberal rules that are not in favour of women's rights. So far, the Istanbul Convention has been withdrawn from the CT by Donald Tusk, but the fate of the bills on safe abortion is still uncertain.

Abstract

Two years after the abortion decision of the Polish Constitutional Tribunal and just after the mid-term election in the USA, there was a calculation that the abortion issue might play a pivotal role in the parliamentary election in Poland in the Fall of 2023.

Analysis of the USA election showed that the *Dobbs v Jackson Women's Health Organization* decision of the Supreme Court of June 2022 and discontent among voters on its result violating women's rights significantly contributed to the electoral achievement of Democrats. On the eve of the electoral campaign in Poland, there was a hope that a similar trend might occur in the next election and might contribute to the loss of the majority of illiberal rulers.

The paper focuses on using abortion arguments within the electoral campaign by competing political parties. The main question is, to what extent did the abortion issue influence the result of a general election in Poland in 2023 and the change of the ruling majority?

Keywords: abortion, parliamentary election, electoral campaign

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⁶⁶ M. Kędzierski, *Wybory...*

⁶⁷ P. Rutkowski, *Jacek Sasin...*

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