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Choice of Language in Discussions on Law. Pregnancy Termination in the Legislative Process of the Polish Sejm of the Eighth Term

Abstract: The radicalization of views and the conflict concerning the possibility of, and the rationale for, the institutionalization of termination of pregnancy in Poland usually gain prominence before elections, when political parties, when presenting their programs, bring controversial issues that evoke extreme emotions to the debate. The appearance of the topic of abortion in the discourse is always accompanied by increased attention of the media, which makes the issue even more attractive for politicians. An analysis is presented of the bills amending the Act of 7 January 1993 on family planning, protection of the human fetus, and the conditions of permissibility of abortion, also known as the “Family Planning Act” or the “Anti-Abortion Act,” as well as of parliamentary debates¹ focused on the issue of the right to abortion in Poland, that is primarily those debates where the issue of expanding or narrowing the enumerative catalog of prerequisites for permissibility of abortion was discussed. The temporal scope of the subject matter includes the legislative processes that took place before the eighth term of the Sejm. The paper is an attempt to interpret the regularities observed during the research and does not aspire to be an exhaustive description of the topic.

Keywords: pregnancy termination, abortion, language of law, Polish Sejm

Introduction

The debate on the shape of the law governing the permissibility of abortion has been continuing in the Polish public space for nearly 30 years and the law itself, the

1 The used transcripts are available at: www.sejm.gov.pl.

Act of 7 January 1993 on family planning, protection of the human fetus, and the conditions of permissibility of abortion,² has been described as an “abortion compromise”³ reached between leaders of the Catholic Church and politicians⁴. During this period, the positions of the supporters and opponents of the permissibility of abortion have been institutionalized into organizations dedicated to lobbying for certain changes, and some of them are attempting to amend the current law by submitting a bill to the Sejm that tightens or liberalizes the abortion law through a citizens’ legislative initiative⁵. In the literature on the dispute over the shape of the law, we can distinguish three basic positions, which were formulated in biojurisprudence⁶. These are: a model that delegatizes and penalizes all abortions⁷; model in opposition to the first one that makes abortion legally permissible if performed by medically qualified persons; and a third model that approves of the permissibility of termination of a pregnancy on the condition that the pregnant woman obtains the prior consent of government authorities, which have defined the medical or social criteria for the permissibility of the procedure in a universally binding law⁸. The “abortion compromise” has become the prevailing status quo, which politicians have not tried to change for years, for fear of a negative response from the public, feminist movements, and the Catholic Church.⁹

Since the beginning of the work on the *Act on family planning, protection of the human fetus, and the conditions of permissibility of abortion*, the procedure of pregnancy termination has ceased to be perceived as exclusively a procedure of an exclusively medical nature¹⁰, as both the parliamentary debate and the public debate accompanying the ongoing legislative process began to refer to arguments other than those exclusively from the field of medicine. Two opposing positions have developed among the participants in the discussion and a division has emerged in the sphere of

2 Journal of Laws of 1993, No. 17, item 78, as amended.

3 A. Hennig, *Morapolitik und Religion. Bedingungenpolitisch-religiöser Kooperation in Polen, Italien und Spanien*, Würzburg 2012, pp. 271ff.

4 D. Kozłowska, *Prawo do decydowania*, <https://www.miesiecznik.znak.com.pl/prawo-do-decydowania-kozłowska/>, (accessed 15 January 2022).

5 Art. 118 (2) of the Constitution of the Republic of Poland of 2 April 1997, *Journal of Laws of 1997*, no. 78, item 483, as amended.

6 R. Tokarczyk, *Prawa narodzin, życia i śmierci*, Warsaw 2010, pp. 201–205.

7 A.M. Kania, *Kontrowersje związane z kryminalizacją przerywania ciąży. Część II, “Nowa Kodyfikacja Prawa Karnego”* 2012, No. 28, pp 71–87. K. Borkowska, *Penalizacja przerywania ciąży w polskim prawie karnym*, “*Studia Prawnoustrojowe*” 2022, No. 56, pp. 37–55.

8 M. Szczepaniec, *Etyczne i prawne aspekty dopuszczalności aborcji ze względów eugenicznych*, “*Białostockie Studia Prawnicze*” 2013, Vol. 13, pp. 77–84.

9 E. Zielińska, *Na pozór, czyli o prawach reprodukcyjnych*, <https://www.miesiecznik.znak.com.pl/na-pozor-czyli-o-prawach-reprodukcyjnych>, (accessed 26 January 2022).

10 Abortion as a medical procedure is defined as the intentional removal of an embryo or fetus from the uterus before it has reached a stage of development that allows it to survive on its own - P.A. Lohr, M. Fjerstad, *Abortion*, ‘*BMJ (Clinical Research Ed.)*’ 2014, No. 7553 (January), pp. 1–7.

the language used between those advocating a woman's right to abortion and those opposing abortion.¹¹

The purpose of this paper is to show the cultural and social situation and the legal consequences of the bills on amending the Act of 7 January 1993 on family planning, protection of the human fetus, and the conditions of permissibility of abortion (referred to as "anti-abortion act"). The paper verifies the hypothesis that in the submitted bills and in the parliamentary debate, the supporters and the opponents of the abortion procedure made completely different, opposing interpretations of norms and used essentially ideological arguments. The paper indicates those issues that relate to the influence of language on the shape and perception of the right to legal termination of pregnancy in Poland which the author considers the most important.

To verify the hypothesis, transcripts of parliamentary sessions focused on the analyzed issue are cited and discussed. In addition, the paper uses the dogmatic method necessary to analyze the bills brought to the Sejm of the eighth term, and the comparative method to compare the wording used in the bills and the statements made by participants in the debates held during the legislative process.

1. Bills submitted to the Sejm

During the terms preceding the period discussed herein, repeated attempts were made to amend the Act of 7 January 1993 on family planning, protection of the human fetus, and the conditions of permissibility of abortion. None of them, however, was successful. The Sejm of the eighth term (2015 – 2019) considered several bills liberalizing or tightening the abortion law. On 19 August 2016, the Sejm received a draft law prepared by the Legislative Initiative Committee "Stop Abortion", which aimed to amend the Act of 7 January 1993 on family planning, protection of the human fetus, and the conditions of permissibility of abortion and the Act of 6 June 1997 - Criminal Code (parliamentary print no. 784). The initiative, supported by the Ordo Iuris Institute Foundation¹², provided for the introduction of legal protection of the life and health of a child from the time of conception, and thus a complete ban on abortions: "Every human being has an inherent right to life from the time of conception, that is the joining of a female and male reproductive cell. The life and health of a child, from the time of its conception, remain under the protection of law."¹³ In addition, a de-

11 Also see: I. Desperak, *Antykoncepcja, aborcja i ...eutanazja o upolitycznieniu praw reprodukcyjnych w Polsce*, „Acta Universitatis Lodzianensis. Folia Sociologica” 2003, no. 30, pp. 198–199.

12 See: K. Jusińska, J. Kwaśniewski, K. Pawłowska, O. Szczypiński, K. Walinowicz, T. Zych, *Równa ochrona prawna dla każdego dziecka zarówno przed, jak i po urodzeniu. Główne założenia projektu inicjatywy obywatelskiej „Stop aborcji”*, <https://ordoiuris.pl/publikacje?page=2>, (accessed 17 January 2022).

13 Art 1(3) of the citizens' draft of the Act of 19 August 2016 amending the Act of 7 January 1993 r. on family planning, protection of the human fetus, and the conditions of permissibility of abor-

mand was made (Article 2(1) of the draft law) to add the following legal definition of a conceived child to the Criminal Code: “A conceived child is a human being in the prenatal period of development, from the time of the joining of the female and male reproductive cell,”¹⁴ as well as to penalize abortion (Art. 2(2–5) of the draft law)¹⁵. This was the most radical draft law of all the abortion-related legislative initiatives the Sejm has considered since the law of 7 January 1993 came into effect.

At the same time, the Sejm received a citizen’s draft act on women’s rights and informed parenthood (parliamentary print no. 830), submitted by the Legislative Initiative Committee “Save Women.” This draft act was extensive and multi-faceted. According to the draft, a woman would have the right to terminate her pregnancy until the end of the 12th week; thereafter, abortion would be permitted in the same cases as allowed under the current law, namely when the pregnancy poses a threat to the life or health of the pregnant woman, there is a likelihood of severe and irreversible fetal impairment or an incurable disease threatening the life of the fetus, or when the pregnancy is the result of a criminal act. In cases of severe and irreversible fetal impairment or incurable disease, termination of pregnancy would be permitted up to the 24th week; in cases where the detected disease prevents the fetus from living independently and there is no possibility of cure, termination of pregnancy would be permitted without restrictions.

If a pregnancy is the result of a criminal act, abortion would be allowed until the 18th week of the pregnancy. The proposed law advocated the introduction of sex education into school curricula and required central and local government bodies to ensure that everyone, regardless of legal capacity, has access to methods and means of contraception. Contraception measures would be reimbursed and free for the poorest citizens.

The proposed law would also amend, among other things, the Act on the professions of physician and dentist to improve access to contraception for teenagers: at the request of a minor, a doctor would be required to provide pregnancy prevention services without the consent of the legal representative and the family court. The draft law also amended the provisions related to the conscience clause. It required the service provider to make publicly available a list of cooperating physicians who invoke

tion and the Act of 6 June 1997 - Criminal Code (parliamentary print no. 784), <https://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?documentId=CDB8B631C2EFE830C1258014002A4E47>, (accessed 17 January 2022).

14 Art 2(1), *op. cit.*

15 According to the wording of the draft, whoever caused the death of a conceived child would be subject to imprisonment for a period of three months to five years, and in the case of an unintentional action - for up to three years. Imprisonment one to ten years would be the penalty for someone who, by using violence against the mother, has caused the death of a conceived child. In cases where an abortion was performed by the mother, the court could grant her extraordinary leniency or waive the penalty.

the conscience clause and refuse to provide healthcare services related to the termination of pregnancy. The list would be made available to the woman upon her individual request.

The two drafts were considered together at the session of the Sejm on 23 September 2016 and, despite the government's promises that neither draft will be rejected by members of the parliament in the first reading, only the draft of the "Stop Abortion" Committee was referred for further work in the Justice and Human Rights Committee. The draft of the "Save Women" Committee was rejected on first reading¹⁶. Such legislative actions resulted in the largest protests in defense of women's rights in modern Polish history, called "Black Monday" (3 October 2016), with some 100,000 demonstrators taking to the streets¹⁷. During its session held on 6 October 2016, the Sejm rejected in the second reading the draft of the amendments proposed by the "Stop Abortion" Legislative Initiative Committee.

However, the public resistance that was expressed in such a massive dissatisfaction with the attempts to tighten the abortion law in Poland and in opinion polls did not stop another attempt to amend the Act on family planning, protection of the human fetus, and the conditions of permissibility of abortion. On 30 November 2017, the Sejm received a draft law from the Legislative Initiative Committee "Stop Abortion," which provided for the erasure from the current law of the eugenic condition, namely the possibility of terminating a pregnancy due to a serious disease or irreversible change in the fetus (parliamentary print no. 2146). The grounds for the bill pointed to the need to prevent violations of human rights and discrimination against people with disabilities, which an ill or damaged fetus in the mother's womb was considered. On 10 January 2018, the first reading of the bill was held, as a result of which it was referred to the Social Policy and Family Committee of the Sejm, with the recommendation to obtain the opinion of the Justice and Human Rights Committee. On 19 March 2018, the bill received a positive opinion from the Justice and Human Rights Committee; however, the Social Policy and Family Committee, at its meeting on 11 April 2018 voted not to include the draft law submitted by the "Stop Abortion" Committee in its future work.¹⁸

The supporters of the liberalization of the abortion law also did not stop their efforts and, on 23 October 2017, the Sejm received the Citizens' bill on women's rights and informed parenthood (parliamentary print no. 2060), submitted by the Legis-

16 M. Chmielewska, M. Druciarek, I. Przybysz, Czarny protest, w stronę nowego „kompromisu aborcyjnego”?, Instytut Spraw Publicznych, Warsaw 2017, p. 8.

17 Cf.: A. Domańska, Constitutionality of Restrictions on Freedom of Assembly during the COVID-19 Pandemic in Poland, *“Białostockie Studia Prawnicze”* 2022, Vol. 27, No 2, pp: 147–161; I. Kozłowska, D. Béland, A. Lecours, Nationalism, religion, and abortion policy in four catholic societies, *‘Nations and Nationalism’* 2016, No 22 (4), pp. 824–844.

18 Vote no. 10 during the 55th session of the Sejm on 10 January 2018, <https://www.sejm.gov.pl/sejm8.nsf/PrzebiegProc.xsp?nr=2146>, (accessed 12 February 2022).

lative Initiative Committee “Save Women 2017,” with its name referring to the 2016 bill. The bill covered a broad scope of issues and its provisions pertaining to the subject matter of this paper and the issue of abortion stipulated that a woman has the right to terminate her pregnancy up to its 12th week, and beyond the 12th week, the pregnancy could be terminated if any of the conditions listed in the current act existed, with the decision to terminate the pregnancy being made by the woman herself. The bill introduced a statutory definition of abortion, defining it as “a health service consisting of a medical action aimed to prevent a further development of an embryo or fetus using pharmacological, mechanical, or combined methods.” In the event of a threat to a woman’s life or health, an abortion would be performed in no more than 72 hours after she had given her written consent. At the session of the Sejm on 10 January 2018, the bill was rejected, which ended the procedure.

A dichotomous division is evident in the bills submitted to the Sejm of the eighth term, which demonstrates immanent, constitutive issues. The bills that provide for tightening the existing laws emphasize the subjectivity of a “conceived child” and his or her right to life. A woman is defined by being assigned the role of a mother who has, in a positive sense, to the right to have a child and not the right to kill a growing fetus.¹⁹ The term “woman” appears only in the context of a “pregnant woman” - on the contrary, in bills that propose liberalization of the law, the terms “mother” and “maternity” does not appear and legal subjectivity is granted in them to a “woman,” who has the right to choose and decide about her body and informed parenthood. The fundamental issue that prevents the conflicting parties from reaching an agreement is the opinion on when human life begins, but this issue, by its very nature, cannot be regulated by law.

None of the bills received by the Sejm of the eighth term that proposed amending the Act of 7 January 1993 went through the entire legislative process. The bills were either rejected as early as at the first reading, or went through a very long procedure in parliamentary committees. Only the bill of 19 August 2016 (parliamentary print no. 784) was rejected in the second reading, which allows us to assume that the conflicting parties are not willing to reach a compromise and, due to their absolute lack of flexibility, reject the possibility of finding a solution.²⁰

19 The judgment of the Constitutional Tribunal of the Republic of Poland of 28 May 1997, file no. K26 / 96, www.trybunal.gov.pl, (accessed 1 February 2022).

20 M. Kozub-Karkut, *Religia w dyskursie polityki - polski spór o aborcję*, *Annales Universitatis Mariae Curie - Skłodowska Lublin - Polonia, Sectio K* ‘ 2017, vol. XXIV, no. 2, p. 252.

2. Parliamentary debate²¹

In the parliamentary debates, the participants, who presented mutually conflicting and often extreme positions on the direction of possible legal changes concerning the prerequisites for permissibility of abortion, used different terminology. Those in favor of tightening the abortion law and imposing a total ban on abortion in Poland, or of outlawing one of the prerequisites for abortion, replaced the medical, scientific, and worldview-neutral terms used by the proponents of liberalization of the law, such as “embryo” and “fetus,” with such phrases as “little boy/girl,” “infant,” and “child in the womb.” The physiological state of pregnancy was referred to as “blessed state” and the medical procedure of termination of a pregnancy - as “homicide,” “murder” and “transgression against the fifth commandment” by a doctor - “abortionist,” which justifies the perception of abortion as a criminal, cruel, and sinful act. The proponents of liberalization of the abortion law, on the other hand, pointed at the need to decriminalize abortion due to the recognition of the embryo as an integral part of a woman, rather than an independent human being capable of life outside the mother’s body.

An interesting issue was the perception of abortion as a society-wide problem, which means that an individual woman’s decision to terminate her pregnancy results in a reduction in the national birth rate and thus has an impact on the general population. Such argumentation appealed to the sense of community of the nation, which cannot kill its citizens, and was in opposition to slogans about a woman’s free choice and her right to decide about motherhood. Those in favor of legalization of abortion denied its public nature and considered termination of a pregnancy as an individual, unstigmatized decision by a woman to protect herself from an unwanted pregnancy. They argued that motherhood as a woman’s social role must be seen as an informed choice, which a woman has the right (but not the obligation) to make.

Those in favor of a woman’s right to abortion referred to human rights in their arguments. In their opinion, the arguments in support of tightening the abortion laws are flawed and one-sided, because the defined human dignity and right to life do not include reference to the dignity of women and informed decisions about having children. The narrative used by the opponents of abortion identifies only one perspective: that of protection of life in the prenatal stage. At the same time, it ignores the perspective of women, whose dignity, life, and health are undoubtedly values that are protected by the constitution, and does not address the problem of the relationship between the rights of a pregnant woman and the human rights in the prenatal phase of life.

21 The analysis was based on the transcripts of: 26th session of the Sejm, 22–23 September 2016, items 16 and 17 of the agenda; 27th sessions of the Sejm, 5–6 October 2016, item 27 of the agenda, 55th session of the Sejm, 10 January 2018, item 15 of the agenda.

It has also been pointed out that the standards of application of the applicable law with regard to the possibility of legal performance of an abortion are far from satisfactory and, due to the failure to comply with them, lead to violations of a pregnant woman's human rights and in fact to discrimination against her.²² Termination of pregnancy, once the statutory prerequisites have been met, is not readily available, and women face lengthy procedures and doctors who use the conscience clause very freely.²³ The impeded access even to legal abortion results in women performing illegal abortions, which, due to the fact that they are not performed by qualified medical personnel, very often pose a direct threat to the health or life of the mother²⁴.

Human rights issues were not left out of the language used in their discourse by the opponents of abortion either. They, on the other hand, stressed that the opposition of the Catholic Church to abortion is formulated as a consequence of its commitment to the defense of the world's poor - those people who are threatened and despised, and whose human rights are violated. The right to life is a fundamental right of every innocent human being, and termination of pregnancy is considered a violation not only of this right, but also of human dignity, which directly threatens the entire culture of human rights²⁵. In general, the Polish anti-abortion discourse was centered on "defending the unborn," "protecting women," and "preserving culture and nation."²⁶

In the debate, the proponents of liberalization of the abortion law also referred to the teaching of the Catholic Church. Most importantly, they argued that the Church and its officials sought, through the proposed legal changes, to limit women's rights. The cited selected statements by Church officials were meant to discredit the Church and prove its backwardness. Disapproval of women's right to choose was equated with objectification of women and the belief was expressed that religious law could not stand above secular law.

22 L. Berro Pizzarossa, L. Sosa, *Abortion laws: the Polish symptom of a European malady?*, 'Ars Aequi' 2021, p. 588.

23 H. Bhakuni, L. Miotto, *Conscientious Objection to Abortion in the Developing World: The Correspondence Argument*, 'Dev. World Bioeth' 2021, No 21 (2), pp. 90-95.

24 On 30 October 2018, members of the UN Human Rights Committee adopted the contents of the General Commentary to Article 6 of the International Covenant on Civil and Political Rights. The document that regulates the issue of protection of life obliges states that are parties to the Covenant to legally guarantee their female citizens' access to safe abortion. According to the text of the document, states that are parties to the Covenant are not allowed to regulate pregnancy and abortion in a way that would conflict with the obligation to protect women and girls from termination of pregnancy in unsafe conditions.

25 M. Bucholc, *Abortion Law and Human Rights in Poland: The Closing of the Jurisprudential Horizon*, 'Hague Journal on the Rule of Law' 2022, No. 14, pp. 73-99.

26 I. Koralewska, K. Zielińska, 'Defending the unborn', 'protecting women' and 'preserving culture and nation': anti-abortion discourse in the Polish right-wing press, 'Culture, Health and Sexuality' 2022, Vol. 24, No. 5, pp. 673-687.

The theme alluded to was a “debate about hell.” Phrases such as “hell” and “drama” were given different meanings. According to the opponents of termination of pregnancy, abortion is hell for the woman and for the unborn, defenseless human being (child). For proponents of “pro-choice” arguments, for women, hell is the current abortion law and any attempts to tighten it. What some consider “choice” is “drama” for others. When those in favor of a ban on abortion talked about the child and life, their adversaries, who focused on human rights and social issues, made women and their physical and mental health the center of their argument.

The debate also involved the use of war-related terms by both sides: phrases such as “war,” “fight,” and “battle” were quite frequent. Connotations of the Holocaust and Nazi practices were invoked in the discussion on “eugenic abortion,” i.e. abortion performed due to a child’s severe and incurable disease. The conflicting parties also accused each other of violating the Constitution, which guarantees the right of all citizens to life, with “pro-life” advocates talking about the life of the unborn child and the supporters of abortion talking about the life of the mother and her right to her own body, which their opponents wanted to violate²⁷.

They also used opposing adjectives, for example to describe pregnancy as a natural and normal state, and consequently, to describe abortion as unnatural and abnormal. The issue of pregnancies that pose a threat to the life and health of the mother and pregnancies caused by crimes, which were described as “difficult pregnancies” (“pro-life” advocates), was dismissed. Proponents of pro-abortion changes in law pointed to the negative effects of the restrictive bills themselves, which, in their view, had a negative impact on the political position of women and a strong effect on the medical community, which began to be concerned about the consequences of legal medical procedures.

The stylistic contrast noticeable in the parliamentary debate corresponds to the contrast between the attitudes, interests, and needs of the political actors. In particular, the citizens’ legislative initiatives articulate the interests of a certain part of the society²⁸, but the formulated grounds for the proposals to amend the law include a broad group interest through references to universal values: solidarity, human life, and the struggle for dignity and freedom, the definitions of which are ultimately found by both parties to the “abortion dispute” in other sources. Debates on the bills related to tightening or liberalizing the abortion law are not aimed at working out the best common legal regulation that satisfies those with a factual or legal interest, but

27 W. Bryła, Skandalizacja jako sposób walki o wartości, “Białostockie Archiwum Językowe” 2017, no 17, pp. 60–61.

28 See., M. Michalczyk-Wlizio, An institution that gives citizens a real impact on applicable law? Casus of the civic draft amendment to the act of 7 January 1993 on family planning, protection of the human foetus and conditions for the admissibility of termination of pregnancy, submitted to the Sejm of the 8th term, “Przegląd Prawa Konstytucyjnego” 2019, no 6 (52), pp. 395–406.

rather at presenting the position of the speaker and indicating his or her position on one of the two sides of the argument. This arrangement coincides with the dichotomous division of the global debate into “pro-life” and “pro-choice”²⁹ groups, and each confrontation becomes a ritual, a performance to be played³⁰.

The polarized “pro-life” and “pro-choice” groups, with a high level of hostility, failing to reach consensus in their discussions, lead to the dramatization of the dispute, which further fuels the interest of the media in the topic and thus achieves the intended effect of influencing public opinion. Indeed, the supporters and opponents of amending the current abortion law, through exegesis of the same norms, create completely different and competing images of what is right and proper.

The language of the parliamentary debate on pregnancy termination is subject to ideological pressure³¹ It seems that the two sides have forgotten that the legal language used to establish normative acts³² should be clear, comprehensible, and communicative, and as a specialized language should be characterized by precision, unambiguity, and conciseness³³. Regulations that have a worldview context are always just an interpretation of socio-political reality. The terminology used in the discussions on the content of law is a tool to dismiss the opposing approach.³⁴

Each of the parliamentary debates on the bills aimed to amend the current law on termination of pregnancy was accompanied by other means of persuasion, such as demonstrations, pickets, events, exhibitions, press conferences, etc.³⁵, which aimed to reinforce the verbal message so as to present each position in the most attention-grab-

29 The author of this paper is aware of the simplifications inherent in the use of the terms “pro-life” and “pro-choice” coming from the analogous debate taking place in the United States. However, due to the intent and nature of the paper, the issue indicated above was not subjected to critical analysis.

30 J. Berendt, *Bitwę o język w Polsce wygrali pro-liferzy. Poseł mówi: Kazałbym żonie rodzić. A żony nikt już nie pyta*, <https://www.tokfm.pl/Tokfm/7,103085,13166039,bitwe-o-jezyk-w-polsce-wygrali-pro-liferzy-posel-mowi-kazalbym.html>, (accessed 11 February 2022).

31 A. Szczerbiak, *Coraz okrutniejsze argumenty w dyskusji o aborcji*, <https://www.polityka.pl/tygodnikpolityka/spoleczenstwo/1735102,1,coraz-okrutniejsze-argumenty-w-dyskusji-o-aborcji.read>, (accessed 9 February 2022),

32 B. Wróblewski, *Język prawny i prawniczy*, Cracow 1948, pp. 51ff; A. Malinowski, *Polski język prawny*. Wybrane zagadnienia, Warsaw 2006, pp. 21–23.

33 K. Siewert, *Semantische Analyse juristischer Fachwörter am Beispiel der Terminologie des Handelsrechts. Eine deutsch-polnische kontrastive Studie*, Bydgoszcz 2010, p. 73; U. Bukowska-Pelc, *Precyzja języka prawnego jako przykład precyzji języka fachowego*, “Lingwistyka Stosowana” 2017, vol. 24, no. 4, pp. 37–43.

34 K. Ćwierz, R. Cossengue Casimiro, B. Konat, *Różnice leksykalne w wypowiedziach zwolenników i przeciwników dopuszczalności aborcji - analiza anglojęzycznych grup w serwisie Facebook*, ‘Investigationes Linguisticae’ 2017, Vol. XXXVII, p. 36.

35 Also see: K. Kowalczyk, *Wpływ prokościelnych grup interesu na ustawodawstwo. Casus regulacji antyaborcyjnych w Sejmie VIII kadencji*, ‘Annales Universitatis Mariae Curie-Skłodowska Lublin - Polonia, Section K’ 2019, Vol. XXVI, no. 1, pp. 102–103.

bing way possible. The arguments formulated in the parliamentary debates served to consolidate party positions, motivate the electorate (especially in the pre-election period), and position political parties, and were most often ideological and philosophical - related to the status of humans and the origins of human life, rather than logical or empirical and based on the available knowledge³⁶. Introducing legal solutions that substitute for standards based on current medical knowledge and medical ethics, or that cause conflicts in this area, seems likely to lead to unfavorable solutions. Indeed, only the guidelines derived from the above reasons can serve as a criterion for the evaluation of what is best for the patient.³⁷ The analyzed discussions clearly demonstrate that the arguments of the opponents of abortion emphasized by the need to protect values identical to those highlighted in the teaching of the Catholic Church³⁸. The use of the rhetoric of the Church by political actors testifies to the strong position of the Church officials, who set the direction of political changes and influence the content of existing laws.

Conclusion

An analysis of the legislative initiatives submitted to the Sejm of the eighth term regarding amendments to the Act of 7 January 1993 on family planning, protection of the human fetus, and the conditions of permissibility of abortion and the discussions held in the Sejm as part of the legislative process allows us to conclude that in fact this is a clash of two completely incompatible rhetorics created by the supporters and opponents of amendments to the current law. During the parliamentary debates taking place in the legislative process on the bills, the scientific and medical languages describing the medical procedure of pregnancy termination were forgotten. The vast majority of the participants of the discussions did not distinguish between the zygote, the embryo, and the fetus, and when in the discussions about conception, this very complicated and complex process was overly simplified. When starting the discussions, the participants had clear, predetermined views and beliefs and recognized a certain hierarchy of axiological values, and the manner in which the dispute was

36 The actual medical practices pose difficulties and dilemmas that lawyers, parliamentarians, and legislators are unaware of, regardless of their best intentions, ethical sense, extensive legal knowledge, and political skills. Also see: R. Lopez, Perspectives on Abortion: Pro-Choice, Pro-Life and What Lies in Between, 'European Journal of Social Sciences' 2012. no. 27/4, pp. 511ff.

37 Article 4 of the Act on the profession of physician and dentist, consolidated text: Journal of Laws of 2022, item 1731.

38 See: E. Kuźelewska, M. Michalczyk-Wliziło, Same-sex marriage and the Catholic Church in Europe. Any chance of Understanding?, 'Studies in Logic, Grammar, and Rhetoric' 2021, no. 66 (79), pp. 267-281; J. Hussein, J. Cottingham, W. Nowicka, E. Kismodi, Abortion in Poland: politics, progression and regression, 'Reproductive Health Matters' 2018, vol. 26, no. 52, p. 11.

conducted was characterized by misconceptions incompatible with scientific explanation.

It should be noted that both politicians and representatives of the proponents (in the case of bills submitted to the Sejm as part of a citizen's legislative initiative, speaking during the consideration of the submitted bills), even people representing extreme positions structured their argumentation by reference to such values as dignity and freedom. These values, however, were understood in different ways. The conceived child's dignity, freedom, and right to live were placed in opposition to the pregnant woman's dignity and freedom, understood as the right to choose and decide about her body. The objectification of the mother objectifies the conceived child and the objectification of the fetus objectifies the mother by marginalizing her rights as a human being and a woman.³⁹ The ambivalence of the language used makes the words defining abortion vague and full of contradictions. Language, which structures the reality it describes, requires legislators to choose their words carefully and be wary of ideological appropriation of various terms.

Characteristic of the statements made by the participants in the discussion who are in favor of tightening abortion laws in Poland were emotionally charged evaluative terms, such as "abortion is barbarism," "friends and enemies of life," and "selection of people." The bills they brought to the Sejm and supported were seen as "a big step toward the moral repair of society."⁴⁰ In contrast, the advocates of easing abortion laws emphasized the value of women's freedom and their autonomy in deciding about motherhood, and saw women - metaphorically compared to "living incubators" - as helpless victims of the current system. For both sides of the discourse, life is a non-negotiable value. For one group, it means ensuring the inviolability of human life from conception to natural death. The other group looks at this concept through the lens of the mother's life and her temporal needs, and considers the freedom of choice as a fundamental value in human life.

It seems that the condition for success and for cessation of the use of the issue of abortion for increasing the level of hostility in both the parliament and the society is an intentional departure from symbolic and ideological treatment of the procedure of pregnancy termination toward a scientific and pragmatic approach. However, this requires an end in the debate to the strategy of reversal, denigration of adversaries and political opponents, and manipulation of knowledge, language, and law. The consolidation of extreme positions and the reinforcement of the verbal message with,

39 H. Dąbrowski, Witaj w świecie obrońców zygot i przyjaciół morderców, Salon24.pl, <https://www.salon24.pl/u/alfabet/706516,witaj-w-swiecie-obroncow-zygot-i-przyjaciol-mordercow>, (accessed 10 February 2022).

40 M. Grabowska, Prawa człowieka w polskiej debacie nad aborcją w perspektywie wojen kulturowych, in: *Wielkie religie świata w języku i kulturze: Chrześcijaństwo*, University of Gdańsk, 2019., pp. 59–72.

for example, a visual one will only lead to an escalation of the conflict and an even greater polarization among policymakers who, having a majority in parliament, hold in their hands the most powerful tool, which is the ability to pass law that is binding *erga omnes*.

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