

# Right-wing legal mobilisation against reproductive rights

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[journals.sagepub.com/home/sls](https://journals.sagepub.com/home/sls)**Karolina Kocemba**<sup>1</sup> 

## Abstract

This article explores right-wing legal mobilisation conducted by conservative and religious actors against reproductive rights, analysing their legal strategies, the context in which they are used, and the conditions in which they become impactful. It shifts scholarly attention from governments to non-state actors, their interrelations, and their transnational network. Using the Polish Constitutional Court's abortion restriction as a case study, it frames Poland as a paradigmatic example of a broader European and global pattern in which right-wing actors deploy tools and institutions designed to protect and expand rights and freedoms in order to restrict them. Such mobilisation has been facilitated primarily through the strategic appropriation of the language and tactics of human rights advocacy, the transnational transfer of legal know-how, strategies and tactics, and the mutual reinforcement that occurs within conservative legal networks, combined with a readiness to act in moments of democratic fragility.

## Keywords

right-wing legal mobilisation, legal mobilisation, lawfare, reproductive rights, abortion, populism, Poland

## Introduction: Reproductive rights before the high courts

In October 2020, the Constitutional Court in Poland (*Judgment K 1/20*) ruled that the termination of pregnancy on the grounds of severe foetal impairment is unconstitutional.

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The judgment raised a fundamental question: How did the Constitutional Court, traditionally regarded as a guardian of rights (Dworkin, 1977; Sweet, 2000), come to restrict them?

The prevailing explanation situates the ruling within the broader context of a still-new and transitional democracy, characterised by immature institutions, such as the Constitutional Court itself (Bucholc, 2025; Sadurski, 2020). However, the argument that attributes this outcome to the lack of deep institutionalisation typical of Central and Eastern Europe (Krygier, 2019) seems insufficient, given that abortion was constitutionally restricted only two years later in a well-established democracy. In *Dobbs v. Jackson Women's Health Organisation* (2022), the US Supreme Court overturned the landmark precedent *Roe v. Wade* (1973). The decision not only sparked intense debate within the United States (Landau and Dixon, 2023; Murray and Shaw, 2023; Siegel, 2022; Young, 2025) but also resonated widely across the world (Erdman and Bergallo, 2024), including Europe, reigniting concerns about the resilience of European standards for protecting reproductive rights (Isailovic, 2024). Such concerns are further reinforced by a series of attempts to tighten abortion regulations elsewhere, such as the Croatian Constitutional Court's 2017 review of the abortion law (*U-I-60/1991*), and by restrictions in other domains of rights, for instance, the Bulgarian Constitutional Court's judgment that the Istanbul Convention is unconstitutional (Decision No. 13/2018).

A common feature of all these cases is the engagement of right-wing non-state actors, who were involved in each of the proceedings. This raises a central question: How do right-wing actors contribute to the restriction of reproductive rights? And under what conditions does such mobilisation become successful? These actors do not operate in isolation; instead, they form interconnected transnational networks that span multiple countries. Their strength lies in close ideological, strategic, and financial cooperation (Datta, 2021). Through these networks, organisations design and implement sophisticated legal strategies, translating successful models from one jurisdiction to another. We can see a clear pattern: The use of law, especially constitutional adjudication, to restrict rights. This process operates primarily through legal means: Invoking the language of rights, manipulating legal reasoning, selectively citing human rights statutes, and reinterpreting constitutional principles to advance a new hierarchy of values. These outcomes are framed as neutral and therefore often remain immune to the protests and mobilisation they provoke.

Although these actors were active for a considerable period (Bob, 2019; Datta, 2018; Southworth, 2008), their influence appears to have increased following the rise of populist or authoritarian governments willing to implement conservative moral agendas and reshape institutional settings, including constitutional courts (Kocemba and Stambulski, 2024; Kosař and Šipulová, 2023).

This article examines the Polish abortion case as a paradigmatic example of how right-wing non-state actors mobilise law to restrict rights. Building on this broader pattern, it develops an analytical framework for understanding this emerging form of legal mobilisation – one that appropriates liberal legal tools to advance right-wing agendas. The Polish case offers an empirical lens on these dynamics and the transnational

networks, strategies, and legal translations through which similar efforts are now being replicated across Europe and beyond.

The article proceeds as follows. The first part explores the concept of right-wing legal mobilisation and the ways scholars have conceptualised this phenomenon. Then, to understand how such legal change became possible, the article turns to the historical, political, and social conditions – and to the legal and ideological networks – that enabled it. It focuses on the evolution of abortion law in Poland, the Catholic Church’s influence, and the Law and Justice party’s role in culture wars and anti-gender mobilisation. It then examines why reproductive rights have become a focal point for the alliance of right-wing actors. Methodologically, the analysis combines legal and socio-political perspectives with qualitative document analysis of court judgments, parliamentary drafts, NGO reports, and media sources to trace how ideological claims become legal arguments and institutional decisions. This is followed by an examination of right-wing legal mobilisation strategies and their contextual foundations. The final section analyses the key actors, transnational networks, and funding mechanisms that underpin these mobilisations.

## **The concept of right-wing legal mobilisation**

The above examples show a trend in which right-wing actors use legal tools and strategies to reshape the legal and political landscape in line with their values. However, rather than expanding liberally understood rights, these strategies are deployed to restrict them. Legal institutions, initially intended to safeguard fundamental freedoms, are increasingly being used to erode them. Given that right-wing actors, in pursuit of their goals, have adopted legal mobilisation strategies traditionally associated with human rights movements, a conceptual question arises: Should we describe these phenomena using the same analytical categories, or do they require new conceptual tools? Understandably, some scholars hesitate to use the concept of ‘legal mobilisation’, which generally refers to efforts to change the law in the formal legal sphere (McCann, 2008; Vanhala, 2021), as it has been closely linked to the concept of ‘rights’ from the beginning. This hesitation is justified by past cases that led to the empowerment of discriminated groups (Lehoucq and Taylor, 2020; Matthews, 2023). The earliest definition of legal mobilisation focuses on ‘rights’, and indicates that ‘the law is ... mobilised when a desire or want is translated into a demand as an assertion of one’s rights’ (Zemans, 1983). Gráinne de Búrca also notes that legal mobilisation focuses on using law and legal norms, instruments, channels, and institutions to advance rights in practice (de Búrca, 2022). Terms such as ‘rights mobilisation’ and ‘legal mobilisation’ are often conflated and used interchangeably by law and society scholars (Chua et al., 2023).

Thus, some scholars, seeking to distinguish legal mobilisation from approaches that assume a liberal understanding of rights, have proposed alternative concepts that characterise certain forms of legal action as pursued in ‘bad faith’ or with the purpose of restricting rights. Gráinne de Búrca and Kate Young (2023) describe ‘human rights misappropriation’ as coordinated legal strategies that reverse human rights advancements by misappropriating human rights discourse to legitimise actions in contexts such as the US ‘culture wars’. Similarly, the popular concept of ‘lawfare’ (Gloppen, 2018;

Handmaker, 2019, 2026; Handmaker and Taekema, 2023; Matthews, 2023) is used to describe how state institutions and legal channels are used to stifle dissent and undercut the rule of law, while also framing law itself as a terrain of political and ideological struggle. ‘Lawfare’ often denotes the strategic use of law by states to suppress opposition and entrench oppressive power structures. Jeff Handmaker and Sanne Taekema (2023) clearly distinguish between ‘lawfare’ and ‘legal mobilisation’, the latter being a tool that civic actors might use to advance rights and progressive social change.

Although ‘bad faith’ and an intent to restrict rights may be present, they are often difficult to demonstrate empirically. ‘Bad faith’ may be more visible in cases involving religious or social movements that rely on religious, moral, and emotional discourse. Nevertheless, these actors do not employ moral persuasion or religious rhetoric, but rather carefully crafted legal arguments, couched in the precise language of human rights. These actors are legally trained professionals who claim to defend human rights while advancing a distinct and often antagonistic vision of what those rights entail. Scott Cummings (2024) notes that lawyers play a central role in mobilising law during democratic crises, thereby exacerbating public distrust. Similarly, Ann Southworth (2018) stresses that networks of conservative legal practitioners have reshaped American jurisprudence and political discourse. However, the precise terminology used to describe such actors and their legal actions remains a matter of debate. Labels such as ‘conservative’, ‘ultra-conservative’, ‘far-right’, ‘illiberal’, ‘anti-rights’, or ‘anti-democratic’ each capture specific aspects of this phenomenon, yet none fully encompass its diversity. These lawyers are often part of a coalition of conservative, religious, and nationalist movements, which can be referred to as the ‘new global right’ (de Búrca and Young, 2023), ‘Christian right’ (Lo Mascolo and Stoeckl, 2023) or ‘the global right wing’ (Bob, 2012). Following this line of thought, and for analytical clarity, I use the term ‘right-wing’ as an umbrella category. It pragmatically captures a wide array of actors united by their opposition to liberal or progressive understandings of rights, gender equality, and pluralism. While the label may obscure nuances in specific local contexts, in the material discussed in this article it serves as the most accurate and inclusive descriptor of the networks and actors under examination.

Therefore, to distinguish the use of legal strategies by right-wing actors aimed at restricting rights from the classical notion of legal mobilisation, I use the term ‘right-wing legal mobilisation’. It can be defined as the organised efforts, resources, and strategies employed by individuals, groups, or organisations with conservative or right-leaning ideologies to translate their values in positive law and its interpretation. In the process, such agents use legal tools, institutions, and concepts grounded in liberal and progressive political ideas, such as human rights and constitutional review (Kocemba and Stambulski, 2024). Understanding how such right-wing mobilisation unfolds in practice requires situating it within its broader political, historical, and social context. Thus, the following section examines the case study of Poland, which illustrates how right-wing networks operate to transform the law.

## **The roots of anti-abortion mobilisation in Poland**

In less than thirty years, abortion in Poland, which was practically legal from 1956 to 1993, became almost entirely prohibited. The 2020 judgement (*K 1/20*) banned abortion

on the grounds of foetal defects, effectively criminalising nearly all abortions in Poland. Prior to this ruling, 98% of all legal abortions had been performed due to severe and irreversible foetal defects (Federa, 2020). The judgment left only two exceptions: When a pregnancy results from a crime, or when it poses a threat to the woman's life or health. In contrast, the vast majority of European countries continue to permit abortion on request (Center for Reproductive Rights, 2020).

Before the political transformation in 1989 (the transition from state socialism to democracy), abortion had been legally permitted in Poland since 1956 under four conditions: In cases of foetal impairment, when the mother's life or health are at risk, for pregnancies resulting from crimes, and in situations of difficult living conditions for the woman. In practice, the latter provision effectively permitted abortion on request, at least during early pregnancy. This law was introduced in response to the widespread practice of unsafe, illegal abortions, which endangered women's health and lives. At the time, these regulations were broadly accepted by society, including many Catholics, and abortion was viewed in medical terms – often referred to as the 'restoration of monthly bleeding' (Stańczak-Wiślicz et al., 2020). In the 1970s and 1980s, abortion was a common experience for many Polish women, undergoing an estimated 180,000–300,000 procedures annually (Nowicka, 1996). If abortion was widely accepted as a solution during this period, what led to its later restrictions?

The Catholic Church did not accept this widespread practice and laws, and began mobilising efforts to restrict access to abortion. Church representatives, especially Pope John Paul II, openly opposed liberal abortion laws, striving to present the Church as a moral guide on social issues. Its involvement in supporting the democratic opposition during the socialist era in Poland gave the organisation substantial moral capital and the gratitude of the 'Solidarity' movement. 'Solidarity', an independent trade union, founded in 1980, evolved into a broad pro-democracy mobilisation that challenged the state socialist system and contributed to its collapse in 1989. Starting in the 1970s, the Church's activities, bolstered by allied legal and political circles, aimed to build broad social mobilisation (Kościelniak, 2024; Kuźma-Markowska, 2025). This campaign involved activities such as petitions, symposia, a strong media presence, efforts to influence doctors' and lawyers' councils, and the establishment of specialised organisations. One of the Church's key tools was the strategic manipulation of the language of public debate: Abortion was depicted as a legacy of communist ideology, directly opposed to Christian values, which profoundly shaped public perception and endowed the issue with symbolic weight (Kościelniak, 2024). The Church's discourse also permeated that of 'Solidarity', for whose members abortion became a central theme of the 1989 election campaign, and used as an element of political mobilisation. The inspiration to use abortion as a campaign tool may have come from the United States. As Marcin Kościelniak points out, representatives of the Catholic Church cited Reagan's stance against abortion – an issue he used as both a campaign theme and political weapon (Kościelniak, 2024; Ziegler, 2018).

Following the political shift in 1989, the Catholic Church's influence on Polish politics intensified. The post-solidarity elites who assumed power believed that they could not navigate transformative times without the support of the Catholic Church

(Koczanowicz, 2020; Mishtal, 2015; Szelewa, 2016). They were eager to tap into this capital, gaining the moral legitimacy that emerging institutions of democratic society could not provide. Thus, newly elected politicians reinforced the Church's power in shaping the new social and legal order in Poland. This collaboration between the new conservative political elite, the Church, Solidarity movement members, and lawyers effectively sidelined women's perspectives, excluding them from discussions on abortion law. It framed the debate ideologically to severely restrict abortion access, while disregarding their voices in referenda and social consultations (Kościelniak, 2024). A draft bill, primarily prepared by experts from the Catholic Church, was submitted by a group of Polish Catholic Social Union deputies. The Church exerted significant pressure to limit abortion access (CBOS, 1991).

In 1993, parliament passed a restricted version of the law, allowing abortion in only three cases (resulting from a crime, where a woman's life/health was at risk, or in cases of a high probability of foetal defects). This arrangement, later referred to as the 'abortion compromise', was adopted without broad societal acceptance and removed the socio-economic ground for abortion. The 1993 framework created a highly restrictive abortion regime that shaped medical practice for decades, fostering conservative professional cultures and generating a chilling effect among physicians, even when operating within the formally lawful grounds (Krajewska, 2021, 2022). The Catholic Church played a decisive role in shaping the legislation. Its political influence in the early 1990s was such that few political actors were willing to openly oppose it, creating the appearance of a moral consensus. While the 1993 law did not introduce a total ban, as some Church actors had advocated, it substantially fulfilled the Church's core demands, including significant abortion restrictions, the introduction of religious education in public schools, and various institutional and economic privileges (Koczanowicz, 2020). It was the first successful legal mobilisation against abortion in Poland. The mobilisation around abortion laid the groundwork for right-wing NGOs, which the Church relied on to develop legal solutions based on its ideological foundations and arguments. This secured these groups a stronger position and taught them to exploit the political context to their advantage. Furthermore, as in the United States, abortion proved to be a polarising issue, lending itself to manipulation and serving as a convenient topic for election campaigns.

Three years later, in 1996, the democratically elected parliament restored the possibility of abortion due to difficult life circumstances. However, the ruling of the Constitutional Court in 1997 repealed this provision (*28 May 1997, Case K 26/96*). This decision linked the concept of the rule of law to the fundamentally Catholic principle of protecting life from conception. At the same time, the ruling established that the foetus already has a complete, constitutionally protected legal subjectivity, equal to and independent of a woman's will. It also consolidated the perception of women's social role through the prism of motherhood. The Court succumbed to the indirect pressure exerted by the Catholic Church to restrict abortion. In this ruling, the Constitutional Court went far beyond its competence, as its task was, in fact, only to assess the constitutionality of the laws under review. This judgment exemplifies arbitrariness and linguistic manipulation, as it replaced medical, neutral, and legal terms with value-laden language, without justification or consideration of the woman's perspective (Kocemba, 2025). The ruling

shows that the discourse of the Catholic Church had infiltrated the Court's jurisprudence, possibly due to some constitutional judges being members of organisations under the umbrella of the Catholic Church (such as the Club of Catholic Intelligentsia), and appointed primarily by the ex-Solidarity movement MPs (Kościelniak, 2024). After the Polish Constitutional Court's judgment in 1997, abortion became a less burning issue in Poland for around one decade and a half. Attempts to tighten it were insignificant (Szolucha and Rzeplińska, 2020), and there was a lack of political will to do so. However, a silver lining emerged after the right-wing populist Law and Justice Party (PiS) came to power in 2015.

## **Right-wing populism and anti-gender campaigns**

The Law and Justice Party (PiS) has crafted a political vision rooted in nationalistic and Catholic values, employing a rhetoric that frames the state as the embodiment of the people's vital needs and sovereignty. This vision combines populist strategies with a deliberate ideological effort to centralise power, consolidate control over institutions, and reshape Poland's cultural and political identity by opposing liberal pluralism and championing traditional values, national sovereignty, and the Catholic faith. This approach has been marked by the strategic use of legalistic appearances, allowing populist parties to centralise power and transform democratic procedures into instruments of control, as seen in the PiS (Szczegóła, 2020). The populism that dominates Central and Eastern Europe is often described as right-wing, as its morality is ultra-conservative and religious. Moreover, according to Jan-Werner Müller, populism is moralistic, and populists see the nation as morally pure and fully united (Müller, 2016). Patriarchal gender norms (Graff and Korolczuk, 2022) and a Christian, traditional vision of the role of women form part of the right-wing populist worldview.

PiS adapted rhetorical and ideological elements from nationalist-Catholic right-wing movements, creating a cohesive narrative that frames cultural polarisation as essential to preserving national identity and sovereignty. Moreover, PiS has actively engaged in culture wars as a central element of its political strategy, targeting issues such as reproductive rights, LGBTQ+ rights, and gender equality. Culture wars can be understood as social divisions and disputes arising from different values. Cultural disputes overlap with political divisions, and voters often vote not according to their interests but according to their values (Koczanowicz, 2020). These culture wars serve to mobilise conservative bases by framing progressive policies as threats to national identity, religious values, and traditional family structures (Szczegóła, 2020). PiS's parliamentary campaign overlapped with so-called 'anti-gender campaigns'; however, they did not run the campaign themselves, instead enlisting non-state actors to help mobilise voters.

Anti-gender campaigns varied from country to country in Europe. However, their core focus was combating LGBT rights, reproductive rights, sex and gender education in schools, gender-based violence, gender studies, and gender mainstreaming. Moreover, they mobilised in defence of religious freedom and a particular understanding of democracy (Paternotte and Kuhar, 2018). Maciej Duda, in his book on the Polish wars on 'gender', notes that commentators (especially Catholic church officials) conflate terms such as

gender ideology, civil partnerships, in vitro, and equality policy, interpreting them all as part of the popularisation of same-sex marriage (Duda, 2016). ‘Ultraconservative actors frame these developments regarding the decline of Christian civilisation: Gender equality is presented as a path to degeneration and demographic decline, a theme that occasionally takes on an explicit racist undertone’ (Graff and Korolczuk, 2022). This strategy advocates the defence of Catholicism and national tradition. It promotes an anti-communist and anti-leftist stance that manifested in attacks on women’s and sexual minorities’ rights (Koczanowicz, 2020).

Reproductive rights were under the umbrella of ‘gender’, as they are interpreted as a ‘part of what Jean-Paul II called the ‘culture of death’ and as such in opposition to the ‘culture of life’ promoted by the Church’ (Paternotte and Kuhar, 2018). As David Paternotte and Roman Kuhar have noted, anti-gender discourse can be understood as a response by Catholic circles to the recognition of sexual and reproductive rights in the UN legal system at the 1994 UN Conference on Population and Development in Cairo and the 1995 Beijing Conference on Women. This discourse builds upon John Paul II’s theology of the body and reflects Pope Benedict XVI’s concerns about the promotion of hedonism, secularism, relativism, and individualism in Western societies. The notion of ‘gender ideology’ has thus been developed by the Catholic Church (with the key role of these two popes) and treated instrumentally as part of a strategy to regain the Church’s influence in secularising parts of the world and to reaffirm the faith of its adherents. Their ‘New Evangelisation’ project emphasised the public role of religion, and urged Catholics to defend their ideas publicly and to mobilise both politically and on the streets (Paternotte and Kuhar, 2018). We can also presume that, for the Catholic Church – particularly under Pope John Paul II – the abortion case in Poland (outlined in the previous section) served as an experimental model. It provided the Church with an opportunity to see its principles tested in practice, offering a clear example of how to translate its beliefs into real-world outcomes and cooperate with state and non-state actors.

Ayoub and Stoeckl argue that right-wing actors link ‘gender ideology’ to communism, presenting it as a threat to traditional family values – an argument that was particularly important in the Cold War context (Ayoub and Stoeckl, 2024). A similar reasoning was used by the Catholic Church during the transitional period in Poland and contributed to a reduction in abortions (Kościelniak, 2024). In the decades that followed, the term ‘gender ideology’ became widespread as the main frame used to oppose all measures related to gender equality and sexuality (de Assis Machado, 2023). Consequently, this expanded the scope and alliances of right-wing forces in countries such as Brazil (de Assis Machado, 2023) and Colombia (Lemaitre, 2014), as well as in most European countries (Kuhar and Paternotte, 2017).

The ultra-conservative organisation, *Ordo Iuris* (hereafter: OI), founded in 2013, seems to be the most active actor in both anti-gender campaigns and right-wing legal mobilisation in Poland. The organisation describes itself as a legal foundation with expertise in areas such as family and marriage, freedom of conscience, and protection of life (*Ordo Iuris*, 2023b). Reviewing their cases, we find that the organisation conducts actions against the LGBT community, defends ‘religious freedom’ and is also active in matters related to reproductive rights, including abortion, in vitro fertilisation, and the

conscience clause. The organisation, however, does not want to be seen as typically religious but rather as a professional legal organisation operating within the ‘mainstream’ (The Great Coalition for Equality and Choice, 2020). The aspirations of this foundation are high. Its founder, Aleksander Stepkowski, was appointed undersecretary of state in charge of treaty legal affairs and human rights at the Ministry of Foreign Affairs in 2015 (Ordo Iuris, 2015), became a judge of the Polish Supreme Court in 2018 (Mierzyńska, 2023), and in 2020, became its spokesman. He also sought a judgeship at the European Court of Human Rights but was rejected (Wójcik and Sitnicka, 2023). He is both a professor of law and Head of the Department of Sociology of Law at the University of Warsaw, where several members of OI completed their doctoral studies. Many of its members possess doctoral degrees in law or hold legal qualifications as attorneys or legal advisers. Their legal mobilisation is multidimensional, encompassing both policy- and court-oriented strategies. They not only initiate legal actions but also join those already in progress, as in the case of the ‘Stop Abortion’ legislative initiative.

### **Legislative initiatives: ‘Stop abortion’**

Between 2011 and 2023, the group of right-wing, anti-choice organisations submitted legislative initiatives aimed at restricting or banning abortion. Under the Polish Constitution, such initiatives may be submitted by a group of at least 100,000 citizens who have the right to vote. These initiatives occurred eight times: 2011 (Sejm Rzeczypospolitej Polskiej, *Druk 422*, 2011), 2013 (Sejm Rzeczypospolitej Polskiej, *Druk 2013*, 2013), 2015 (Sejm Rzeczypospolitej Polskiej, *Druk 2015*, 2015), 2016 (Sejm Rzeczypospolitej Polskiej, *Druk 784*, 2016a), 2018 (Sejm Rzeczypospolitej Polskiej, *Druk 2018*, 2018), 2019 (Sejm Rzeczypospolitej Polskiej, *Druk 36*, 2019), 2021 (Sejm Rzeczypospolitej Polskiej, *Druk 2021*, 2021), and 2023 (Sejm Rzeczypospolitej Polskiej, *Druk 2023*, 2023).

The initiatives were named ‘Stop Abortion’ (*Zatrzymaj aborcję* and *Stop aborcji*). We can understand them as a collective action by far-right organisations in Poland, although both the support from organisations and the content of the proposals varied from project to project. The common denominator across these initiatives was the removal of the provision allowing the termination of pregnancy when prenatal testing or other medical indications point to a high probability of severe and irreversible foetal disability. The projects also assumed that a child is a human being from conception to adulthood. They replaced the word ‘woman’ with ‘mother’ and ‘foetus’ with ‘conceived child’. Some draft bills proposed repealing the existing abortion framework and equating abortion with murder, effectively introducing a total ban. On this basis, they sought to increase penalties (including up to life imprisonment) and to extend criminal liability to pregnant women themselves, including in cases of pharmacological abortion, albeit allowing judicial discretion to waive punishment. Imprisonment would also apply to the involuntary manslaughter of a ‘conceived child’, including negligent conduct during pregnancy. In some versions, even a miscarriage could trigger criminal liability if interpreted as resulting from a ‘failure to take required precautions’, broadly defined as behaviour deemed harmful to the pregnancy, again subject to possible waiver by the court.

Each time these projects encountered societal resistance, the draft bills did not proceed favourably through parliament in the first vote. The breakthrough came after a change in power, when the right-wing, populist Law and Justice party gained a majority in parliament in 2015. The organisations, previously marginalised by politics, began to hope that their legislative aims might finally be realised. The opportunity came again in 2016. The activists themselves point out (Banasiuk and Stepkowski, 2017) that the 2016 ‘Stop Abortion’ project was the result of several months of consultations coordinated by the *Krajowy Ośrodek Duszpasterstwa Rodzin*, [The National Centre for Family Pastoral Care] (KODR, 2023). The Centre is a special unit of the Catholic Church, whose members are primarily Catholic priests and bishops. This church-based organisation is invited to participate in consultation with all organisations and individuals involved in the fight against abortion in Poland.<sup>1</sup> All these organisations joined forces to fight for legal restrictions on abortion by collecting citizen signatures in support of their projects. At the same time, they also conducted public campaigns and were visible in the public sphere, for example, through billboard displays of dead fetuses. This initiative also received the support of some Catholic Church officials, as it was fully compliant with their teachings (Fundacja PRO, 2021).

Ordo Iuris prepared the 2016 bill draft (Ordo Iuris, 2016b) which aligns closely with the draft prepared by the Polish Catholic Bishops’ Committee for Families in 1989 (Banasiuk and Stepkowski, 2017). The bill sought to ban abortion and introduce the punishment of women for their own abortions (Ordo Iuris, 2016a). As right-wing actors point out, representatives of the ruling party were also consulted on the draft, who assured them that they would take further steps and provide funding for educational programs. However, they later retreated from these arrangements (Banasiuk and Stepkowski, 2017). The abortion banning initiatives were mainly presented by the NGO *Fundacja PRO. Prawo do życia* [Foundation Pro. Right to Life], especially by its most well-known member, Kaja Godek, an anti-abortion activist and mother of a son with down-syndrome, who became the face of anti-abortion mobilisation. She founded another organisation, *Życie i Rodzina* [Life and Family], and was also a member of the most fundamentalist party in Polish parliament following the 2019 elections, ‘Konfederacja’, the slogan of which is ‘Poland without Jews, homosexuals, abortion, taxes, and the European Union!’. She eventually left the party due to disagreements over seats on electoral lists (Rzeczpospolita, 2019).

In 2016, the ‘Stop Abortion’ bill, which included provisions allowing for the punishment of women for undergoing abortion, was approved by the Sejm (parliament) in the first reading and forwarded for further consideration. At the same time, parliament rejected the draft submitted by the ‘Save the Women’ committee, which sought to liberalise abortion by allowing abortions up to 12 weeks without additional conditions. The introduction of this project seemed to be the most feasible to date. Some Polish bishops called on parliament to ban abortion, and the leader of the populist party, Jarosław Kaczyński, expressed his support for such a bill (Suchanow, 2020). At the time, all 230 Law and Justice deputies present voted in favour of continuing the project (*Głosowanie 15/26*, Sejm Rzeczypospolitej Polskiej, 2016c).

This step provoked society’s resistance and mass protests, called the ‘Black Protests’ (Korolczuk, 2016). The protests began online and in major Polish cities. Thanks to the

activity and organisation of society via Facebook, on 3 October 2016, hundreds of thousands of people protested in 147 Polish cities – the largest protests in the country since 1989 (Suchanow, 2020). In the second reading, parliament rejected the draft bill with 352 votes, including 186 votes from the Law and Justice Party (*Głosowanie 12/27, Sejm Rzeczypospolitej Polskiej, 2016b*). As right-wing actors claim, the Catholic Information Agency did not fully support the project, bishops did not support punishing women for abortion, and politicians treated the bill as an excuse, claiming that the episcopate had not instructed how to vote (Banasiuk and Stępkowski, 2017). Presumably, this rejection was due to enormous public resistance. Although the legislative initiative failed, it opened Pandora's box.

## Constitutional litigation

There is no doubt that in 2016, the dispute intensified on both sides. Abortion had once again become a burning issue, and both 'Black Protest' participants and right-wing circles (including Catholic and fundamentalist organisations and the right-wing faction of parliament) were unwilling to relinquish the abortion issue, especially since the populists in power were eager to implement these changes. The next step was the initiation of an abortion case in the Constitutional Court by a group of 118 right-wing MPs. Before analysing this case, it is necessary to address a crucial and somewhat puzzling question: Why did Parliament decide not to proceed with the bill? Why was it necessary to seek a change in the abortion law through the Constitutional Court, even though the populists were in power?

Aware of public resistance, the Law and Justice Party chose not to amend the abortion law through Parliament, recognising it lacked the necessary votes, that such a move would provoke new protests, and that it could damage its electoral standing. In this tense atmosphere and lacking broader support, tightening the law was politically risky. The constitutional crisis, that began in 2015, following contested judicial reforms and the politicisation of the Constitutional Court, ultimately provided both an opportunity and a convenient means to change the abortion law, illustrating the broader pattern of instrumental constitutional review (Havelková, Möschel and Śledzińska-Simon, 2025). The ruling party opted to use the Constitutional Court – an institution whose composition it had largely shaped through its own judicial appointments.<sup>2</sup> The word 'use' is most appropriate, as members of parliament have filed a constitutional complaint. In 2019, a group of 118 right-wing MPs<sup>3</sup> submitted a request to the Constitutional Court to examine the constitutionality of abortion laws (Kocejko, Sitnicka and Klauziński, 2023).

The applicants argued that the law legalises 'eugenic practices' against the 'child not yet born', thus denying the respect and protection of human dignity. In addition, they pointed out that the law applies 'prohibited direct discrimination' because the life of a 'child' depends on its health status, and life is not subject to value according to any criteria. According to them, termination of pregnancy is possible without sufficient justification because it is based on the protection of other constitutionally protected values, such as the woman's health or well-being, which in their view cannot outweigh the constitutional protection of conceived life. At the same time, they pointed out that the

protection of conceived life is more important than a woman's freedom and the protection of her psychological well-being. The argument was supported by the Speaker of the Sejm (parliament), the Attorney General (both being members of the governing coalition), and the Ombudsman for Children (chosen by the populist parliament), who submitted an *amicus curiae* opinion in which they expressed support for the motion of the group of deputies and the reasoning indicated in it.

In the same proceedings (case K 1/20), Ordo Iuris submitted an *amicus curiae* brief<sup>4</sup> to the Constitutional Tribunal concerning the constitutionality of abortion on the grounds of foetal impairment. Their main argument was based on the recognition that a 'foetus' is not a foetus but a 'conceived child', a human being from the moment of conception. 'One is human to the same degree before and after birth. (...) Consequently, it must be emphasised that a human being and his dignity appear with the moment of conception'. According to OI, the word 'foetus' is dehumanising. They stressed that the change in terminology is justified by the use of the word *nasciturus* in inheritance law, which refers to a conceived but unborn child who can inherit if born alive. By changing the statutory language, the meaning of the law itself changes. Starting from the premise that a foetus is a child and a child is a human being, the OI equates defective foetuses with disabled persons and discusses their constitutional protection, including even the privileged position afforded to them through 'special care by public authorities'. For OI, limiting the protection of damaged foetuses' lives is 'a manifestation of prohibited direct discrimination'.

According to the OI, no other constitutionally protected value is equal in weight to the protection of life. Therefore, in their view, there is no conflict of values except in the case of 'immediate danger to the life of the mother'. According to them, abortion, which they equate with murder, is not permissible, whether due to a potential decline in the mother's standard of living from giving birth to a disabled child or for the sake of her health (which they term 'mental comfort' rather than health). OI criticises the term 'high probability' used in the law, arguing that it does not imply certainty of a severe and irreversible disability or an incurable, life-threatening illness. Moreover, the premise of severe and irreversible impairment of the *nasciturus* does not necessarily entail a risk to its life. The OI also criticises public opinion, which questions 'the legitimacy of the protection of human life from conception' and speaks of a 'right to abortion'. They use primarily legal arguments (only once citing Catholic social teaching). In addition, they refer to previous Polish Constitutional Court rulings, particularly the reasoning in the 1997 ruling limiting abortion (*Case K 26/96*). Additionally, two organisations expressed their views: *Polskie Stowarzyszenie obrońców Życia* [The Polish Association of Defenders of Life] called for restrictions on abortion, and *Centrum Życia i Rodziny* [The Centre for Life and Family] expressed concern about pressure from leftist circles, despite there being only a single letter from left-wing deputies opposing restrictions on abortion.

Nevertheless, the case attracted not only national organisations but also two external actors, both of which submitted *amicus curiae* briefs. The first was ADF International, which describes itself as 'the world's largest legal organisation committed to protecting religious freedom, free speech, the sanctity of life, marriage, and family, and parental rights' (Alliance Defending Freedom, 2023). According to ADF, international and

European law requires the Republic of Poland to ensure effective protection of the unborn child with disabilities and their right to life. In its view, an unborn child with disabilities is a rights-holder, particularly with regard to the right to life, which the challenged provisions may not undermine. ADF further argued that such a child is entitled to the highest attainable standard of health. On this basis, it claimed that permitting abortion on grounds of foetal impairment amounts to what it describes as ‘child selection’ and constitutes discrimination against persons with disabilities. This organisation was engaged not only in the Polish Constitutional Case but also in the Bulgarian case against the anti-violence Convention (Ilcheva, 2020; Vassileva, 2018), and in *Dobbs v. Jackson Women’s Health Organization*, the case that curtailed abortion rights in the United States (Alliance Defending Freedom (ADF), 2022). The second organisation to submit its opinion was the European Centre for Law and Justice (ECLJ) – the European affiliate of the American Centre for Law and Justice, founded by lawyer Jay Sekulow, an adviser to Trump, who has represented right-wing groups for years. The organisation also submitted an *amicus curiae* brief in *Dobbs v. Jackson Women’s Health Organization*, and it regularly litigates and files *amicus* submissions before the European Court of Human Rights (Cliquennois, Chaptel and Champetier, 2024). In its *amicus curiae*, the ECLJ argued that the human rights system does not create any right to terminate a pregnancy and prohibits abortions on eugenic grounds, both in the European and conventional United Nations systems.

In the Polish Constitutional Court, opinions submitted by *amici curiae* are regarded as important analytical contributions that broaden the constitutional perspective of the case. Although they do not have the status of a party’s submission, the Court recognises their value in clarifying complex issues and promoting dialogue and transparency in constitutional adjudication. The influence of such opinions on the Court’s reasoning may vary, but they are considered a valuable element of the deliberative process (Brzuszczyk and Ferenc, 2014). Thus, *amicus curiae* briefs submitted by international right-wing organisations could serve to amplify their perceived expertise and confer an aura of international legitimacy on otherwise domestically driven claims.

In examining the famous ‘abortion’ ruling of October 22, 2020 (*K1/20*), we can be sure that *amici curiae* were not ignored. The Constitutional Court declared that the provision allowing the termination of pregnancy in cases where there is a high probability of a foetus’s defects or life-threatening illness is unconstitutional. After studying the Constitutional Court ruling and Ordo Iuris’s *amicus curiae*, the heavy influence of the *amicus curiae* is evident. For example, in the duplication of argumentation regarding the use of the term ‘child’ instead of ‘foetus’, the Court first argued that the foetus is only a medical/biological term for a child, thereby equating the meaning of the term ‘foetus’ with that of ‘child’. What is evident in the opinion is the use of legal language, citing international human rights acts (Bucholc, 2022) and earlier rulings of the Constitutional Court, particularly the older 1997 abortion rulings (Kocemba, 2025). Concurrently, it is clear that the discourse of the Catholic Church has been translated into legal terminology.

By restricting abortion, the populists could maintain the support of the Catholic Church and fundamentalist organisations while honouring political commitments made to key actors involved in their electoral mobilisation. Populist governments needed a

'non-state actors' backup' to perform certain activities, thus maintaining a democratic façade and minimising the risk of losing elections (Kocemba and Stambulski, 2024). It seems that from the populists' perspective, banning abortion itself was not their goal, but rather a means to participate in the culture wars. However, the Constitutional Court's ruling has had far-reaching effects that the populist Law and Justice Party likely did not anticipate. Although the abortion law was restricted by the Constitutional Court, protesters often directed their outrage at the Law and Justice Party. At that time, the party suffered a drop in support (Politico Poll of Polls, 2023), from which it never recovered. Abortion (among other issues) likely contributed to election losses, as indicated by various data (Bień-Kacała, 2024; Kwiatkowska, 2024). Poland's parliamentary elections in October 2023 were notable not only because they removed populists from power. The results show a huge mobilisation and an increase in voter turnout among young people and women. Women's turnout was even higher than men's, at 73.7% – the highest in Polish history (PAP, 2023). Had the results depended solely on women's votes, the liberal and leftist parties would have received even greater support. There is a strong possibility that these groups were moved by the abortion issue – the results of an exit poll show that abortion and women's rights were the second most important issues for voters, surpassed only by the economic situation. It sparked debate and counter-mobilisation among feminist circles, which led to a case being brought before the European Court of Human Rights (Kocemba, 2023). Despite the Constitutional Court's decision to restrict abortion, legal mobilisation continues on both sides of the conflict, marking only the beginning of a protracted legal struggle.

## Ordo Iuris litigations

Ordo Iuris remains deeply engaged in further efforts to restrict abortion through multiple legal avenues. Its lawyers frequently represent parties in domestic and international proceedings. The organisation has acted as a third party in both domestic and international judicial and administrative proceedings, including cases before the Polish Supreme Court, the European Committee of Social Rights, and the European Court of Human Rights. Ordo Iuris has appeared as *amicus curiae* or third-party intervener before the European Court of Human Rights in all major abortion-related cases in Poland and has also participated in proceedings concerning other countries (Blokker, 2024; Cliquennois, Chaptel and Champetier, 2024). Moreover, the organisation has obtained consultative status at the United Nations, which enables it to undertake a range of activities within the UN system and enhances its legitimacy.

Their domestic litigation regarding abortion can be divided into two main types. The first type concerns litigation against pro-choice activists. Ordo Iuris has repeatedly initiated or supported proceedings aimed at criminalising or intimidating pro-choice activists. For example, in one case, the organisation filed a criminal complaint against a protest leader – Marta Lempart, alleging that she had 'caused an epidemic threat and insulted police officers' (Ordo Iuris, 2021a). In a separate case, Ordo Iuris joined criminal proceedings as a 'social organisation' against abortion activist, Justyna Wydrzyńska, who was accused of assisting a woman in an abusive relationship by providing her with access

to abortion medication (Tilles, 2025). Ordo Iuris also filed a notification with the public prosecutor concerning the activities of ‘Abotak’, a facility in Warsaw providing assistance with abortion. The organisation submitted a complaint against the activists involved, alleging the performance of an illegal abortion and violations of pharmaceutical law (Ordo Iuris, 2025a). In addition, it notified the prosecutor’s office and requested the suspension of the medical licence of Dr Gizela Jagielska, who had performed a late-term abortion due to a lethal foetal anomaly and risks to the woman’s health (Ordo Iuris, 2025b). Some of these interventions can be framed as Strategic Lawsuits Against Public Participation (SLAPPs). The organisation has brought civil claims for the protection of personal rights (defamation) not only against Polish activists, including Lempart, who described its members as ‘Kremlin-funded fundamentalists’ (Polskie Radio, 2025), but also against international experts such as Neil Datta. The claim against Datta was triggered by both a published article and his presentation before the European Parliament (Ordo Iuris, 2021).

The second type involves litigation in defence of anti-abortion activists and organisations operating at the societal level. By 2021, Ordo Iuris had reported having conducted more than one hundred such cases (Ordo Iuris, 2021b), including cases before the Polish Supreme Court and involving the General Prosecutor. The subject of these court cases concerned the public exhibition of dramatic photographs of deformed foetuses, usually covered in blood. According to Ordo Iuris, the photos presented ‘the consequences of abortion’, and they operated within the limits of ‘freedom of expression’. On several occasions, the lower courts have held that displaying obscene posters or drawings is a violation. However, the populist party Attorney General joined the case (Ordo Iuris, 2022a, 2022b). In many instances, the Supreme Court, partly composed of government-aligned judges, reproduced Ordo Iuris’s legal reasoning, effectively legitimising these public campaigns.

Looking across these cases, it is evident that the organisation seeks to intervene at virtually every possible stage of the conflict. The Constitutional Tribunal’s judgment alone does not appear sufficient to achieve its objectives. Its activities range from efforts to restrict access to abortion assistance, to attempts to silence activists who monitor or criticise its work, and to legal interventions targeting pro-choice advocates. With several dozen lawyers at its disposal and substantial financial backing, the organisation has the capacity to engage simultaneously in multiple proceedings. It is therefore reasonable to assume that it will remain an active and influential actor in this field.

## **Strategies and transnational network of right-wing actors**

Ordo Iuris is the most active non-state, right-wing legal actor engaged in restricting access to abortion in Poland. Their strategy is long-term and multidimensional. It also appears to have been successful, as their *amicus curiae* overlapped with the Constitutional Court’s judgment, and abortion in Poland was vastly limited. They used all their resources in this case. By acting in anti-gender campaigns and in the ‘Stop Abortion’ committee they prepared the ground for further action. Proceeding with this project opened Pandora’s box and sparked debate. Although the project was not accepted

by parliament, its introduction enabled other actors to exert pressure on right-wing MPs. This pressure was reinforced by voices within the Catholic Church advocating for further abortion restrictions, and strategically leveraging their electoral support, which could influence the results of future elections. The previous constitutional limitations on abortion and the political environment, including participation in culture wars and disruptions to the tripartite division of power (such as court-packing or changes to the status of the general prosecutor), provided fertile ground for such actions. The crucial and new factor in this mobilisation was also the influence of the external network of right-wing organisations.

Right-wing legal mobilisation in Poland is not an exception, as similar events have occurred in other countries. These organisations have ideological connections and function within a network that enables them to exchange know-how and strategies for legal mobilisation. The leading organisation of Polish legal mobilisation, Ordo Iuris, was founded by the Father Piotr Skarga Christian Culture Association and Father Piotr Skarga Institute for Social and Religious Education. These are the Polish branches of the ultraconservative Brazilian sect TFP, Tradição, Família e Propriedade, which oppose abortion, contraception, divorce, and same-sex relationships (Suchanow, 2020). With their support, right-wing organisations developed in Australia, Estonia, Croatia, Slovakia, Lithuania, the Netherlands, and Ecuador, and partially in Canada and South Africa (Dauksza et al., 2020). Ordo Iuris openly lists its partner organisations on its website (Ordo Iuris, 2023a).

These organisations share a focus on defending traditional values, often through legal, educational, and advocacy efforts. Their purposes include promoting religious freedom, protecting life and marriage as unions between one man and one woman, safeguarding parental rights, and opposing what they perceive as ideological threats like ‘neoliberal interference’ or ‘overgrown human rights-fundamentalism’. They have supported cases involving lobbying against abortion laws, influencing constitutional rulings on family and human rights issues, organising ‘March for Life’ events, and challenging international conventions that conflict with their values, such as Bulgaria’s rejection of the Anti-Violence Convention. In Croatia, these efforts have included mobilising public support and legal arguments in an abortion case before the Constitutional Court (*U-I-60/1991*). Many engage in litigation, legislative advocacy, and public campaigns to further their missions on national and international stages.

Pro-Choice activist and journalist, Klementyna Suchanow, in her book *This is War*, argues that Ordo Iuris also collaborated with Agenda Europe, a secret venture of anti-abortion and anti-LGBTIQ groups that was spawned by international lobbyists in 2013. Agenda Europe aims to implement ultra-conservative changes to the law in countries within the European Union (Suchanow, 2020). Neil Datta from the European Parliamentary Forum for Sexual and Reproductive Rights states that the activities of Agenda Europe focus on three elements: A blog to share information, annual meetings (summits), and a joint manifesto entitled ‘Restoring Natural Order’ (Datta, 2018). The meetings are attended by about 100–150 activists who are against sexual and reproductive rights and include politicians or employees of EU institutions. One of the meetings was organised in 2016 in Warsaw by Ordo Iuris. While participants generally discussed

challenges and areas for action from 2013 to 2015, in 2016, they were already considering specific legislative solutions, such as the initiative to ban abortion in Poland (described above). They also discussed, for example, how to block the ratification of the Istanbul Convention. Most information about their strategies is presented in their 134-page manifesto, 'Restoring Natural Order'. The document's authors claim that their purpose is to uphold Natural Law, which they see as opposing the cultural and sexual revolutions. This is why they focus on areas such as marriage and family, the right to life, equality, and anti-discrimination, and address these issues with a few key strategies. The most important seems to be using their opponents' weapons against them and framing their issues in terms of rights (Datta, 2018). In their manifesto, they state that they should position themselves (religious people) as the real victims of the cultural revolution and promote the concept of discrimination against Christians (Christianophobia). They emphasise the need to redefine the language and terminology of human rights, proposing alternative interpretations of the term 'rights'. The manifesto also emphasises the importance of gaining influence within international institutions and decision-making bodies, including at the UN and European levels. It calls on activists to become recognised interlocutors in these arenas and to shape the interpretation of human rights norms from within (Datta, 2018). This strategy can be understood as an attempt to reshape institutional agendas from the inside.

A key feature of the manifesto is the list of specific laws to be changed or implemented. Regarding reproductive rights, these include prohibiting the sale of all pharmaceuticals and contracts involving the provision of abortion, contraceptives, sterilisation, anti-natal diagnostics, and IVF. They also advocate for the implementation of conscience clauses for all doctors and pharmacists (to provide a legal right to deny care), abortion bans in all jurisdictions, including in international law, and an international convention prohibiting any use of human stem cells (Datta, 2018).

The ties between organisations in different countries are first ideological, but also 'technical'; as they share their know-how and experiences transnationally. Their modus operandi is also very similar - for example, in their interactions with politicians, primarily populist ones, and in their strategy to focus on the High Courts. Women's rights have been challenged in the High Court, particularly in countries where organisations cooperate with *Ordo Iuris* and align with the *Agenda Europe* guidelines (Datta, 2018). Their activities are wide-ranging and multidimensional, spanning legal advocacy, political mobilisation, and transnational networking. Crucially, these initiatives would not be possible without the substantial and coordinated funding structures that connect them. *Agenda Europe* operates through the financial and organisational backing of transnational conservative networks. It has been co-sponsored and supported by organisations such as the Acton Institute, ADF International, CitizenGO, the European Christian Political Movement (ECPM), and *Ordo Iuris*, with close links to the International Theological Institute in Vienna (Datta, 2018, 2021, 2025). According to Neil Datta (2021), \$707.2 million was spent on anti-gender initiatives, including legal actions, between 2009 and 2018. This money came from 54 institutions (NGOs, religious organisations, and political parties). However, these organisations also collect money from private donors. They collect money through four channels: Astroturfing (i.e., orchestrated campaigns designed to

simulate spontaneous grassroots support), tapping into social and economic elites (including wealthy individuals and corporations, as well as clerical-aristocratic networks), state funding, and connections via religious networks. Most funding flowed from three regions: The United States, the Russian Federation, and Europe. From the US, the funding comes mainly from 10 Christian Right organisations seeking to provide European offices for US right-wing NGOs. From Russia, funding mainly flows from oligarchs, passing through money launderers (intermediate organisations) to European far-right parties, the American Christian Right, CitizenGO, and the World Congress of Families. The largest finances, however, flow from organisations located in Europe. Right-wing NGOs (primarily TFP) have also developed fundraising models to allow a steady flow of resources. First, they create and expand databases to send out petitions and mass mailings. Second, they send unwanted 'devotional items', such as cheap rosaries or medallions, calendars, or pictures of the Lady of Fatima, and ask for small contributions. The affiliated organisations exchange a database, and other organisations can request contributions from these donors.

The far-right TFP, based in Poland, received at least \$113.4 million between 2009 and 2018. It sent some of these funds abroad, to Brazil and France. Ordo Iuris, whose activities I described above, is affiliated with TFP. Members of Ordo Iuris and other right-wing organisations were involved in the National Institute of Freedom and the Confederation of Non-Governmental Initiatives of the Republic, both of which received government funding and transferred them to right-wing NGOs. Grants were awarded to entities affiliated with TFP, even though the funders had close ties to it, including by serving on its governing bodies. Although Ordo Iuris claims it did not benefit from these funds, it may have awarded them to friendly organisations (Datta, 2021). Ordo Iuris' partner organisations in other countries also receive government funding, such as those in Hungary (Sarkadi Nagy, 2021).

The Polish populist government also indirectly influences the financing of right-wing legal mobilisation. One of Europe's largest anti-gender funders is Father Rydzyk's Lux Veritatis Foundation, which spent \$83 million between 2009 and 2018 (Datta, 2021). Father Rydzyk is the founder of Catholic media, including Radio Maryja and Television Trwam, which are popular among the faithful and significantly influence a portion of the right-wing electorate. Besides religious content, these media outlets also smuggle in political agitation, which aligns with the goals of the populist Law and Justice party. Politicians from this latter party are eager to be seen with Father Rydzyk, even if only at events such as Radio Maryja's birthday. Unsurprisingly, they have also purchased airtime for their election campaigns. Government subsidies serve as a form of repayment for election agitation, which has already proven helpful on two occasions. Father Rydzyk's statements in support of Law and Justice (PiS) have repeatedly featured in the media. In return, various ministries have donated to the Lux Veritatis Foundation. Between the beginning of PiS rule and the end of 2020, entities associated with Father Rydzyk received at least PLN 325 million (approximately EUR 72 million) from the state funding (Mikołajewska, 2021). Lux Veritatis has not fully disclosed its funding or supported entities. In 2016, the Watchdog Foundation requested this information, leading to a court ruling against Lux Veritatis for withholding public data.

Catholic movements and communities do not hide their connections and sympathies. All actions related to abortion are supported by the Catholic Church, which has long influenced politicians and continues to support them in their actions against abortion. Kaja Godek has been awarded by organisations affiliated with the Catholic Church (Gość Niedzielny Kraków, 2016). Through connections with Catholic Church organisations, politicians have indirect relations with other NGOs, which they symbolically recognise. For example, the Ministry of Justice awarded the medal ‘Meritorious for Justice’ to an activist from the PRO, Right to Life Foundation (which was responsible for drafting the ‘Stop Abortion’ bill) (TVN24, 2022).

The Catholic Church is also involved transnationally. Vatican officials hold key positions in anti-gender civil society organisations and related networks. Moreover, the Agenda Europe network, links two prominent Vatican secretaries of state and the Holy See’s representatives to the EU, UN, and OSCE, creating a bridge between European and American religious extremist activists and Vatican officials situated in all major European human rights decision-making centres (Datta, 2021). The Catholic Church emerges as a central actor in legal mobilisation against abortion in Poland, where – drawing on its extensive institutional networks and enduring political influence – it has played a particularly pivotal role. At the same time, it is important to recognise that other religious organisations have also participated in broader transnational right-wing mobilisation (Bob, 2012; Ayoub and Stoeckl, 2024) (Figure 1).

## **Conclusions: Conditions of right-wing legal mobilisation success**

Analysing the case of right-wing legal mobilisation against abortion in Poland reveals a set of conditions under which such mobilisation becomes impactful. While the Polish case is context-specific, it exemplifies broader dynamics unfolding across backsliding democracies: The strategic capture of constitutional courts, the outsourcing of moral agendas to civil-society proxies, and the transnational diffusion of rights-restricting legal arguments. The case shows how transnational networks of right-wing legal actors adapt and translate strategies across jurisdictions, reinforcing anti-rights shifts within and beyond national borders. Together, these processes reveal the vulnerability of liberal legal frameworks to strategic reinterpretation by right-wing actors – those who have mastered the frameworks’ language while rejecting their emancipatory spirit.

First, right-wing mobilisation becomes impactful when non-state actors appropriate the repertoire and language of human rights developed initially by actors advancing rights. By mastering legal tools, litigation techniques, and advocacy strategies, they transform liberal mechanisms for rights protection into instruments for their restriction. The involvement of these actors is not merely rhetorical but fundamentally legal: They exploit the very infrastructure meant to protect rights to reverse women’s freedoms and institutionalise traditional gender hierarchies. Acting as a Trojan horse within liberal legality, they invoke human rights conventions, constitutional guarantees, and the rhetoric of dignity or freedom to legitimise regressive reforms as measures that ‘protect’ life, family, or conscience. Their lawyers act as translators – converting theological dogmas into the language of rights and embedding conservative norms within the vocabulary of law.

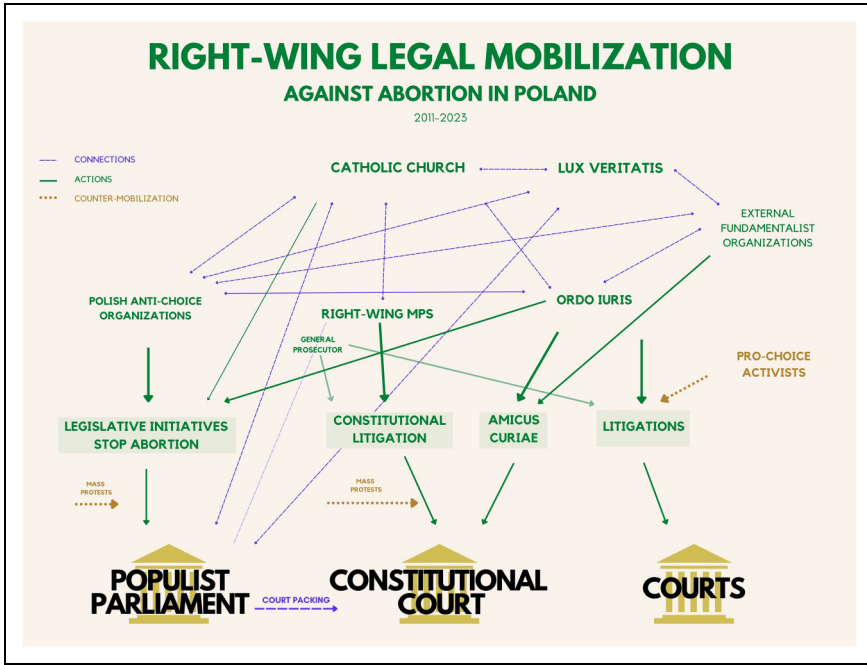


Figure 1. Right-wing legal mobilisation against abortion in Poland, 2011–2023.


Second, right-wing mobilisation becomes effective when it operates through transnational coordination and professionalised legal networks. Legal NGOs communicate and cooperate across jurisdictions, sharing legal arguments, strategies, and resources. Such collaboration strengthens the credibility and legitimacy of their claims – especially when bolstered by foreign expertise, international partnerships, or the professional authority of conservative legal elites. Through these exchanges, right-wing legal mobilisation translates strategies across jurisdictions and infiltrates European legal cultures, drawing inspiration from American conservative lawyering models (Southworth, 2024). Central and Eastern European actors, in particular, have learned how to mobilise domestic legal systems while seeking validation, resources, and symbolic support from abroad (Datta, 2025).

Third, right-wing mobilisation becomes most efficient when it aligns with political opportunity structures shaped by populist or illiberal governments. Such governments provide favourable institutional and discursive conditions, including weak judicial independence, politicised constitutional review, and moralised public debates, that can be strategically exploited by right-wing actors. Populist leaders, eager to preserve a façade of democratic legitimacy (Kocemba and Stambulski, 2023), often delegate contentious moral issues to courts or civil-society proxies, thereby insulating themselves from political accountability. Constitutional courts, formally independent yet politically dependent, become convenient arenas for advancing ideological objectives under the

guise of constitutional interpretation. In Poland, this dynamic was further reinforced by the Catholic Church, which supplied ideological legitimacy, discursive resources, and sustained public visibility to anti-gender and anti-abortion narratives. Its influence sustains the centrality of issues such as abortion and ‘gender’ in public and electoral debates, reinforcing polarisation while maintaining conservative visibility in the public sphere.

The Polish case is not merely a national exception but a diagnostic example: It reveals the constellation of legal, political, historical, and cultural conditions that allow right-wing legal mobilisation to succeed. It also provides a framework for detecting similar developments elsewhere – showing how emancipatory legal vocabularies can be systematically repurposed to curtail the very rights they were designed to defend.

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### Notes

1. The most well-known participants are: Ordo Iuris, Stowarzyszenie Kultury Chrześcijańskiej im. ks. Piotra Skargi, Fundacji PRO – Prawo do życia, Kaja Godek, CitizenGO – a petition-generating platform founded by radical organizations, Human Life International, Polska Federacja Ruchów Obrony Życia, Fundacja Mama i Tata, Fundacji Życie, Centrum Wspierania Inicjatyw dla Życia i Rodziny, Fundacji Nazaret (Banasiuk and Stępkowski, 2017).
2. In 2015, just before the Law and Justice Party came to power, parliament chose five constitutional court judges. Two of them would start their mandate after the parliamentary elections, which were later won by the Law and Justice Party. Members of the Law and Justice Party questioned the constitutionality of parliament’s action; their president did not take the oath of office, blocked by the five elected judges. The Law and Justice Party passed a new law through parliament, which allowed them to make invalid the previous choice of judges. After this move, the party was thus able to pack the court with its own judges, which it did (Sadurski, 2019).
3. Although the composition of Parliament changed after the 2019 elections, at least 30 of the 118 MPs from the Law and Justice Party had previously voted against the “Stop Abortion” bill in 2016.
4. Their *amicus curiae* was supported by: prof. dr Manfred Spieker, MaterCare Europe, Slovakia Christiana, Association for Life and Family, HFI, Federação Portuguesa pela Vida, C-Fam, Pro Vita & Familia, Human Dignity Center, American Association of Pro-Life Obstetricians and Gynecologists, Family Watch International, International Organization for the Family,

Crossroads Pro-Life, Människovärde, In the name of the family, Free Society Institute, Femina Europa, Campagne Quebec - Vie, Catholic Voice, CENAP, Culture of Life Africa, European Life Network, National Association of Catholic Families (NACF), Society for the Protection of Unborn Children, Population Research Institute, Voto Catolico Colombia, Vigilare Foundation, Personshood Alliance, Personshood Education, Precious Life, Cleveland Right to Life (*Polish Constitutional Court Judgment of 22 October 2020, Case K 1/20*).

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