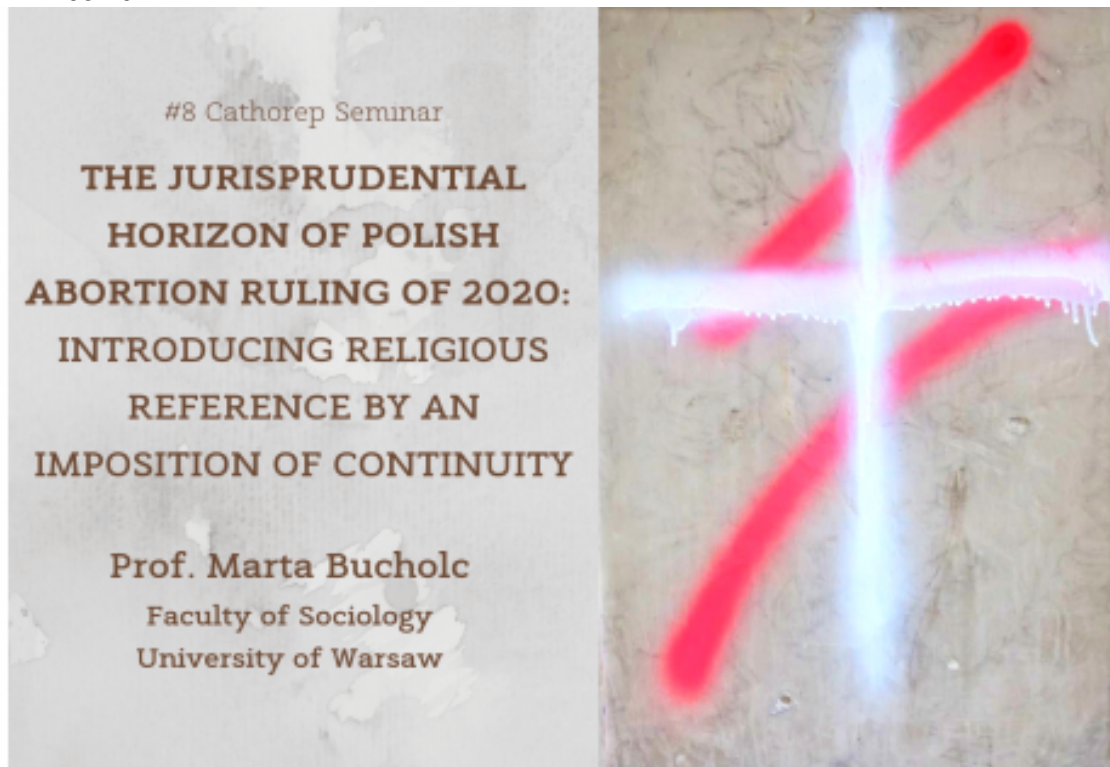


katorep8

The jurisprudential horizon of Polish abortion ruling of 2020: introducing religious reference by an imposition of continuity

Posted on: 22-03-2022

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Start date: 31-03-2022

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On 22 October 2020, the Constitutional Tribunal of Poland ruled abortion due to foetal impairment unconstitutional. I will use the concept of jurisprudential horizon to explain the interplay of religious reference frames with other references framing this ruling, especially international law and human rights, but also contemporary political and social philosophy. Based on a close reading of the Tribunal's ruling and the dissenting opinions, I will argue that the Tribunal's decision is yet another symptom of the crisis in which the rule of law in Poland has found itself since 2015. It bears evidence to the closing of the jurisprudential horizon caused by the political change which has been taking place in Poland since 2015, consisting of the reduction of the role of international human rights debates as a reference in Polish constitutional jurisprudence. Retrospectively, the rulings can therefore be seen as a portent of Poland's compliance issues with its international commitments in human rights matters which came up in 2021 and 2022. At the same time, I will argue that the ruling expands the horizon of constitutional jurisprudence towards religious argumentation by using a rhetorical technique which I will call "the imposition of continuity".

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the Polish PI in the Volkswagen Foundation project "Towards Illiberal Constitutionalism in East Central Europe: Historical Analysis in Comparative and Transnational Perspectives". Her research project "Using Human Rights to Change Abortion Law: Involvement Patterns and Argumentative Architectures in the Global Figuration of Human Rights (Abortion Figurations)" was retained for funding under ERC Consolidator 2021 program.

Recent publications:

Abortion Law and Human Rights in Poland: The Closing of the Jurisprudential Horizon. Hague J Rule Law (2022). <https://doi.org/10.1007/s40803-022-00167-9> [2]

The Anti-LGBTIQ Campaign in Poland: The Established, the Outsiders, and the Legal Performance of Exclusion. Law & Policy, 44 (1): 4– 22. <https://doi.org/10.1111/lapo.12183> [3]

Schengen and the Rosary. Catholic religion and the postcolonial syndrome in Polish national habitus, Historische Sozialforschung/Historical Social Research 45 (1) 2020: 153-181.

Seminaria realizowane s? w ramach projektu "[Katolicyzacja reprodukcji. reprodukcja katolicyzmu. Aktywizm i intymno??? w Polsce od 1930 r. do dzi?](#)" [4] (NCN Opus)

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