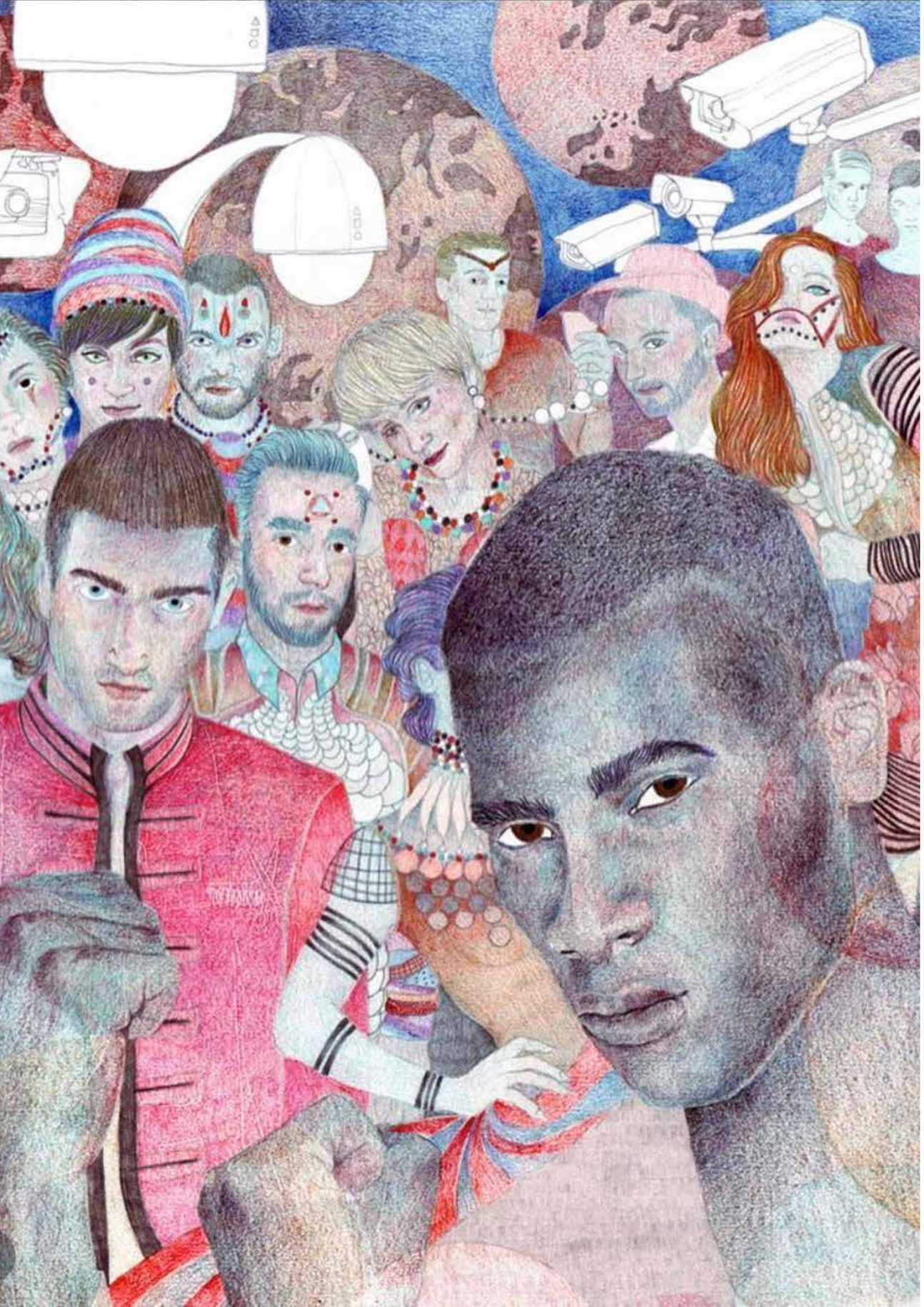

The Epistemic Role of the Court in Cases Involving LGBT Individuals in Poland: Between Law, Stigmatization, and Moral Panic

Oktawia Braniewicz-Zaorska, Uniwersytet Łódzki
Martyna Krogulec-Łęska, Akademia Humanistyczno-Ekonomiczna w Łodzi

Abstract

This article offers a sociological analysis of selected court cases concerning LGBT persons in Poland, treating them not merely as legal disputes but as particularly revealing manifestations of broader cultural, symbolic, and epistemic conflicts in contemporary society. The starting point is the assumption that in cases involving refusal of services, anti-LGBT campaigns, local-government resolutions targeting so-called "LGBT ideology," and symbolic forms of protest against discrimination, courts do not simply apply legal norms in a technical manner. In order to issue a ruling, they must first assess the status of claims circulating in public discourse: distinguish facts from un s from stereotypes, opinions from defamation, worldview-based convictions from exclusionary practices, and political expression from symbolic violence.

The article introduces the concept of the epistemic function of the court, understood as the institutional capacity to reorder public narratives and to define the boundaries between legally relevant claims and messages grounded in stigmatization, moral panic, and the delegitimization of minorities. The analysis is situated within the perspectives of the sociology of knowledge, the sociology of law, and theories of moral panic, stigma, and symbolic power. The empirical material consists of selected rulings and publicly available judicial justifications concerning, among others, the so-called "printer from Łódź," anti-LGBT vans, anti-LGBT resolutions, and the "Rainbow Virgin Mary" case.

The findings suggest that in such disputes, courts act not only as legal arbiters but also as key actors co-shaping the boundaries of legitimate language, public knowledge, and norms of equal citizenship. Under conditions of strong social polarization, courts perform a demystifying role by confronting fear-based, stigmatizing, and prejudicial narratives with evidentiary standards and constitutional principles of equality.

Keywords:
LGBT persons, courts, sociology of law, moral panic, stigma, symbolic power, discrimination, public debate, equality, epistemic function of the court.

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Introduction

Disputes concerning LGBT persons are among the most intense social and legal conflicts in contemporary Poland. Their significance extends beyond matters of social mores or worldview, as they center on fundamental tensions characteristic of late-modern societies: between pluralism and a homogeneous vision of community, between freedom of conscience and the principle of equal treatment, between the symbolic dominance of the majority and the minority's claim to full citizenship. In this sense, conflicts surrounding LGBT individuals constitute not so much a marginal segment of public debate as a particularly vivid field for observing contemporary social transformations.

In recent years, disputes of this kind have repeatedly been the subject of rulings by Polish common and administrative courts. They covered a variety of factual situations–ranging from the refusal to provide services to entities identified with the LGBT community, through the assessment of campaigns portraying LGBT people as a threat to children and social order, to the analysis of resolutions by local government bodies declaring opposition to so-called "LGBT ideology." Cases concerning the limits of permissible symbolic expression also remained within the courts' purview, particularly in the context of actions taken against discrimination. Although these cases were formally of different natures–criminal, civil, or administrative–they were united by the fact that their resolution went beyond a technical interpretation of legal provisions. In practice, they also required reference to a broader social context, including an assessment of the significance of specific narratives circulating in public debate and their impact on the standard of protection of individual rights and freedoms (Bodnar, 2020, 241).

Adjudicating such cases requires the court to answer questions that go beyond legalism as traditionally understood. Is the claim of a "threat from LGBT people" a permissible opinion or a form of defamation? Is the refusal of service an exercise of freedom of conscience or a discriminatory practice? Does the reference to "LGBT ideology" describe the actual subject of public authorities' actions, or does it serve to symbolically exclude citizens? Does the unorthodox use of a religious symbol constitute an offense against religious feelings or a form of political expression? In each of these cases, the legal dispute turns out to be simultaneously a dispute over the social definition of reality–over the boundary between fact and stereotype, between opinion and stigmatization, and between the protection of values and the legitimization of exclusion.

Legal doctrine and practice emphasize that the phenomenon of social exclusion remains closely linked to a violation of the principle of equality before the law. This principle constitutes one of the fundamental pillars of the human rights protection system, and respect for it is a prerequisite for the effective realization of the individual's other rights and freedoms. The requirement of equal treatment occupies a particularly significant place in both national legal systems and international law (Sakowicz, 2021, p. 7).

It is precisely this dimension that serves as the starting point for this article. Its aim is a sociological analysis of selected court cases concerning LGBT individuals in Poland, conducted through the category of the court's epistemic function. This concept refers to a situation in which the institution of the court–in addition to its jurisdictional function –participates in organizing the status of claims present in public debate, challenges narratives based on stereotyping, and draws boundaries between what can be considered a legally relevant description of reality and what constitutes a form of moral panic, stigmatization, or exclusionary practice.

The analysis is grounded in the perspectives of sociology of law, sociology of knowledge, and theories of moral panic, stigma, and symbolic power. The study assumes that cases involving LGBT individuals provide a particularly vivid field of observation for how democratic institutions respond to conflicts between the principle of equality, evidentiary standards, and social narratives based on fear, delegitimization, and moral prejudice. This makes it possible to grasp the broader role of courts as institutions that help shape the normative and cognitive conditions of public life.

1. Theoretical Framework

1.1. The Dispute Over LGBT People as a Conflict Over Social Order

Disputes concerning LGBT people are not limited to differences of opinion on moral issues. From a sociological perspective, they constitute a conflict over the definition of the social norm, the boundaries of the moral community, and the status of those individuals who may be recognized as full participants in collective life. At stake is not merely the approval or disapproval of specific lifestyles, but the ability to co-determine which forms of identity, relationships, and expression will be treated as socially legitimate, and which as suspect, undesirable, or requiring control.

From a classical sociological perspective, Émile Durkheim pointed out that social order is maintained not only through formal institutions, but also through classification systems that distinguish between what is normal and what is deviant, between what is accepted and what is unacceptable, and between "us" and "the other" (Durkheim, 2000, p. 95). Reactions to behaviors deemed to violate norms serve an integrating function, as they allow the community to reaffirm its own moral boundaries. As noted in interpretations of Durkheim's concept, public reaction to behaviors deemed deviant can strengthen collective consciousness and the moral cohesion of the group (Bielicki, 1993, p. 129; Kuraciński, 2007, p. 386). This mechanism is also evident in contemporary disputes surrounding sexuality and gender, where public condemnation of minorities can serve to reinforce the normative order of the majority and symbolically define socially recognized "normality."

At the same time, democratic societies are based on the logic of civic equality. As Thomas H. Marshall has shown, modern citizenship encompasses not only formal legal status but also real access to civil, political, and social rights (Marshall, 2009, pp. 30–31). This means that access to the protection of dignity, services, and public participation should not depend on conformity to the dominant cultural norm. Conflicts surrounding LGBT individuals can be interpreted as a tension between a moral community based on a hierarchy of socially recognized forms of identity and relationships, and a legal order premised on pluralism and equal treatment. It is precisely at the intersection of these logics that the role of the court emerges as the institution that determines which claims can be considered socially and legally justified.

Today, the subject of debate is no longer the recognition of the principle of equality as fundamental, but rather the effectiveness of instruments designed to combat discrimination and protect groups at risk of exclusion (Blicharz et al., 2023, p. 7). In practice, this means that formal legal guarantees do not automatically eliminate mechanisms of social inequality, and the effectiveness of protection also depends on how the law is interpreted and applied (Berg-Bajraszewska, Namysłowska-Gabrysiak, 2025, p. 47).

It is also significant that contemporary democratic systems formally prohibit discrimination on the basis of sexual orientation.

According to Article 113 of the Labor Code, any discrimination in employment, including on the basis of sexual orientation, is unacceptable. At the same time, the practice of seeking legal protection shows that recognizing certain experiences as discriminatory requires their social and legal substantiation. Consequently, the court becomes not only an institution that applies the law, but also a place where the boundaries of socially recognized harm and inequality are defined.

1.2. Moral Panic and the Production of Social Threat

One of the most useful interpretive tools for analyzing disputes surrounding LGBT individuals remains the concept of moral panic developed by Stanley Cohen (Cohen, 2011). It refers to situations in which a specific social group is portrayed as a threat to the values, safety, or future of society, while the scale of the attributed danger remains disproportionate to the actual empirical basis. As noted in elaborations of this concept, moral panic arises when "a situation, episode, person, or group of people" is defined as a threat to social values and interests, and their image is presented in a simplified and stereotypical manner (Hier, 2011, p. 363).

A central element of moral panic remains the mechanism of constructing "folk devils," that is, symbolic figures held responsible for social tensions and unrest (Cohen, 2011, p. 2). This process is based on a clear division between "us" and "them," reinforced by strong emotional charge and a simplified interpretation of social reality (Zielińska, 2013, pp. 191–193). This mechanism can be observed in narratives portraying LGBT people as a threat to children, the family, or moral order. Reports on contemporary anti-gender policies show that invoking the need to "protect children" is one of the primary ways of mobilizing social fear around LGBTIQ+ people (The RESIST Project, 2024, p. 10).

The power of moral panic does not stem from the precision of the argumentation, but from the ability to transform complex social processes into a simple narrative about a clearly defined threat. Media campaigns, political messages, or the rhetoric of "defending values" can thus be presented as protective measures, even though they lead to the social delegitimization of specific groups. As emphasized in analyses of moral panic, mechanisms of this kind can serve both political mobilization and the diversion of attention from other social tensions (McRobbie et al., 1995, pp. 559–560).

From the perspective of this article, it is significant that courts hearing cases involving discrimination, hate speech, or violations of personal rights must also address such socially produced narratives. In practice, this means assessing whether a specific message constitutes an acceptable opinion or leads to the stigmatization and exclusion of a particular social group.

1.3. Stigma and Mechanisms of Subjectivity Reduction

The second key concept is stigma, as developed by Erving Goffman. It does not merely signify a negative opinion about a given group, but rather the process of socially attributing disqualifying traits that overshadow other aspects of an individual's identity. Goffman defined stigma as a deeply discrediting attribute that reduces its bearer from a fully valued person to a socially diminished one (Goffman, 2007, p. 16). A stigmatized person ceases to function as a full social agent and begins to be perceived primarily through the lens of a single trait deemed socially undesirable (Czykwin, 2008, pp. 38–39).

Contemporary developments of this perspective, primarily by Bruce G. Link and Jo C. Phelan, emphasize that stigma encompasses not only the labeling of difference but also stereotyping, the symbolic separation of "us" from "them," loss of status, and real discriminatory consequences (Link, Phelan, 2001, pp. 363–370). These mechanisms reinforce social boundaries of belonging and influence the way certain groups are perceived as less entitled to full participation in social life.

In the case of LGBT individuals, stigma often takes the form of depersonalization. Non-heteronormative individuals cease to function as specific citizens or participants in social life and begin to be portrayed as an abstract "problem," "ideology," or cultural threat. This mechanism leads to a reduction of agency and the subordination of the individual to a single, socially discredited category (Link, Phelan, 2001, pp. 363–370; Bieńko, 2020, pp. 119–120).

The literature on heteronormativity indicates that homosexual orientation has historically been treated as a trait that triggers a process of social stigmatization and symbolic exclusion (Bieńko, 2021, pp. 345–348). Stigmatization is not limited to isolated acts of prejudice but influences how individuals function in social relationships, institutions, and public discourse.

Courts hearing cases involving discrimination, denial of service, or hate speech therefore address not only individual acts but also broader processes of socially marginalizing certain groups. In this sense, case law can serve as a mechanism for institutional destigmatization by challenging narratives that lead to the exclusion of certain categories of citizens from full participation in social life (Fraser, Honneth, 2005, p. 50).

1.4. Symbolic Power and the Struggle to Define Reality

The conflicts under analysis do not revolve exclusively around material interests or formal rights. At their core lies the struggle to impose a socially binding definition of reality. As Pierre Bourdieu demonstrated, symbolic power consists in the ability to present certain interpretations of the world as natural, self-evident, and requiring no justification (Bourdieu, 1991, pp. 164–170). In this sense, conflicts surrounding LGBT individuals can be interpreted not only as a dispute over worldviews, but also as a struggle to legitimize specific categories of perceiving and evaluating social reality.

Phrases such as "LGBT ideology," "defense of the family," "neutral refusal," or "threat to children" do not serve a purely descriptive function. They organize the way social conflicts are interpreted and influence who appears in public debate as a subject requiring protection, and who as a source of threat or a social problem. This mechanism can be interpreted as a form of symbolic violence that operates by imposing specific classificatory categories and presenting them as neutral and natural (Bieńko, 2021, p. 347).

This is particularly evident in the case of the concept of "LGBT ideology," which functions as a political category lacking a clear definition, yet allowing for the consolidation of diverse social fears related to changes in social norms, the pluralization of family life, or the emancipation of minorities (Cywiński, Katner, Ziółkowski, 2019, pp. 17–18). As a result, LGBT people cease to be perceived as specific citizens and begin to function as an abstract symbol of cultural threat.

Analyses of anti-gender policies emphasize that the terms "gender" and "LGBT" are often used as symbols that encapsulate social fears related to cultural transformations and the erosion of traditional models of social order (The RESIST Project, 2024, pp. 9–10). The effectiveness of such narratives stems precisely from their symbolic nature–they do not require precise definitions, as their function remains the mobilization of emotions and the

organization of a division between what is considered "normal" and what is presented as a threat.

In this context, the activity of the courts can be interpreted as a form of intervention in the dominant ways of defining social reality. When a court analyzes the meaning of specific conceptual categories and points to their exclusionary potential, it challenges narratives previously presented as neutral or self-evident. In this sense, case law becomes not only a mechanism for applying the law, but also an element of a broader dispute over the boundaries of acceptable language and social recognition.

1.5. The Sociology of Knowledge and the Epistemic Function of the Court

The most important concept organizing this analysis remains the epistemic function of the court. Inspiration for its formulation is provided by the sociology of knowledge developed by Peter L. Berger and Thomas Luckmann, as well as Michel Foucault's reflection on the relationship between knowledge, discourse, and power. Social "facts" do not function in a vacuum, but are embedded in specific interpretive practices, institutions, and power relations (Berger, Luckmann, 1983, pp. 89–116; Foucault, 1977, pp. 27–39).

From a constructivist perspective, social reality is not merely passively reflected by language and institutions, but is produced and perpetuated through processes of social interpretation. Berger and Luckmann pointed out that dominant definitions of reality gain permanence when they begin to function as a natural and self-evident social order. Foucault, in turn, emphasized that the relations between knowledge and power remain inseparable, and that social "truths" are the result of discursive practices and relations of domination (Foucault, 1977, pp. 27–39).

In the context of cultural conflict, the court cannot limit itself to the mechanical application of a legal provision, since the factual state of affairs itself is often the subject of interpretive dispute. The judicial institution must therefore determine whether a given statement constitutes a description of reality, a permissible opinion, defamation, stigmatizing speech, or an element of political mobilization. It must also assess whether invoking freedom of conscience or the protection of values serves the realization of individual rights or leads to the legitimization of unequal treatment.

Contemporary jurisprudence increasingly emphasizes that sources of law are not "ready-made" objects for simple application, but require a complex interpretive process that also involves an assessment of the social significance of facts and language (Jaśkiewicz, 2013, pp. 110–122). As Katarzyna Wencel points out, the very boundary between "fact" and "law" is not entirely unambiguous, since establishing the facts requires interpretation and the selection of socially relevant meanings (Wencel, 2011, pp. 19–20).

In this sense, the epistemic function of the court consists not only in resolving legal disputes, but also in verifying the social credibility of claims circulating in public debate. This takes on particular significance in cases involving minority groups, where stereotypes, moral panic, and the language of apparent neutrality are often presented as an objective description of social reality.

2. Research Methodology

We focused our analysis on selected court rulings concerning LGBT individuals in Poland, treating them not only as legal events but as particularly vivid instances revealing broader social conflicts. We were primarily interested in how legal institutions reconstruct the dispute, classify competing claims, and organize the status of assertions present in public debate. The study thus situated itself at the intersection of sociology of law, sociology of knowledge, and institutional discourse analysis.

The selection of cases was purposeful. The analysis included cases concerning conflicts surrounding the status of LGBT people in the public sphere, which had high social visibility and a distinct interpretive component. These included the case of the so-called "printer from Łódź" (Supreme Court, 2018), cases concerning the so-called "homobus" (Regional Court in Gdańsk, 2023), rulings regarding resolutions against the so-called "LGBT ideology" (Provincial Administrative Court in Gliwice, 2020), and the case known as the "Rainbow Madonna" (Regional Court in Płock, 2021, 2022). Although these cases differed in the formal nature of the proceedings, they were united by a conflict concerning the boundaries of equality, dignity, and permissible forms of participation in public life.

The research material included the content of court rulings, the reasoning behind the judgments, official institutional commentaries, and source materials regarding the course of the cases. We attached particular importance to the justifications for the judgments, treating them as texts that reveal ways of defining social conflict, argumentative strategies, and the boundaries of what is considered socially and legally relevant.

We employed a qualitative research strategy based on interpretive discourse analysis. We were primarily interested in how courts define the subject of the dispute, distinguish facts from stereotypes, interpret the relationship between freedom and equality, and recognize mechanisms of stigmatization and exclusion. The subject of the analysis was therefore not solely the content of legal norms, but the social meaning of case law and the role of the court as an institution that helps shape the normative and cognitive order of public life.

The study is qualitative and interpretive in nature. It does not cover the entirety of case law concerning LGBT people in Poland, but rather selected cases of high symbolic significance. The aim was not a comprehensive legal-dogmatic analysis, but a sociological examination of the ways in which judicial institutions respond to conflicts based on stereotyping, moral panic, and disputes over the definition of social reality.

3. Case Analysis

3.1. Denial of service and the limits of ideological "neutrality"–the case of the so-called printer from Łódź

One of the most high-profile legal disputes involving LGBT individuals in Poland was the case of a printing service provider refusing to provide services to an organization supporting LGBT entrepreneurs. An employee of the printing company refused to fulfill the order, citing his own religious beliefs. The case quickly ceased to be viewed as an isolated conflict between a service provider and a client, becoming part of a broader dispute over the scope of freedom of conscience, the limits of individual autonomy, and the permissibility of refusing to provide services on ideological grounds.

Ultimately, the Supreme Court, in its ruling of June 14, 2018, case no. II KK 333/17, dismissed the appeal, upholding the earlier decision that the refusal to provide the service was not based on an objectively justified reason. The significance of this ruling, however, extends beyond its direct normative outcome. From a sociological perspective, it reveals a mechanism through which discriminatory practices are presented as neutral and individual choices of the actor. The refusal was not framed in terms of hostility toward a specific social group, but rather as an expression of

the individual's right to act in accordance with their own conscience.

This type of justification fits into the way exclusion is articulated in contemporary societies. Open forms of prejudice give way to arguments invoking freedom, autonomy, or pluralism. Discrimination does not disappear, but takes the form of selection presented as socially acceptable and morally justified.

The case of the so-called "printer from Łódź" thus concerned not only the conflict between freedom of conscience and the principle of equal treatment, but also the way society defines the situation itself. It was crucial to determine whether we were dealing with a neutral expression of the service provider's autonomy or with a denial of access to services motivated by the customer's status as a member of a specific social group. Reaching a decision thus required challenging the thesis that invoking personal beliefs automatically legitimizes a selective refusal to provide services (Supreme Court, 2018).

This case clearly illustrates the problem described by Nancy Fraser as the conflict between the claim to recognition and the mechanisms that limit full participation in social life. Exclusion does not necessarily take the form of a formal ban. It can be achieved through a series of individual decisions that appear private in each instance but, on a collective scale, lead to a systemic restriction of certain groups' access to services, security, and the protection of public dignity. In Fraser's view, misrecognition means the denial of the status of an equal participant in social interaction resulting from the functioning of institutional patterns of cultural values (Fraser, Honneth, 2005, p. 50). Mechanisms of this kind need not take the form of a direct legal prohibition, because–as analyses of legal exclusion indicate–discrimination can also function as a form of quasi-legal exclusion occurring despite a formally binding principle of equality (Kojder, 2010, pp. 12–17).

The case under analysis also highlights an important aspect of the court's epistemic function. Recognizing the refusal as unjustified could not be limited to the mechanical application of a legal norm (Sunstein, 1996, pp. 156–158). It required a prior recognition that the rhetoric of "free choice" can, under certain conditions, mask relations of structural inequality. In this sense, the court did not merely perform a classic subsumption but challenged the narrative presenting the exclusionary practice as a neutral manifestation of individual autonomy.

From a broader social perspective, this ruling can be interpreted as an attempt to draw a line between the sphere of private autonomy and the domain subject to equal treatment standards. The moment an individual's activity enters the market sphere, it ceases to be exclusively private and becomes subject to restrictions arising from the principle of equality (Sunstein, 1996, pp. 121–123). The market therefore does not function as an axiologically neutral space, but as an area where social boundaries of equality and civic participation are realized.

3.2. Moral Panic and the Social Production of Threat–the So-Called "Homobus" Cases

The cases involving the so-called "homobus" represent one of the most striking examples of the clash between moral panic and institutional standards of evidence. These involved campaigns using vehicles displaying messages linking LGBT individuals to threats to children, moral corruption, and pedophilia (Regional Court in Gdańsk, 2023). These messages were presented as a public warning and an action taken in defense of the common good. Analyses of contemporary anti-gender policies emphasize that portraying LGBTIQ+ people as a threat to children and social order constitutes one of the fundamental mechanisms for mobilizing moral panic (The RESIST Project, 2024, p. 10).

In its final rulings, however, the Regional Court in Gdańsk held that freedom of expression is not absolute, and that the disseminated content defamed LGBT people as a social group (Regional Court in Gdańsk, 2023). A key factor here was a shift in interpretation: the message presented as a socially justified warning was recognized as a form of slander and stigmatization of a specific category of citizens.

LGBT individuals were not portrayed as a diverse social group, but as a homogeneous source of threat to the most protected symbolic category: children. This type of framing possesses a high mobilizing power, as it triggers emotions of fear, anger, and the moral obligation to defend the innocent. This mechanism corresponds to the classic model of moral panic described by Stanley Cohen, based on the construction of "folk devils"–that is, groups portrayed as a threat to social values and interests (Cohen, 2011, p. 2).

The message of the "homophobes" also relied on a mechanism of radical stigmatization. Linking an entire social group to sexual crime leads to the delegitimization of its presence in social life and undermines its status as equal participants in the civic community. This is not merely about the offensive nature of the message, but about creating an image of a potentially dangerous group, against whom the restriction of rights and social recognition can be presented as a justified action. In Nancy Fraser's view, mechanisms of this kind lead to the restriction of certain groups' ability to function as equal participants in social life by reinforcing cultural patterns that assign them the status of foreign, inferior, or socially undesirable groups (Fraser, Honneth, 2005, p. 50).

The significance of the analyzed rulings also lay in their challenge to the linguistic strategy used to give exclusionary practices the appearance of neutrality and social concern. When a court analyzes the meaning of such messages and highlights their stigmatizing potential, it undermines the narrative that portrays exclusion as a legitimate form of protecting the social community.

3.3. "LGBT-Free Zones" and Symbolic Community Boundaries

Cases involving resolutions by local government bodies declaring opposition to "LGBT ideology" or invoking the need to defend local communities against an alleged cultural offensive also held particular social significance (Provincial Administrative Court in Gliwice, 2020). In public debate, these acts were presented as referring not to specific individuals but to an abstract ideology.

In the case law of administrative courts–including the Provincial Administrative Court in Gliwice and the Provincial Administrative Court in Kraków–it was noted, however, that such resolutions violate the principles of equal treatment, the dignity of citizens, and the standards of public authorities' conduct. It was also emphasized that a democratic state governed by the rule of law cannot lead to the creation of categories of citizens with limited ability to exercise their rights and freedoms (Kordik, 2023, pp. 13–15). In sociological literature, however, the practice of creating so-called "LGBT-free zones" is described as a form of structural discrimination presented as the rational protection of the local community (Bieńko, 2020, pp. 120–121).

From a sociological perspective, the mechanism of symbolic depersonalization remains key here. Public discourse refers to the fight against an abstract "ideology," yet the social consequences of these actions affect specific individuals and social groups. This results in a shift from people to an ideological category, allowing for the construction of an image of

threat without the need to openly identify the targets of exclusion. This mechanism leads to the symbolic designation of a specific group as undesirable within the local community, even though formally the object of opposition remains only an abstract ideological construct.

Analyses of contemporary anti-LGBT discourse emphasize that the concept of "LGBT ideology" has been constructed as a political category lacking a clear definition, enabling the transfer of social hostility from specific individuals to an abstract "threat" (Cywiński, Katner, Ziółkowski, 2019, pp. 17–18). This mechanism leads to dehumanization, which consists of reducing LGBT people to a symbolically constructed "ideology" rather than recognizing them as full members of the social community (Bieńko, 2020, pp. 119–120).

This case also serves as a good illustration of how symbolic power operates. The category "LGBT ideology" has no unambiguous analytical or legal content, yet it effectively structures the field of public debate. Its power stems not from definitional precision, but from its ability to consolidate diverse fears related to social changes, the pluralization of family life, or the emancipation of minorities into a single category of symbolic threat. Analyses of symbolic violence emphasize that the effectiveness of such mechanisms rests on imposing specific categories of perceiving social reality as natural and requiring no justification, even though they reproduce relations of domination and exclusion (Bieńko, 2021, p. 347). At the same time, reports on anti-gender policies show that the terms "gender" and "LGBT" function as symbols that condense social fears related to cultural transformations and changes in traditional models of the family and social order (The RESIST Project, 2024, pp. 9–10).

The significance of the analyzed rulings thus lay in challenging the linguistic strategy through which attempts were made to give exclusionary practices the appearance of neutrality. When a court analyzes the meaning of categories such as "LGBT ideology" and highlights their stigmatizing potential, it undermines the rhetoric that portrays exclusion as an abstract ideological dispute. These rulings therefore concern not only the legality of specific actions but also the limits of symbolic differentiation of citizens by public institutions.

3.4. "Rainbow Madonna" and the Conflict Over the Reinterpretation of Symbols

A distinct yet highly significant type of conflict was revealed by the case known as the "Rainbow Virgin Mary." It concerned the dissemination of an image of the Virgin Mary with a rainbow halo by activists protesting against discrimination against LGBT people (Regional Court in Płock, 2021, 2022). The prosecutors deemed this action an offense against religious feelings, but the Regional Court in Płock did not share this interpretation, pointing to the context of the expression of views and opposition to discrimination.

Sociologically, this case is not solely about a clash between freedom of speech and the protection of religion. In essence, it is a conflict over the right to reinterpret collective symbols. Religious symbols–especially in societies where religion remains strongly linked to national identity–serve a function that extends beyond the ritual dimension and help define the boundaries of the community and socially recognized values.

The dispute arises when a previously marginalized group attempts to inscribe its own experience into the existing symbolic order. The rainbow halo can be interpreted not as a destruction of the symbol, but as an attempt to expand its meaning by indicating that dignity and moral protection should not be limited solely to the majority.

At the same time, reactions from parts of the public indicated that control over the interpretation of symbols constitutes a significant element of cultural power. The dispute concerned not only the representation itself, but also the right to assign meanings and to set the boundaries of their acceptability. The significance of the court's ruling lay in challenging the automatic equating of an unorthodox reinterpretation of a symbol with its desecration. To reach this conclusion, the court had to acknowledge that the symbol functions not only within the religious sphere but also as an element of public debate and social expression (European Court of Human Rights, 2018).

The "Rainbow Madonna" case thus demonstrates that conflicts concerning LGBT individuals revolve not only around formal rights and protection against discrimination, but also around cultural representation and the symbolic visibility of minority groups. They also concern the question of who has the right to help shape shared symbols and interpret meanings considered socially legitimate (Fraser, Honneth, 2005, pp. 115–117).

4. Discussion

The analysis conducted shows that the court cases examined do not constitute a collection of separate incidents, but reveal a recurring pattern of conflict characteristic of contemporary disputes surrounding LGBT people in Poland. Regardless of whether the subject of the proceedings was a refusal of service, a street campaign, a local government resolution, or the use of a religious symbol, the axis of the conflict remained the question of the conditions for full civic participation and of who has the right to define the norms binding within the political community.

An analysis of the cases examined shows that the courts' activities also involve assessing the social status of claims circulating in public debate. In each case, the social definition of reality also became the subject of dispute: determining what can be considered a neutral opinion, justified criticism, a social threat, or an acceptable form of expression. Of particular significance were linguistic strategies that allowed exclusionary actions to be presented as socially justified and consistent with the protection of values, freedom of conscience, or the common good. In practice, however, this led to the symbolic differentiation of citizens and the legitimization of restrictions affecting specific social groups.

In cases involving "homobuses," the mechanism of moral panic–based on portraying LGBT people as a threat to children and social order–became particularly evident. Narratives of this kind served not only to express negative opinions but also to mobilize social fear and symbolically delegitimize a specific group. In turn, the case of the "Rainbow Madonna" showed that conflicts concerning LGBT people also play out at the level of symbolic representation and the right to reinterpret symbols considered shared.

Against this backdrop, the category of the court's epistemic function proposed in this study takes on particular significance. An analysis of the cases examined indicates that the courts' activities are not limited to the formal application of legal norms. Indeed, issuing a ruling requires first determining the status of claims circulating in public debate and distinguishing claims based on verifiable facts from those that rely on stereotypes, stigmatization, or moral panic (Korre et al., 2024, pp. 3–4; Wencel, 2011, pp. 19–20). The court must also determine whether a given statement falls within the bounds of permissible opinion or whether it leads to a violation of the personal rights of specific groups, as well as whether invoking freedom or the protection of values does not, in practice, lead to the legitimization of unequal treatment (Waldron, 2012, pp. 4–5).

This does not mean, however, that courts operate outside a social context or remain free from political and cultural tensions. Their activities are embedded in specific interpretive disputes and historical conditions that influence the understanding of legal norms. At the same time, judicial procedures–the obligation to justify a ruling, the requirement of proof, appellate review, and the necessity of rational argumentation–ensure that courts remain one of the few institutions capable of systematically verifying claims present in public debate.

The cases analyzed thus allow us to view the judiciary not only as a mechanism for resolving individual disputes, but also as a participant in processes of normative change. Through specific rulings, courts help shape the boundaries of acceptable language toward minorities, redefine the relationship between freedom and equality, and influence the social understanding of civic dignity. This does not lead to the complete elimination of cultural conflicts, but it shapes the framework within which these conflicts can be articulated and resolved in the public sphere.

Conclusion

The aim of this article was to provide a sociological analysis of selected court rulings involving LGBT individuals in Poland from the perspective of the relationship between law, social knowledge, and mechanisms of exclusion. The starting point was the assumption that these cases should not be treated solely as individual legal proceedings, but as particularly vivid moments revealing broader cultural conflicts present in contemporary society. The analysis confirmed the validity of this approach.

In the cases analyzed, the subject of the dispute in each instance went beyond the literal interpretation of specific legal provisions. The conflicts concerned not only the permissibility of certain actions but also the social boundaries of recognition and belonging. At stake were, among other things, whether LGBT individuals can be portrayed as a threat to others, whether it is permissible to restrict their access to services under the guise of ideological neutrality, whether public authorities can symbolically mark their presence as undesirable, and who has the right to reinterpret shared cultural symbols. Consequently, the crux of the analyzed disputes lay not so much in the problem of technical legal classification as in the question of the social and civic status of a specific category of people.

The analysis also indicates that in such cases, courts perform a function that goes beyond the classically understood jurisdictional function. Issuing a ruling requires, in fact, a prior clarification of the status of claims present in public debate and their evaluation from a legal and social perspective. This process, referred to in this study as the court's epistemic function, involves, in particular, distinguishing between claims based on verifiable facts and those that rely on stereotypes, moral panic, or stigmatization. It also involves determining when the language of freedom, the protection of values, or ideological neutrality becomes a tool for legitimizing unequal treatment.

The proposed category may also prove useful beyond the analysis of issues concerning LGBT individuals. Contemporary democracies are increasingly confronted with conflicts in which the line between opinion, misinformation, stigmatization, and claims to freedom remains the subject of intense social debate. This applies, among other things, to debates concerning migration, reproductive health, women's rights, ethnic minorities, and public health crises. In many of these areas, courts face a similar task: not only to apply legal norms, but also to assess the social credibility of competing narratives and their potential social consequences.

This article does not claim to exhaust the entire issue. It is limited to selected cases of high symbolic significance and does not cover the full spectrum of case law or the public reception of the judgments issued. It does, however, constitute an attempt to propose an interpretive perspective that allows us to view the judiciary not only as a mechanism for applying the law, but also as an institution involved in defining the boundaries of permissible public discourse.

Ultimately, the analysis of the cases in question leads to the conclusion that courts do not serve solely as institutions resolving legal disputes. In conditions of strong social polarization, they also become a venue where conflicts concerning the boundaries of social recognition, permissible forms of exclusion, and the status of minority groups within the civic community are resolved. In this sense, case law concerning LGBT individuals remains a significant indicator of how a democratic state governed by the rule of law functions and of the practical implementation of the principle of equality.

dr Oktawia Braniewicz-Zaorska – prawniczka, mediatorka sądowa, badaczka i wykładowczyni akademicka związana z Wydziałem Ekonomiczno-Socjologicznym Uniwersytetu Łódzkiego oraz Pełnomocniczka Wojewody Łódzkiej ds. Kobiet. W pracy naukowej i eksperckiej zajmuje się prawami człowieka, polityką społeczną, migracjami, równością oraz społecznym i ekonomicznym wymiarem prawa. Szczególne miejsce w jej działalności zajmują mediacje, pozasądowe metody rozwiązywania sporów oraz budowanie dialogu i porozumienia. Sekretarz Centrum Studiów Migracyjnych UŁ, zaangażowana w działania na rzecz integracji, bezpieczeństwa, równego traktowania i wzmacniania pozycji kobiet.

Afiliacja

Uniwersytet Łódzki

dr Martyna Krogulec-Łęska - socjolożka, badaczka i trenerka umiejętności psychospołecznych. Jej zainteresowania naukowe koncentrują się wokół socjologii ciała, kulturowych i społecznych uwarunkowań postrzegania cielesności oraz roli stereotypów i uprzedzeń w funkcjonowaniu jednostek i grup społecznych. Szczególne miejsce w jej pracy badawczej zajmuje socjologia pracy, w tym problematyka nierówności społecznych, dyskryminacji oraz mechanizmów wykluczenia i inkluzji na rynku pracy. Aktywnie uczestniczy w realizacji projektów badawczych, łącząc refleksję naukową z empiryczną analizą współczesnych zjawisk i problemów społecznych. Autorka monografii naukowej „Postrzeganie ciała w świecie pracy. Weightism, mechanizmy kontroli społecznej i socjalizacja wtórna" oraz licznych publikacji naukowych z zakresu socjologii. Od kilku lat związana zawodowo z Akademią Humanistyczno-Ekonomiczną w Łodzi, gdzie prowadzi zajęcia z zakresu nauk socjologicznych oraz rozwijania kompetencji psychospołecznych.

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Epistemiczna rola sądu w sprawach dotyczących osób LGBT w Polsce: Między prawem, stygmatyzacją a paniką moralną?

Abstrakt

Artykuł podejmuje socjologiczną analizę wybranych orzeczeń sądów dotyczących osób LGBT w Polsce, traktując je nie tylko jako spory prawne, lecz również jako szczególnie wyraziste przejawy szerszych konfliktów kulturowych, symbolicznych i poznawczych obecnych we współczesnym społeczeństwie. Punktem wyjścia jest założenie, że w sprawach odnoszących się do odmowy świadczenia usług, kampanii anty-LGBT, uchwał samorządowych wymierzonych w tzw. „ideologię LGBT" oraz ekspresji symbolicznej związanej ze sprzeciwem wobec dyskryminacji, sądy nie ograniczają się do technicznego stosowania norm prawnych. Aby wydać rozstrzygnięcie, muszą bowiem uprzednio ocenić status twierdzeń funkcjonujących w debacie publicznej: oddzielić fakty od stereotypów, opinie od pomówień, przekonania światopoglądowe od praktyk wykluczających oraz ekspresję polityczną od symbolicznej przemocy.

W artykule zaproponowano pojęcie funkcji epistemicznej sądu, rozumianej jako instytucjonalna zdolność do porządkowania społecznie krążących narracji oraz wyznaczania granic między twierdzeniami prawnie relewantnymi a przekazami opartymi na stygmatyzacji, panice moralnej i delegitymizacji mniejszości. Analiza została osadzona w perspektywie socjologii wiedzy, socjologii prawa oraz teorii paniki moralnej, stygmatu i władzy symbolicznej. Materiał badawczy stanowią wybrane orzeczenia i publicznie dostępne uzasadnienia odnoszące się m.in. do sprawy tzw. drukarza z Łodzi, spraw homofobusów, uchwał anty-LGBT oraz sprawy „Tęczowej Matki Boskiej".

Przeprowadzone analizy prowadzą do wniosku, że sądy stają się w tego rodzaju sporach nie tylko arbitrem prawnym, lecz również jednym z kluczowych aktorów współkształtujących granice dopuszczalnego języka, status wiedzy publicznej oraz normy równego obywatelstwa. W warunkach silnej polaryzacji społecznej pełnią tym samym rolę instytucji demistyfikacji, przeciwstawiających standard dowodowy i zasady konstytucyjnej równości narracjom opartym na lęku, stygmatyzacji i moralnym uprzedzeniu.

Słowa kluczowe: osoby LGBT, sądy, socjologia prawa, panika moralna, stygmat, władza symboliczna, dyskryminacja, debata publiczna, równość, funkcja epistemiczna sądu.