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**Reproduction and the making of politics in the
'New Poland': Gender, nation and democracy
in the Polish abortion debate**

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A thesis submitted in partial fulfillment of the requirements for
the degree of Doctor of Philosophy in Women's Studies

Centre for the Study of Women and Gender
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This thesis is dedicated in loving memory of

my mother,

Venetzia Maran Nest Kramer

and my father,

Alfred Helgard Kramer

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DECLARATION

I declare that the contents of this thesis, which is being submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy at the University of Warwick, are entirely my own work. This material has not been submitted for a degree at another university.

During the course of this PhD project the following related presentations have been made or submitted for publication:

Presented papers:

- 'Discourses of gender and nation in the Polish abortion debate' *Gender, Identity and Nationalism in Europe from the Nineteenth to the Twenty First Century*, International Conference, University of Salford, October 2001.
- 'How useful a tool is Western feminist theory around reproductive politics in situating and interrogating the 'significance' of the Polish abortion debate?', 2nd Human Reproduction Study Group Conference, British Sociological Association, University College Northampton, November 2001.
- 'Media, gender and nation in the Polish abortion debate', *Representing Gender in Cultures*, Women's Studies Centre, University of Łódź, Poland, September 2002.
- 'Media, gender and nation in the Polish abortion debate', British Sociological Association Annual Conference, University of York, April 2003.

Papers submitted for publication:

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ABSTRACT

Across East Central Europe, postcommunist transformation is being effected through the discourses of gender. It is in this context that debate around abortion has surfaced repeatedly in Poland. This is an empirical case study of Polish postcommunist transformation centred on gender and in particular, on abortion debate. It focuses on the connection between discourses of Polish nationhood, democracy and gender, contributing to the fields of gender and postcommunism, gender and nation, and comparative reproductive politics.

Using a discourse analysis methodology, this thesis analyses Polish abortion debate centred around the 1996 liberalisation of abortion amendment, a 'moment' previously neglected in scholarly research. It considers three sites at which abortion debate surfaces, Parliament, press reportage and opinion polls, and analyses how each constructs its role as mechanism and instrument of democracy through its participation in abortion debate.

Abortion is a symbolic issue used to create, sustain and contest political identities, a site through which nationalist pasts and futures are imagined, and through which democratic political projects are articulated. Thus abortion is a key symbolic stand-in issue that represents competing democratic and nation-building projects, a site where politics is 'made': abortion thus comes to emblematised postcommunist Polish transformation.

Through their participation in Polish abortion debate, Sejm, media and opinion polls legitimate their claims to be primary definers of the 'new' Poland, claiming key roles as mediators between 'politics' and the 'people'. Gender is crucial to the nation-building projects constructed through abortion at all three sites, however this dimension is often suppressed.

The thesis further argues that there are grounds for a limited and partial feminist recuperation of the liberalisation 'moment'. However, it concludes, whilst abortion is fundamentally about women's equal citizenship rights, having very real and material consequences for Polish women, debate around the liberalisation amendment does not principally revolve around gender.

GLOSSARY

Concordat	Treaty between Poland and the Holy See
Council of Ministers	Cabinet
Diet	A legislative assembly
Episcopacy	Bishops and Archbishops of the Polish Church
Jasna Góra	Monastery in Częstochowa where the Black Madonna is kept; centre of religious pilgrimage in Poland.
Katyń	The massacre of approximately 10,000 Polish officers in WWII by the Soviets
Matka Polka	The figure of the Polish Mother
Polish Federation for Women and Family Planning	Pro-choice umbrella organisation
Sejm	The lower house of Parliament
Senate	The upper house of Parliament

ACRONYMS

BBWR	Non-Party Bloc in Favour of Reforms
CBOS	Public Opinion Research Centre
KAI	Association of Catholic Journalists
KPN	Confederation for an Independent Poland
	Factions within KPN: KPKN, KPKPN
MEN	Ministry of National Education
MN	German Minority Party
OBOP	Public Opinion Research Centre (main competitor of CBOS)
PAP	Polish Press Agency
PFROŻ	Federation of Movements for the Protection of Life
PKND	New Democracy Party
PPS	Polish Socialist Party
PSL	Polish Peasant Party
PZPR	Polish United Workers' Party
ROP	Movement for the Reconstruction of Poland
SLD	Democratic Left Alliance (postcommunist party)
SdRP	Main constituent element of the SLD
UD	Democratic Union
UP	Labour Union
UW	Freedom Union
ZChN	Christian-National Union
ZPP	Union of Polish Patriots

Chapter 1: INTRODUCTION

The collapse of communism across East Central Europe was marked by a renewal of debates around reproduction, with abortion debates surfacing in Romania, Germany and Poland. Reproductive politics and more specifically abortion debates typically come to the forefront in times of crisis or societal transformation (Gal & Kligman, 2000a, p.3). Postcommunist East Central Europe can certainly be characterised as in the grip of societal transformation: Sakwa, for example, characterises the postcommunist condition as '*total transition* simultaneously affecting politics, the economy, society and the international orientations of the states concerned' (1999, p.37). Struggles over women's reproductive rights in Poland, as evidenced by continuing debate around the legal status of abortion, are in this postcommunist context intimately related to and bound up with ongoing symbolic and concrete re-definitions of Polish nationhood, identity and citizenship. It is in such a context, of wholesale social, economic and political transformation¹, that struggles over legal access to abortion in Poland have been played out.

Focusing on the 1996 liberalisation of abortion amendment, this thesis investigates the discursive construction of abortion in Poland through an analysis of three sites at which such debate surfaces, variously parliamentary debate; media reportage; and opinion poll bulletins on abortion. This analysis is concerned throughout to discover

¹ Following Bryant and Mokrzycki (1994) I use the term transformation in preference to transition. Like them I prefer 'to speak not of transitions, with the emphasis on destinations, but rather of transformations, with the emphasis on actual processes "in which the introduction of new elements takes place most typically in combination with adaptations, rearrangements, permutations, and reconfigurations of already existing institutional forms"' (Stark, 1992 cited in Bryant & Mokrzycki, 1994, p.4).

the ways in which such struggles over abortion are both framed by and indeed, frame, the wider transformation project underway in Poland.

The first section of this Introduction pursues the significance of abortion debate in Poland, whilst the second offers my intellectual autobiography where I list some of the personal motivations driving the project. The third section provides an introduction to postcommunist Polish abortion debate, where I detail the various legislative initiatives on abortion that have emerged since 1989. I then go on to introduce the project, describing the focus of research, explaining the key themes and further relating the contribution of the thesis. This Introduction concludes by describing the structure of the thesis.

The significance of abortion debate in Poland

Since 1989 women's access to abortion has repeatedly surfaced as a serious and substantive matter for public debate in Poland, with heated exchanges in Parliament over various draft bills and amendments as well as substantial coverage and analysis of such debates in the Polish mass media. The significance of the abortion question for Polish politics and for the model of democracy being institutionalised in Poland cannot be over-estimated: in early 2003, the Polish press revealed that Church support for a Polish 'yes' vote in the EU referendum (on which the government coalition had staked its credibility) had been 'bought' on the promise that the incumbent government would not attempt to liberalise abortion law. Amongst others, Gal and Kligman have noted that the abortion question 'has become virtually a permanent feature of the parliamentary agenda' (2000b) whilst Zielińska has

further noted, 'The abortion debate is the best test of a politician's attitude to the Catholic Church, the electorate, the party caucus or colleagues' (2000, p.52). Small wonder then that abortion debate is a key political issue around which political agendas are created and sustained.

At the same time, and as several commentators have advanced, the question of abortion is not 'just' about abortion, but rather 'represents a coded discourse that reflects fundamental concerns, including the shape of the state itself, the state's obligations to society (and vice versa), the rule of law, and, last, but certainly not least, the scope of the protection of civil rights and fundamental freedoms' (Zielińska, 2000, p.24). From this perspective, Polish transformation is not simply affecting abortion policy, but rather it is through abortion debate that social and political transformation is being (discursively) effected. It is precisely because the abortion question is so crucial to understanding Polish transformation and its implications for gender roles that I have chosen to investigate its discursive construction.

Intellectual autobiography

As with any doctoral thesis, my project has been born out of a particular set of personal as well as academic motivations. Personally, as a British citizen with a Polish father who fled and fought here during the Second World War but died before communism finally collapsed, this study into contemporary Polish abortion debate is part of my ongoing struggle to discover my father's and my own British-Polish identity. My motivation for studying Polish gender politics is related to my

fascination for trying to understand what the relationship between my Welsh mother and my Polish father (born 1905) must have been like, as well as being shaped by a feminist politics which prioritises women's reproductive rights.

I have tried to understand Polish culture in its own terms, as a Pole (whatever that may mean), and in my own terms, as somebody brought up British, with an awareness of passing as such but not quite fitting in, experiencing the pull to another 'mother' country. In this sense then, the project has been shaped by my experience of being both 'insider' and outsider' during the research process. I have been generously accepted as part of the Polish diaspora by Poles and I have lived in Poland and experienced Polish life firsthand. On the other hand, the fact that my father was Lutheran, my surname is Germanic, and my angle of vision on Polish society is quite different because of my British upbringing has also cast me in the role of 'outsider'.

Postcommunist Polish abortion debate

After 1956 and under the provisions of the Abortion Admissibility Law, access to abortion in Poland was available virtually 'on demand' if the woman faced 'difficult living conditions' or if the woman was in a 'difficult personal situation' (Kulczycki, 1995, p.474). Unreliable birth control practices, together with the lack of family planning instruction or sex education meant that under state socialism 'abortion became a routine practice for women in restricting the number of children' (Bystydzienski, 1999, p.98).

A concrete proposal to restrict abortion was submitted in the Sejm (the lower House of the Polish Parliament) before the first semi-free elections in June 1989, whilst the communist party was still in government. This draft law on 'the legal protection of the unborn from the moment of conception' prohibited abortion in all cases, providing for three years' imprisonment for the woman and the abortion provider (Fuszara, 1991a, pp. 216-7). In the light of massive public protest and substantial public debate, this law was shelved by the communist government for fear of detracting attention from the elections (Fuszara, 1991b, p.124).

Following these first semi-free elections, in which Solidarity was triumphant, attempts to restrict abortion continued. The Episcopate Family Council 'urged' the Sejm to continue work on the anti-abortion bill, which had been re-introduced by 37 Senators in December 1989 (Zielińska, 2000, p.28). Whilst an amended version of this bill was passed in the Senate in September 1990, it failed to get accepted in the Sejm before the first fully free elections of 1991.

Further attempts to restrict access to abortion followed soon after these elections with the Christian-National Union (ZChN) proposing a very restrictive abortion bill in 1991. The terms of the bill gave a penalty of up to two years for the abortion provider except when an abortion was necessary to save a woman's life, re-introduced penalties for self-induced abortions and prohibited anyone from causing harm or damage to a foetus (Zielińska, 2000, p.31). In the Spring of 1992, meanwhile, an alternative draft proposal was introduced whose provisions included sex education, access to family planning and access to abortion as a 'last resort'. Another bill proposed a nation-wide referendum to settle the abortion question. In

July 1992, both of these legislative initiatives were rejected, whilst the 1991 'anti-abortion' draft bill was referred to a special commission for consideration (Zielińska, 2000, p.31).

In 1993 a new restrictive, so-called 'anti-abortion law' was passed. This 'Law on Family Planning, Legal Protection of the Foetus and the Conditions of the Permissibility of Abortion' permitted abortion solely in public hospitals, when there was a serious threat to the life or health of the woman, if pregnancy was the result of a crime, or if prenatal tests indicated the foetus to be severely and incurably damaged. Widely referred to as the 'anti-abortion law,' access to abortion was further limited by requiring confirmation by a public prosecutor in the case of rape or incest, requiring the 'threat' to the woman's life or health to be certified by three doctors, and allowing pre-natal testing only if there was already 'good reason' to suppose foetal defects (Kulczycki, 1995, p.474).

The 1993 'anti-abortion law' also required the state and local government to provide assistance to 'the conceived child and its mother,' to provide education which promoted increased knowledge of 'sexuality, conscious and responsible parenthood, the value of the family and of conceived life,' and to provide free access to 'the methods and means of birth control' (cited in Zielińska, 2000, p.32). At the same time, the Ministers of Health, Education and Justice 'were required to report to the Sejm in 1994 on the effectiveness of the law's implementation in its first year – a requirement that was amended in 1995 to include subsequent years' (*ibid.*).

The passage of the 1993 bill represented a significant restriction of access to abortion and a move away from Poland's relatively liberal pre-communist abortion policy² as well as a move away from state socialist policy on abortion. The 1993 law was both less restrictive than the original drafts and proponents of the bill had intended, and more restrictive than those who opposed the original drafts had hoped. In this sense, the 1993 law has been described as a compromise law which satisfies nobody. As Zielińska puts it: 'the 1993 law was an artificial merger of two bills representing diametrically opposed ideologies. The pro-life forces found it too liberal; the pro-choice, much too restrictive' (Zielińska, 2000, p.31; see also Bystydzienski, 1999, p.100 for a similar analysis).

After the second round of parliamentary elections in 1993, which showed a swing back to the left on an election platform which included a pledge to liberalise abortion law, various legislative attempts were made to widen women's access to abortion. In 1994 a private member's amendment to the 1993 'anti-abortion' law was submitted by the Parliamentary Women's Group which would have once again allowed for abortions on socio-economic grounds after consultation with a doctor. After its successful passage through the Sejm, and despite its rejection by the Senate (the Upper House of the Polish Parliament), the law was sent to the President for his signature. However, President Wałęsa, a devout Roman Catholic who had vigorously supported the restriction of abortion in 1993, vetoed the 1994 Liberalisation bill, and the Sejm was unable to reach the two-thirds majority

² Zielińska notes that Poland has traditionally had relatively liberal abortion legislation. The 1818 Penal Code espoused what she calls a 'relatively humanitarian approach to abortion characteristic of the Enlightenment' whereby abortion was a crime only if performed without a woman's consent, punishable by 1-3 years' imprisonment. She notes that in 1932, 'after long and heated discussions dominated by physicians, criminologists, and journalists, the idea that the fetus was a human being who thus deserved complete protection was abandoned in Poland's penal legislation, and women were guaranteed the right to abortion for medical and legal reasons' (Zielińska, 2000, p.25). These provisions stood from after the Second World War up until 1956.

necessary to overturn this veto (Bystydzienski, 1999, p.101). In 1995 a further attempt to liberalise abortion legislation was made by the left-wing post-Solidarity (opposition) Labour Union party (UP). This initiative attempted (and failed) to put the matter of abortion to a Referendum (Zielińska, 2000, p.32-33).

However, in March 1996 another draft bill intended to liberalise abortion was put before the Sejm (sponsored by the UP but supported by the postcommunist party, the SLD). Despite rejection in the Senate, it successfully passed through the Sejm, achieving the two-thirds majority required to overturn the Senate veto, eventually being signed by President Kwaśniewski and passing into law³. The 1996 liberalisation amendment widened access to include abortions under the 'socio-economic conditions' clause which had existed in the 1956 law and it also removed the notion of life beginning at conception which had informed the restrictive 1993 law (Girard & Nowicka, 2002). Abortions were once again permitted to be performed in private practices and subsidies were introduced for certain contraceptive pills, whilst 'positive' features of the 1993 law, such as sex education and assistance to pregnant women were retained (Zielińska, 2000, p.33). The spirit of compromise permeates the law, an example in kind being the preamble. Here reproductive rights are mentioned simultaneously with 'recognition of the fundamental value of life'. The actual document reads: 'Everybody has the right to responsibly decide about having children as well as the right to information, education, counselling and the means enabling them to exercise this right' (Zielińska, 2000, p.33).

³ Kwaśniewski's election campaign had included the pledge to liberalise abortion law.

Despite the similarity of provisions, there are significant differences between the state socialist 1956 Abortion Admissibility Law and the 1996 liberalisation amendment. The liberalisation amendment specifies a 12 week time limit for abortions performed for social or legal reasons; there is a mandatory consultation and a waiting period of three days for the woman seeking an abortion; and there are harsher penalties for illegal abortions after 24 weeks (Zielińska, 2000). All of these provisions mark the 1996 amendment as less liberal than the 1956 law.

The liberalisation of abortion did not end the abortion debate in Poland. In December 1996, a group of senators took the liberalised law to the Constitutional Tribunal. The day before Pope John Paul II visited Poland, in June 1997, the Constitutional Tribunal pronounced that 'most of the 1996 amendments were unconstitutional because they conflicted with the fetus' constitutionally protected right to life' (Zielińska, 2000, p.33). This ruling remains extremely controversial since neither the 1952 nor the 1992 Constitution (Small Constitution) then in force mentioned any constitutionally protected right to life, let alone the right of a foetus to life. However, 'the Tribunal decided that the unborn's right to life could be drawn from the general principle that Poland is a democratic state that abides by the rule of law' (*ibid.*). It also ruled that 'the provision permitting abortion on "social grounds" was incompatible with the Constitution because of its vague formulation and failure to protect the rights and liberties of the unborn' and 'the Tribunal further declared that a woman's right to decide about reproduction is valid only until conception' (Zielińska, 2000, pp.34-35)⁴.

⁴ The Polish Constitution introduced in April 1997 and in force since October 1997 allows for the 'explicit guarantee of the legal protection of everyone's lives and does not single out the unborn' (see Art.38, cited in Zielinska, 2000, p.33).

In May 1997 the SLD proposed to hold a referendum on the question of adding 'social conditions' to the list of permissible reasons to have an abortion, but the Sejm voted this resolution down. After the resurgence of the post-Solidarity parties in the September 1997 elections, the ruling of the Constitutional Tribunal was ratified by the Sejm, and the original provisions of the 1993 so-called 'anti-abortion law' were re-introduced. There is currently significant speculation about whether the incumbent postcommunist coalition government elected in 2001 will initiate future legislative attempts to liberalise access to abortion. Despite the current lack of legislative initiatives, abortion remains a highly topical issue and it seems certain that it will re-appear on the parliamentary agenda within the next couple of years.

Focus of research

This study builds on the insight that Polish postcommunist transformation is being discursively effected in part through contestations around abortion. It starts from the premise that abortion debate, to re-quote Zielińska, 'represents a coded discourse that reflects fundamental concerns, including the shape of the state itself, the state's obligations to society (and vice versa), the rule of law, and, last, but certainly not least, the scope of the protection of civil rights and fundamental freedoms' (Zielińska, 2000, p.24). In other words, debate around abortion comes to 'stand in' for a whole host of other issues relating to postcommunist transformation. This study then attempts to 'de-code' abortion debate by examining the discourses circulating in relation to abortion, drawing attention to what is seen to be 'at stake' over and above the question of access to abortion by those involved in the debate.

At the same time, the project is founded upon the recognition that debates around abortion, in the Polish context at least, themselves contribute to the ‘making of politics’. In other words, the significance of Polish abortion debate does not simply lie in the discourses circulating in relation to it, although that is extremely important, but also because such debates constitute and legitimate competing sources of political authority in an era of ‘democratisation’. For this reason, the thesis is simultaneously concerned with the ways in which particular factions and institutions represent their role or mission in abortion debate in relation to their purpose in the democratisation process. The thesis draws on three research sites where abortion debate is articulated: parliamentary debate, media reportage and opinion poll bulletins. So doing has allowed a detailed engagement with the ways in which abortion discourses have been used to constitute the proper shape of the ‘democratised’ Polish socio-political landscape.

Key themes

Examining abortion debate at three distinct sites has revealed similar and overlapping discourses circulating in each. Two themes can be identified: the significance of abortion for the Polish national (re)construction project, and the significance of abortion for the process of democratic reconstruction. Whilst the thesis is structured by research site, both themes inform each of the three analysis chapters in similar ways.

To differing extents, all three sites under analysis reveal a preoccupation with exploring abortion as an issue through and by which a sense of Polish national

identity is being re-articulated in the postcommunist context. In this sense, and as the analysis will reveal, abortion becomes a vehicle through which the meaning of the past is determined (including reference to state socialism and Holocaust), a yardstick through which postcommunist transformation is assessed, and a symbolic issue through which future transformation of Polish national identity is predicted or anticipated. A particular conception of the (Roman Catholic) Polish nation's traditional and authentic past is advanced through such assessments of the meaning of abortion, and has specific consequences for Polish women's ideal roles in contemporary society.

The second key theme relates to the significance of the abortion issue for Polish democracy. Each research site (parliamentary debate; media reportage; opinion polls) is differentially invested in abortion debate, and represents its role in some way to speak for or represent the public or Polish public opinion as primary definers of the meaning of abortion debate. At the same time, each research site comments on the role played by other institutions in abortion debate. So for example, parliamentary debate figures discussion around the competency of the Sejm to legislate on abortion, the media strand investigates the significance of abortion for Polish politics and political institutions, whilst opinion poll bulletins examine both of these issues in detail. At the same time, those individuals and factions actually participating in abortion debate, including politicians in parliamentary debate and key players whose actions and speeches are reported in the media, simultaneously justify their positions by relating the abortion question to its significance for Polish democratisation.

Contribution of the thesis

This thesis makes two major contributions to the research fields outlined in the following chapter, claiming methodological originality in terms of research design and making an empirical contribution to several research fields connected with Polish abortion debate as well as the research field of Polish abortion debate itself.

Following calls for greater attention to be paid to the ways in which the (gendered) postcommunist transformation is being effected discursively (Gal & Kligman, 2000b; Rukszto, 1997), methodologically the thesis builds on previous analyses of the discursive construction of Polish abortion debate (Fuszara, 1993; Heinen & Matuchniak-Krasuska, 1995). It moves beyond these earlier studies by maintaining a simultaneous and comprehensive focus on the relationship between abortion, gender and democratisation, focusing on the different mechanisms of democracy including parliament, media and opinion polls. Whilst some research has focused on the discursive construction of abortion in parliamentary debates, no such parallel and detailed research on the discursive construction of abortion in newspaper reportage or opinion poll bulletins exists. Further, by simultaneously focusing on three sites at which abortion debate is articulated, my project allows a detailed exploration of the mechanisms by which abortion debate contributes to the legitimation of political authority.

The project also makes several empirical contributions. The vast majority of the literature on Polish abortion debate relates to the 1993 restriction of abortion, whilst this project focuses on the 1996 liberalisation amendment as a 'moment' hitherto

largely neglected. Taking up a 'moment' where pro-choice campaigners were briefly successful, the project allows the degree to which women's rights and interests were mainstreamed in the debate around the campaign to liberalise abortion to be examined. The idea that Polish transformation is being accompanied by the 'masculinisation' of public life can therefore be interrogated. Lastly, the thesis interrogates whether particular Western feminist concepts around reproductive politics, including choice and foetal personhood, 'work' in the Polish context. Thus it makes a contribution to the analysis of abortion debates in a comparative global context and furthers the project to deconstruct the universal validity of Western feminist theory.

Structure of thesis

The second chapter situates the project by offering critical reviews of the literatures which have informed the research. I review literature on gender and postcommunism, with special attention given to studies conducted specifically on Poland, moving on to an analysis of the theoretical literature on gender, citizenship and nation and the ways in which such theory has been deployed in the East Central European context. Finally, I review that literature which exists on reproductive politics in the Western feminist and Polish context, making specific mention of the concepts of choice and foetal personhood. Throughout these reviews I engage with the literatures in terms of their significance for my project, highlighting issues with which I take contention, noting omissions and highlighting the ways in which such literatures have framed the analysis. To this end, I append a rationale which situates my research in relation to the literatures at the end of each of the three literature

reviews. The final part of the second chapter introduces the research questions which have guided my research.

The third chapter focuses on the methodological aspects of the project. I describe the research design, offering a rationale for choosing the 1996 liberalisation of abortion amendment as a 'moment' in abortion debate. I give a full account of the experience of doing the research (and the accommodations made along the way), and introduce the methods of analysis employed. The last part of this chapter focuses on feminist methodology and the ethics of transcultural research. Here I turn to the more theoretical aspect of the methodology underpinning the project, detailing the way I have engaged with feminist standpoint epistemology and postmodern influences on epistemology. Finally, the chapter moves on to consider the ethics and problems of transcultural research and its significance for this project, with particular attention paid to the problems of translating from another language.

The next three chapters (Chapters 4, 5 & 6) have an analytical focus, with each chapter investigating a separate research strand, variously parliamentary debate, media reportage and opinion poll bulletins. Whilst it would perhaps have been feasible to structure the thesis by theme rather than by research strand, since similar themes permeate each chapter, I decided to keep each strand separate since this allows a better understanding of, and critical engagement with, the distinctiveness of each site. Each analysis chapter is preceded by a limited discussion of the methodological dimension informing the analysis as well as a brief introduction to the research material in order to orient the reader. Each analysis chapter is similarly divided into two substantive sections, with the first part examining the discursive

construction of abortion in relation to Polish nationhood and identity, and the second part examining the ways in which that particular research site constitutes the meaning of abortion for Polish democracy.

Chapter 4 considers the discursive construction of abortion in parliamentary debate around the second reading of the 1996 liberalisation bill through the Sejm, considering the ways in which the meaning of the abortion debate is constituted over and above its significance for determining the level of women's access to abortion. I discuss the ways in which the abortion question is harnessed to competing conceptions of the Polish nation, as well as the ways in which such nationalist projects tell a particular story about the Polish nation's past and projected ideal futures. I then consider the implications of such in terms of pro-family politics and gendered citizenship. The second part of the chapter deals with the significance of abortion for democracy. Here I examine the claims made for and against the competence of the Sejm to determine abortion policy as well as analysing the competing democratic models advanced through such discussions.

Chapter 5 moves on to discuss the media reportage around abortion which occurred at approximately the same time as the deliberations in the Sejm. After introducing the newspapers examined, *Trybuna* and *Gość Niedzielny*, the first section analyses the meaning of abortion in relation to the articulation of competing projects around the Polish nation's past, present and future. Here the analysis includes discussion of Holocaust, socialism, occupation, as well as an exploration of the competing nationalist futures offered via abortion debate, variously, the Christian nation versus the European nation. This section concludes with a discussion of the implication of

such nationalist projects for gender ideologies and for women's citizenship and abortion rights. The second part of the media chapter turns to the significance of abortion for democracy. Here I explore the meaning of abortion for party politics and the significance of abortion for democratic institutions, with particular regard paid to the significance of mass protest.

The final analytical chapter focuses on opinion poll bulletins produced by the Public Opinion Research Centre (hereafter, CBOS⁵) and dating from 1996, the year in which abortion was liberalised by the Polish Parliament. In common with the previous two chapters it is divided into two parts, the first discussing national identity and the second framing the abortion issue in terms of its significance for Polish politics and Polish democracy more generally. The first section reflects a slightly different focus to the previous two chapters. Whereas they analyse the visions of the past and future Polish nation offered through the discourses circulating in relation to abortion, this section examines the ways in which the practice of opinion polling (as presented in the opinion poll bulletins) creates and sustains national identity by categorising 'Poles'. In this section I further analyse the ways in which the opinion polls represent their role to speak or stand in for the Polish people. The second section takes up the question of abortion and democracy, considering the various democratic models constructed in the poll bulletins and drawing attention to the invisibility of gender as a significant term of analysis throughout. The chapter concludes with an analysis of the significance of abortion for party politics.

⁵ In Polish: Centrum Badania Opinii Społecznej. CBOS is a publicly funded independent research centre.

The concluding chapter meanwhile offers a discussion of the ways in which my location as researcher has impacted on the research. I summarise and synthesise the analysis of Chapters 4, 5 and 6, offering a discussion of how Sejm debate, media reportage and opinion poll bulletins around abortion relate to one another. I further put this discussion back into the context of the existing literature examined in Chapter 2. I explain how my original research questions have been addressed and offer directions for future research.

Chapter 2: LITERATURE REVIEW

Introduction

After briefly describing the shape of postcommunist transformation, this chapter introduces the three substantive and framing literatures which have shaped and informed the project and offers a rationale for the application of each of these literatures to the Polish abortion debate. In the first section on gender and postcommunism I evaluate the state of research on women across postcommunist Europe, with specific reference to research on gender and women's position in Poland. In my second literature I turn to the more theoretical aspect, examining research around gender, nation and citizenship, with special attention paid to the preliminary attempts to apply such literatures to East Central Europe. Finally, I evaluate feminist research into abortion debates in the West and in Poland, in the former focusing particularly on the concepts of choice and foetal personhood. In the last section of the chapter I present the research questions which have guided the analysis.

Defining postcommunism

Before I review research on gender and postcommunism, it seems appropriate to reflect briefly on how postcommunism might best be defined. Commentators agree that the phenomenon is best characterised as a rejection of the communist power system, rather than the 'clear-cut adoption of an alternative system' (Holmes, 1997, p.13; see also Bryant & Mokrzycki, 1994; Sakwa, 1999). By this token, the postcommunist 'revolutions' can be best understood as the 'exhaustion' of the state

socialist system (Bryant & Mokrzycki, 1995, p.2), whose remnants were expected to wither away once the 'economic and political impediments to the natural expression and articulation of individual interests' (Bryant & Mokrzycki, 1995, p.7) were removed.

However, this has not proven to be the case: the legacy of the state socialist past has remained pervasive (Holmes, 1994), having both symbolic and real and material effects on the transformative process. As Bryant and Mokrzycki put it:

democratisation has to combine the transmutation of the party-state into the liberal state and the transmutation of the people into a civil society. With respect to the state, the difficulty includes a legacy of both popular distrust of its and popular dependence on it. With respect to civil society the difficulty includes a legacy of at best civil society *against* the state and at worst scant experience of civil society at all. (Bryant & Mokrzycki, 1995, p.9)

The construction of fully functioning free market liberal democracies has thus proved more difficult than at first assumed, given the near absence of a culture of compromise, a general cynicism and/or mistrust of political institutions, political instability, and a perceived lack of legitimacy of political elites (Holmes, 1994).

Holmes (1994) and Sakwa (1999) usefully point out is that the postcommunist 'revolutions' were both democratic and *nationalist* in character. That is to say, the assertion of independence across East Central Europe and beyond since 1989 has also reflected an 'attempt to regain national autonomy and to restore the state's place as a fully-fledged actor in the international system' (Sakwa, 1999, p.28). Thus, postcommunist transformation has involved both the construction of new

'democratic' market-led systems of power *and* the construction of new national identities at the national and international level.

Sakwa argues that the feature common to all postcommunist countries is that:

they are post-crisis countries, societies that have rapidly changed from one condition to another... In these states old orders have dissolved and the new ones are in flux where the basic contours of civilizational identity are contested and where there are conflicts over the fundamental issues of how power is to be legitimated, structured and applied. (Sakwa, 1999, p.4)

Polish abortion debate is a key site of contestation that Sakwa describes as constitutive of postcommunism. Examining Polish postcommunist transformation from the perspective of abortion debate allows us to see what competing 'civilizational identities' (including re/configured national identities) are put forth in service of the pro-choice and pro-life positions, as well as enabling us to see how such claims are legitimated as 'democratic'. This is crucial, since in the Polish context at least, reproductive politics has become central to the process of democratisation, linked to debates around the appropriate role of the Church as a political institution, Poland's affiliation to the European project, appropriate social policy, healthcare, the national budget, as well as the purpose and meaning of 'public opinion' in democracy.

Gender and postcommunism

A full review of the literature on gender and postcommunism would have to cover a vast geographical area: of necessity then, this review touches on only a portion.

Although this project is primarily a case study of Polish gender politics, I also dip into analyses of gender and postcommunism in East Central Europe where relevant.

The gender-focused research on East Central Europe which appeared soon after the 1989 'revolutions' was concerned with assessing what the position of women had actually been under state socialism and with reaching preliminary conclusions about the likely impact of 'transition' on women's lives. With the advent of democratisation, such predictions have been compared with actual developments, the greatest amount of research thus far being carried out on the ways in which 'transition' has gender differentiated impacts. At the same time, and despite the seemingly wholesale implementation of democracy 'with a male face,' commentators have drawn attention to, and given possible reasons for, the rejection of the gender equality project and of feminism across East Central Europe.

Further so-called 'second generation' research on gender and postcommunism has reflected slightly different priorities, either connecting the East Central European experience with Latin American experiences of transformation, or else taking up the consequences of the gendered impact of transformation for women's everyday lives. At the same time, such research has begun to shift from an empirical framework concerned with the material to one concerned with the ways in which transformation is being effected discursively. Through such a shift has come the insight that not only is postcommunist transformation gendered in impact, it is in fact through debate around gender relations that change is being effected.

The position of women under state socialism

Analyses of the position of women in postcommunist East Central Europe appeared soon after the 1989 'revolutions' occurred⁶. Western feminist analysis was initially concerned with discovering the 'truth' about the position of women under state socialism as well as describing and documenting the contemporary position of women across East Central Europe in the context of a dearth of reliable research on the subject (Corrin, 1992; Einhorn, 1993a; Funk & Mueller, 1993; Rai, Pilkington & Phizacklea, 1992, Rueschemeyer, 1994). Many authors commented that women had been forced to perform simultaneous roles as worker, mother and participant in state-sanctioned political activity, suffering a double or triple 'burden'. However this was accompanied by the acknowledgement that women had adopted a 'superwomen' role and had developed the capacity to cope with such a situation (see for example, Einhorn, 1991; Einhorn, 1993a). Whilst the 'rhetoric' of state socialism had promised emancipation for women, however problematically, the actual position of women under socialism was exposed to reveal women's differential access to resources and unequal status (Einhorn, 1991).

The gendered impact of 'transition': the economic and political dimension

These 'first generation' writings on women and gender in Central Eastern Europe were also preoccupied with assessing the impact of 'transition' on women's roles and position in postcommunist Europe, making comparisons between women's position 'before' and 'after' the collapse of the communist régimes, and thus examining women's 'losses' and 'gains' in the transformative process (see Paksys &

⁶ I use the term 'revolution' advisedly, since many commentators (including Timothy Garton Ash, who coined the term 'refolution') have noted that the 1989 movements were in fact anti-revolutionary in spirit, and reformist rather than revolutionary in principle.

Mazurczak, 1994; Pine, 1994 in relation to Polish peasant women; Millard, 1995 in relation to Poland between 1989-1994). For example, in what has become a familiar refrain, Malinowska, 1995 has argued that whilst the period 1945-1989 was marked by an 'illusion of egalitarianism' for women in Poland, the dissolution of the communist régime has resulted in the institution of overt discrimination against women in both the economic and the political sphere.

Studies focusing on the economic dimension of 'transition' have considered the consequences for women resulting from the advent of a market economy (Ciechocinska, 1993; Fong & Paull, 1993; Fuszara, 1994; Gregory, Ingham & Ingham, 1998; Leven, 1994; Reszke, 1995; Wróblewska, 2002). For example, in their consideration of women's economic status in the restructuring of Eastern Europe, Fong and Paull's representative study concluded that women are over-represented among the unemployed in relation to their workforce participation and that women are likely to remain unemployed for longer periods than men (1993, p.223).

Examining the effects of 'transition' or transformation on women's participation in the political sphere, (Western) commentators have been surprised to note that women across formerly communist Europe have not mobilised in response to the potential and actual restriction of those rights previously enjoyed under state socialism (Einhorn, 1991, p. 34). At the same time, it has been observed that the institution of democracy has simultaneously borne witness to a drop in women's participation in politics across Central Eastern Europe (Einhorn, 1993b, p.55; Wolchik, 1993). Siemieńska has argued that the decrease in political participation by Polish women is

not necessarily negative, however. She holds that it reflected a 'stabilisation' or 'normalisation' following the artificially high level of women representatives resulting from imposed quotas: those women now elected into power are 'real' politicians (Siemieńska, 1994, p.87). However, whether a 'normal' participation rate for women in politics across East Central Europe exists remains debatable. Meanwhile Graham and Regulska have noted that women are playing a considerable and important role in local democracy: this opens up the possibility that women are mobilising politically in ways that have not previously been measured (1997).

Democracy with a 'male face'

While Tarasiewicz has argued that democracy is not true democracy without women's full participation in political, social and economic life (1991, p.182), this seems elusive: many have commented on the institution of 'democracy with a male face'⁷ across Central and Eastern Europe (Heinen, 1992; Millard, 1995; Watson, 1993). For example, Kligman has commented that

The failure of "socialism with a human face" has ultimately yielded to the partial success of "Democracy with a male face". The shift from paternalist régimes to patriarchally based sociopolitical systems that seemingly privilege the interests of men more than those of women may be the most characteristic shared feature of the "transition". (1996, p.69)

Such an assessment of the gendered implications of 'transition' has been accompanied by a complementary recognition of the shifting position of women in relation to the private/public sphere: a significant number of Polish women have chosen to 'return' to the family. Einhorn cautioned against imposing Western

⁷ The term 'masculine democracies' was first coined by a member of the Belgrade Women's Lobby, Sonja Licht, in 1989 and has been used widely since.

preconceptions, noting that such a move does not *necessarily* result from women's acceptance of a subsidiary position within society⁸ since this has been seen as an 'opportunity, a breathing space for a generation of women prematurely exhausted by the double burden' (1991, p.34). Einhorn has further argued that women in 'Czechoslovakia, Poland, and Hungary see their position in the family as one of strength, from which they question the need for liberation...' (1993b, p.61). Further, in the Polish context, as we shall see, the family has historically been the source of liberation for all Poles regardless of gender because of its importance in maintaining and sustaining national identity, and as a site of resistance to colonisation, occupation and state authoritarianism. The meaning of women's 'return' to the family is thus not logically associated with connotations of subservience and oppression.

Prioritising the family over gender equality?

In a similar vein, Marody has angrily rejected the label 'feminist,' arguing that the lack of a feminist movement in Poland is due to a historic focus and concern for group interest rather than individual interest:

Essential for the feminist movements in the West is the notion of society as composed of autonomous individuals whose rights are defined in terms of *achieved* social roles. In Poland, due to a long-lasting "private" opposition to the state, a different notion has evolved. The society is perceived here as composed of families and family-like informal groups whose rights were illegitimately restricted by the state. In this context, individual interests become subordinate to group goals, among which the well-being of one's family or in-group is of primary importance. (1993, p.861)

⁸ Feminist literature in the West has long seen women's roles in the family as problematic. See Jaggar & Wright (1999) for a summary of critical feminist perspectives on the family.

Here Marody takes issue with the assumption that the relationship between individuals and families is comparable in Poland and the West, signalling the distinctiveness of the Polish context where collective interest is prioritised over individual self-interest. Marody suggests that the concept of individual freedom upon which Western feminism is founded does not find fertile soil in the Polish context. She further argues that as a result, women see themselves as part of a wider struggle than one based around gender.

Tatur also points to the historic identification of all members of society with the Polish nation's struggle for survival as one reason for the lack of development of a political gender identity (1992). In a similar vein, Peggy Watson stresses that Central and Eastern European women do not see their gender identity as political:

Eastern European feminist reluctance, which emerges as a phenomenon of East-West interchange, reflects an unexpected absence, from the Western point of view, of a specifically political dimension to women's social identity as women – even though women themselves may be dissatisfied with some aspects of what is implied by that social identity. (1997, p.22)

She further argues that it is the very enactment of civil society that makes gender identity political, writing that 'within liberal civil society, citizens are excluded *relative to each other* in a way that was impossible under Communism. It is democratization itself that brings a new, essentially divisive, political force to gender relations' (Watson, 1997, p.26).

Reasons for the rejection of feminism/gender equality

The lack of mobilisation of women as a group in response to the gendered impacts of transition has been described as the rejection of feminism across Central and Eastern Europe. Many reasons have been given for such a rejection. This has included the recognition that the communist advancement of gender equality has tarnished the feminist project through a real or imaginary association (Bystdzieński, 2001 p.503; Molyneux, 1994, p.302). As Elżbieta Pakszys observed in 1992, 'the new feminist thought will have to overcome certain problems from the past, namely the common identification of emancipatory ideals with the now unpopular communist ideology' (1992, p.120). Molyneux further argued that feminism had been associated in some nationalist quarters with undesirable western values, presumably including individualism, secularism and consumerism (1994, p.303).

Despite the initial lack of visibility or a popular following, Regulska and others have pointed to the emergence of a Polish women's movement by the early 1990s which articulates women's interests and advocates their inclusion in the democratisation process (1992; Sawa-Czajka, 1996). Bystdzieński has described the flowering of Polish women's organisations, noting that in 2000 there were some 150 registered (2001, p.506). The abortion issue has been central to this mobilisation, providing an initial impetus for the development of a Polish feminist movement. Rukszto has celebrated the visibility and achievements of the Parliamentary Women's Group since it remains 'at the forefront of attempts to articulate a notion of family and family choices as private matters, and not as church-ordained moral obligations' (1997, p.111). Meanwhile, Sawa-Czajka speculated that 'the unintended consequences of the drive for an anti-abortion law will not only be social polarization

but also the strengthening of women elites' (1996, p.109). Bystydzieński positively notes that 'the (feminist) movement... has taken a big step forward, from a simply reactive aggregate during the antiabortion campaign to a force capable of initiating action and change' (2001, p.509).

However, this single issue politics has its limits: 'the single issue focus... made it difficult to mobilize around other issues once the furore around abortion died down' (Bystydzieński, 2001 p.507). Despite this initial setback, a distinctively Polish brand of feminism is beginning to emerge. It is premised on an understanding of 'what feminism could mean in the Polish context as it is understood and firmly grounded in the experiences of Polish women' (Bystydzieński, 2001, pp.509-510; see also Fuszara, 2000). These prognoses for the Polish feminist movement are very positive⁹.

'Second generation' research on women in East Central Europe

The second generation of writings on women in East Central Europe has reflected slightly different foci. Two collections have attempted a comparison of women's experiences of 'transition' in Central and Eastern Europe with those of women in Latin America, either focusing on the economic dimension (Aslanbeigui, 1994) or the political sphere (Jaquette & Wolchik, 1998). Another collection has explored women's grassroots political activity, documenting their experiences and perspectives on social and political change across East Central Europe (Renne, 1997). A fourth has focused on gender and identity in Central and Eastern Europe

⁹ Certainly my experience of attending a Women's Studies Conference hosted by the Women's Studies Centre at the University of Łódź in September 2002 confirmed that Polish feminism was alive and kicking, in academic circles at least.

(Corrin, 1999a) and a fifth has analysed contemporary developments and re-assessed gender under socialist régimes (Bridger, 1999). The most recent collection by Gal and Kligman reflects a continuing focus on the impact of 'transition' for women in East Central Europe, featuring empirical research on reproductive policy, gender in 'everyday life' and women's participation and representation in political life (2000a). These collections have been less concerned with factually documenting women's position across East-Central Europe 'before' and 'after' 1989, and more interested in doing comparative analysis or else exploring how 'transition' has materially and subjectively affected women's everyday lives through specific case studies.

Reflecting this new focus on the subjective experience of transition, Rukszto has recognised that much has been written about the impact of social, political and economic 'transition' on women in Poland since 1989 (1997). However, she notes that: 'while being empirically rich, many scholarly accounts of "what happened" or "what is happening" in Poland do not include an analysis of less tangible but equally important new discursive formations, such as changed notions of national and gender identity' (Rukszto, 1997, p.103). It is such a gap that the companion volume and comparative-historical essay, *The politics of gender under socialism* by Gal & Kligman seeks to address (2000b). It offers a theoretical and historically located approach to the role of gender in postcommunist transformation and has advanced the research field considerably.

By exploring the discursive constitution of gendered transformation in postsocialist Europe and beyond, Gal and Kligman reverse the usual rationale of exploring the impact of 'transition' on gender. They consider instead how 'gender relations and

ideas about gender' are 'shaping political and economic change in the region' since, as they state, 'not only do state policies constrain gender relations, but ideas about the differences between men and women shape the ways in which states are imagined, constituted, and legitimated' (2000b p.4). They further suggest that an examination of reproductive politics in the postsocialist context can deepen our understanding of how 'discourses about women, family, and reproduction were and continue to be crucial in the legitimation of politics' both in postsocialist Europe and in the West (Gal & Kligman, 2000b, p.9).

Arguing that 'the discursive and practical effects of debates about reproduction provide one of the keys to understanding how politics is being reshaped in East Central Europe' (Gal & Kligman, 2000b p.16), their discussion 'analyzes how the public debates about reproduction make politics,' when 'the rules of the political project are being re-thought and reorganized, bringing into question the legitimacy of political action and the identities of political actors' (2000b p.17, p.21). They further suggest that 'it is... as a grounding for constituting authority, that reproductive policy and ideology are crucial features of such political processes' (2000b, p.17, p.21).

The literature on gender and postcommunism has raised a number of key issues, in particular asking whether gender is a difference that makes a difference in the postcommunist context. In other words, feminists from both 'East' and 'West' have asked whether women's interests and the gender equality project have become mainstream political issues in postcommunist East-Central Europe, further debating the impact of the apparent lack of a political gender identity for the future of feminism in the region. Taking up this line of enquiry, this project assesses the

degree to which Polish feminist activism and campaigning has impacted on abortion debate and thus on mainstream political discourse¹⁰. For example the thesis investigates how far pro-choice¹¹ arguments permeate media and parliamentary debates about the liberalisation of abortion, as well as evaluating whether or how women's interests are flagged up in debates over abortion access.

This project also builds upon the theoretical framework developed by Gal and Kligman. Thus it centres gender as a category around and through which transformation is being effected, moving beyond early analyses which simply stated that transition had a gendered impact. Focusing on the Polish abortion debate, the project simultaneously recognises the central role of reproductive issues in the legitimisation of political authority in the postcommunist context. Analysing abortion debate in the media, Sejm and opinion polls, the project provides an empirical case study of the ways in which mechanisms, instruments and individuals effect such a legitimisation of political authority. In keeping with Rukszto and Gal and Kligman, my use of discourse analysis methodologies attends to the discursive construction of postsocialism, which until this point at least has been sadly lacking from the literature.

¹⁰ Of course the abortion debate has also impacted on the Polish feminist movement. See for example, Bystydieński (2001).

¹¹ The labels 'pro-life' and 'pro-choice' are the preferred terms used by Polish commentators to describe those lobbies participating in Polish abortion debate. I use 'pro-choice' to describe that position which prioritises women's reproductive rights in opposition to arguments advanced in favour of foetal rights, broadly labelled as 'pro-life'. At the same time I acknowledge that a feminist position on abortion is not necessarily associated with a position which prioritises women's right to choose.

Gender, citizenship and nation

Research on the constitution of the nation as an imagined community has burgeoned since Anderson's ground-breaking work (1983). The identification of the gender-blindness of this early work by Anthias and Yuval-Davis, and their development of a feminist theoretical framework for the ways in which gender is implicated in nation-building projects has opened up the research field considerably. This has included the insight that abortion and reproductive politics play a significant role in the nationalist project through association with the 'biological reproduction of the nation'. Various trajectories of research have developed in the wake of Anthias and Yuval-Davis, including feminist analysis of the relationship between nationalism and citizenship.

Following on from these theoretical insights, a small but growing field is developing on gender, citizenship and nation in East Central Europe. Gender differentials have been identified in the contemporary context, whereby men enjoy full citizenship rights as political and economic actors while women are consigned to the private sphere as symbolic guardians of the nation's tradition and authenticity. At the same time, women figure in nationalist debates across East Central Europe as ethno-national symbols: women are declared responsible for the biological and socio-cultural reproduction of the nation, which both invests them with the 'sacred duty' of motherhood and precludes them from taking up full citizenship rights. Finally, postcommunist gender relations and women's citizenship are described in the light of the legacy of the state socialist experience, with the purging of the communist gender equality project equated with the re-enfranchisement of the postcommunist Polish nation.

The making of nations

Nations are neither natural nor pre-ordained, but are, according to Anderson's original formulation, 'imagined political communities'. As McClintock puts it, 'rather than expressing the flowering into time of the organic essence of a timeless people, nations are contested systems of cultural representation that limit and legitimize peoples' access to the resources of the nation-state' (1993, p.61). The nation is called into creation through reference to 'banal' reminders or 'flaggings' of nationality through such instruments as national newspapers (Billig, 1995). However, the make-up and meaning of the nation remains contested.

Gender and the making of nations

A common critique of Anderson (1983) and other theorists on nationalism and ethnicity (Gellner, 1983; Hobsbawm, 1990) is that they have failed to pay attention to the ways in which gender is integral to the shaping of nations and nationalisms (see for example Al-Ali, 2000; Blom, 2000; Pierson, 2000; Wenk, 2000). Floya Anthias and Nira Yuval-Davis's groundbreaking contribution *Woman-Nation-State* (1989) originally opened the debate on the theoretical relationship between gender and nationalism, tackling 'the ways in which nationalism and the nation-state are gendered as well as the various ways in which women participate in or challenge nationalist processes' (Al-Ali, 2000, p.631). They offered a theoretical framework of five major ways in which women are involved in ethnic and national processes: as biological reproducers of members of ethnic collectivities; as reproducers of the boundaries of ethnic/national groups; as participating centrally in the ideological reproduction of the collectivity and as transmitters of its culture; as signifiers of ethnic/national differences; and finally, as participants in national, economic,

political and military struggles (Anthias & Yuval-Davis, 1989, p.7; see also Yuval-Davis, 1997).

Abortion and the biological reproduction of the nation

Legal debates over access to abortion can be read at many of these levels. Abortion is obviously intimately related to the biological reproduction of the nation, where women become the 'producers of "national stocks"' (Yuval-Davis, 1998, p.31). Reproductive politics also surface as a site where national boundaries are contested and constructed. As Pettman notes:

In the process of developing a new nationalist consciousness, tradition is reinvented and women are constructed as the bearers of the authentic/ated culture. ...In this politics, women's bodies, relations and roles become the battleground for different idealized versions of the past and constructions of nationalist projects for the future. (1996a, p.193)

This battleground further implicates Anthias and Yuval-Davis' fourth point. If women reproduce the boundaries of the ethnic collectivity or nation, the discursive process by which this occurs is the signification of women as the embodiment of difference. Further, reproductive politics addresses women as reproducers of the culture in which they are embedded, since it addresses women-as-women, or rather, women-as-mothers, responsible for the inculcation of as-yet-unborn children into the national culture.

Beyond Anthias and Yuval-Davis?

The literature on gender and nation has followed various trajectories including a focus on the relationship between feminism and nationalism (Cockburn, 2000; Kandiyoti, 1991; McClintock, 1993; Rowbotham, 1992; Thapar-Björkert & Ryan, 2002); nationalism and masculinity (Bracewell, 2000; Huysseunne, 2000; Mosse, 1985; Nagel, 1998); the gendering of the nation's past (female) and future (male) (Cusack, 2000; McClintock, 1993); family and the making of nations (McClintock, 1993; Mosse, 1985; Pettman, 1996b; Sluga, 2000); women as boundary markers of the nation (Pettman, 1996a); and militarism and gender (Sunindyo, 1998). A further trajectory of research has included a renewed interest in investigating the relationships between gender, citizenship and nationalism.

Nationalism and citizenship

Yuval-Davis and Werbner observe that despite a seemingly 'antithetical' relationship, citizenship and nationalism both operate to exclude women as subjects and both operate in a similar social field (1999). Many have noted that 'the moment of "universal" emancipation was also the moment of female subordination and exclusion' where 'women lost their civil economic and political role in the emergent public sphere and were relegated to the private sphere' (Kaplan, 1997; Yuval-Davis & Werbner, 1999, p.6). Lister (1997) and Pateman (1988), amongst others, have in fact argued that this was no coincidence but a precondition operating in Enlightenment thought: the binaries male/female; public/private; culture/nature; rational/emotional guaranteed and legitimated the superiority of men over women, and precluded women's full involvement as citizens. Women's relationship to the

state was not direct but relational, exercised through men, through husbands or fathers. Citizenship was thus coded as male and fraternal (Einhorn, 1993b; Lister, 1997; Pateman, 1988).

Gender, citizenship and nation: East Central Europe

In response to 'the increased prominence of nationalist and religious thinking in political life across postcommunist Europe' which Molyneux describes as the 'expressed desire to heal the "wounds of communism" by asserting the need to retrieve an authentic national culture and to purge the remnants of the alien Soviet and/or communist influence' (1994, p.307), a small but growing research field is developing on gender, citizenship and nation across Central and Eastern Europe.

Nation and postcommunism: the gendered legacy of state socialism

Verdery contends that the constitution of nationhood can implicate gender in three ways (1994). In relation to postcommunist East-Central Europe she argues first, that 'Citizenship and political rights... can be understood as applying differentially to women and men,' second, that 'ethno-national symbols may be thought of in gendered terms' and third that 'socialist paternalism implicated gender by seeking to eradicate male-female differences to an unprecedented degree, casting onto the state certain tasks associated with household gender roles' (1994, pp.228-229). I will use this typology as a guide through the literature on gender, nation and (post)communism.

Citizenship and nationalism across East Central Europe: gender differentials

Verdery's first point is that 'citizenship and political rights...can be understood as applying differentially to women and men' (1994, p.228). Polish postcommunist transformation, with its attendant processes of democratisation, marketisation, and the development of civil society, has had gender-differentiated impacts, with significant losses as well as gains for women. Together with children and the elderly, women have been one of the most vulnerable groups in the transformative process, affected by the withdrawal of social welfare rights such as unemployment benefit and child-care services (Bydstydzienski, 1999). Einhorn notes that what she calls the 'civil society gap' or 'trap' mitigates against women's full political participation since 'the welfare gap which arises through state withdrawal' is filled by women (2000, p.111-112). This limits women's agency as citizens, makes women responsible for reproduction, and further reduces women's capability to participate in politics (*ibid.*).

The post-1989 period has also been marked by the institution of overt discrimination against women in both the economic and the political sphere. Women have been hardest-hit by economic restructuring, less attractive to employers and hence over-represented amongst the unemployed as a result. In common with East Central Europe more broadly, democracy in Poland has been 'democracy with a male face,' marked by a decrease in female political representation, as well as a decrease in women's substantive participation in political debate.

There are a number of factors which might account for these developments. The postcommunist period in Poland has been marked by a rejection of the gender

equality project as part of the wholesale attempt to purge the legacy of the state socialist past. This prevalent neo-conservative agenda, created in no small measure by the influence of the Roman Catholic Church, is sustained through reference to women's historic roles in service of the nation. Polish women have been encouraged to take up traditional roles as mothers and wives, in part to compensate for the withdrawal of services formerly performed by the state. As Rukszto points out, a new model of citizenship is being constructed in Poland, predicated on a private/public split where women are retrenched within the 'private' (1997). Although citizenship is constructed as universal, in fact the 'universal' citizen 'implies a particular sex and a preferred class position' (Rukszto, 1997, p. 105).

Such a context, where the public sphere is being re-masculinised, and the private sphere is being re-feminised, has mitigated against Polish women being able to exercise full citizenship rights. As Bystydzienski puts it,

In the transition to democracy, the focus is on civil rights and freedoms, but the 'rights and freedoms' do not seem to extend to women; women's options appear to be more and more restricted and their roles increasingly confined to the family. (1999, pp.103-4)

In Poland, and indeed across postcommunist East Central Europe, national unity is prioritised over women's place and concerns (Graham & Regulaska, 1997; Tsagarousianou, 1995 p.283). Rukszto notes that in Poland 'the traditional family – a working father and a devoted housebound wife and mother – forms the cornerstone of Catholic plans for patriotic nation building' (1997, p.108). In this model, women are subsumed within the private domestic sphere, denied access in their own right to the public sphere, and thus unable to access equal citizenship rights with men. In

common with Einhorn (2000), Mizielieńska (2001) and Tsagarousianou (1995),

Rukszto states that the:

reconceptualisation of womanhood lies at the heart of current nation-building efforts in Poland, which include the restoration of “the Polish family” as ethnically pure and patriarchal” (Hockenos, 1993, p.251). In the project of nation-building, women are returned to their destined places and activities. In Rousseau’s version of the “good society,” women remained private persons, and came close to the arena of citizenship through their relationship with the ‘real’ citizens, their husbands. It seems that the current Polish government, in conjunction with the Catholic Church, is attempting to recreate Rousseau’s dream of patriarchal home as mini-society’. (1997, p.109)

Thus whilst individualism pervades men’s roles as citizen-workers in the public sphere, collectivism pervades the areas of motherhood and reproduction (Alsop & Hockey, 2001). Making women responsible for reproduction not only reduces women’s capability to participate in politics (Einhorn, 2000) but also constructs women as state property and nationalised in the so-called collective interest (Tsagarousianou, 1995). The restriction of abortion in particular precludes the full exercise of women’s citizenship rights (Corrin, 1999b).

Echoing the observations of Kaplan, Lister and Pateman, Rukszto’s observations on Polish society resonate with Cusack’s description of the Janus-face of nations:

The nation’s identity is generally sought in particular historical claims and traditions that focus on women’s role in relation to home and family. Women’s and men’s relations to the modern nation thus have different trajectories: while women are taken to represent the nation’s traditional face, men appropriate the future. (2000, p.545)

Thus the assignation of a symbolic role to women as guardians of tradition and authenticity logically precludes women’s full involvement in the actual and material

exercise of citizenship, whilst men's symbolic representation as the modern face of the nation guarantees full citizenship rights in the public sphere.

Women's bodies and nationalism in East Central Europe

Verdery's second point is that 'ethno-national symbols may be thought of in gendered terms' (1994, p.228). Although she refers to rape as an example, I would like to broaden this definition to include women's bodies in terms of reproduction. The kinds of ethno-nationalist movements currently defining nationalist projects across Central and Eastern Europe use women's bodies as the site whereby multiple power struggles are fought, and where 'nationalist self-assertion' is articulated.

Molyneux in fact links the two when she states:

In East Central Europe women's bodies have become the site of multiple power struggles associated with versions of nationalist self-assertion – one example is the barbarity of rape in Bosnia... another is the introduction of swingeing penalties for practitioners of abortion in Poland as the Catholic Church claims its place as the definitive source of authentic 'Polishness'. (1994, p.310)

In the postcommunist European context, women's so-called responsibility for the nation's survival entails blaming women for low birth-rates and the 'death of the nation' (Gal & Kligman, 2000b, p.27; Kligman, 1996, p.82; Molyneux, 1994, p.309). Moreover, women become invested with the sacred duty not simply of bearing children for the nation but also of raising children in a manner which ensures the future of the nation, where children are reared 'in the spirit of national linguistic and cultural identity and ethical virtues' (Einhorn, 1993b p.62).

Such roles which confine women to a primarily child-bearing and child-raising role also claim to offer women a 'special and 'privileged' place in society since:

A common feature of such discourses, and one to which many women respond, is the claim that (their definition of) nationalism is the vehicle through which women can find themselves and their 'special qualities' properly valued. This usually means investing the domestic sphere with symbolic value and idealising women's place within it as mothers. (Molyneux, 1994, p.307)

Such an analysis of the importance of motherhood for the nation's future resonates with the legacy of the Polish nation's experiences of partition for gender relations.

The legacy of the Polish nation's past for women's contemporary roles: a double-edged sword?

Along similar lines to Reading (1992) and Siemieńska (1986), Oleksy notes that Polish women's traditional roles in the family in the nineteenth century were 'sanctified' as a result of the Polish experience of partition:

The missions of the Polish woman (as an icon she has usually been referred to as "Matka Polka" – Polish Mother) was service to the country; she was a preserver of national identity, a propagator of Polishness. Home and motherhood, in every culture a domestic and private sphere, in Poland, especially during the partitioning of Poland, carried public connotations... home was an incubator of patriotism. Hence a very high position for the Polish woman who, with men gone to battle (Polish uprisings, World War I) or banished from Poland, presided over the hearth. (1995, p.4)

Frances Pine similarly describes the symbolic relationship between Poland and the Virgin Mary (she is described as Królowa Polski or Queen of Poland) under Nazism and socialism:

Similar trends of symbolic identification of women with home and nation and men with public agency recurred during the Nazi occupation, and again under socialism, projected by an imagery in which women were the core of national identity and the mother who, like Mary, provided and nurtured its inner spiritual strength. (1994, p.20)

Bystdydzieński notes the importance of the Catholic Church in promoting such models of Polish womanhood in the contemporary context. She writes: 'the Catholic church has supported traditional roles for women and has taught them to accept their fate and to be martyrs for their nation and their family' (Bystdydzieński, 2001 p.502). Meanwhile, the figure of the Polish mother or 'Matka Polka' as sustainer of national identity in past crises continues to resonate even in the postcommunist context (Alsop & Hockey, 2001; Mizielińska, 2001). Thus women's contemporary (and presumably primary) role as mother is thus logically assumed to emblematised a continuation of the nation's tradition and a preservation of the nation's identity and authenticity. From this perspective, women stand to gain substantial status and power from the family and home (Molyneux, 1994).

As Einhorn argues, however, stressing Polish women's traditional roles in the family is a double-edged sword since this has allowed the 'total subordination of the woman to the collective interest, that is to the well-being of the family and the destiny of the nation' (1993b, p.61). Such a subordination of women's interests to the national interest is nothing new. Bystdydzieński notes that the unification of Polish people against a common enemy over two centuries resulted in a strong 'us against them attitude' under which circumstances 'inequalities or differences among the people were played down, and a focus on gender inequality was viewed as divisive and unpatriotic' (2001, p.502).

Such a gendered history resonates with the contemporary Polish context that Mizielińska describes where those who do not fit with 'the concept of the Polish Mother that dominates nationalistic discourse nowadays' are 'therefore excluded and

punished for not being feminine' (2001, p.285). This results in alternative discourses around women's identities and roles, such as feminism and lesbianism, becoming constituted as a threat or internal enemy 'which is threatening the national unity and even the existence of the nation as such' (Tsagarousianou 1995, p.286).

Gender relations, state socialism and postcommunism

Lastly let me come to Verdery's third point, that 'socialist paternalism implicated gender by seeking to eradicate male-female differences to an unprecedented degree, casting onto the state certain tasks associated with household gender roles' (1994, pp.228-229). Gal & Kligman similarly note:

...it seems broadly true that while communism over the years produced for women a surplus of newly configured tasks and images – mothers, worker, helpmate, manager – it usurped "head of household" as a masculine image and produced very few alternative pictures of masculinity. What it did offer... was not linked to men's roles in families and households. (2000b, p.54)

Despite the fact that women's roles as mothers, biologically at least, were also privileged under state socialism at various points, the issue that Verdery and Gal & Kligman are making here is that postsocialist gender relations must be understood at least in part as a response to the posed threat of state socialist gender rhetoric. According to such an assessment of state socialist gender relations, women were subject-citizens who enjoyed a privileged relationship to the state. In the postcommunist context, as Peggy Watson notes: 'The 'regaining of a traditionally prescribed gender identity is an important aspect of the nostalgia for "normality" which has so often been expressed as what people most hope for from change in Eastern Europe' (1993, p.473). The eradication of the state socialist project of gender equality (however inadequately realised) is described as a return to 'normal':

casting off the superwoman role of worker-mother-citizen and reverting back to a traditionally prescribed gender identity is thus identified as one method at least by which to purge and move beyond the communist/Soviet influence.

On the other side of the coin, the concomitant role of the Polish nation under state socialism, as Hauser and Mizielieńska point out, was to languish in a feminised and impotent form (Hauser, 1995; Mizielieńska, 2001). Whilst women were privileged by the communist régime as subjects of emancipation, Poland, God's chosen nation, suffered like Christ (Hauser, 1995; Mizielieńska, 2001). Thus the fact that women were privileged under state socialism logically becomes advanced as a reason for the Polish nation's impotence under state socialism. Furthermore, as Hauser points out, 'denied a public sphere, the Polish nation retreated to domesticity' and 'by implication it is from this feminine form that Poland must be liberated or resurrected into a full masculine public life' (1995 p.90). In this sense then, the gender emancipation rhetoric of state socialism is equated with an 'un-manning' and emasculation of the Polish nation, and the method by which to re-enfranchise the Polish nation in the postcommunist context is to re-introduce separate spheres where public = male and private = female.

Several insights follow from the East Central European literature on gender, citizenship and nation. First, gender is crucially and integrally implicated in nation-building, and reproductive politics assume a particularly important role in the construction and contestation of competing nationalist projects across East Central Europe. Such nation-building exercises involve the creation of a mythic past and idealised future which is marked in part by gender relations. The contemporary

nationalist nostalgia for tradition, identity and authenticity produces a particular conception of gender and women's citizenship whereby women become symbolic markers as guardians of the nation in their capacity as biological reproducers. Thus postcommunist transformation is being effected in part through the eradication of the gender equality project in a way that impacts on women's claims to equal citizenship rights.

Reproductive politics East and West: Choice, foetal personhood and Polish abortion debate

This review is divided into two parts. The first identifies conceptual tools derived from feminist analyses of reproductive politics in the West and summarises key trajectories that such research has pursued. Rather than documenting the research field in detail, I take up two key concepts that recur throughout the literature: choice and foetal personhood. The second part of the review focuses on that literature which is specifically concerned with Polish abortion debate.

Western feminist analysis: reproductive politics, choice and foetal personhood

Western feminist analysis around reproductive politics in general and abortion in particular has arisen from a variety of contexts (particularly the UK and USA) and in relation to a number of issues. Feminist analysis around abortion in the UK and USA has followed slightly different trajectories, reflecting the fact that abortion debates in each country have looked rather different: the US debate has revolved

around issues of constitutionalism, whilst the UK debate has revolved around defending a relatively progressive 1967 law.

In relation to the UK, feminist analyses of abortion debates have included feminist histories of abortion legislation (Fyfe, 1991; Simms, 1994); and investigation of the arguments deployed by pro-choice and pro-life lobbies (Berer, 1988), including critique of the concept of 'choice' as a position through which to prosecute or defend women's legal access to abortion (Himmelweit, 1980, 1988; Smyth, 2002). In relation to the Alton Bill, one set of literature has analysed parliamentary and media debates around abortion (Franklin *et al.*, 1991; Randles, 1991; Steinberg, 1991) whilst Randall has critiqued and identified ways forward for the pro-choice movement (1992). In relation to abortion and research on the new reproductive technologies, Franklin has also interrogated the gendered consequences of the medico-scientific construction of foetal personhood (1991).

In the USA, meanwhile, feminist analysis of reproductive politics has similarly identified the antagonism between woman and foetus constructed in abortion debate (Chavkin, 1992) but with more attention drawn to the correlation between racism, birth control and reproductive rights (Davis, 1990). A critique and identification of ways forward for the pro-choice movement in the US has been identified by Fried (1990), whilst analysis of the constitutional aspect of abortion debate in the USA has been taken up by Scheppele (1996) and Woliver (1996).

Choice

The concept of 'choice' has been repeatedly used to legitimate women's legal access to abortion. Fried notes the particular context out of which such a concept emerged in the US in the 1980s:

The pro-choice movement attempted to sanitize its own demands. Insisting on abortion rights as a necessary condition of all women's sexual freedom continues to be seen as too threatening, too risky, too selfish. Instead, the movement turned to the more innocuous language of 'choice' and 'personal freedom'. (1990, p.6)

As Fried notes, a strand of feminist theorising around abortion is based on the perception that attacks on abortion are attacks on women's privacy, that is, women's right to 'choose' whether or when to become mothers. However, this 'private choice' position has received much criticism (see Smyth, 2002 for a summary of these critiques), including a perceived lack of regard for the political and cultural context in which abortion debate occurs, as well as a narrow interpretation of what is at stake in abortion debate (Davis, 1981, Himmelweit, 1988; Petchesky, 1986). For example, the racist and eugenic projects underwriting the birth control movement are ignored (Davis, 1990; Gordon, 1976).

Moreover, there has been a questioning of what 'choice' might mean to different women, in different contexts. For example, in relation to the legality of abortion in Russia, Stetson stated:

Choice of abortion has meaning only if there is adequate contraception and information available to women. Similarly, privacy does little to advance the options of poor women who have neither the means to raise children nor the funds to pay for abortions. (1996, p.213)

So Stetson points out that abortion can only be a choice if other options, including contraception and information, are simultaneously available. Fried, meanwhile, argues that deploying the concept of 'choice' appeals to those who already have the ability to exercise choices, excluding low-income women, women of colour and young women (1990). Susan Himmelweit has further argued that choice itself can be an 'illusion' since it is only through a particular social and cultural context that a particular 'choice' can be made. As she puts it, 'it is circumstances rather than the woman who has "chosen"' (1988, p.42).

Despite these critiques, 'choice' has been, and continues to be, a rallying cry for those supporting and legitimating legal access to abortion in both the UK and the US. Such a claim is based around individual self-interest and sits easily in the Western context of individualism and rights-based claims to opportunity and equality.

Foetal personhood

The concept of foetal personhood situates abortion within the context of women's lack of reproductive freedom as well as privileging women's differential embodiment. In particular, feminist scholars have noted that techniques for visualising the foetus:

Give a great autonomy or independence to the object they represent. The image acquires a life of its own, distinct from anything else. It is quite clear that echograms of the fetus confer upon it an identity, a visual shape, a visible and intelligible existence that the fetus would not usually have. (Braidotti, 1994, p.68)

Such visualisation techniques have had a significant impact on abortion debates. Starting from the premise expressed by Barbara Duden, that 'the human foetus, as conceptualised today, is not a creature of God or a natural fact, but an engineered construct of modern society' (1993, p.4), attention has been drawn to the fact that foetal personhood centres and privileges the foetus in the maternal-foetal relationship. This leads to a 'natural antagonism' between the interests of the woman and the interests of the foetus, where the 'rights' of one must take precedence over the other (Chavkin, 1992).

The growing currency of the concept of foetal viability, meaning the ability of the foetus to survive independently of the mother as a separate individual (Franklin, 1991, p.198), has come to structure abortion debate in the West in significant ways (Fried, 1990, p.7). The consequences of conceptualising the foetus-as-citizen is the disappearance of women from abortion and reproductive debates. But Franklin notes that the impact of foetal citizenship is greater than this. As she puts it: 'such a concept threatens the bodily integrity, the individual autonomy and the right to bodily sovereignty of women. Foetal citizenship contradicts the citizenship of women; indeed it contradicts their individuality' (Franklin, 1991, p.201).

The concept of 'foetal personhood' pervades feminist literature on reproductive politics: such a concept reflects a certain analysis of what is at stake in abortion debate. Foetal personhood confers a degree of rights to the foetus through which women as subjects of abortion law are displaced. Through the imagining of the foetus as a person, women's citizenship and claims to bodily integrity become subsidiary to the rights and citizenship claims of the foetus. In terms of US/UK

abortion debates then, foetal personhood is claimed by pro-life lobbies that argue that the foetus has a claim and a right to life which supersedes women's desire for bodily integrity or privacy.

Polish abortion debate

Struggles over abortion legislation emerged as one of the key issues defining Polish women's position and roles in the postcommunist context, with the majority of articles published in English between 1990 and 1993 on gender and women in Poland focusing on this issue. A further limited number of articles were published in response to the successful passage of the restrictive abortion law in 1993. Since 1995, English language research on Polish reproductive politics has largely fallen silent, with the exception of Zielińska's article on the 'discourse of reproductive rights in Poland' (2000), Girard & Nowicka's article on abortion rights advocacy (2002) and a further two articles by Wanda Nowicka¹² (1997a; 1997b) in the 1997 collection *Ana's Land: Sisterhood in Eastern Europe* (Renne, 1997). As a result, there is very little analysis of the 1996 liberalisation of abortion.

An explicit focus on the political dimension of abortion debate is evident in much of the research on abortion debate (see for example Kulczycki, 1995; Millard, 1995; Plakwicz & Zielińska, 1994; Titkow, 1994; Zielińska, 2000). A couple of further articles have attempted to place abortion debate in Poland in a comparative framework. Hoff (1994) has attempted a comparative analysis of the terms and

¹² Wanda Nowicka is Executive Director of the Polish Federation for Women and Family Planning, the pro-choice umbrella organisation.

progression of abortion debate in Poland, Ireland and the USA for example, whilst Hadley (1994) has compared abortion debate in the USA and Poland.

In a global context, Poland is party to the major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It was signatory to the *Programme of Action* of the International UN Conference on Population and Development (Cairo, 1994), in which it agreed:

to deal with the health impact of unsafe abortion as a major health concern, to reduce recourse to abortion through expanded and improved family planning services, and to provide ready access to reliable information and compassionate counselling to women with unwanted pregnancies. (Girard & Nowicka, 2002, p.27)

Two bodies, the UN Committee on Economic, Social and Cultural Rights and the UN Human Rights Committee have expressed their concerns about abortion law and practice in Poland in recent years (Girard & Nowicka, 2002, p.28). The Polish Tribunal on Abortion Rights, held in July 2001, established that in terms of reproductive health and reproductive rights (defined in part by the *Platform for Action* of the Fourth UN World Conference on Women, Beijing, 1995 as well as the WHO) 'Polish law and practice were in contravention of international human rights standards' (*ibid.*). However, such larger global debates about reproductive health have not thus far substantially influenced the shape of domestic abortion debate in Poland: it is precisely for this reason that the 2001 Polish Tribunal on Abortion Rights was convened.

In common with the literature's focus on the political dimension of abortion debate, in this review I am going to take up a number of the political aspects to Polish abortion debate which have surfaced repeatedly.

Abortion and contraception: the state socialist legacy

Abortion debate has been analysed with regard to the history of family planning and contraceptive use under state socialism in Poland and in the pre-communist period (Fuszara, 1993; Jankowska, 1991, 1993; Kulczycki, 1995; Plakwicz & Zielińska, 1994). These nuanced accounts allow an engagement with the fact that the state socialist régime did not always support abortion. Despite the fact that contraception was mostly unavailable and generally unreliable¹³, the state either promoted family planning or a pro-natalist policy, according to its perceived needs. In the 1970s pro-natalist concerns led it to ally with the Church.

Abortion and politico-economic change

The question of abortion debate in Poland has also been related to economic and political changes more broadly (Millard, 1995; Pakszys & Mazurczak, 1994; Titkow, 1993; Zielińska, 2000). Zielińska states persuasively:

The abortion debate [in Poland] is... central to the process of democratization itself – to what models of democracy and the state will be institutionalized, to the ways in which the legal system and rule of law will function, and to the degree of direct citizens' participation in government'. (2000, p.52)

¹³ Hence the use of abortion as an 'alternative' to contraception. Pakszys and Mazurczak write that the unavailability and unreliability of contraception resulted in approximately 20% of pregnancies resulting in termination (1994, p.147).

Titkow meanwhile sees the introduction of abortion restriction initiatives onto the legislative agenda as proceeding naturally from various lobbies' attempts to ensure a 'minimization of women's participation in political life' (1993, p.255). Such an analysis resonates strongly with the description of postcommunist democracy being marked by the masculinisation of public life, as well as the nationalist project which, as we have seen, defines Polish women primarily as mothers.

Pakszys & Mazurczak also draw attention to the overtly political nature of the abortion issue:

It is quite characteristic that the abortion issue always comes to the fore at times of political tensions. Thus it may be regarded as a kind of "substitutional topic" distracting from the difficult economic and political questions of today's Poland'. (1994, p.147)

Such a description of the meaning of abortion debate over and above its implications for women's reproductive choices resonates with Gal and Kligman's analysis of debates around reproduction in East Central Europe revolving around the legitimization of political authority (2000a; 2000b).

Abortion and the 'masculinisation' of the public sphere

The restriction of abortion has been related to the perceived masculinisation of the public sphere attendant upon 'transition' (Heinen, 1992). In her description of the 'two worlds' of male Senate debate and women's protest in September 1990, Regulska makes clear that the restriction of abortion bill being debated in the Senate does not reflect women's positions or interests:

It was a disturbing scene – a Senate room filled predominantly with men arguing what is right and what is wrong for women,

when they should and when they should not have a child, and finally, how they should be penalized in case of misbehavior. In the section reserved for the public ten to fifteen men were agitating in favor of the new legislation, but not one woman was present. At the same time, outside the Parliament there was a drastically different scene – several hundred people demonstrated with speeches, slogans and chanting. Here, however, predominantly women and children were the participants. Few men were present...

The two worlds were far apart that day. In the name of change and establishment of a new democratic process, the traditional, religious, and male-dominated Poland was winning. (1992, p.188)

Such an analysis of abortion debate describes an abortion debate divided according to gender, with men supporting (or enacting) the restriction of abortion, and women opposing it. Whilst appealing in some respects, I am unconvinced that abortion activism and opinion is gender-differentiated in the clear-cut way that Regulaska describes.

The question of abortion and the role of the Roman Catholic Church

Many accounts of abortion debate have stressed the importance of the Roman Catholic Church in determining abortion policy and in influencing women's positions within society (Heinen, 1992; Kulczycki, 1995; Millard, 1995; Plakwicz & Zielińska, 1994; Titkow, 1994; Zielińska, 2000). Jankowska (1991, p.178), Nowicka (1994, p.151) and Pakszys & Mazurczak (1994, p.147) have related the Catholic lobby's attempts to restrict abortion to other issues on which the Church was actively and successfully campaigning, including sex education and the introduction of a 'pro-life' code of medical ethics¹⁴. Plakwicz & Zielińska have further noted the

¹⁴ Paradoxically, as Plakwicz & Zielińska point out, the introduction of this medical code created a situation in which a doctor could be penalised by the Code for carrying out an abortion which was perfectly legal (Plakwicz & Zielińska 1994, p.202).

various tactics employed by the Church in abortion debate, such as Church prayers, the participation of priests as 'experts' in public and parliamentary discussions as well as criticism of pro-choice Deputies from the pulpit (1994, p.207). Of course one of the reasons that the Roman Catholic Church wields such influence in Poland is of course because Pope John Paul is Polish (Jankowska, 1991, p.178).

Abortion and public opinion

Several accounts of abortion debate have stressed the importance of public opinion or public opinion polling, arguing that the imposition of the restriction of abortion does not reflect the wishes of the majority of society (Bystydzieński, 1999; Fuszara, 1991b; Jankowska, 1991; Kulczycki, 1995; Millard, 1995; Nowicka, 1994; Titkow, 1994; Zielińska, 2000). Pakszys and Mazurczak have analysed the imposition of restrictive abortion law as 'anti-democratic' and an imposition of Catholic ethics on all of society, depriving women of the right to decide their own fate (1994, p.147). This resonates with Plakwicz & Zielińska's observation that the public consultation on the abortion issue called by the Extraordinary Parliamentary Commission in 1991 was hijacked by the Catholic lobby. Contrary to public opinion polls showing dissent for an anti-abortion law, the consultation exercise returned an 89% rate of support for the draft bill (Plakwicz & Zielińska, 1994, p.207).

The gendered consequences of the 1993 law

Research on abortion in Poland published after the passage of the 1993 restrictive abortion law has focused on the gendered consequences of the law (Millard, 1995;

Nowicka, 1994). Millard for example noted that ‘abortions were continuing illegally and/or through “abortion tourism” to Kaliningrad¹⁵ or other parts of the former Soviet Union’ (1995, p.71). Girard and Nowicka’s article on the Polish Tribunal on Abortion Rights, whilst proof of a re-invigorated pro-choice movement in Poland, provides chilling case studies of the inability of women even to gain abortions which are legal under the restrictive law (2002).

Abortion discourses: semantic manipulation and rhetorical techniques

A limited number of research papers have considered the discursive strategies, rhetorical devices and languages utilised in abortion debate (Fuszara, 1993; Heinen & Matuchniak-Krasuska, 1995). Heinen & Matuchniak-Krasuska’s article uses material from interviews with pro-life and pro-choice ‘experts’ to perform a ‘linguistic and semiotic analysis of the discourse over the political, social, and medical aspects of abortion’ (1995, p.27). Their findings are that the representatives of the Church in particular use several techniques of ‘semantic manipulation including the **elimination** of neutral terms and their **replacement** by “convenient” synonyms, the **exclusion** of some words, and the **redefinition** of others’ (Heinen & Matuchniak-Krasuska, 1995, p.28, original emphasis retained).

Fuszara similarly explores some of the rhetorical techniques used by the pro-choice and pro-life lobby in the context of Senate debate on the draft bill in August 1990 (1993, pp.244-246). She identifies the pro-life use of temporal and historic signifiers and political rhetoric, noting that both pro-life *and* pro-choice elements expressed themselves in opposition to abortion (1993, p.247).

¹⁵ Kaliningrad is the only part of Russia which borders Poland.

Fuszara and Millard have also commented on the absence of 'the absolute right to choose' in Polish pro-choice rhetoric (Fuszara, 1993; Millard, 1995). Fuszara notes that:

In contrast to the West, arguments for the absolute individual right to control over one's body [sic] were infrequent and mostly used in street debates, not in Parliament. This is not surprising in a culture in which the idea of individual rights was systematically censured by official collectivist ideologies. (1993, p.246)

Millard meanwhile further observed that the abortion issue was 'often [...] presented as though it had nothing at all to do with women' (1995, p.72)¹⁶.

Several other commentators have described the pro-life equation of abortion with holocaust (Einhorn, 1993a, p.94; Einhorn 1993b, p.64; Heinen, 1992¹⁷; Kulczycki, 1995, p.486; whilst Plakwicz and Zielińska note the deployment of the argument that abortion restriction equals 'decommunisation' and 'de-Stalinisation' (1994, p.207)¹⁸. They further observe the pro-life use of human rights rhetoric to support the 'absolute right of the unborn to life,' which puts pro-choice advocates 'in the position of being immoral people- "killers of the innocent" (1994, p.207).

¹⁶ Kulczycki adds that the Chairwoman of the Women's Parliamentary Lobby had told him in 1992 'that defining abortion as a matter of women's rights seemed vulgar and selfish in Poland, where women generally did not assert their legally granted equal rights and where the individual's rights to privacy was not developed in the legal discourse. The proposed restrictions were best fought on pragmatic grounds since abortion was widely seen as a socioeconomic [sic] problem, not least because both the state and society remained poor. The country could neither afford the burden of caring for the many injured women that she thought would result from illegal abortions, nor support the thousands of extra children who would be born' (1995, p.486).

¹⁷ Heinen states for example: 'Pope John Paul II, during his visit to Poland in June 1991 compared the "vast graveyard of unborn children" with the destruction of the Jews during the Second World War and drew a parallel between the guards of Nazi concentration camps and supporters of the right to abortion "who say that we must kill". Shortly afterwards, the Pope wrote to all Catholic bishops asking them to mobilise against "states which pass laws authorising the massacre of innocents". These declarations are in perfect harmony with those of the Catholic hierarchy of his native Poland' (1992, p.129).

¹⁸ Plakwicz and Zielińska note however that 'the history of abortion policy in communist countries proves that a complete ban on abortion was, in fact, characteristic of the Stalinist era' (1994, p.207).

Several themes emerge from the Polish abortion debate literature. The state socialist legacy is invoked in abortion debate by both pro-choice and the pro-life lobby, relating abortion debate to economic and political change more broadly, and taking reproductive politics as central to the process of democratisation itself. Abortion debate has been described as emblematic of the masculinisation of the public sphere, whilst many commentators have identified the key and critical role played by the Catholic Church in abortion debate. Others have investigated the discursive aspect to abortion debate, identifying what is described as being at stake in abortion debate over and above women's access to abortion and identifying rhetorical devices employed by both the pro-life and pro-choice lobby.

What is lacking from the literature however is a simultaneous and comprehensive focus on the relationship between abortion, gender roles and democratisation through an investigation of the different mechanisms of democracy. Despite a few key contributions, comparatively little research focuses on the discursive aspects of abortion debate. At the same time, hardly any literature analyses the 1996 liberalisation of abortion, reflecting the lack of research into Polish abortion debate since 1995.

Research Questions

My first over-arching research question proceeds from the understanding advanced by Gal and Kligman amongst others, that debates about reproduction, or in this case, debates about the degree of access to abortion, are not simply 'about' reproduction or abortion, but are crucially concerned with the legitimation of political authority. The thesis poses the question: in what ways does Polish abortion debate 'make politics'?

To this end, and by examining the discourses circulating in relation to abortion, the thesis investigates how abortion is used to legitimate competing political factions, analysing abortion debate as a key symbolic site where anxieties around Polish national identity and democratisation surface. I am thus interested in discovering how abortion comes to be constructed as emblematic of postcommunist transformation.

A further set of questions connected with the making of politics through abortion debate is related to the mechanisms and instruments of democracy. The thesis is concerned to investigate the role claimed by specific institutions in abortion debate as agents of democracy and democratisation through a focus on three different sites at which debate is produced: Sejm, media and opinion polls. So how do the Sejm, the media and opinion poll bulletins represent and legitimate their role in abortion debate? What models of good government and good citizenship do each of these sites advance, and how does each site represent the national identity that they claim to represent? Further, how does each site relate to the other: for example, how do opinion polls represent the role of Parliament in abortion debate?

My second over-arching research question relates to the gendered dimension of abortion debate. Proceeding from the insight that postcommunist transformation is being effected through gender, the thesis is motivated by the desire to investigate how gender projects figure in competing abortion discourses. So for example, how are the nationalist projects affiliated to pro-choice and pro-life lobbies organised around gender? What ideal roles are assigned to women via debates around reproduction, and how is gender implicated in reassessments of the Polish past,

including World War Two and the state socialist era? How do such visions of the gendered past translate into gendered projects for the future, and how does this reflect on women's ability to exercise citizenship rights?

A further set of questions connected to the gendered dimension of abortion debate asks to what extent the 1996 liberalisation represents a successful recuperation of the gender equality project, and the mainstreaming of feminist concerns. Is abortion discourse marked by the attempt (successful or otherwise) to recuperate the gender equality project from the taint of state socialism? Are women's interests articulated by the pro-liberalisation camp as the foundation of extending access to abortion, and if so, in what terms are they articulated? Does choice figure as a tactic by which to legitimate extended abortion access, or does the concept of foetal personhood mitigate against such a claim?

Each analytical chapter also addresses research questions that are specific to that site.

Conclusion

This chapter has achieved a number of aims. It has reviewed literature relevant to gender and postcommunism, gender, citizenship and nation, and reproductive debates in the West and in Poland. It has presented the research questions which have been generated from these literatures, outlining the general approach taken in the analysis. The following chapter goes on to present the methodology of the thesis, focusing on the research design and the conceptual framework employed, as well as

the methodological issues inherent in a feminist project which involves transcultural research.

Chapter 3: METHODOLOGY

Introduction

In this chapter I describe my research design and the research process, as well as presenting a discussion of feminist methodology in relation to standpoint theory, and a discussion of the ethics of transcultural research as it pertains to this project. The first section describes how I came to the research through my pilot study, explains the rationale behind choosing to focus on the 1996 liberalisation of abortion debate, and introduces my original research sources. I attempt to reflexively chart the progress and methodology of the analysis with reference to each type of source, describing the problems and accommodations made along the way.

The second section describes the research process, relating my various initiatives to improve my Polish language ability as well as offering an insight into the experience of doing feminist fieldwork in Poland. I also describe the modifications I made to my original research design. The third section focuses on the final research design. I describe the 'moment' chosen from the point of view of each research strand, variously, parliamentary debate, media reportage and opinion polls, concluding with a brief description of the methods of analysis employed.

Throughout the thesis I employ a discourse analysis methodology. By this, I mean to define discourse analysis as examining 'how institutions, practice and even the individual human subject itself can be understood as produced through the workings of a set of discourses' (Potter and Wetherell, 1994, p.47). Grounded by a discourse analysis approach which is particularly concerned with the rhetorical dimension of

texts, my project considers the competing truth-claims (or 'versions') made by participants in abortion debate, taking 'the focus away from questions of how a version relates to some putative reality and asks instead how this version is designed successfully to compete with an alternative' (Potter and Wetherell, 1994, p.48). What is crucial here is that rather than attempting to discover the 'reality' of Polish abortion debate, the focus of my analysis is rather on discovering the meanings attached to, and created through, debate around abortion. Such an approach has also allowed me to examine how such meanings constitute particular institutions (for example, newspapers, opinion polls, the Sejm), social actors and constituencies (for example, individual Deputies, the pro-choice and pro-life lobby).

The next part of the chapter focuses on broader debates around what is constituted by feminist methodology and the epistemological issues and ethics arising from doing a transcultural research project. I discuss feminist epistemology with an explicit focus on feminist standpoint epistemology and postmodernist feminist epistemological positions, describing the ramifications of such literatures for my project. I explore the consequences of such methodologies for transcultural research in light of the insight that knowledge production is both political and determined by the location of the researcher. I briefly introduce non-Western critiques of the universalising tendencies of Western feminist theory, moving on to consider some of the issues and problems in doing translation. This includes an explicit focus on the consequences for the research of my being a 'non-native' translator. Finally, I introduce the concept developed and extended by Bogusia Temple (1997) of an 'intellectual

autobiography,' as a strategy to counter and offset some of the problems I have raised.

Research Design, Process and Analysis

Initial Research Design

The pilot study

I came to this PhD project having already pursued research on the topic of abortion debate in Poland. My MA dissertation, completed in 1996, which I see as a kind of a pilot study, had examined whether the representations and realities of Polish women's lives under state socialism and post-communism were markedly different, and how these representations and realities had changed in the context of transition to a free-market democracy. In other words, what interested me was whether and in what ways the material lives as well as the repertoire of gender representations available to Polish women had changed since 1989.

My findings indicated that political and economic liberalisation had initiated competing re-definitions of women's roles, which appeared to be closely related to the post-communist re-division of Polish society into public (civil) and private (domestic) spheres. My analysis of women's (insecure) position in employment and the rhetoric of anti-abortion/pro-life debate seemed to indicate that the resurrection of civil society was being accompanied by its re-masculinisation, whilst women were being encouraged 'back' into the home as an 'inevitable' consequence of the rejection of the legacy of state socialist rhetoric and policy. The rejection of equal

rights gender rhetoric thus seemed to provide an explanation for the lack of the development of a broad-based grassroots Polish women's movement.

Meanwhile, the exact relationship between the reconstruction process and women's citizenship remained unclear, although it was apparent that women's citizenship had assumed mainstream political significance through the abortion debate. I was astonished and shocked by the claims being made and languages utilised by anti-abortion campaigners, which seemed to equate liberal abortion law with the Polish experience of the holocaust and two world wars, posing a direct threat to the Polish nation. Urging women back to the home in the postcommunist period thus seemed to resonate with women's historic duty to the nation as self-sacrificing wives and mothers under imperialism and partition throughout the nineteenth and twentieth centuries. However, at this stage, and without any reading knowledge of Polish or detailed first-hand knowledge of the Polish abortion debate, it was impossible to ascertain *why* abortion debate had assumed centre stage in such a way since 1989.

My original research question as pursued in my MA dissertation thus shifted from a focus on substantive changes in Polish women's material lives to considering what was seen to be at stake in abortion debate with respect to the re-definition of the Polish nation/state through discussions around reproductive politics. In other words, what interested me at the outset of my PhD research was not just the ways that reproductive politics constituted women's citizenship and broader social status, but also the ways in which postcommunist transformation and transition was being effected *through* abortion debate.

The 'moment'

At the time of writing my MA dissertation, the 1993 restrictive abortion law was in place, having been successfully defended from several attempts at liberalisation. However, in the Autumn of 1996, abortion was liberalised and then it was restricted once more in 1997, following further discussion in the Polish Sejm and Senate and the Constitutional Tribunal. When it came to developing a coherent research design for the thesis it was apparent that abortion debate did not occur at one only point, around the restriction of abortion in 1993. However, and as I have noted in the previous chapter, the majority of the secondary literature does not take account of this in any detail.

In fact abortion debate has been public and ongoing from 1989 until the present day, with particularly concentrated exchanges occurring around the 1993 restrictions; around the passage of the 1996 liberalisation of abortion bill; around the May 1997 Constitutional Tribunal Ruling on the liberalised abortion law; and around the December 1997 Sejm acceptance of the Tribunal ruling, which resulted in the re-institution of the 1993 law. Today the question of abortion liberalisation continues to rumble in the background, although as yet liberalisation has not been proposed or initiated.

The 1996 liberalisation of abortion 'moment'

In this context I was then left with a selection of significant moments in abortion debate from which to choose, as listed above. My initial thinking was that it would be possible to maintain a dual focus on two moments in abortion debate. However

the wealth of material meant that this quickly proved an unfeasible prospect: given my inter-disciplinary approach to the topic, using material from multiple sites, I decided early on to focus on one particular 'moment'. I selected the 1996 liberalisation of abortion, itself as a series of related 'moments,' as the point around which to focus my data collection and analysis.

The passage of the 1996 liberalisation amendment through the Polish legislature has usually been overlooked in analysis of Polish abortion debate, and there may be a number of reasons for this. As I indicated in the previous chapter, with very few exceptions (Bystdzieński, 2001; Girard & Nowicka, 2002; Nowicka, 1997a and 1997b; Zielińska, 2000;), the literature on Polish abortion debate (in English at least) has fallen silent since 1995. At the same time, the analysis that has been carried out on the 1996 abortion law has been rather limited. Bystydieński is representative when she describes the 1996 law thus:

by 1993 the antiabortion interest groups... were successful in the passage of the new law... The abortion law has been a political football since then. In 1995 [sic], it was revoked at the time that the Democratic Left Alliance (neo-communists) was in power and a neo-communist president, Aleksander Kwaśniewski, was elected. However, in 1997, when a conservative coalition came to power once again, the antiabortion law was reinstated. (2001, p.506)

Here the successful passage of abortion liberalisation is described as a hostage to political power and representative of an unstable political climate. Other research emphasises that the liberalisation of access to abortion was immediately undermined by the patchy application of its measures after opposition from the medical establishment (Zielińska, 2000, p.45). It has been argued that whilst abortion liberalisation was effected in law, in reality its provisions were never enforced as the

Polish legislature had intended. At the same time, because the liberalisation legislation was almost immediately overturned by the Constitutional Court, liberalised access to abortion was only available for a matter of months, and thus its overall significance for women's access to abortion remains relatively limited (Girard & Nowicka, 2002, p.23). It is claimed that the contents of the liberalisation bill did not reflect campaigns articulated around women's choice, but merely added another option to the list of restrictive conditions enshrined in the 1993 law, and that it was less liberal than its 1956 counterpart (Zielińska, 2000, p.33).

Despite the reservations that have been offered in the secondary literature, I would contend that the moment around the passage of abortion liberalisation in 1996 does merit serious consideration and sustained analysis. First, the liberalisation amendment represents a measure of success since it did widen access to abortion, however temporarily, and however problematically. The fact that more liberal access to abortion has existed since the first introduction of restrictive 1993 abortion law makes the possibility of future liberal abortion legislation more possible and a real prospect. In other words, the passage of liberalisation legislation in 1996 subverted (and continues to subvert) the dominant and pervasive view of abortion law as inevitably and naturally restrictive in the postcommunist period. The secondary literature may focus on the 1993 restrictive abortion bill since it is representative of *current* legislation on abortion, and it may be because the liberalisation of abortion was so short-lived that the 1996 law has not received critical attention in any detail. However, legislation and debate is both process *and* product, and the brief history of abortion debate I have recounted in the Introduction is testimony to the fact that abortion debate has repeatedly bounced back and forth between attempts to initiate

restrictive or liberal versions of abortion law. Therefore the 1993 law currently in force cannot be treated as a *definitive* account and binding resolution of abortion debate.

Second, I became even more intrigued by the 1996 liberalisation amendment when I was 'warned off' it by a respected and senior Polish feminist on the grounds that it 'had all been done before' in the 1993 debates around the restriction of abortion. Her point was that the 1996 debates were a mere re-hashing of debate which had already occurred (and which she had already analysed)¹⁹. However, this is somewhat missing the point, since the reason that the 1996 liberalisation of abortion remains so interesting is precisely because it responds in detail to that previous debate and the legislation dating from 1993. In this sense, abortion debate throughout 1996 interrogates not only state socialist policy and practice on abortion (as did abortion debate in 1993), but also previous postcommunist democratic debate and policy on the issue as embodied in the 1993 'anti-abortion' law. My analysis of the 1996 liberalisation amendment thus not only updates the literature on Polish abortion debate, but also offers the possibility of examining whether or how the discursive terrain of debate shifted when abortion legislation revolved around extending, rather than restricting, access to abortion.

Initial research plans: research sources

Parliamentary debate

I originally began from the assumption that I would be able to perform a detailed critical linguistic and semiotic analysis of several political debates around abortion.

¹⁹ I address this encounter in more detail later in this chapter.

This included a plan to analyse the first, second and third reading of the 1996 liberalisation bill in the Sejm, its reading in the Senate, its consideration in Sejm and Senate committees as well as additional reports and official documents. I quickly found this to be an untenable proposition for a number of reasons. First of all, it was simply too much material to absorb in the context of a project with multiple data strands to accommodate. At the same time it became obvious that the style of Polish and therefore the material itself was difficult to understand and translate and would therefore need considerably more time for analysis than I had previously anticipated.

In this context I limited my initial analysis to the official transcript of the second reading of the liberalisation bill in the Sejm, this being the most important debate for deciding the eventual outcome. However, when I came to start translating and analysing the contents of this debate, over fifty pages of close-typed text, it became obvious that I did not have the time or resources to attempt a complete translation. As a result I strategically translated the *Kronika Sejmowa* or Sejm Chronicle, which I could see accurately and concisely paraphrased the thrust of the main speeches of the second reading. I then used my translations of *Kronika Sejmowa* to 'locate' points of interest in the full transcript of the debate. All quotations and analysis are derived from the official transcript, but they were sourced through strategic use of *Kronika Sejmowa*. Reliance on *Kronika Sejmowa* for a summary of debate and an identification of the main points may have influenced my research. While my comparison of this document with the original transcript indicates that the representation of the arguments is comprehensive and fair, the more marginal positions and speeches, such as those towards the end of debate, tend not to be

represented in *Kronika Sejmowa*. Looking back, however, I am convinced that this strategy was both effective and appropriate.

Media reportage

As with the political strand, I collected far more media reportage around the liberalisation of abortion in 1996 than it was possible to analyse. My media data collection consisted of manual searches of Polish newspapers from late August 1996 until the end of the year. This resulted in photocopies of articles on abortion from *Gazeta Wyborcza*, *Gość Niedzielny*, *Rzeczpospolita*, *Trybuna*, *Tygodnik Powszechny*, *Tygodnik Solidarność*, the English language *Warsaw Voice* as well as articles from the political magazines *Polityka* and *Wprost*.

I was surprised to find that neither the liberal broadsheets (*Gazeta Wyborcza* and *Rzeczpospolita*), the liberal Catholic press (*Tygodnik Powszechny*) nor the right-wing press (*Tygodnik Solidarność*) featured the degree of reportage and analysis around the second reading of abortion that I had originally anticipated. Such an omission is interesting: the 1996 liberalisation amendment was not marked by the media frenzy which accompanied the passage of the 1993 'anti-abortion' law. I would speculate that such an absence of reportage indicates that the mainstream media was already saturated with previous abortion reportage, suggesting that according to newspaper editors at least, the Polish reading public was disinclined to be interested in further political debates around abortion.

As a result, I became less interested in examining media reportage in the 'mainstream' liberal press, since this didn't seem to be the principal media site where abortion debate was being articulated. In contrast *Trybuna*, the daily newspaper which in an earlier incarnation had been an organ of the state and is now reconstituted as the paper of the left-wing and postcommunists (SLD), featured a particularly high number of articles on abortion throughout this period, as did *Gość Niedzielny* (meaning Sunday Visitor), the weekly and local (Katowice) Church-funded newspaper. I decided to make these two my sources of media reportage.

Interviews

I had originally planned to conduct in-depth qualitative interviews with up to ten women who had been involved with abortion campaigns from both the pro-choice and pro-life perspective. My aim here was to explore Polish feminists' politically important engagement in the abortion debate, redressing the conception of Polish women as somehow 'absent' from, or ineffective in, abortion debate. For example, Bystydieński assesses the swift repeal of the abortion law thus: 'The abortion issue aptly illustrates that issues which apply directly to women are resolved without their participation and that the feminist, pro-choice women's groups have not been an effective source of influence in this matter' (2001, p.506). On the other hand, in her capacity as President of the Federation for Women and Family Planning, Nowicka notes that pro-choice women's groups did enjoy influence over the shape of the 1996 liberalisation law (1997).

However, interviews did not prove possible within the scope of the project, given that so much time had to be given over to translation of the other research materials.

Research Process

Data collection and the fieldwork experience

Acquiring language skills

The process of acquiring the Polish language skills required for this research began before I started my PhD, when I lived for two years in Kraków in southern Poland. During this time I learnt Polish from scratch, working as a teacher of English to adults and teenagers and enjoying direct exposure to Polish culture as well as making many Polish friends. This allowed me to develop a good reading knowledge of Polish and an intimate understanding of popular attitudes to women's roles in society.

During my registration period I have taken as many opportunities as possible to enhance my Polish language skills. In the UK I have taken language lessons locally from a contact made via the Polish club in Coventry, I have taken regular lessons at the Brasshouse Centre in Birmingham as well as taking specialised one-to-one tuition in Polish translation skills from the Polish linguist and Polish studies expert at the Centre for Russian and East European Studies at the University of Birmingham. I have also been able to take further advanced language tuition in Poland, through a Polish government scholarship to undertake a month-long intensive Polish course at the Jagiellonian University in Kraków in July 2000.

The fieldwork experience

I had originally planned one nine-month trip to Poland to conduct fieldwork but once I decided not to pursue the interviews and given the time that would be needed for translation, three month-long trips to collect parliamentary transcripts and media reportage as well as to contact a few key individuals were substituted. In practice I was able to collect a substantial amount of media reportage on abortion from the Women's Centre Archive in Kraków during my Polish language course and the remainder was available from the Colindale Library (Newspaper library of the British Library). Thus in the end only two periods of field-work were needed, one in mid-October 2000 for four weeks, and the other in June 2001 for three weeks.

On the first trip I made contact with Dr Teresa Sasińska-Klas, the Director of the Institute of Journalism and Communication at the Jagiellonian University in Kraków. She pointed me in the direction of collecting opinion polls on abortion, stressing that this was an essential component of any case study on abortion. As a result I modified my research design to incorporate opinion polls on abortion as the third data strand and commuted from Kraków to Warsaw to collect opinion poll bulletins on abortion from CBOS²⁰.

During this visit I also visited the Parliamentary Library in Warsaw, primarily to collect transcripts of parliamentary debate on abortion in the Sejm and Senate. I also collected reports on abortion assembled by the Office of Researchers and Experts (BSE), which is attached to the Polish Parliament, Chronicles of Sejm debate (*Kronika Sejmowa*), legal chronologies of various legal abortion debates, as well as

²⁰ CBOS (Centrum Badania Opinii Społecznej) or Public Opinion Research Centre, is a publicly funded independent research centre.

reports of conference proceedings hosted by pro-life organisations. Once again, the gatekeepers, in this case, librarians and researchers at the Polish Parliamentary Library, proved extremely helpful and friendly despite the constant armed guards patrolling the building! Their assistance enabled me to locate relevant data through their databases and photocopy anything of interest.

By the time of my second fieldwork trip to Poland I had already collected much of my research data, variously, parliamentary transcripts, opinion poll bulletins and media reportage. The main purpose of this second overseas fieldwork trip was to conduct interviews with 'experts' who were broadly representative of each of these strands of data in order to explore with them my initial analysis. I hoped to interview an expert from CBOS, an MP who had been involved with the drafting of the liberalisation of abortion bill, an expert on the Polish media, and a well-known Polish feminist researcher. Unfortunately I was only able to arrange two interviews, as I explain below.

My first, successful, interview was with Michał Wenzel, a researcher at CBOS, who obligingly and helpfully answered all my questions on CBOS procedure and the significance of public opinion polls for abortion politics. I then tried to interview Deputy Jerzy Jaskiernia, in his capacity as representative on the committee drafting the liberalisation bill. Despite making repeated contact with him following an initial introduction through Dr Teresa Sasińska-Klas, he failed to return my calls. I was also unable to set up an interview with the academic media expert I had selected because, although he proved willing, his prior commitments intervened.

My second and rather disastrous interview was with an eminent and respected Polish feminist, academic and writer on Polish gender politics who shall remain nameless. I had hoped to be able to access another MP through this interview, as well as to obtain feedback on my project more broadly. However, this encounter did not go well: my project was subjected to biting criticism and I was dismissed within ten minutes without ever really being able to engage her interest in my thesis or obtain practical help with conducting my fieldwork²¹.

My fieldwork experience was thus mixed. On the one hand I was able to negotiate access to materials and resources through gatekeepers from whom I had expected substantial resistance given my status as a non-Polish and a feminist researcher. On the other hand, interviews were difficult to pursue and I encountered significant hostility and a personally damaging encounter with a Polish feminist who (perhaps naively) I had expected to be 'on my side,' as a fellow feminist working in the same research field.

Modifications to research design: the inclusion of opinion poll bulletins as the third data strand

As I have noted above, following the shelving of interviews with women activists in the abortion debate in Poland, I was able to add opinion poll bulletins as my third research data strand. I visited CBOS in Warsaw and collected a total of 23 opinion poll bulletins relating to abortion over the years 1989-2000. The ones that matched my 'moment' included *Ideological questions: privatisation, unemployment, abortion, Concordat* (January 1996a), *Thematic content of a Referendum* (January 1996b),

²¹ This encounter is tackled in more detail later in this Chapter. See page 87.

Attitude towards regulation permitting abortion (April 1996); Attitude towards abortion in the light of the liberalisation of regulations concerning it (November 1996a); Amendment of the anti-abortion law and its consequences (November 1996b).

Final research design

Identifying the 'moment' under analysis: parliamentary debate, media and opinion polls compared

As I explained earlier, I have chosen to analyse the 'moment' around the second reading of the abortion liberalisation bill through the Polish Sejm in 1996. However, the 'moment' I have chosen is part of a series of over-lapping moments around the successful passage of abortion liberalisation: the first reading of the bill in the Sejm (1st March 1996); the second reading of the bill in the Sejm; the reading of the bill through the Senate (9th September 1996); the successful passage of the law through the Sejm at its third reading (24th October 1996) and the bill's entry into law by Presidential signature (25th October 1996).

Slightly different time-scales apply to each research strand. I have chosen to focus on only one day of parliamentary debate, the second reading on the 28th of August. Whilst the majority of the media reportage occurs on or around the second reading and the bill's subsequent referral to the Senate (end of August, beginning of September), articles span a rather longer time-scale than political debate. Running from the 3rd of July to the 29th of December 1996, the reportage I analyse reflects media anticipation of political debate as well as reactions and assessments from politicians and Church dignitaries after the successful passage of the law. The

opinion poll bulletins analysed in this thesis span the longest period of time, being dated January, April and November 1996. The April and November bulletins are timed to assess the public's opinion of the first reading of the abortion bill, and to further assess public satisfaction with the liberalisation of abortion²².

Methods of analysis

Parliamentary debate

My research on the second reading is focused around a linguistic and semiotic analysis of substantive arguments, terminology and rhetorical techniques. These include identifying techniques such as temporal signifiers (appeals to Poland's future), historical signifiers (appeals to Poland's past), as well as appeals to scientific research and knowledge. I have also analysed substantive arguments with regard to moral arguments (such as the sanctity of human life), empirical evidence (such as sociological data) and political arguments (for example, the relationship between abortion and democracy). The terminologies being applied by participants in abortion debate are examined, including the elimination of neutral terms (such as foetus) and their replacement by synonyms (e.g. unborn life), the exclusion of some words and phrases (such as women's rights) and the re-definition of other words. At the same time, my analysis has focused on the ways in which the Parliament (and various factions and parties within it) repeatedly make claims as to the legitimacy or illegitimacy of the Sejm to determine abortion law in a particular fashion. I was interested to discover what kind of role was being claimed for the legislature in

²² See table which gives a history of abortion law in relation to political power, legislative initiatives, CBOS opinion polls and any other relevant details (Appendix 1).

determining abortion law, and through what mechanisms and through what evidence such claims were being made.

Media reportage

I started from the premise that in the modern world the media both reports on institutional change and, through its representations, structures and influences public perceptions of political and social change, as well as policies and decision-making processes (Negrine, 1994). My analysis sought to perform a semiotic deconstruction of the substantive arguments being made in support of or in opposition to the adoption of a more liberal abortion law, examining any common themes, assumptions, imagery and language as well as exclusions. At the same time I was also interested in analysing the role that each of the newspapers was claiming in the abortion debate as representatives of 'Polishness' and 'public opinion,' addressing the Polish people at a time of legislative change. Here my analysis revolved around discovering the mechanisms by which both *Trybuna* and *Gość Niedzielny* affirmed their status as primary definers in abortion debate as well as discovering in what ways their expressed role reflected ongoing debates about the relationship between Church and nation-state, identity and nationalism. Finally my analysis also focused on the ways in which the historical dimension (that is, the relationship of abortion to the issue of Poland's socialist past) came to structure and permeate discussion. It should be noted then, that my analysis of the media does not investigate how media representations were read by the Polish public: my analysis identifies and critiques the preferred readings available to me as a researcher.

Opinion polls

My original idea was that examining opinion polls would enable me to 'measure' the degree of influence sustained by the pro-liberalisation lobby in the run up to, and in the aftermath of, the successful passage of abortion liberalisation legislation. I was also originally concerned to use this analysis to help ground the discursive elements of the project, by examining what audiences are being effected and/or affected through abortion debate. The focus of my initial analysis was thus to examine how the bulletins categorised opinion on abortion, how 'typical' pro-life and pro-choice constituencies were identified, the 'factors' deemed responsible for determining abortion opinion (such as age and so on), as well as assessing the degree of 'public' consent to various versions of abortion law.

However, I quickly shifted to a more nuanced approach, engaging with and critiquing the terms of analysis offered by the pollster as well as the languages deployed. Following Lewis' insight that in opinion polls 'it is the questioner who establishes the framework and sets the parameters for each response: most of the ideological work has therefore been done before a single question is put' (1999, pp.202-3), I also made a critical analysis of the ways in which abortion opinion was framed and contextualised in the 'preambles' to the bulletins. In other words I examined what opinion poll bulletins (and the pollster) identified as being at stake in abortion debate. At the same time I was concerned to investigate the ways in which opinion poll bulletins constructed legitimate expertise on abortion, as well as their self-presented role in mediating between politics and the people. What became central to the analysis was the understanding that the practice of opinion polling itself contributes to debate, not simply by representing true/factual 'public opinion' but by

creating such a category as public opinion in the first place and creating such a role for itself as mediator or arbitrator between the political sphere and civil society.

Feminist methodology and the ethics of transcultural research

Feminist methodology

Sandra Harding identified three stages in the development of feminist epistemology, drawing a distinction between feminist empiricism, feminist standpoint epistemology, and postmodern feminist epistemology (1987). The initial impetus for the creation of a specifically feminist methodology stemmed from a critique of traditional science as having excluded women's voices, work and experience, leading not only to the silencing of women, but also to the representation of men's experience as a universal standpoint (Smith, 1987). Feminist analyses of scientific method were from the start concerned with exposing androcentrism not only in the theories and conclusions of scientific enquiry, but within the epistemological foundations of science. In the late 1970s, writers such as Smith propounded that science, by its exclusion of women, had claimed a universal standpoint based on a male epistemological standpoint. One response from feminists was to develop a feminist methodology which sought to 'add women in' to existing social science methodologies and histories. MacKinnon similarly identified a particular male epistemological stance operating in western science and political thought (1982). The project of feminist empiricism took as its premise that this 'sexism and androcentrism are social biases correctable by stricter adherence to the existing methodological norms of scientific enquiry' (Harding, 1986, p. 24).

Whilst I would reject the possibility of greater methodological rigour enabling the eradication of sexism and androcentrism, I do sympathise with the desire to expose such 'biases' in scientific enquiry. This project is founded on the assumption that gender needs to be mainstreamed into accounts of Polish postcommunist transformation, thus paying homage to the desire to 'write women and gender in'. Despite my reservations with certain elements then, my project draws on key elements from the feminist empiricist position.

Feminist standpoint epistemology

Other feminists have drawn attention to the limited nature of the challenge to traditional epistemology posed by the feminist empiricist position. The so-called standpoint position developed from the initial premise that the assumption of a feminist standpoint 'can reveal the existence of forms of human relationships which may not be visible from the position of the "ruling gender"' (Maynard, 1994a, p.19). The advent of what has become known as standpoint epistemology thus brought the claim that women possessed a unique epistemological perspective which gave them access to a different understanding of social realities through their different perspective, *as women*. So, as Stanley and Wise note, feminist standpoint epistemology 'argues for a feminist research not only located in, but proceeding from the grounded analysis of women's material realities' (1990, p.25).

Of course there are substantial variations within feminist standpoint theory. This is evidenced by the heated response to Hekman's 1997 *Signs* article 'Truth and Method: Feminist Standpoint Theory Revisited' by those standpoint theorists such as

Hartsock, Smith and Collins, all of whom in substantially different ways take issue with Hekman's collapsing of feminist standpoint theorists into an undifferentiated category.

Nevertheless Ramazanoglu with Holland have identified what they call five key characteristics of feminist standpoint, including: a focus on relations between knowledge and power; deconstruction of the 'knowing feminist'; a grounding in women's experience, including emotions and embodiment; taking account of the diversity of women's experiences and power relations between women; and finally, the acknowledgement that knowledge from a feminist standpoint is always partial knowledge (2002, pp.65-66).

This project is grounded in feminist standpoint theory in a number of ways. It engages with the relationship between gender, knowledge and power since in common with feminist standpoint theory, it is crucially concerned with what counts as knowledge, who counts as a 'knower' in Polish abortion debate, and how gender is implicated in both these questions. A central preoccupation of the thesis is further to chart the gendered dimension to the mechanisms through which such claims to knowledge are articulated, by examining different sites through which abortion debate occurs. At the same time I deliberately and strategically make my position as researcher visible to the reader, acknowledging the influence that my specific and partial social location has made on the research. Finally, the project takes account of differences between women by seriously and critically reflecting on the power differentials and problematics involved in East-West feminist dialogue.

Postmodern influences on feminist epistemology

The last and most recent epistemological position is that where feminism has engaged with post-structuralism/postmodernism. Postmodernist-influenced feminist analysts have critiqued the very bases of scientific method, embedded in the Enlightenment-derived separation of mind and body, subject and object, reason and emotion, male and female, by which the former is always valued at the expense of the latter. Haraway in particular has attempted to offer an alternative to binary thinking through her notion of the cyborg (1991). Other feminists have tried to develop an alternative feminist epistemology based on, for example, the use of love and emotion in the creation of knowledge (Jaggar, 1989) as well as the creation of alternative imagery to 're-vision knowledge' (Wilshire, 1989). Flax has argued that the modernist project embedded in both the feminist empiricist project and in feminist standpoint theory relies, faultily, on a conception of a 'reality out there' to be studied, as well as a reality 'in which there is a category of beings who are fundamentally like each other by virtue of their sex – that is, it (non-postmodernist feminist epistemologies) assume(s) the otherness men assign to women' (1990, p. 56). Rather than studying 'reality', Foucault-inspired feminist research has been stimulated by the insight that:

validity, rationality and scientific method (as means of establishing the authority of particular forms of knowledge through connecting ideas, experiences and reality) are also taken to be discursively constituted in particular ways of thinking... In Foucault's theory, the 'reality' of sexuality cannot be accessed, but researchers can examine how the 'truths' of, say, 'normal heterosexuality' come to be constituted and with what effects'. (Ramazanoglu with Holland, 2002, pp.87-88)

Within this perspective, any simple or direct connection between 'multiple truths and multiple knowledges,' experience and that which exists outside language, is

abandoned. The result is that the focus shifts onto 'how discourses are constituted, the varying ways in which texts/ evidence can be read, and what effects particular forms of knowledge have' (Ramazonoglu with Holland, 2002, p.88).

Similarly, this project is premised on the understanding that the 'truths' of abortion debate are discursively constituted at the same time that such debates have material outcomes in terms of restricting women's legal access to abortion. What interests me in this project is then firstly what 'truths' about the Polish abortion debate are produced in the texts I analyse (and by implication, the institutions which produced them). At the same time, the project is crucially concerned with the *process* of meaning-making, in other words making visible the mechanisms by which such truths are constituted. My concern is how do parliamentary debate, media reportage and opinion polls discursively constitute Polish abortion debate, and what are the gendered dimensions to such discourses and knowledge claims. This research is not concerned with establishing how such texts are read by the Polish public, although that in itself is an extremely interesting question that merits further study.

The ethics and problems of trans-cultural research: situating the research(er) and doing translation

Situating the researcher, situating the research

As we have seen, feminist understanding of the nature of traditional scientific method has been furthered by the recognition that this has historically worked to exclude women's voices and knowledge. Feminist philosophers such as Susan Bordo have argued that the authority of objectivity is, in effect, an un-located,

disembodied voice, or what she has called the 'view from everywhere'. As Narayan puts it:

no point of view is 'neutral' because no one exists unembedded in the world. Knowledge is seen as gained not by solitary individuals but by socially constituted members of groups that emerge and change through history. (1989, p.7)

Knowledge production is therefore a political project despite the fact that it may parade as non-political, transparent, non-involved and objective. Some feminists have drawn heavily on Foucault's concept of power as knowledge in order to back up claims of this nature.

Much of this emphasis on the situatedness of knowledge production and the location of the feminist researcher can be attributed to the critique of feminism, and feminist theory, as a largely white, middle-class, Western phenomenon. Black feminists as well as 'Third World' women have extensively critiqued the 'whiteness' and universalising tendencies of second-wave feminist analysis, drawing attention to the implicit racism inherent in feminist analyses through their suppression of 'other' non-white/Western voices. The resulting acknowledgement of the intersection of 'race' and gender, amongst other variables, has resulted in the theorising of 'difference' as a concept. This stresses the diversity of women's experiences and epistemological perspectives (Maynard, 1994b).

Such a deconstruction of the notion of the unified subject of 'woman' or 'womanhood,' has put an end to the thesis that the sole aim of the feminist researcher is to conduct research on women, for women, by women. As the creation of knowledge is political, so is it true 'that knowledge plays [an important role] in the

reproduction of social relations of domination' (Narayan, 1989, p.261). Thus feminist researchers must not suppress difference by assuming that women's cross-cultural, cross-ethnic, cross-contextual experiences are universal. Indeed, the contextualisation of the research in terms of the political, class, 'racial', ethnic (etc.) location of the researcher itself determines in part, the validity of the research conducted; reflexively examining one's own location in relation to the research project thus becomes an integral part of the research process.

In the context of this project, I make no claim that as a woman researcher I possess privileged access to certain 'truths' about Polish abortion debate. Neither does the design of my research much accord with the attempt to do research on women. Rather than analysing Polish women's experiences as subjects and actors in abortion debate, I am more interested in discovering to what degree women's interests and feminist perspectives on abortion have been mainstreamed in abortion debate. However, my approach consistently privileges gender as a category of analysis. At the same time, and as the following discussion attests, throughout the project I have attempted to examine my own location in relation to the research in a reflexive fashion. As will be seen, this includes identifying such issues as the problems inherent in translation, as well as the power differentials involved in doing research from a position in which I am simultaneously insider and outsider.

Nonetheless the practice of identifying one's location as a researcher has been criticised for its one-dimensional approach. In her critique, which addresses whether US feminists can do ethical research on Third World women, Patai describes this process of self-identification thus:

Is there no alternative, then, to insuperable distance on the one hand, and mystifying chumminess on the other? Are there no choices other than exploitation or patronage? Difference or identification? Faced with this very real dilemma, feminist researchers in today's culture of self-reflexivity often engage in merely rhetorical maneuvers that are rapidly acquiring the status of incantations. A currently popular strategy is that of "situating" oneself (sic) by prior announcement: "As a white working class heterosexual..." or "As a black feminist activist...". Sometimes these tropes sound like apologies, more often they are deployed as badges. Either way, they give off their own aroma of fraud, for the underlying assumption seems to be that by such identification one has paid one's respects to "difference" – owned up to bias, acknowledged privilege, or taken possession of oppression – and is now home free. (1991, p.149)

Patai's critique is that feminist researchers have employed the strategy of describing their positioning by class, ethnicity and so on, in order to diffuse unequal power relations in research, and so as to be able to claim a reflexive (and feminist) research process. She dismisses such a strategy as 'rhetorical maneuvers' which do not meaningfully interrogate or address questions of difference or power in the research process, arguing that it is simply not possible to do ethical research in an unethical world. However, offering what Bogusia Temple has called an 'intellectual autobiography' alongside and in dialogue with the research may allow the reader to evaluate the influence of the location of the researcher on the research (1997). This at least can mark a starting point for sensitively addressing difference and power in the research process: it is for this reason that I offered what I have called my own intellectual autobiography in the Introduction.

Contextualising Western feminist theory

Difference and power are not simply part of the unfolding and conducting of the research project, they are also intrinsically bound up in the conceptual framework

and theories which guide the development of the project. Narayan argues that Western feminism and feminists have assumed that theory generated from a Western context has universal validity (1989). In such a context I have been wary of transplanting Western feminist-derived concepts directly into the Polish context: part of my research aim is to investigate whether Western feminist analyses around the concepts of choice and foetal personhood 'work' in the Polish context. I thus take account of the critiques offered to the 'universal validity' of Western feminism.

A particular set of literatures has developed in critique of the West and Western feminism's attitude to East Central Europe as its backward 'other'. For example, Olsen describes the problems that US feminists have had in engaging with feminism in Central and Eastern Europe:

American [sic] feminist work in Central and Eastern Europe has in practice many of the problems identified in theory. In practice, United States feminists may constitute Central and Eastern European women as an "Other," validating the progressiveness of the United States. (1997, p.2227)

In her description of how she 'became an expert on East European women overnight,' Bassnett further relates patronising Western attitudes describing East Central Europe as in need of being 'civilised,' noting that Western feminist analysis unwittingly echoed these patronising and neo-colonial attitudes to East Central Europe in its preliminary analysis of the immediate postcommunist period:

The general assumption even among feminists seemed to follow lines ominously close to those of the colonial discoverer, that is, to accept the fact that with the fall of patriarchal Communism, women in Eastern Europe would start to follow Western feminist models. (1992, p.12)

Nash provides us with a striking example of such a lack of understanding of context and unthinking presumption of the universal validity of Western feminist theory. She has argued that Western research on gender in the Czech Republic has bemoaned the lack of a grassroots feminist movement whilst ignoring the substantial political involvement of women in Czech society (2002). This has resulted from an application of Western models of political involvement without regard for the 'difference' of the Czech context, meaning that Western researchers have not been able to 'recognise' women's involvement in Czech politics.

So, how have such debates framed this project? On the one hand, I have been sensitive to any implication that my research is underpinned by a neo-colonial agenda. I cannot recount the number of times that, having been asked about my project, Western (and non-Western) friends, colleagues and acquaintances have written off restrictive abortion law as somehow symptomatic of the 'backwardness' of Poland. Each time I have resisted such a description. At the same time, it has not always been easy to discuss the Polish context (with Poles especially) without such a dimension influencing the way I presented my research. I became particularly aware of my own feelings in this regard when I presented a paper on Polish abortion debate to a Women's Studies conference in Poland. I was extremely apprehensive about the kinds of assumptions being made about my investments in researching Polish abortion debate. Fortunately such fears proved unfounded, my paper was well-received and the experience of presenting in such a forum enriched my project by stimulating me to reflect carefully and critically on my position as a Western feminist 'knower' on Polish abortion debate.

Perhaps it is unsurprising that in this context dialogue between 'Eastern' and 'Western' feminists has not always been easy. In her article, 'Feminism East and West,' Funk, a US feminist, tellingly recounts her hurt, outrage and anger when Slavenka Drakulić (a prominent Croatian journalist and novelist) publicly rubbished her idea to publish an anthology on postcommunist women as 'inappropriate' and 'reflecting the typical American misunderstanding of postcommunist women' (1993, p.318). This has led Funk to reflect critically on the issues underlying such misunderstandings. She observes that Drakulić's comments are underscored by 'real structural power and economic imbalances between Eastern and Western women and the societies of which they are a part,' further noting that 'because the East is being *incorporated* into the West, both the power and status hierarchies as well as an individual's sense of worth, status, and social respect are undergoing severe dislocation' (1993, p.319). Funk acknowledges that the hegemony of Western feminism means that Western research on East Central Europe risks 'the suppression and distortion of post-communist women's concerns' (1993, p.319). As she notes, the considerable differences between 'Eastern' and 'Western' women result in a 'tremendous risk of misunderstanding' which understandably makes some East Central European researchers uneasy in relation to Western feminism and Western feminists (1993, p.321).

My own encounter with a senior Polish academic, whom I will refer to as Professor X, unfortunately bears witness to such East-West misunderstandings. I had expected, perhaps naively, that our common ground as feminists, as well as our mutual interest in Polish abortion debate, would make for a lively and stimulating interview. I hoped to take advantage of Professor X's extensive contacts with pro-

choice activists and MPs as well as her in-depth knowledge of abortion debate. At this point my research design was almost finalised, and I was beginning to analyse my findings: I was thus keen to obtain feedback from Professor X as a check to any 'mis-recognition' in my analysis of Polish abortion debate.

In the interview itself, Professor X asked about my project, but my ideas and research design were dismissed summarily without any real engagement on her part. She criticised my decision to base myself in Kraków, telling me that I needed to be in Warsaw to do the kind of research I was interested in. She told me that it was not possible to do the kind of project I was undertaking without also including substantive interviews with pro-choice activists. She dismissed my choice of the 1996 liberalisation 'moment' as unworthwhile, arguing that the only 'moment' worth pursuing was around the 1993 restriction of abortion since the 1996 liberalisation debate had all been 'done before' in 1993. She thus (implicitly) suggested that I might like to start my project again from a different angle, further asking that I keep her abreast with any developments in my research.

In retrospect, there were a number of issues which might explain why my interview with Professor X was so disastrous. First, Professor X is a political scientist who has published quite extensively on the participation of women in Polish politics, including limited discussion around the gendered dimension to abortion debate. She probably expected me to be using a political science perspective, rather than the inter-disciplinary approach that I have adopted. Second, Professor X is expert in the field, and she may have expected me to defer to her greater experience and knowledge as a mere student. Instead I was 'treading on her turf'. At the same time,

Professor X assumed that I had little or no understanding of the Polish political context as a (Western) outsider, and that it was because of this ignorance that I had wrongly identified the 1996 liberalisation moment as meriting serious study. She therefore, I assume, felt duty-bound to inform me of my mistake.

In this context, it is perhaps unsurprising that the encounter did not go well. Fortunately, my subsequent very positive experience of presenting at the Łódź Women's Studies Conference proved that personal dynamics had more to do with Professor X's negative reception of my work than anything else²³. However traumatic it was at the time, my encounter with Professor X encouraged me to reflect more critically on my position as Western feminist 'knower' on Polish gender politics.

Returning to the thorny issue of East-West feminist relationships, Einhorn elaborates:

There is a quite understandable ambivalence on the part of East Central European researchers and activists towards West European feminists. On the one hand they feel they have a lot of catching up to do – on Western feminist literature and political experience of the past twenty years. On the other, they feel sensitive about being patronised by Western feminists who, although ignorant of Eastern European women's lives, assume that their experience can be equated with their own, and that they are therefore in a position to 'help' their Eastern sisters. (1991, p.31)

Havelkova similarly notes that 'the core of the misunderstanding in the dialogue between Eastern and Western European feminists is, in my opinion, that we were assuming that a focus on women must necessarily mean the same thing in all contexts' (1997, p.57). In other words, neither the identity and meaning of the

²³ In common with Zmroczek, a British feminist academic with a similar Polish background, I have for the most part found myself welcomed by the Polish academic community (Zmroczek, 1999, p.94).

category 'woman' or gender, nor feminist theory, can be simply transplanted from the Western European theoretical context to the East/Central European context.

Havelkova describes the power imbalance inherent between Western feminist and 'local' analysis, further suggesting a strategy for Western feminists:

Articulation in local terms is important, but I am afraid that women from the East will not articulate their experience in their own terms, because the Western feminist theoretical discourse has taken up the task of translation. For them, translation is a one-way project from West to East. This really means that those from the East speak two languages: their own and that of Western feminism. What is needed is awareness by Western feminists that they speak in a contextually bound way, too. They must be willing to learn our language and to grant it validity. (1997, p.61)

So what Havelkova requests of Western feminists is an understanding that Western feminist understandings and framings of the gendered world are grounded in a Western local context that may not necessarily apply or be appropriate pan-contextually. She urges Western feminists to learn the 'local' language rather than to force others to learn theirs. I have tried to follow Havelkova's exhortations both literally and metaphorically. On the one hand I have learnt Polish so as to be able to access texts first-hand, and I have intentionally subjected my research to critique from Polish feminists, thus attempting to learn, and to learn from the Polish 'local language' of feminism. However, at the same time, my project has been shaped and sustained by the understanding that my analysis of Polish abortion debate is partial, with preferred readings that emerge from an angle of vision that is not necessarily identical with a perspective arising from a Polish feminist position.

Reinharz further notes that when non-Western contexts have been researched by US feminists the projection of North American experience has resulted in the society

under study not being understood on its own terms (1992, p.119). At the same time, all research on other societies is cross-cultural to some degree as it is impossible to carry out a research project on another country without simultaneously maintaining a reference point back to the researcher's own culture (Reinharz, 1992, p.120). Her point, however, is that assumptions must not be imposed without regard for context or appropriateness. Zmroczek, herself from a mixed British-Polish background, notes:

those of us from mixed class and and/or ethnic backgrounds have particular contributions to make... Being both internal and external to two or more societies or cultures, and in many cases feeling somewhat estranged or removed from them, may give fresh insights (Zmroczek, 1999, p.99)

In the context of this project, and in terms of 'my own culture' as second generation British Pole, and similarly to Zmroczek, my status is both inside and outside. Through such a subject-position, and following Havelkova, my project does a kind of 'two-way translation' through which I enjoy privileged access and yet sustain a position of critique on both British and Polish culture.

Doing translation

Piotr Kuhiwczak, a translation studies expert, comments that investigations of the significance of translation generally only occur in a particular and rarified literary context (2002, p. 199). Going on to examine how inadequate translation has affected the reception in the English-speaking world of Gross' book on the Polish massacre of Jews in the village of Jedwabne, Kuhiwczak draws attention to the fact that translation of non-literary works is generally assumed to be neutral. Thus translation

is normally assumed to be a question of 'getting the facts correct' on the assumption that there is one 'meaning' which can be adequately translated into a parallel meaning in another language. Yet as Temple points out, translation operates in a similar manner to interpretation: there can be no one meaning or essence to which a word is essentially reducible (1997). As with translation, interpretation and analysis is premised on the foundation that there is no one meaning, and as such, always involves a process by which some meanings are prioritised over others. Temple states:

all researchers 'translate' the experiences of others... Indeed, everyone does so in order to be able to communicate. Researchers reconstruct the experiences of others in their own terms and from their own reference points. This is so whichever method of research is used. (1997, p.609)

At the same time, no translation can adequately capture the range of meanings embodied in a word or phrase. In fact, translation does quite the opposite of this: it reduces the number of meanings available to the reader by offering a parallel (but not necessarily directly equivalent) word or concept in another language. Thus translation is always inescapable, whatever the linguistic context, and it is also always partial. Nevertheless, despite the similarities between translation and interpretation, translation from one language to another must add another dimension to research: the analysis in my project is in dialogue both with the original text (in Polish) and the translation I have made of it. This represents another level to the research that would not occur if I had chosen to examine (British) English language texts.

What seems clear then is that the position of the knower, whether that be the researcher or the translator, makes a substantial difference to how a word, phrase or

context is translated or interpreted. We have already seen how Western feminists researching non-Western contexts have been criticised for their 'mis-recognition' of other societies. Researching another culture from a position of privilege runs the same risk. In terms of translation, there is also the danger that the 'non-native' (for the want of a better word) translator/researcher may 'mis-recognise' language and inadequately grasp the range of meanings captured in a word or phrase in the original language. However, returning here to Temple's argument, there is no one meaning which can be adequately and definitively captured by translating word for word, or phrase for phrase. She writes: 'when different cultures and languages are involved epistemological problematics in constructing similarity and difference are compounded. If there is no one meaning to a text, then there can be no one translation of it' (1997, p.610). The ramifications for this project then are that just as my analysis is partial, so too are my translations. At the same time, and despite my best efforts, there is also the possibility that I may have 'mis-recognised' language.

As with interpretation, translation depends on, and is influenced by, the range of meanings available for translation in both languages as well as the location of the translator/knower. There may be different reference points for the same word. Let me here use the example of the Polish word *rodzina*, roughly translatable as family in English, which Temple draws on to show how translating the 'familiar' may lead to mis-recognition (1997, pp.611-612). Temple notes that Marody (1993) and Siemieńska (1994) have shown that the concept of family in Poland diverges from that which might be expected in the British context. The Polish word *rodzina* conveys a sense of the inter-connection between the family, the Polish nation and the ways in which Polish women have assumed different roles in the family (as mother

of the nation in struggle, for example). This has included a particular identification and relationship of the family with the state and Church, as well as the education of children in 'Polishness' and national struggle within the family. This example shows that whilst a direct equivalent and translation of *rodzina* is possible by substituting the Polish word for the English 'family,' this translation does not by any means capture the range of meanings offered in the original Polish. Therefore the 'reference points' for the concept of *rodzina* or 'family' look quite different in each language, although both languages have a basic common understanding of the concept.

Temple advances several strategies for making transparent issues of concern in cross-cultural research and translation. First, and citing Bassnet's reading of Derrida, she suggests that:

as Derrida argues, translation creates the 'original' text rather than the original being the starting point (Bassnet, 1994). In this view there is no 'wrong' translation, just different versions with the 'original' depending for its existence on the translation as much as the other way round. (Temple, 1997, p.613)

This usefully moves the debate beyond 'correct' translations by offering the possibility of translations being 'versions' of the original text rather than 'mirrors' or 'replicas,' allowing a greater degree of flexibility and creativity on the part of the translator. I concur with Temple's view that 'translators are active in the process of constructing accounts' (1997, p.614). Following Liz Stanley, she advances the further strategy of identifying what she calls the researcher/translator's 'intellectual autobiography':

An *analytic* (not just descriptive) concern with the specifics of how we come to understand what we do, by locating acts of understanding in an explication of the grounded contexts these are

located in and arise from. (Stanley, 1990, p.62 cited in Temple, 1997, p.608)

This 'intellectual autobiography' may look rather similar to the 'apologies' for privilege or 'badges' of location so scathingly dismissed as 'rhetorical maneuvers' by Daphne Patai. However, this definition strategically calls attention to the difference between merely offering a description or location of the research/er, and an analytic working through of the ways in which such a location comes to influence and affect the research.

One example of such an approach is to be found in the work of Zmroczek. Reflecting on her own British-Polish identity, she notes that her 'intellectual autobiography,' has had a considerable impact on her research:

The processes of thinking more deeply about and confronting new meanings about "being Polish", have had implications for how I think about class [...] The new insights I have gained, although fragmentary and incomplete, are contributing to the intentionally political act of attempting to theorize experience through the use of autobiography and life history. (Zmroczek, 1999, p.99)

It is this *analytic* scope which sets 'intellectual autobiography' apart from the 'badges' of location and offers the possibility of properly and usefully engaging with the influence of location on the process of knowledge production.

Of course, this is a two-way process. Temple further notes: 'Researchers' intellectual autobiographies influence what they know, and what they know and experience influences what they write, which in turn influences their intellectual autobiographies' (1997, p.608). What remains undisputed is that since translation remains partial, incomplete and subjective, it is necessary that researchers working on other cultures and languages are rigorous in their definition of the concepts and

perspectives they are using, and honest about the degree of overlap of such concepts and perspectives between languages and between cultures. I have sought to do exactly that in this chapter and throughout my analysis of Polish abortion debate, in particular indicating areas where my conclusions are uncertain or speculative.

Conclusion

In this chapter I have introduced the rationale behind this thesis. In the first section, I described my research design, explaining the rationale for choosing to focus on the 1996 liberalisation of abortion 'moment'. I have introduced the research sources, variously, parliamentary debate, media reportage and opinion polls, further describing the fieldwork process and methods of analysis employed for each data source. The second section of the chapter meanwhile has focused on the methodologies employed in the project, situating the project in terms of wider debates around feminist epistemology as well as contextualising the project in terms of current debates around the ethics and issues of doing a transcultural research project. This has included an explicit focus on issues in doing linguistic and conceptual translation from one language to another. In the next chapter I move on to the first analytical chapter in which I consider parliamentary debate around the second reading of the abortion liberalisation amendment through the Sejm.

Chapter 4: THE SEJM AND THE MAKING OF POLITICS THROUGH ABORTION: NATION, GENDER AND DEMOCRACY IN THE LIBERALISATION AMENDMENT DEBATE

Introduction

This chapter analyses Parliamentary debate in the Sejm during the second reading of the 1996 liberalisation of abortion amendment, offering a detailed and critical engagement with the ways in which, as Gal and Kligman put it, reproduction makes politics (2000a). In other words, debate around such issues as abortion across Central/Eastern Europe is not significant solely in and of itself but also because it provides a site for the articulation and contestation of political authority. In this case, speakers in the debate refer repeatedly to the ‘meaning’ of abortion debate over and above reproductive policy; abortion debate comes to ‘stand in’ for discussions regarding the future, present and past of the Polish nation-state. The first part of the analysis therefore focuses on analysing what participants in the debate conceptualise as fundamentally being at stake through abortion debate. I examine the kinds of futures being imagined for the Polish nation-state and consider how these futures impact on ‘pro-family politics’ and gendered citizenship.

The second part of the analysis also considers the ways in which ‘reproduction makes politics’ by focusing on the relationship between abortion debate and the operation of Parliamentary democracy. Those speaking in favour of the liberalisation amendment consistently claim authority to legislate, and to legislate in a particular way, on the matter of abortion. Justification for such claims is offered by drawing attention to the operation of the democratic machinery of government.

Conversely, those opposing the liberalisation amendment offer critiques to such claims. To this end, I investigate how claims to authority are justified, and contested by particular factions and individuals.

Abortion debate in the Sejm also raises questions as to the purpose of law and the basis on which it is mandated and enacted. My analysis thus concludes with consideration of the ways in which the abortion debate constructs Parliament as legitimate as well as examining the mechanisms by which such legitimacy is advanced and sustained through the discourses of public opinion, consensus and compromise. Throughout my analysis I explore the common ground and the differences between the pro-liberalisation and anti-liberalisation positions.

However, before I proceed to the analysis, let me first give an account of Postcommunist Polish politics, offer a methodological rationale and provide an introduction to the second reading debate itself.

The postcommunist Polish political system

Despite its most recent experience of totalitarianism, Poland has a celebrated tradition of Parliamentary democracy. The origins of the Polish Parliament go back to 1493, when a national assembly comprising the King, the Senate and the House of Deputies was first convened. This makes the Polish Parliament younger than the British Parliament and the French Estates-General, but of a comparable age to the German Reichstag. In the late eighteenth century, and under pressure from

reformers, in 1784 the 4 year Diet²⁴ approved the Constitution of the Third of May, the second written Constitution in Europe and the third in the world. However, the provisions of the Constitution were never fully enacted following the Partition of Poland between Russia, Prussia and Austria in the 1790s.

This state of Partition continued until November 1918 when the Second Republic (1918-1939) came into being²⁵. Suffrage was immediately extended to women, with a universal franchise enjoyed in the first post-Partition elections. The Constitution of March 1921 allowed for a bicameral Parliamentary structure with the dominance of the Sejm (the lower house) over the Senate (the upper house). This brief spell of Polish independence ended abruptly with the Nazi invasion of Poland in September 1939. After the war, control was seized by the ZPP (Union of Polish Patriots), an organisation established (and controlled) by Stalin. This was cemented by the 1947 election victory²⁶ of communists and socialists. Under the People's Republic of Poland, power rested with the communist Polish United Workers' Party (PZPR) rather than with the Polish Parliament, despite the 1952 Constitution vesting supreme state authority in the Sejm²⁷.

Following the development of a mass opposition protest movement throughout the 1970s, in 1980 the trade union Solidarity was formed, which allied intellectuals, Church and workers against the communist régime. The Round Table talks of March 1989 between Solidarity (then led by Lech Wałęsa) and the communist authorities,

²⁴ A Diet is a legislative assembly.

²⁵ The 11th of November is a national holiday and celebrated as Independence Day rather than a Day of Remembrance as in the UK.

²⁶ In fact, this so-called victory was secured through wide-scale political harassment.

²⁷ The Constitution was particularly hated as the 1976 amendments resolved that Poles were a unified brotherhood with the Soviet Russians, who Poles continued to see as an imperialist enemy and source of their predicament under socialism.

mediated by the Roman Catholic Church, led to the emergence of the first post-war non-communist government in Poland. In the Round Table Agreement the ban on Solidarity was lifted, and a new electoral law guaranteeing 'political pluralism' and independence for political groups and parties was agreed, marking the end of authoritarianism in Poland (Brzeziński, 2000, p.83). At the same time it was agreed that the Sejm would be dissolved and that new elections would be held in June 1989 with the adoption of a new election formula whereby 65% of Sejm seats would be reserved for the PZPR and its allies (the SD & ZSL). Solidarity would be able to compete for the remaining 35% of seats in the Sejm (Brzeziński, 2000, p.83). The Senate was re-established and the office of President replaced the Council of State.

The December 1989 Amendments continued the process of transforming the 1952 Constitution into a Constitution more properly suited to a liberal democracy, with the deletion of the 'symbolic remnants of the Stalinist legacy' (Brzeziński, 2000, p.88) and the addition of checks and balances to legislative and executive power. This was continued with the adoption of the temporary 1992 'Small' Constitution which provided a temporary solution to the crisis in the system caused by Lech Wałęsa's attempt to adopt substantial executive powers in his role as elected President. A final and binding Constitution was ratified by Referendum in 1997 (see below).

Parliamentary democracy: Sejm, Senate and President

Poland is therefore now a Parliamentary democracy, with both houses of Parliament (Sejm and Senate) elected simultaneously for four-year terms. Members of the 460-seat Sejm are elected from multi-member constituencies on the basis of proportional

representation. To gain Parliamentary representation, parties must reach a minimum of 5% of the nationwide vote, and alliances must gain 8% of the nationwide vote. The 100 members of the upper house (the Senate) are elected on a first-pass-the-post system. The Senate has few formal powers as any amendments it suggests can be overruled by the Sejm, but serves the purpose of improving legislation.

The power of the executive branch of government is vested in the President of the Republic and in the Council of Ministers. Legislation may be proposed by deputies, the Senate, the President, the Council of Ministers or a petition of 100,000 Polish citizens. Bills are passed in the Sejm if they receive a majority vote of at least half of the statutory number of deputies. After successful passage through the Sejm, a bill passes to the Senate, which has the power to amend, adopt, or reject the bill by majority vote. The bill is then returned to the Sejm, which can amend or reject the Senate's resolution on the bill by a majority vote. The Sejm can also order a nationwide referendum by a majority vote, whilst the President can order a referendum with the consent of a majority vote of the Senate.

The President must review each bill passed by the legislative branch (Sejm and Senate) and can either sign the bill, re-submit the bill to the Sejm for consideration, or refer the bill to the Constitutional Tribunal. In the second case, if the Sejm can muster a three-fifths majority of deputies in support of the bill, the bill will be passed. In the third case, if after consideration by the Constitutional Tribunal the bill is found to be in accordance with the Constitution, the President must sign it, but if the bill is found to be unconstitutional, the President cannot sign it.

Parliamentary clubs and groups (1989-1996)

In 1991 more than 100 groups ran candidates for election to the Sejm, but only 24 gained representation. In 1993, a new threshold of 5% was introduced, with the result that only seven parties won seats. Polish political parties can be broadly categorised into two groups: post-Communist or post-Solidarity.

Postcommunist parties

The SLD or Social Democratic Alliance is the successor party to the Soviet era Communist Party (PZPR), formed of an alliance between the Communist Trade Union, the National Trade Union Accord and the Social Democracy of the Republic of Poland Party. It has organisational advantages over other parties as a 'successor party,' but at the same time its association with the communist party and the recent past has necessitated a re-packaging of its policies and priorities. The reconstitution of the former communists as a pro-European social democratic party has borne fruit with the most recent elections bearing witness to an overwhelming election victory for the SLD (2001).

The PSL or Polish Peasants' Party is the second postcommunist party, as it existed as a 'satellite party' under state socialism to serve some semblance of multi-party government. This party has an established constituency and a mass base of support from within the peasantry. It provided some very limited sort of opposition under state socialism, which has helped to reinforce its legitimacy in postcommunist Poland. A traditional coalition partner of the SLD, nonetheless, the PSL has at times opposed SLD policy in part to emphasise its identity as non or anti-communist.

Post-Solidarity parties

The Solidarity mass movement splintered very quickly after the demise of state socialism. The 1980s Solidarity coalition included workers, intellectuals, Catholics, nationalists, traditionalists, secular interests and liberals, all united in opposition to the Communist Party. By 1993 Solidarity had splintered into seven parties, necessitating the construction of individual party identities. These parties are split along the following lines: economic (state intervention versus market mechanism), political (civic democracy versus national democracy and liberal versus authoritarian) and religious (the appropriate role of the Church). The major post-Solidarity parties include the Democratic Union (UD), the Union of Labour (UP), the Confederation of Independent Poland (KPN), the German Minority (MN) and the Nonpartisan Reform Bloc (BBWR). During the 1993-7 term of the Sejm, the UD merged with the Liberal Democratic Congress to form the Freedom Union (UW). The UP is the most left-wing of these parties. Post-Solidarity parties remain unable to reach consensus on how to achieve transition from socialism.

Election results

In June 1989 the Sejm of the 10th Term was elected under the first semi-free elections in Poland since World War Two. The PZPR or Communist party retained 51% of seats as agreed under Round Table Talks, but all but one of the seats contested was taken by a Solidarity representative. In December 1990 Lech Wałęsa was elected President and in October 1991 full free elections saw in the Sejm of the First Term. Seventeen parties were elected, and a post-Solidarity coalition government took office.

In September 1993 the Sejm of the Second Term was elected. Following the reduction of the party threshold to 5%, 7 parties were elected. This election bore witness to a turn away from the post-Solidarity groupings, with the SLD taking power in coalition with the PSL. In November 1995 Lech Wałęsa lost his campaign to be re-elected President by the narrowest of margins to Aleksander Kwaśniewski, the leader of the SLD who had previously been a member of the PZPR and a minister in the last communist government.

Methodology and rationale

I have already offered substantial discussion of the kinds of analyses made in relation to the political dimension of Polish abortion debate in my review of the literature, and I have further advanced my rationale for the consideration of Parliamentary abortion debate as a site through which competing political projects are articulated and legitimated. Rather than rehearsing these arguments again, here I will describe how this chapter answers several research questions which inform the entire thesis, and I will further present research questions which are specific to this chapter and research strand.

This chapter is concerned with several over-arching research questions. It investigates how abortion is used to legitimate competing party political factions. Analysing the competing democratic and nationalist projects advanced through liberalisation debate, it further considers in what ways such projects are gendered. Research questions specific to this chapter, meanwhile, have been shaped by a key

article by Fuszara (1993) which has, in common with this analysis, considered the discursive construction of abortion debate in the Polish Parliament.

This study takes up and interrogates several key points made by Fuszara in her consideration of the Senate debate of the 1989 draft bill (which called for a complete ban on abortion). She notes:

This debate reveals the particular contours of the Polish situation: how the creation of a democratic society is reflected in the political arguments about abortion; the importance of stating one's opposition to abortion, whichever side of the debate one is on; the confusion, and even reluctance, to handle public discourse on such issues; and the relative unimportance of the individual rights of the woman, such a major issue in the West. (1993, p.248)

Fuszara's analysis applies to the Senate consideration of the 1989 draft bill which sought to prohibit abortion entirely, whilst no such analyses have been forthcoming in relation to the 1996 liberalisation amendment. My analysis thus seeks to establish whether similar discourses around abortion are in circulation in the second reading around the liberalisation of abortion. At the same time, it asks whether the 1996 Sejm abortion debate represents a different kind of political culture than that described by Fuszara. It poses the question, has anything changed (discursively at least) in abortion debate since 1990, or does the discursive framework remain broadly the same? A second question emerging out of the Fuszara article is how the liberalisation debate relates to Polish democratisation. This chapter thus considers how such debate constructs the status and legitimacy of the Sejm as a primary definer on abortion.

Let me now offer a brief introduction to the substantive debate.

Brief introduction to the second reading of the abortion liberalisation amendment debate

The debate begins with an introduction by the Deputy-Rapporteur²⁸, Marek Balicki, who recounted the reports of the Committees. This is followed by reports from the Under-secretary of State in the Ministry of Health and Social Welfare (representative of the Council of Ministers), Deputy Krzysztof Kuszewski, and the Deputy Chair of the Social Policy Committee, Krystyna Sienkiewicz. Following a speech from the President of the Supreme Court against the liberalisation amendment, Adam Strzembosz, the debate continues with spokespersons for each political party or grouping stating their position on the amendment bill. As representatives of their party, Deputy Izabella Sierakowska (SLD), Izabela Jaruga-Nowacka (UP) and Maria Walcyńska-Rechmal (PPS) speak in favour of the liberalisation amendment. Włodimierz Puzyna (UW), Stanisław Kowolik (BBWR-KPN), Grzegorz Cygonik (KPKPN), Jerzy Wuttke (BBWR 'Solidarity in Elections'), Joachim Czernek (MN), Bernard Szweda (Nowa Polska) and Aleksander Bentkowski (PSL) all speak out against the liberalisation amendment. Włodimierz Puzyna notes that his party, UW, are divided, with some Deputies supporting the liberalisation amendment, and others opposing it. This section concludes with the Minister of National education discussing the sex education element of the amendment bill. From this point, the Chamber hears speeches by individual Deputies in favour of, or against the amendment, whilst the last section of debate features questions from individual Deputies²⁹.

²⁸ A rapporteur is a person appointed by a committee to prepare reports of meetings or carry out an investigation.

²⁹ A full list of speakers in the debate is reproduced in table form in Appendix 1. This offers a chronological order of speakers, together with party affiliation, official capacity (if any), and speaker's position on abortion, further describing whether the speech is recorded in the Sejm Chronicle.

Abortion and nation

Envisaging Polish futures

Working towards an abortion-free Polish future?

Abortion is 'naturally' and universally rejected by all those participating in the debate, except as a last resort, including those speaking in favour of the liberalisation of abortion amendment. Speaking in his capacity as spokesperson for the committees and criticising the motives of those participating in abortion debate, Marek Balicki says:

Observing [...] abortion debate, I have the impression that participation relies more on the manifestation of a 'legitimate' standpoint and opting for the 'correct' side, than actual self-reflection on the order of steps which... consistently and effectively limits abortion in reality, and not only [in] improved official statistics. (Transcript p.98)

Here Balicki presumes that the goal of abortion debate should be the enactment of steps leading to the reduction of the number of abortions both in official statistics and in 'reality'³⁰. Those speaking in support of the liberalisation of abortion are particularly keen to stress that they are not pro-abortion, but pro-choice. Izabella Sierakowska on behalf of the SLD states:

None of us sitting here on the left-hand side of the room think that abortion is (an appropriate) method of limiting births. We repeat this (statement) at every juncture... None of us support abortion, but the possibility (of abortion) must be guaranteed to women... (Sierakowska, Transcript p.109).

Here Sierakowska emphasises that the SLD does not support abortion for its own sake, but seeks to write the possibility into law for women finding themselves in a difficult situation with 'no way out'. She identifies the 'left-hand side of the room'

³⁰ Balicki draws this distinction since there is a discrepancy between the numbers of abortions carried out in total, including abortions occurring 'underground' or abroad, and the 'official statistics' detailing the number of abortions carried out in Polish hospitals since the application of the 1993 law.

here as a bloc which supports a woman's right to choose, at the same time distancing the SLD from the use of abortion as a universal method of birth control as practised under state socialism.

This distancing from a pro-abortion position is also evident in the fact that the supporters of the liberalisation amendment describe its provisions as an improved strategy for fighting the practice of abortion. Thus a continuity of purpose is identified for both the restrictive 1993 law and the liberalisation amendment since both aim to restrict the number of abortions performed. Marek Balicki states:

...I would like to emphasise strongly, that the discussion which took place during the sitting of the committees, and recently also in the sub-committees, proved, showed, that the liberalisation of regulations relating to abortions does not signify a change in the opinion of society of the harmfulness of such a phenomenon, but rather marks a change in the tactics of fighting it. The proposed liberalisation is an expression of the conviction that the strategy of protecting the life of the foetus by means of legal-criminal regulation is not appropriate... (Transcript p.99)

Once again, it is agreed that there is consensus on the harmfulness of abortion, and that all participants in abortion debate would like to see an eradication of the practice. Balicki stresses that the liberalisation amendment provides an alternative to the 'legal-criminal regulation' provided for in the 1993 restrictive abortion law, describing the amendment as a new strategy of fighting abortion through informational-educational methods, including sex education and contraception. Increasing the state subsidy on the contraceptive pill from 30% to 50% for example is described as one of the 'solutions' to the problem of abortion, providing cheap and easy access to other forms of birth control (Balicki, Transcript p.100).

In response to the repeated assertions of the anti-liberalisation lobby that the so-called 'socio-economic conditions' clause will result in unlimited abortions (see for example Joachim Czernek's speech representing the German Minority (MN), p.116), the pro-liberalisation lobby outline the strict conditions under which it will be introduced. These include an upper time limit of twelve weeks, a medical consultation, and an obligatory three-day period between the consultation and the abortion operation (see for example, Jaruga-Nowacka, Transcript p.112). Balicki also emphasises that additional limitations are placed on the list of permissible cases in which an abortion may be sought under the 1993 abortion law. The twelve-week upper time limit is to be introduced for pregnancies which have occurred as a result of a crime, or in those cases where abortion is requested on the grounds that prenatal research has indicated a large probability of heavy and irreversible damage to the foetus (see p.101).

Measuring 'distance achieved' since state socialism

Abortion debate is assessed in terms of its domestic significance for postcommunist reform whilst the pre-1989 period is constructed as a period in which multiple abortions took place as a routine form of birth control, with disastrous consequences for women's health. The postcommunist period, meanwhile, is characterised as having had a positive impact on abortion practices. Izabela Jaruga-Nowacka notes on behalf of the UP that:

...the six-year-long discussion of abortion has brought measurable results. Our attitude to abortion has been changed, there has been growth in knowledge of the moral aspects and the endangerment to health (consequent) in such decisions. Citizens themselves aim to acquire information about contraception and methods of

preventing pregnancy, applying this (information) in accordance with their expressed outlook on life. (Transcript p.111)

Pointing up the socialist legacy of multiple abortions and lack of regard or respect for women's bodies and women's concerns, Jaruga-Nowacka characterises the state socialist period as having produced a skewed attitude to abortion which needs to be purged in the postcommunist period. She argues that the result of repeated political abortion debates has been to publicise the negative effects of having an abortion, and to encourage women to seek alternative methods of birth control. Thus the degree of attitude change in relation to abortion from that characteristic of the state socialist period (presumably effected by government policy) 'measures' the achievements of the post-socialist political system. In other words, reduced numbers of abortions (or even, reducing the wish or need of women to have an abortion at all) is described as moving beyond communist values and policies to a properly postcommunist ideals system. At the same time, describing 'the conviction that it is necessary to protect every pregnancy and every child's life through an active pro-family policy,' (Jaruga-Nowacka, Transcript p.112) characterises abortion as necessarily subject to active policy by the government.

The relationship between abortion policy and postcommunist reform is further tackled, albeit to very different effect, in Strzembosz's pronouncements on the purpose of law and the relationship between morality and law:

...in the whole world in the sociology of law, it is a well-known regularity that [...] if something is penalised, especially through criminal law, then even those people which do not approve its first prohibition show a tendency to accept it as a moral order. Such is the relationship between morals and laws, this marks the mutual influence of one normative system on the second. This is a normal occurrence in normal society and a normal state. (Transcript p.106)

Strzembosz expresses a desire for a 'normal society and a normal state' in which there is a relationship between laws and morality such that the law encourages and shapes social attitudes. In other words, Strzembosz posits that the worth of restrictive abortion law lies in changing attitudes to abortion such that (the) 'people' begin to express a more conservative view towards it. So Strzembosz acknowledges the importance of public opinion; however, rather than describing legislative arrangements as being in line with public opinion, he characterises the purpose of the (paternal) state as being to shift public opinion into line with what he describes as 'morality': there are parallels here with Sierakowska's description of 'active policy' towards the family.

This extract from Adam Strzembosz's speech shows that there is a universal rejection of abortion practice and policy under state socialism: whilst not mentioning abortion policy itself, Strzembosz argues that the adoption of restrictive abortion policy can aid in a move to a 'normal society and a normal state'. In other words, a changed abortion policy is recognised as part and parcel of postcommunist reform, and used as a yardstick by which to measure the scale and effectiveness of such reform. Changing attitudes to abortion is constituted as enabling Poland to move to a state of 'normality,' as well as legitimating government reform initiatives in the first place.

The international dimension

The significance of abortion debate is also signalled in terms of its pan-cultural and global importance. Introducing the Committees' reports on the liberalisation amendment at the start of the debate, Marek Balicki (SLD) states:

The Committees... are conscious that ... abortion is a serious political, social, ethical, health and legal problem. Many even think that it is one of the most fundamental and difficult issues at the end of the twentieth century, which is being faced by other contemporary societies. Poland is not an exception in this. (Transcript p.98)

Going on to refer to legal disputes about abortion in Germany, the USA and Great Britain, Balicki draws attention to the fact that abortion is a key issue which can be understood as emblematic of the late twentieth century condition. Debate over abortion is thus described as an international rather than a solely domestic concern, which stresses Polish membership in a community of nations that is struggling to resolve the question of abortion. It is significant however, that the international community which Balicki describes is Western and non-Catholic. Despite the fact that reproductive politics have surfaced across East Central Europe as a topic of debate since the dissolution of state socialism, it is the U.S., Great Britain and Germany which are the key reference points, and the (Catholic) Irish case is conspicuous by its absence.

The European and U.S. experience of abortion debate, together with the liberal provisions that have been established as a result of such debate, are referred to repeatedly by those Deputies speaking from a pro-liberalisation position. For example, Izabella Sierakowska, speaking on behalf of the SLD, notes that:

The Polish Sejm is not the first Parliament which has made this decision [on abortion]. With the exception of Ireland and

Luxembourg, the Parliaments of Europe and America admit – under various circumstances – abortion and full access to contraception, information and sex education. And there have been results – a massive fall in the numbers of abortions, the disappearance of backstreet abortions, significantly fewer [teenage] pregnancies... In abortion debate, which has been ongoing for several years, it really comes down to this [question], in which society we would like to live – whether in that [society] in which there is interference in the most intimate decisions, or in that [society] which is marked by a legal framework of compassion and tolerance, freedom of conscience and the right to silence. (Transcript p.109)

Sierakowska situates the Polish experience of abortion debate within a wider international, Western dimension. Once again the experience of those countries which are Western and have enacted more restrictive abortion provisions are dismissed as ‘exceptions’ to the rule: the experiences of Ireland and Luxembourg are described as anomalies. The common experience described here is liberal abortion provision, free access to sex education, information and contraception, resulting in measurable and positive outcomes. Those societies which allow such liberal provisions are further described as valorising ‘compassion and tolerance, freedom of conscience and the right to silence,’ values which Poland is encouraged to aspire to as a democratic, European and therefore Western state. Sierakowska suggests that Poland can emulate Europe and the U.S., and join the Western ‘club’ by adopting liberal abortion provision. Describing previously enacted abortion provision as ‘interference in the most intimate decisions’ also infers that the current restrictive legislation shares common characteristics with the recent experience of totalitarianism, which of course legitimated (and was necessitated by) state intrusion into every aspect of citizens’ lives.

Various pro-liberalisation and anti-liberalisation speakers draw attention to the significance of abortion regulation for determining Polish standing both in Europe and internationally. Barbara Labuda³¹ (non-affiliated) notes that:

...it is said about Poland in Europe, unfortunately, that it is the last didactic ideological state in Europe. This is a sad qualification. I don't know whether we would agree with this, but this is what is said about our country... [it is also said]... amongst other things... that the hierarchy of the Catholic Church, with distress I must state, attempts to have influence over state legislation. This is not normal in a secular democratic country. (Transcript p.123)

Labuda refers to the 'standing' of Poland in Europe, arguing that the adoption of restrictive abortion legislation has contributed to an understanding of Poland as 'backward'. She argues that the institution and machinations of the Church has resulted in the international community considering Poland not to be a fully democratic state. Indirectly, this suggests that the adoption of liberal abortion policy would increase the standing of Poland abroad, as well as helping to institute a properly democratic régime.

Those arguing against the liberalisation of abortion also refer to the importance of abortion policy for determining Polish standing in the international community. For example, Bernard Szweda (Nowa Polska – 'New Poland') refers to the recurrence of abortion debate as bringing 'shame' to Poland (Transcript p.117). He further argues that Poland should not aspire for inclusion into Western Europe since:

Abortion is one of the principle formations of Western Europe's new civilisation, the civilisation of death, the consumption of society disillusioned with the purpose of life, moving towards demoralisation. This is a forewarning of the path that we are upon. (Szweda, Transcript, p.117)

³¹ Barbara Labuda was expelled from the UW in 1995 in part for her liberal views on abortion. She was at this time also Chair of the Parliamentary Women's Group.

Here Western culture is seen to represent over-consumption, death, demoralisation and a lack of knowledge of the 'purpose of life,' which is emblematised in liberal abortion policy. Rather than a model to emulate, Western Europe is here argued to represent a dangerous path that Poland needs to steer well clear of.

Speaking in his capacity as President of the Supreme Court, Adam Strzembosz states that according to his personal convictions:

I am supporter of that conception of human life, in which it is possible to avoid suffering at all costs. I know that this attitude does not find understanding or support in many places, but if (this understanding) becomes eliminated from European civilisation, this civilisation will not exist [in the future]. (Transcript p.107)

Both Szweda and Strzembosz root the question of abortion policy not just in terms of the future of the Polish state, but also the future of European 'civilisation': both characterise liberal abortion legislation as propelling European 'civilisation' along the path to self-destruction. Szweda contests the common-sense notion that Poland naturally belongs in Western Europe, arguing that inclusion in such a community would not bring Poland benefits. Of course, and as we shall see in more detail in the following chapter on media reportage, the description of abortion debates as being about the fate of civilisation echoes with Roman Catholic pronouncements on the significance of abortion liberalisation.

Strzembosz goes on to further stress the international dimension, referring to abortion policy in the context of Poland's international obligations. He argues that certain provisions in the liberalisation bill are 'publicly discordant with Poland's international agreements' (Transcript p.107). Meanwhile Aleksander Bentkowski, speaking as representative of the PSL, argues that the resolution of the draft bill

would break the international obligations of Poland enshrined in the International Convention on the Rights of the Child (Transcript p.120).

In all of these examples, it is striking that the problem of abortion is characterised as a European or an international problem. Moreover, state policy and procedure is critiqued not just for its domestic impact, but also in terms of what impact this will have on Poland's standing in the world: there is considerable anxiety around international perceptions of Polish postcommunist reform.

Safeguarding the nation & protecting life

Those speaking in opposition to the draft liberalisation amendment consistently couch their arguments in terms of 'defending life' and 'protecting the nation'. In common with abortion debate in Western Europe, defending restrictive abortion policy here revolves around safeguarding the dignity of life and humankind. Włodimierz Puzyna, speaking on behalf of those UW Deputies who are against the liberalisation, argues that the provisions of the amendment result in the 'liquidation of the guarantees of the protection of life' currently admitted by the 1993 law (see Transcript p.110).

Grzegorz Cygonik echoes this when he describes the response of the KPKPN towards the liberalisation of abortion amendment: 'The adopted direction [of the liberalisation amendment] is [in favour of] killing and this is below the dignity of Man[kind]' (Cygonik, Transcript p.114). Describing abortion as 'killing' and destroying the 'dignity of mankind' is a common feature of abortion debate globally.

What makes it particularly interesting in the Polish context is that respect for the dignity of life and humankind acquires a different dimension in the context of a state newly liberated from totalitarian rule. In this case, 'protecting the foetus' in the postcommunist period becomes equated with establishing human rights purposefully denied or suppressed under socialism. Protecting 'unborn life' is thus harnessed to the wider concern of re-instating rights and instituting accountable and representative democracy.

Meanwhile, Aleksander Bentkowski (PSL) describes abortion in relation to the potential extinction of the Polish nation:

...why now, when we are a free country, when we can freely decide about our development, about the future of Poles, do we propose such a law for the nation? Why now, when for the last 13 years in Poland there has been a systematic fall in live births, when we are approaching the boundaries of our development, when more Poles die than are born? (Transcript p.119)

Claiming that the PSL is 'against this law, because it is in opposition to (our) ethics and (against) the interests of the nation' (Transcript, p.119), Bentkowski uses arguments around the potential extinction of the nation to substantiate PSL opposition to the liberalisation of abortion. Bentkowski suggests that previous liberal abortion legislation has been the result of a certain degree of coercion when Poland has not been able to decide abortion policy for itself. He argues that liberal abortion policy has therefore historically reflected an agenda not concurrent with the wishes of the Polish nation. The aim of abortion policy in a 'free country' is assumed to be to protect 'the future of Poles,' something not previously safeguarded under state socialism, and something that is potentially in danger given the falling birth rate. Not taking account of the consequences of liberal abortion policy is thus

described as not taking responsibility, or being unwilling to sever connections with the old (imperialist) state socialist ways of thinking.

Interrogating the nation's past

I have already commented on the ways in which political abortion debate characterises the state socialist legacy on abortion policy. At the same time, certain other periods of Polish history and traditions are also used to interrogate the significance of abortion policy for the future Polish nation/state.

Historic abortion policy

Contemporary abortion policy is situated within the wider context of historic abortion policy by Izabella Sierakowska, the SLD spokesperson. She describes the inter-war campaigns to repeal the restrictive abortion law, going on to describe Stalinist and Nazi abortion policy (referring to domestic legislation) thus:

After the war Poland conformed to a very strict law. Which? (A) Stalinist law. This enforced a complete ban on abortion: abortion was not possible. That's not all; after 1944 Stalin also introduced a ban on divorce. And therefore it was (compulsory) to give birth and not to divorce...

I remember another interesting fact. In 1933 the Nazis introduced a new marriage law, strictly forbidding abortion. What's more, a woman did not have the right to consent to the birth of child even when it threatened her with death or crippled her or would (result) in the loss of her health. She (had to) give birth, give birth, and give birth. (Sierakowska, Transcript p.109)

Here Sierakowska draws attention to the fact that both the Stalinist and the Nazi totalitarian régimes espoused strict control of fertility, with abortion banned outright

by both³². At the same time she goes on to distance the PZPR from the Stalinist abortion law, arguing that Beirut, the immediate post-war leader of the PZPR, refused to let the Soviet Union dictate abortion policy. The 1956 law is thus recuperated and presented as a Polish, rather than a Soviet-Union imposed, policy.

What is interesting here is the fact that both the Stalinist and the Nazi régimes are identified for their absolute, totalitarian control over women's bodies. Sierakowska stresses the common feature of both Stalinist and Nazi prescriptions obliging women 'to give birth, give birth and give birth' with no thought for the potential effects on women's health or general well-being. It is this compulsion, in other words, the totalitarian dystopian aspect, which receives attention here. At the same time, Sierakowska endeavours to draw attention to previous Polish attempts to liberalise abortion in the inter-war years. In this way Sierakowska simultaneously makes an association between restrictive abortion policy and the Nazi and Stalinist projects, as well as arguing that precedents for a liberalisation of abortion pre-date the state socialist era. Re-interpreting the nation's past, this extract represents an attempt to de-legitimate restrictive abortion law, a partial attempt to recuperate state socialist policy on abortion, as well as a claiming of liberal abortion policy as a 'Polish' rather than foreign-imposed enterprise.

³² Of course such a description of Nazi fertility policy does not take account of the fact that only certain women were encouraged to reproduce – others, such as the mentally ill, were forcibly sterilised.

Sex education destroys Polish (Christian) traditions & belief

Conceptions of the ideal future for the Polish nation are projected through an assessment of those aspects of the past that should be retained, such as a peculiar

Polish tradition and culture. Jerzy Wuttke states:

The Non-Party Bloc in Support of Reforms – Solidarity in Elections joins (those) against the application both of ...therapy as well as sexual education on the one hand, (which) only expresses secular world outlooks, (which is) in opposition to the centuries-old Christian, Catholic, Polish nation's traditions. (Transcript p. 115)

Here Wuttke objects to the fact that the liberalisation amendment places the authority for teaching on sexuality outside the Church's sphere of influence. Such a challenge to the authority of the Church is represented as a threat to the Polish nation's projected future, resulting in the erosion of Polish tradition and identity. 'Polishness' is equated with 'being Catholic,' therefore a threat on Catholicism is also a threat on 'Polishness'

The impact of the liberalisation of abortion is also related to the Polish nation's past threat of extinction through the tragic experiences of Partition and colonisation.

After describing the drastic fall in the birth rate as endangering the future of the nation, Bentkowski (PSL) states:

But this fact is very depressing, that never in the history of our country has abortion law been as tolerant as is proposed in the draft bill. In none of the countries of Europe is there such a liberty (to have an) abortion. There is no way to understand why Poles, a nation so experienced through [its] history, deserves such a law. (Transcript p.119)

In referring to the Polish nation as 'experienced through [its] history,' Bentkowski implicitly refers to the past threat of extinction through Partition and colonisation,

equating this with the contemporary threat of extinction through a declining birth rate and liberal abortion law enacted from within, by Poles. Bentkowski stresses the fact that the proposed liberalisation of abortion deviates from Polish tradition by drawing attention to its disjuncture with the past, as well as stressing that abortion law liberal to this degree is a non-European practice³³.

Bentkowski describes Poland as a nation reborn from its tragic experiences, endured over centuries of suffering. He argues that because of this suffering, Poland 'deserves' to be treated better. So not only does Bentkowski represent the liberalisation of abortion as something injurious to Poland, it is a particularly harsh affront because of the previous hurts it has endured, and because such legislation represents self-harm, since the initiative for abortion liberalisation comes from within, from Poles. However, as we have seen, such a position is contested by the pro-liberalisation position. Izabella Sierakowska stresses that continuing abortion debate has produced positive rather than negative effects, enabling women to obtain information about contraception, for example.

What is clear is that pro-liberalisation and anti-liberalisation Deputies both describe their position as anti-abortion, and represent an ideal Polish future where no abortions are performed. Both sides similarly ascribe an important role to abortion for determining Poland's international standing, further characterising the abortion issue in relation to the Polish nation's future and past experiences. However, whilst both share common ground in this fashion, both positions use such frameworks to

³³ In the main, abortion is allowed on request throughout Europe. Exceptions to this rule are Ireland, where abortion is only permitted to save the pregnant woman's life; Switzerland, Northern Ireland, Spain and Portugal, where abortion is also allowed to preserve the woman's physical or mental health; and Finland and the United Kingdom, where abortion is additionally legal for economic or social reasons.

advance very different arguments. Let me now then come on to discuss how the question of abortion is framed in terms of pro-family politics and gendered citizenship.

Pro-family politics and gendered citizenship

Pro-family politics

All sides of the abortion debate universally valorise the family, want to strengthen the family and pursue pro-family politics³⁴. Marek Balicki, for example, holds that the liberalisation of abortion amendment seeks to produce in Polish society an attitude of accepting parenthood, as well as being a policy in keeping with a pro-family policy (p.99) whilst Izabela Jaruga-Nowacka similarly stresses the importance of an 'active pro-family policy' (Jaruga-Nowacka, Transcript, p.112).

Conforming to a 'pro-family' politics means upholding the nuclear heterosexual family. We have seen in the previous chapter that the Polish word for family, *rodzina*, symbolically represents more than a common-sense British English translation might suggest. *Rodzina* incorporates a sense of the historic struggle of the Polish nation for autonomy, within which women have assumed a particular role as *Matka Polka*, the Polish mother. In such a model, women's roles as mothers are primary to their sense of identity, and essential for the future progression of the nation. In this context, promoting or supporting a pro-family politics serves a particular nationalist ideology within which the scope for women's right to choose looks rather limited. However, deviating from a valorisation of the family remains

³⁴ The family that is spoken of with such reverence in this context is the nuclear family: two married, heterosexual partners, with or without children.

an extremely risky enterprise. It is in such an accepted common context then that the arguments for the liberalisation of abortion are advanced. Both Balicki and Jaruga-Nowacka attempt to reconcile the (apparently) contradictory positions of enabling wider access to abortion whilst simultaneously arguing that such a position respects and protects Polish families.

Unsurprisingly the liberalisation amendment is repeatedly and consistently critiqued as to its pro-family credentials. For example, Włodimierz Puzyna, representing anti-liberalisation UW Deputies, discusses whether the terms of the bill help ‘young mothers’ to have a child. Arguing that the amendment (as well as the 1993 law) does not adequately support such work in enabling women to carry through their pregnancies, Puzyna expresses concern that because of this the bill does not adequately safeguard the family (Transcript, p.111).

Other critiques of the pro-family credentials of the amendment stress that the liberalisation of abortion results in the destruction of the family. Deputy Bentkowski (PSL) argues that alternatives to abortion which preserve the family should be pursued rather than a law creating ‘convenient abortions’ which could encourage abortion. He draws attention to the fact that several thousand childless married couples are waiting for the chance to adopt a child, arguing that this demand could be satisfied if babies were given up for adoption rather than pregnancies terminated (Transcript, Bentkowski, p.120). Here we see that ‘protecting’ the family is about defending nuclear families where both partners are married.

All these critiques emphasise the centrality and importance of the institution of the family in Polish society. The liberalisation of abortion amendment is argued by its critics to contribute to a disintegration, or, at least, an erosion of the Polish family, which is therefore equated with a disintegration of the fabric of Polish society, and the Polish nation itself. Supporters of the liberalisation amendment tread a fine line between supporting increased access to abortion, and upholding respect for the Polish family and nation.

Gendered citizenship

The foetus-as-citizen versus the woman-as-citizen

The question of determining appropriate abortion legislation is represented as an attempt (and a struggle) to resolve an irreconcilable conflict between a pregnant woman and a foetus. Whether a pregnant woman and a foetus enjoy similar citizenship rights is a particularly contentious point of debate, with some participants arguing for an absolute equality of citizenship rights between the two, whilst others stress the precedence of women's rights over those of the foetus. Introducing the debate, Marek Balicki notes:

We have here... a conflict of various interests, the foetus and pregnant woman, and there can be no complete reconciliation between the two. We have the situation of the foetus which is (in the process) of becoming (a) human, and the situation of the woman, who already is a human (being). Finding a compromise solution is unusually difficult. (Transcript p.98)

Interestingly, Balicki describes a foetus as being in the process of acquiring those rights already possessed by the pregnant woman as an already living human being. This allows some scope for the prioritisation of women's needs and rights, since it

acknowledges that women are in possession of full citizenship rights, whilst foetal claims to citizenship remain subsidiary in comparison. It is also interesting that Balicki describes the foetus as in 'process': this resonates with (Western) feminist understandings of the relationship between foetus and pregnant woman where the foetus is in process of becoming rather than an autonomous entity (see for example, Duden, 1993).

Deputy Eugeniusz Januła, representing PKND (New Democracy) argues for a dual focus on foetal rights *and* on women's citizenship rights:

...it is also necessary to protect life, [including the life of] the unborn child as well as [the life of] the mother. And the law is an attempt – whether it will be successful will be seen shortly – [at] finding the golden way – between the protection of the life of the foetus and protecting the life of the mother. (Transcript p.116)

From both these extracts, it is clear that the concept of foetal personhood enjoys a substantial degree of currency in the Polish abortion debate, with foetal interests represented as parallel to, and in competition with, pregnant women's interests. In a similar fashion to the US and UK contexts then, the relationship between the pregnant woman and the foetus is represented as antagonistic, whereby the rights and interests of one must be chosen over the other.

Prioritising the foetus-as-citizen

Other participants stress the importance of foetal rights in such a way that they override women's rights. Adam Strzembosz, speaking in his capacity as President of the Supreme Court, states that even the socialist state acknowledged foetal claims to citizenship:

I do not see any fundamental basis for questioning the development of judicial jurisdiction [established] for many years [which] even before 1989, more and more widely took the unborn child under its protection... (Transcript p.107)

Strzembosz claims that foetal citizenship even enjoyed recognition in a totalitarian state which did not respect citizenship rights or the rule of law in a comparable degree to liberal democracies. In other words, so Strzembosz infers, the fundamental claim for foetal rights is so self-evident that not even the socialist state could ignore it, thus it seems inconceivable that a democratic Polish state could ignore foetal rights. Meanwhile, the rights of the 'unborn child' are prioritised in importance over women's rights: it is significant that Strzembosz does not offer a comparable description of women's rights under state socialism. Women's rights to citizenship are simply erased.

We have already seen a degree of slippage between the terms 'unborn child' and 'foetus'. For example, Eugeniusz Januła at one point uses the term 'unborn child' and at another uses the term 'foetus' (Transcript p.116). During the second reading of the liberalisation of abortion amendment there is some dispute over which term is appropriate, particularly since the liberalisation amendment substitutes the term 'unborn life' as a form of wording used throughout the 1993 law with the more neutral and medical term of 'foetus'. Bentkowski, representing the PSL, notes the significance of such a substitution:

It is worth drawing attention to the fact, that the authors of the draft at all costs want to eliminate the concept... of 'unborn child' and replace it with the concept [of] 'foetus'. This rather primitive procedure probably according to the authors of the bill [serves the purpose] of neutralising the words of the law. It is easier to admit [to] an opinion which consents to the abortion of citizens as fetuses, than as citizens which are unborn children. (Transcript p.120)

Bentkowski identifies exactly what is at stake here: the 'neutralising' of the wording of the law. The concept of 'unborn child' assumes that the only factor obstructing the ability of the foetus to exercise the same citizenship rights as a child (and a pregnant woman) is the fact of it being 'unborn'. What is key here however is Bentkowski's identification of the pragmatic purpose of such a change in terminology: the adoption of the term 'foetus,' he argues, allows a shift in perspective such that the 'abortion of citizens' appears more acceptable. Similarly, Joachim Czernek (MN) states that such a substitution is a 'manipulation' which he argues allows the authors of the liberalisation bill to more easily disregard the citizenship rights of the 'unborn child' from conception (Transcript p.115-6).

This brings us to another point, that of timing. According to the 1993 law, the 'unborn child' is protected by law from the moment of conception, a point which is made repeatedly by the anti-liberalisation lobby. However, this is in fact contradicted by certain provisions of the 1993 law, which allow for abortions in certain cases (with no time limits) where abortion is legal and the rights of the woman take precedence over foetal rights. The liberalisation amendment, meanwhile, explicitly restricts abortions to a 12-week time-limit. The foetus thus becomes privileged over women's interests after 12 weeks: the liberalisation proposal privileges women only up to a certain point in the pregnancy. Interestingly, and as in the British context where the Alton Bill provoked a great deal of debate around appropriate time-limits for abortion, Balicki notes that the Committees also debated the point at which foetal rights take equal place if not priority over women's rights (Balicki, Transcript p.102). However, although debate over the upper time-

limit at which abortion will be permitted does surface as an issue, it never assumes the significance and centrality that it was accorded in the UK Alton debate.

Prioritising the woman-as-citizen

As I have noted above, the pro-liberalisation lobby tread a fine line between acknowledging the need to respect and protect foetal rights and simultaneously addressing women as citizens (potentially) affected by abortion legislation. Centring women as the subjects of abortion law, Izabella Sierakowska (SLD) argues in favour of allowing abortions in private surgeries because this offers a better standard of care for women, reflecting a degree of concern for women's health (Sierakowska, Transcript p.108).

At the same time, the pro-liberalisation lobby also frequently cite the tragic experiences of women as subjects of the 1993 abortion law: criticism of the restrictive law focuses not just on its ineffectiveness but also on the way in which it has impacted differentially on women, with the poorest women suffering the most.

Izabella Jaruga-Nowacka (UP) states:

One of the effects of the (1993) law has been to drive (the phenomenon of abortion) underground... Under the government's present laws, it is possible to perform abortions in every phase of pregnancy, only with suitable payment. [The law is] unjust because the restrictions touch the poorest women and their families; omitting the often tragically difficult living conditions of many families in Poland is in this context simple dishonesty. (Transcript p.112)

This evaluation of the impact of the 1993 law on abortion focuses on *women's* experiences of restrictive abortion law, acknowledging the gendered differential in

effects of law, as well as the differential impact of the law between different women. Singling out the experience of poor women as particularly tragic is a strategy for legitimating the addition of the 'socio-economic clause' to the list of permissible abortions. In this way it is argued that the (paternalistic) state has a duty to support those disadvantaged by socio-economic transformation, to support those living in conditions of grinding poverty. At the same time what is also significant here is the description of abortion not just as a woman's problem but the responsibility and burden of the *family*. In other words, Jaruga-Nowacka strategically reverses the argument that abortion results in the destruction of the family, instead arguing that the inability of women in poor families to obtain abortions actually contributes to the degradation and disintegration of the family. This position emphasises a woman's right to abortion as an integral part of sustaining the family: women's rights are described as bound up with the right of a family to self-determination. Jaruga-Nowacka thus convincingly advances a position where the liberalisation of abortion is simultaneously described as being both in women's and the family's interests.

Protecting women's right to choose?

We have already seen that Izabela Jaruga-Nowacka (UP) advances the case for a woman's right to choose as part of a pro-family policy (Jaruga-Nowacka, Transcript, p.112). A woman's right to decide about abortion is also described as being enabled through sex education and contraception by allowing women a choice *other* than simply having an abortion. Eliminating abortions is seen as good for women and situated in the context of 'progressive legislation' such as has been enacted in Europe and the US (Sierakowska (SLD), Transcript p.109). Thus the liberalisation of

abortion is described as a symbol of the advancement of women's rights as Poland 'progresses' toward a democratic society.

As we have seen, abortion as a universal form of birth control is rejected since under state socialism a policy of abortion on demand existed, but it did not enable women's choice. In the absence of sex education and cheap, reliable contraception, easy access to abortion represented a pragmatic policy and was not directed at women's emancipation: hence the identification of (multiple) abortions as psychologically and physically damaging for women. Therefore the inclusion of sex education, contraceptive subsidies and freedom of information is seen as positive because it enables women to have a realistic choice *other* than whether or not to have an abortion. Let me here repeat Izabella Sierakowska's estimation of the significance of abortion:

In abortion debate, which has been ongoing for several years, it really comes down to this (question), in which society we would like to live – whether in that (society) in which there is interference in the most intimate decisions, or in that (society) which is marked by a legal framework of compassion and tolerance, freedom of conscience and the right to silence. (Sierakowska (SLD), Transcript p.109)

As I have noted earlier, Sierakowska describes two alternative visions of society. The first is authoritarian, conservative and 'interferes' in 'intimate decisions' (resonating with Poland's recent experience of authoritarianism) whilst the second valorises individual self-determination as well as an environment in which respect is accorded for human rights, including 'tolerance, freedom of conscience and the right to silence' (Transcript p.112). Here then, a woman's right to choose is defended and asserted on the basis that such a right is universal and part of the framework of human rights on which Western society is founded. Including the component of

'freedom of conscience and the right to silence,' moreover, emphasises the fact that the decision to have an abortion is an individual right for which women are answerable to themselves, not to the Church or to law courts.

This position is substantiated by Maria Walcyńska-Rechmal who argues that '...women are equal members of society... women alone (without interference) would like to have the right to answer to their own consciences' (Walcyńska-Rechmal (PPS), Transcript, p.118). Barbara Labuda (non-affiliated) also supports the need to prioritise women's needs over religious doctrine:

I propose that if we have a choice between doctrine and dogma, without regard for which religion, which Church, which cult it concerns, and a living person, then we should try to choose a living person. Which in this case means (choosing) women. (Labuda (non-affiliated), Transcript p.123)

In other words, Labuda argues, the materiality of women's position as subjects of abortion law should be considered and prioritised before any abstract values such as morality or Church doctrine.

However, despite the fact that women's rights are consistently advanced here by several women Deputies, it must also be stressed that the terms of the liberalisation amendment preclude women's capacity for independent decision-making without surveillance, and that such a decision to terminate a pregnancy is only admissible *in certain justifiable cases*. The appointment of 'professionals' such as doctors to monitor a woman's decision, the delineation of strict limitations to those cases in which abortion is possible, together with the imposition of a three-day waiting period for abortion, all these factors work to substantially reduce women's capacity to

exercise their human and citizenship rights by terminating a pregnancy. Abortion is clearly not available 'on demand' as a human right.

Abortion and parliamentary democracy

Justifying claims to authority: the operation of democratic machinery

Those speaking in favour of the liberalisation amendment consistently claim authority to legislate, and to legislate in a particular way on the matter of abortion. Justification for such claims is offered by drawing attention to the operation of the democratic machinery of government. This includes detailed descriptions of the passage of the amendment through the Parliamentary committees, sign-posting the use of 'experts' in the Committees' work, as well as the analysis of reports on the functioning of the 1993 law.

The work of the Committees

Introducing the liberalisation of abortion amendment debate, Marek Balicki gives an extremely detailed description of the amendment's passage through the Committees (Balicki, Transcript pp.98-103). He notes those points on which the Committees have been in agreement, as well as those issues on which the Committees have enjoyed heated debate, further describing those minority motions proposed and rejected at the Committee stage. Balicki offers a story of how the Committees came to accept the liberalisation bill, as well as how they came to reject or amend certain sections thereof. This is significant because the Committees' acceptance of the liberalisation amendment is shown to have been far from straight-forward but

brokered amidst resistance. In this way, the liberal democratic machinery is demonstrated to be at work: all voices are heard and related.

The balanced use of experts

Further 'evidence' of the operation of democratic machinery is advanced by drawing attention to the work of interested and informed 'experts' in the work of the Committees. Balicki states:

In the course of their work the Sub-Committee and Committee took advantage of the help of many experts, in particular in the field of medicine, law and social science. We became acquainted with many opinions, positions and experts, including those (re)presented by several (social) organisations, the Medical Council as well as trades union. The representatives of these organisations representing various factions of society were invited and participated in the following sitting of the Sub-Committee and Committee, that (also) included the Federation of Movements for the Protection of Life as well as the Federation for Women and Family Planning. (Transcript p.98)

The work of experts is consistently referred to throughout the second reading, being selected to substantiate both the pro-liberalisation *and* the anti-liberalisation position by various speakers. What makes this extract particularly significant is the range of experts referred to: here Balicki identifies certain professions and professional groups as having the right and competency to advise on abortion policy, including experts in the field of medicine, law and social science, as well as professional organisations 'representing various factions'³⁵ of society'. The Committees demonstrate that they have drawn on the expertise and knowledge of (supposedly) objective, disinterested and impartial experts on the implications of abortion policy (such as doctors and lawyers for example).

³⁵ The word 'factions' here simply meanse sectors/interest groups of society; it is in this context non-value laden.

At the same time Balicki deliberately notes the involvement and participation of two key abortion campaign groups: the (pro-life) Federation of Movements for the Protection of Life (PFROŻ) as well as the (pro-choice) Federation for Women and Family Planning. Juxtaposing 'objective' experts with those campaigning around abortion debate, Balicki emphasises that the expertise and opinions that have been drawn upon have been balanced. The participation of the Federation for Women and Family Planning has been offset by the simultaneous involvement of PFROŻ.

Thus Balicki stresses that the work of Committees is rigorous, informed and democratic. Subjecting the amendment to outside 'expert' scrutiny has allowed Deputies to achieve a deeper level of understanding of the implications of abortion policy whilst simultaneously allowing a certain degree of consultation with the 'public' at large about the shape of abortion policy. Those in a position to 'know' about abortion include campaigners on abortion policy as well as those 'impartial' experts such as doctors and lawyers.

Reporting on the implementation of the 1993 law

Another way in which the democratic procedure of government is signposted is through the description and analysis of reports on the 1993 abortion law. For example, Kuszewski reports on the 1993 law in his capacity as Under-Secretary of State in the Department of Health and Social Welfare (Transcript pp.103-4). Another example includes Jerzy Wiatr's reports on the 1993 law in his role as Minister of National Education, with specific regard to the implementation of sex education in schools.

It should be noted that these reports on the realisation of the 1993 law were conducted in accordance with the resolution that an annual report should be carried out on the so-called 'anti-abortion law' so as to monitor its effectiveness. These reports are therefore not solely inspired by the passage of abortion liberalisation legislation through the Sejm. However, at the same time, since reporting these findings at this juncture draws attention to the failings of the 1993 law, such reports lend credence and authority to the pro-liberalisation lobby, as well as demonstrating the operation of democratic machinery to monitor the impact of abortion legislation. This establishes both the government and the Sejm as competent democratic institutions with the necessary authority, resources and mechanisms to reformulate abortion law. However, critique is offered to such assertions by anti-liberalisation voices.

Assessing/critiquing the legitimacy of the Sejm

As we have seen, those spokespersons representing the government or the Committees stress that the formulation of the liberalisation amendment has been in accordance with democratic (and therefore representative) procedure. Others meanwhile, most notably including those speaking against the adoption of the liberalisation amendment, devote considerable attention to assessing and critiquing the legitimacy of the Sejm. This includes criticism for not following established procedure, critiquing the purpose of abortion liberalisation as well as an assessment of previous legal provisions. I will now take each of these points in turn.

Criticism for not following established procedure

Criticism for not following established procedure issues from from those who are in opposition to the adoption of liberalised abortion law including, most notably, Adam Strzembosz, speaking in his capacity as President of the Supreme Court. Strzembosz angrily states:

Rarely do I take the floor on this rostrum...Today I feel obliged [to do so] for two reasons. And [the first reason] is because the National Council of the Judiciary, who has the legal right to consider all bills [which] concern law, were not informed about this bill, and despite my request that this bill be sent to the National Council, [the bill] was not received, and thus our legislative right [to comment on the bill] was not realised. And that is why the Supreme Court, despite the usual requests for advice when some fundamental changes are being introduced to law, was not informed, it was not asked for its opinion on this question. [This is despite] my expressed request, maybe in the middle of August, we received the bill only after it had been worked on in the Committees... I was only able to send just this morning the prepared bill, and my position [on it] to the Speaker of the Sejm and the spokesperson of the four Committees which have (already) spoken on this matter...as (well as) I could in these conditions and at this pace... (Transcript p.106)

Adam Strzembosz is clearly extremely concerned that the position of the National Council of the Judiciary has not been established prior to the consideration of the abortion liberalisation bill in the Committees. He is personally aggravated that his expressed request to be consulted on the matter of changes to the legal code was ignored or sidelined, with the result that he has only been able to put together an opinion and a position on the liberalised law at the last minute. Here Strzembosz claims that the opinion of the National Council of the Judiciary is vital for the development of appropriate law. At the same time he goes one step further in claiming that the democratic right for the Council to express its view on those bills which provide for a change in the law has been violated. In other words, Strzembosz alleges that democratic procedure has *not* been followed, disputing Balicki's earlier

assertion that the Committees have drawn on the full range of expertise available to them. It is also significant that, as we will see, Strzembosz speaks out against the liberalisation of abortion amendment, arguing that he does not see any basis for a change to the law. It remains a matter for speculation whether the failure to send the amendment for consideration to Adam Strzembosz and the National Council of the Judiciary was borne of administrative incompetence or deliberate strategy.

Further allegations that proper procedure has not been followed are levelled by those in the anti-liberalisation camp. Stanislaw Kowolik (BBWR-KPN), for example, alleges that the proper procedure on the reporting of the 1993 law has not been followed (Kowolik, Transcript p.113). He further claims that the SLD and the UP have manipulated the reports on the implementation of the 1993 law so as to ensure that it does not look 'successful' (*ibid.*). Other speakers argue that proper democratic procedure has been flouted because of an inappropriate ordering of debates. Kormornicki (PSL), for example, places a formal motion to hear the reports and then to refer these reports all back to the Committees (Kormornicki, Transcript p.126). Wuttke, further disputing the order of debates, states that the matters of the Constitution and the Concordat should be settled before it is possible to dispute or settle abortion law (Wuttke, Transcript p.115). Raising this matter brings into question the legitimacy and authority of the Sejm to decide on abortion law before the constitutional framework - including the right to life - has been established. At the same time, Wuttke's reference to the Concordat (the treaty between the Holy See and the Polish state) places the question of abortion above being a purely domestic matter: it further allows the possibility that the spiritual power of the Roman Catholic Church could take precedence in or at the very least influence Polish policy on

abortion. Therefore, so Wuttke suggests, the Sejm does not have the authority or legitimacy to decide abortion policy whilst the constitutional framework and the Concordat have not been decided.

What remains clear is that those representing the government and/or in favour of the liberalisation lobby attempt to 'prove' their legitimacy and authority through a demonstration of adherence to democratic procedure. Conversely, those who are in opposition to the liberalisation of abortion attempt to demonstrate that democratic procedure has not been followed such that the liberalisation amendment, as well as those proposing and supporting it, lacks credence, authority and legitimacy.

Critiquing the purpose of abortion liberalisation

The purpose of abortion liberalisation is subjected to scrutiny by those in opposition to the successful passage of the amendment. This assumes the form of characterising abortion liberalisation as unnecessary or inappropriate and linking abortion debate to the up-coming elections. Others express concern that abortion policy somehow remains 'hostage' to political power.

Abortion liberalisation as unnecessary or inappropriate

Many of those who favour retaining the 1993 law and therefore rejecting the liberalisation amendment simply see the new law as unnecessary. One proponent of this point of view is Adam Strzembosz. As President of the Supreme Court he states: 'I would like to say that I do not see any basis of merit to change this law'

(Strzembosz, Transcript, p.107). He goes on to say that the amendment questions the rule of law as well as the established precedent of the legal protection of unborn life even before 1989. In this way, Strzembosz argues that the liberalisation amendment is an inappropriate piece of legislation since it breaks with legal precedent. Thus he argues that the liberalisation proposal is both unnecessary and inappropriate.

In response to the pro-liberalisation lobby's claims that the 1993 law does not reflect reality, induces criminality in women, and has driven abortion either abroad (abortion 'tourism') or underground, Puzyna argues that this lack of compliance with the law is no reason for changing it:

It is true that advertisements for abortion tourism, advertisements offering illegal abortions have appeared, but this is a phenomenon which it is necessary (to) and which we must counteract. And this is a paradoxical argument against the (1993) law. Should we apply this type of argument, (then) in every situation when the law is not obeyed, and we know many of these examples today, we would postulate a change in the law. It would be a completely paradoxical argument. The application of these paradoxes are in agreement with the authority of the Chamber. (UW, Transcript p.110)

Puzyna argues here that the problem is not with the law itself, but with the fact that Polish society does not respect the rule of law or obey the dictates of the 1993 abortion law. If abortion law is to serve the interests of Polish society, this does not mean that Polish society has to agree as to what those best interests are. This is democracy 'for' the people rather than 'by' the people. At the same time, Puzyna dismisses criticism of the 1993 law for not reflecting the reality of people's lives: for Puzyna, this is simply missing the point, since people's lives should be brought into line with the law, rather than the other way round. Changing abortion law is therefore argued to be inappropriate and unnecessary.

Abortion liberalisation and the question of elections

Other commentators opposing abortion liberalisation emphasise the political context in which the debate is taking place by associating the recurrence of abortion debate with the forthcoming Parliamentary elections. Bernard Szweda of Nowa Polska for example notes:

It would be possible to wave the recurrence and bringing of shame to Poland in the eyes of the world (through abortion debate) aside and to recognise that (those) behind the manifestation of foolishness and wrong-headedness are a couple of cranky Deputies (but for the fact) that the following political issue (is responsible) - because as the ruling coalition has not been capable of delivering the goods on their election promises, (including) the elimination of unemployment, poverty, building flats for young people, then this type of bill is brought up for discussion in order to divert the attention of society. (Transcript p.117)

Describing the introduction of abortion liberalisation as resulting from the failure of the coalition to deliver on their key policies and election promises, Szweda equates abortion politics with broken promises and the inadequacy of the ruling coalition to govern. Abortion liberalisation is described as a method of 'diverting the attention of society,' as he puts it. What Szweda is saying then, is that re-introducing the matter of abortion at this juncture in the Parliamentary cycle is a form of (vote-winning) 'dirty politics,' a substitute issue designed to displace attention from the 'real' issues, such as unemployment, building new flats and so on.

Bentkowski further states that: 'Every Parliamentarian should be guilty of the knowledge that the law created by them should serve society, and not [be enacted] because of ...elections' (Transcript p.120). Bentkowski describes the introduction of abortion liberalisation as a crowd-pleaser for the SLD and UP which does not *ultimately* serve society's best interests. Both Szweda and Bentkowski's association of

the timing of the abortion liberalisation amendment with forthcoming elections serves the purpose of de-legitimising the liberalisation proposal as well as the motives of the ruling coalition. In other words, it is not only that the liberalisation proposal is constructed, in and of itself as not in society's best interests, the legitimacy of such legislation is also brought into disrepute because the motives of those enacting it are rendered dubious. In such a context as this, however, it is hard to see how the fulfilment of any election promise could be described as anything less than 'dirty politics' or 'buying' the support of voters.

Abortion law as hostage to political power

In a similar vein, abortion policy is described as being hostage to political power: once again the motives of those proposing the policy as well as its ultimate purpose come under scrutiny. For example, Adam Strzembosz states that:

If there is a different composition of the Sejm (in the future) as a result of new elections, then most probably this changed composition in the Sejm (will) also affect changes to the law i.e. in fact playing around with (these) norms, (in effect) severing or questioning the bond between law and certain fundamental morals. These are unhealthy games. (Transcript p.106)

Here Strzembosz refers to the fact that the context of abortion policy has been determined by whether the right or the left is in government. Abortion was restricted by the centrist-right government in 1993, which came to power in 1991 on the back of the first fully free elections. The current (1996) sitting and composition of the Sejm meanwhile reflects the success of the left in the 1993 elections, and Strzembosz argues that it is as a result of this swing in political power that abortion liberalisation is on the agenda. Strzembosz alludes to the fact that should there be a further swing

back to the right in the forthcoming elections, the restriction of abortion would likely surface once more as a legislative priority³⁶. Strzembosz is decidedly against such swings in policy, criticising those who attempt to change policy in this manner for 'playing around with (these) norms'. He suggests that the initiators of abortion liberalisation do not respect the rule of law, but merely wish to shape abortion policy according to their political conceptions without an understanding of the relationship between 'law and certain fundamental morals'. It is ambiguous here whether Strzembosz is criticising the morals of Parliamentarians who wish to enact the liberalisation of abortion, or whether it is the repeated attempt to *change* abortion policy that is the focus of his critique. What does remain clear is Strzembosz's concern that abortion law remains hostage to whoever happens to be in political power. Here then Strzembosz signals legal authority as higher than political authority, legitimated by a morality he assumes is fixed, rather than dependent on the vagaries of the electoral process.

Jaruga-Nowacka (UP) also expresses concern that the law on abortion might be subject to changes in the Parliamentary majority:

I would like to remind (the house) that the Labour Union Party would like to share their opinion (and) concern that the conditions under which abortion is allowed might succumb to changes depending on the Parliamentary majority... (Transcript p.111)

Both Jaruga-Nowacka and Strzembosz express a similar conviction, but it is informed by a different ideal and conception of abortion policy. Whereas Strzembosz opposes any change in abortion policy and supports the 1993 law,

³⁶ Of course, Strzembosz is proved right: in 1997, after the liberalised law is taken to the Constitutional Tribunal and elections put the centrist-right into government, the Sejm accepts the ruling of the Tribunal that the liberalised law is unconstitutional. The 1993 law is re-introduced as a result.

Jaruga-Nowacka wholeheartedly supports the liberalisation of abortion and is concerned that the forthcoming elections might bring victory for the right and result in the re-instatement of the 1993, restrictive abortion law. Both are worried that the successful passage of the liberalisation of abortion amendment will not represent the end of abortion legislation, or a final resolution to the matter. The competency of the Sejm to be able to (finally) decide abortion policy is therefore brought into question.

Assessing previous legal provisions

As we have already seen, debate around the liberalisation of abortion hinges in part around whether the 1993 restrictive so-called 'anti-abortion' law is seen as effective. Debate on the 1993 law focuses on two elements. First of all, critique is offered as to whether the law has achieved its primary goal by reducing the incidence of abortion. Second, various assessments are offered regarding the impact, both positive and negative, of the 1993 law on Polish society.

Reducing the numbers of abortions

As I have noted earlier, a consensus exists that the purpose of abortion law must be to eliminate or reduce the incidence of abortion: the 1993 law is known as the 'anti-abortion law' for this very reason. Assessments of the implementation of the provisions of the 1993 law therefore unsurprisingly focus on its effectiveness in reducing the abortion rate and eliminating the mass incidence of abortion. Those in opposition to the liberalisation of abortion stress the efficacy of the 1993 law in

reducing the numbers of abortions, drawing attention to the dramatic fall in the numbers carried out in public hospitals (see for example, Puzyna, Transcript p.110).

Those in favour of the liberalisation of abortion reject the official statistics, however, arguing that the 1993 law has not in fact realised its objective of eliminating abortions. Supporters of the liberalisation amendment argue that abortions are still being carried out in similar numbers as heretofore, except that since 1993 abortions have been taking place either illegally in backstreet abortions, or abroad through abortion tourism. For example, citing expert opinion by the Criminology Department of the Jagiellonian University, Jaruga-Nowacka argues:

...it is clear that abortion is still carried out, and on a significant scale, only [through] illegal means. And thus the legal protection attributed to the unborn child is in practice a complete illusion. One of the effects of [this] law has been to drive the phenomenon [of abortion] underground, so that it does not exist in official statistics'. (Transcript p.112)

Admitting that data on abortion tourism is hard to obtain, they nevertheless argue that the idea that abortions have been in the majority stamped out is an illusion.

Sienkiewicz disputes the validity of official statistics thus:

Reports include official data... [which] do not [provide] a reflection of our everyday personal experiences, information in the newspapers, advertisements, which are [all] concerned with [the phenomenon of] abortion tourism. Obtaining full and reliable data on this matter is extremely difficult. From [the perspective presented by the official reports] we must also discuss merely a fragment of reality relating to the realisation of the law, and not its [real] effects. (Transcript p.105)

Referring to the widespread advertisements for gynaecologists ('all operations considered') as well as advertisements for so-called abortion tours, Sienkiewicz thus argues that the official reports cannot adequately capture the effects of the 1993 law on women's everyday lives. However, the fact that such data remain unquantifiable

for the most part means that such arguments are rejected out of hand by the anti-liberalisation lobby. Wuttke states:

Raising [the matter of] so-called abortion tourism, serves in my opinion [to] heat up bad emotions and [contributes to] the disinformation of society. Using large numbers, with the shortage of reliable data concerning the so-called [phenomenon of] abortion tourism, is a classic manifestation of manipulation. (Transcript p.115)

However, despite such a critique, what Sienkiewicz et al are arguing here is that those Parliamentarians supporting the 1993 law are practising self-deception in their belief that it is effective. Levelling the accusation that the previous Sejm was not in touch with reality, and that official reports on the 1993 abortion law represent only a 'fragment of reality' and do not capture the full range of women's experiences under the 1993 law, stresses the incapacity and incompetence of the Sejm to have legislated adequately on the matter of abortion in the past, and, indeed, potentially in the future. Sienkiewicz and other critics of the 1993 law state that (certain) Parliamentarians see what they want to see, and legislate on that basis, rather than on the basis of what best serves society's interests. Here it is the actions and beliefs of certain Parliamentarians (i.e. the anti-liberalisation lobby) that are represented as illegitimate and lacking in substance, detracting from the authority, standing and competence of the Sejm to have legislated appropriately on the matter of abortion.

Determining the effects of 1993 legislation

The divergence between the official picture of minimal abortion as evidenced through official statistics and the actual situation on the ground where abortions are easily obtained illegally, extends into assessments of the effects of the 1993 anti-

abortion law. Curiously this mirrors the distinction drawn between the rhetoric of state socialism and what has been called actually existing socialism. The suggestion is that a certain disparity exists between Polish society as imagined by (certain) Parliamentarians and social reality as experienced by the 'people,' and Parliament's authority is reduced because it is so out of touch with Polish society. As we have seen, it is argued that the impact of the 1993 law cannot be adequately represented or understood through official channels such as official statistics of the numbers of abortions performed in public hospitals, since these official sources do not adequately capture the impact of the 1993 law on Polish society.

The lobby supporting the liberalisation of abortion, including Sierakowska, Sienkiewicz, Jaruga-Nowacka and many others, highlight what they call the hypocrisy of Parliamentarians (and Polish society) in being ignorant of, or turning a blind eye to, the 'real' effects of the law. The law is described as resulting in the impotence of women to decide their future for themselves and an increase in ignorance about sex education and contraception, as well as contributing to the vulnerability and helplessness of women. At the same time, several commentators also refer specifically to the law impacting negatively on the Polish family, whose safeguarding and protection the restriction of abortion is of course meant to have ensured. Jaruga-Nowacka neatly summarises such arguments when she states:

The Union of Labour Party... [has] judged the effects of the current law. Because it is not only ineffective, but also unjust, criminalising and hypocritical. Unjust, because the restrictions concern the poorest women and their families; passing over the tragically difficult living conditions of many families in Poland is in this context a common dishonesty. Criminalising, because it results in forcing [women] into the underground gynaecologists and so-called abortion tourism as well as other pathologies. Hypocritical, because in fact it merely removes the problem from the field of vision. (Transcript p.112)

Thus the lobby supporting the liberalisation of abortion attempt to counter the assertion that the 1993 law has been successful because it has resulted in the reduction of the numbers of abortions performed. Instead, they draw attention to the negative impact of the 'anti-abortion law' on helpless women and families in poverty, which emphasises the failure of the (paternalistic) state to adequately cater for the most vulnerable members of society. Referring to the plight of poor families in particular levels the accusation that the law has failed to provide for those it has most sought to valorise and protect. Therefore it is suggested that the negative impact of the law far outweighs any gains made in terms of reducing the numbers of abortions performed.

Focusing on the impact of the 1993 law, critique is thus offered in relation to the authority, status and competence of the Sejm to legislate adequately on this issue in a number of ways. First it is suggested that the Sejm may not be adequately connected to the experience of Polish society at large. Second, the position of Parliamentarians to turn a blind eye to the actual situation is equated with hypocrisy, suggesting that the motives of legislators are less than scrupulous. Finally, the competence of the (previous) Sejm is attacked for its failure to protect those whom it most needs and hopes to protect.

Interrogating the purpose of abortion law and the basis on which it is mandated:

Public opinion, consensus and compromise

Parliamentarians spend a considerable amount of time arguing about the basis on which abortion law can be mandated and enacted. Discussion about what constitutes an acceptable version of abortion law focuses on the character and shape of public opinion on abortion, whilst analysis of the 1993 law and liberalisation amendment critiques to what extent either of these are the expression of compromise and consensus. Obtaining consensus and being supported by public opinion is seen to mandate particular positions on abortion, whilst achieving compromise is described as an appropriate and realistic means of resolving the abortion question. Let me now take each of these points in turn.

Public opinion

Abortion law should be in agreement 'with the expression of the expectations of the majority of society,' so Balicki states in his introductory speech (Transcript p.99). Abortion law should therefore reflect public opinion and further, as Bentkowski notes, should 'serve society' in so doing (p.120). It is, according to Bentkowski, on the basis of fulfilling 'the expectations of the majority of society' that the Sejm is mandated and endowed with the authority to legislate (*ibid.*). In this case, legislating in accordance with public opinion is described as the function of Parliamentary democracy. What public opinion is or actually means in relation to abortion policy remains for the most part undisputed, however it is usually assumed to mean majority opinion.

Public opinion is used to substantiate both pro-liberalisation and anti-liberalisation positions: both camps claim to speak for Polish society in general. The anti-liberalisation lobby stresses the increasing acceptance of the 1993 law by Polish society. Jerzy Wuttke, for example, representing BBWR - Solidarity in Elections cites OBOP³⁷ results, which he claims demonstrate a considerable growth of support for the so-called 'anti-abortion' law (Transcript p.114). Puzyna (UW) meanwhile, despite a lack of statistics to substantiate his claim, argues that public opinion increasingly does not support abortion on social grounds (Transcript p.111).

Meanwhile, Jan Kormornicki of the PSL draws attention to the activism of anti-liberalisation campaigners outside Parliament. As evidence of activism he cites people praying in churches all over Poland 'that very evening' (presumably in the hope of influencing Sejm debate), the fact that there will be pickets in the morning (in response to the outcome of Sejm debate), as well as the thousands of letters that have been sent to individual Deputies and the Speaker of the Sejm. Thus as well as using official statistics to substantiate their claim to speak for Polish society, Kormornicki claims legitimacy to speak on the matter of abortion because the activism of anti-liberalisation protestors is claimed as the expression of the conscience of Polish society.

Rather than concentrating on the statistics, the pro-liberalisation lobby meanwhile point to the scale of backstreet abortions and abortion tourism as proof that the 1993 law does not find favour with the majority of society, or public opinion. Their argument is that the regular and obvious flouting and disrespect for the law clearly

³⁷ OBOP is CBOS' main competitor in the opinion polling market.

demonstrates the Polish public's dissatisfaction with it. If public opinion did in fact support the law, so it is argued, then the rule of law would be respected³⁸.

Whether the shape of abortion law should, or can, reflect public opinion, does not remain undisputed, however. As I have noted earlier, Puzyna claims that the widespread flouting of the law does not represent a justifiable reason for it to be changed (Transcript p.110). He argues that the Sejm should direct public opinion: this is democracy *for* the people rather than *by* the people. This also accords with Strzembosz's position on the purpose of law as being to change moral norms in society (Strzembosz, Transcript p.106).

Meanwhile others claim that the Sejm does not represent public opinion because it does not possess the mandate of the people to decide any policy, still less abortion policy. Although silenced by the Speaker of the Sejm, Szweda attempts to put across his point that the reduction of the election threshold, reducing 24 political groups in 1991 to 7 parties in the 1993-7 term, has resulted in a Sejm which is unrepresentative of Polish society (Szweda, Transcript p.117).

The spokesperson for the PSL, Aleksander Bentkowski, does not present a mandate to speak for society or to represent public opinion in general. Instead he draws attention to the fact that his party represents and speaks as representative of a certain identifiable section of society:

For the Deputies of the PSL there can be no dilemma about whether it is necessary to reject the amendment to the law. Our electorate is in the majority residents of the villages, who are 99%

³⁸ I would speculate that the SLD and UP pro-liberalisation lobby need to do less work in terms of justifying their project as supported by public opinion since both parties won seats in the 1993 election on a manifesto of liberalising abortion.

of them believers - for them the protection of life is the most important value. If we feel (ourselves to be) their representatives, we have the duty to vote against this law, because this (law) is against children. (Transcript p.121)

Here Bentkowski represents his vote against the liberalisation vote as an act of conscience, which is motivated by the beliefs of the PSL's electorate. However, what is interesting is that here Bentkowski positions himself, and his party, not as representative of Polish society as a whole but of that part of society, and that section of public opinion, which is directly represented by the PSL. According to such a model, Parliamentary representatives must act in accordance with the expression of their constituents' views.

Consensus

Izabella Jaruga-Nowacka also claims that abortion policy should reflect public opinion. Her point however, is that the operation of direct democracy through a referendum would allow the true opinion of society to emerge. This would definitively establish a consensus on the shape of abortion policy, rather than allowing the issue to become hostage to politics, or surrender to a changed Parliamentary majority. She states:

I would like to remind (the house) that the Labour Union Party would like to share their opinion (and) concern that the conditions under which abortion is allowed might succumb to changes depending on the Parliamentary majority, many times [has the Labour Union Party] proposed that the House call a nation-wide referendum on this made, but it has never received support. (Jaruga-Nowacka, Transcript, p.111)

Here Jaruga-Nowacka argues that the Sejm cannot adequately resolve abortion policy as it will ultimately remain hostage to swings in political power. In this case,

so she argues, the only method of determining abortion legislation that will offer closure and a definitive resolution to the conflicts over abortion policy is a referendum. However the question of a referendum is only briefly raised as this subject has already been exhausted after the Labour Union's attempts to call a referendum on the issue the previous year. Jaruga-Nowacka here is merely reminding the House that such an alternative does exist, but has been earlier rejected (p.111).

Jaruga-Nowacka further goes on to state that 'the Deputies of the Labour Union Party are of the conviction that in this matter [of political abortion debate] it is necessary to seek a consensus and not to achieve ideological victories' (Transcript p.111). Here she valorises consensus and opposes this with the negative term of ideological victories. She places the Labour Union outside the arena where ideological battles are waged, removing them from the negative connotations of ideology. Conversely, she infers that whereas other parties participating in abortion debate are engaged with symbolic politics, the Labour Union is less concerned with the demonstration of their (ideological) position than in doing real politics, and allowing the people to voice their own opinions on the matter of abortion. The Labour Union thus simultaneously represents itself as outside debate (and therefore unsullied by 'dirty politics') and as arbiter of the people.

Compromise

There seems to be an almost universal acknowledgement that a satisfactory abortion law will require a degree of compromise. Balicki, for example, introducing the

amendment, says that it is an attempt to reach a position which is confluent with the majority opinion in society as well as representing the difficult search for compromise (Transcript p.98). Puzyna meanwhile states that 'respect for compromise is the essence of democracy' (Transcript p.110).

The 1993 law is described as a compromise by those supporting it, whilst those who support the amendment to the 1993 law *also* describe the amendment as a satisfactory compromise. Searching for compromise in this context means seeking resolution by conceding territory in the following disputes and divisions: foetus versus (pregnant) woman; pro-choice versus pro-life; and finally, post-Solidarity right versus postcommunist left in the Sejm. Meanwhile, parties such as the Labour Union (which is in fact a far-left party) claim a neutral position can be adopted whereby consensus can be achieved. In other words, compromise can only be reached by abandoning ideology in favour of the nuts and bolts of politics where expedient deals can be done.

However, what is classified as a *satisfactory* compromise remains very much up for debate. Thus those who speak in rejection of the liberalisation amendment frequently do so on the basis that the 1993 law should be upheld and the amendment rejected because it does not express an adequate compromise. For example, Cygonik (KPKN) states that as the liberalisation amendment is no compromise, his party therefore rejects the amendment. Puzyna further states:

Respect for compromise is the essence of democracy, but disrespect for the values of compromise ruins (such a) democracy. And please do not call this draft law, which today is being presented, a compromise, because it represents arguments only from one side, not taking into consideration all those arguments which are recognised by a great part of Poles, and arguments

(made) by institutions which are important to Poles, (arguments made by) Polish tradition, the Church, religion. (Transcript p.110)

Here Puzyna pours scorn on the assertion that the draft law is the expression of compromise, arguing that it only represents 'one side,' referring to the fact that the amendment does not in his opinion adequately reflect concern for unborn life. He further rejects the label of compromise because the amendment does not adequately represent the views of Poles, or adequately respect tradition, religion and the Church: compromise is thus required not only to be representative of Polish society but also to be representative of *certain sections* of Polish society.

Conversely, and yet unsurprisingly, those who reject the 1993 law support the amendment and liberalisation of abortion as a true compromise. For example, Januła argues that abortion law should protect both the unborn child and the mother. He argues that whereas the 1993 law does not fulfil this basic task by neglecting to protect women's rights, the liberalisation amendment does in fact achieve a satisfactory compromise between these two competing elements (Januła, Transcript p.116). He further states:

And the truth is this, that the 1993 law is a typically fundamental(ist) law, in which instance it is in no case spoken of as any compromise, even (in terms of) democratic methods. (Transcript p.116)

Here Januła categorically rejects the possibility, advanced as we have seen by the anti-liberalisation lobby, that the 1993 law is a compromise. Referring to the influence of the Church in drawing up the law, he even levels the accusation that the 1993 law was not enacted on the basis of democratic methods.

Thus we can see that both those supporting the 1993 law and those supporting the amendment of the 1993 law claim that their political project is the result of compromise. In other words, both camps lay claim to having already conceded ground to the other side. Meanwhile, Jaruga-Nowacka and Strzembosz, amongst others, draw attention to and express concern for the fact that whilst the 1993 law and the 1996 liberalisation amendment could be assessed as successful compromises, such compromises are not *binding*. In other words, they both predict that the instability of Parliamentary democracy and a change in the Parliamentary majority will result in a future overturning of any liberalisation amendment that is successfully passed through the Sejm. Because of this, so Jaruga-Nowacka argues, although a compromise can be achieved which is satisfactory to the majority in the Sejm in the short-term, this is unlikely to 'stick,' and the resolution of abortion policy seems a remote prospect as a result.

Conclusion

This discussion has focused on the ways in which abortion debate in the second reading of the liberalisation amendment constructs the meaning of abortion and the legitimacy of the Sejm to legislate on the matter of abortion. Throughout I have identified the relationship of the abortion issue to various anxieties including the pace and purpose of postcommunist reform; the purpose of law more generally, the legitimacy of particular factions to represent Polish society; the perceived instability of the political system as well as the relationship between Church and state and the protection of the Polish nation and family. I have identified the ways in which such discussions and anxieties inflect upon women's citizenship and gender roles more

broadly, investigating whether a pro-choice, 'women-friendly' position is articulated in the liberalisation position.

In common with Fuszara's analysis of Senate debate, this analysis has shown that Sejm debate around the liberalisation amendment is a key site for the articulation of competing democratic and nationalist projects. We have seen that a similar discursive framework to that described by Fuszara *is* in operation: all participants in the Sejm liberalisation debate distance themselves from a pro-abortion position, whilst abortion is consistently related to the broader issue of the purpose and pace of postcommunist reform and the democratisation project.

This chapter has shown how abortion 'makes' Polish politics through the liberalisation amendment, used to construct lines of divide between political factions and interests, constructing right and left, post-Solidarity and post-communist, modernity and tradition, secularism and Church affiliations, for example. At the same time, the abortion question is about more than 'simply' abortion. It represents a stand-in symbolic issue where the meaning of the Polish past can be interrogated, where nationalist futures can be imagined, and through which competing political projects are articulated.

Abortion debate is thus a key site where the democratic credentials of political factions and individuals are reinforced. All claim that they are 'playing the democratic game' by attempting to reach a compromise and by representing the true will of the Polish people, constructing the legitimacy of the Sejm to be *the* primary definer of abortion debate. At the same time, disputing the representativeness of the

Sejm, and further questioning its status to adequately resolve the abortion issue, reveals a considerable degree of anxiety around the Sejm's claims to be such a primary definer on abortion.

Despite the similarity of the discursive framework, the liberalisation debate does however mark a point of disjuncture with the Senate debate described by Fuszara (1993). There is some attempt to recuperate women's rights and to advance these as justifications for the liberalisation of abortion, with some mobilisation of the notion of women's choice, for example. Thus there does seem to be grounds for a feminist recuperation of this 'moment' in debate, since it did allow for the liberalisation of abortion on grounds which took account of women's differential and material experiences of abortion. However, I would be reluctant to claim that pro-liberalisation argument represents the mainstreaming of feminist thought on abortion. Abortion on demand is never constituted as a viable option, whilst the articulation of women's rights is constrained by the notion of foetal personhood and pro-family politics, where women's rights and needs are subordinated to the good of the family, and the Polish nation. The legacy of state socialism ultimately discredits universal claims for gender equality in the postcommunist Polish context, and it is in part because of this, that only a strategic and partial claim for women's rights can be advanced in support of liberalised access to abortion.

In the following chapter we shall see how abortion is discursively constructed in media reportage around the Sejm debate.

Chapter 5: MEDIATING BETWEEN POLITICS AND THE PEOPLE? NATION, GENDER AND DEMOCRACY IN PRESS REPORTAGE AROUND ABORTION

Introduction

Newspapers are one of the most important sites where political life and the 'nation' meet: political manifestos are both disseminated *and* analysed at this site. Furthermore, national newspapers, as Anderson has argued, play a vital role in constructing and consolidating the idea of the 'imagined nation' as something which is material and concrete (Anderson, 1983). In the postcommunist Polish context, where, as we shall see, the free press is seen as essential to the establishment and maintenance of democratic government and society, media reportage around abortion is both a central site through which the Polish nation is continually being re-invented, and an issue through which democratic practice is constructed and critiqued.

This chapter proceeds from the insight that an analysis of media reportage around abortion not only allows access to the discourses in circulation in relation to abortion, but simultaneously allows a critical engagement with the ways in which the press represents its democratic role to mediate between the public and political life. This chapter is therefore concerned both with analysing what discourses are in circulation in press coverage around abortion, and in analysing how such discourses are reported. To this end, I analyse media reportage around abortion liberalisation in 1996 in two newspapers broadly constitutive of, and identifiable with, the two major factions participating in debate around the liberalisation of abortion: *Trybuna* (the SLD) and *Gość Niedzielny* (the Roman Catholic Church, allied to the right).

Similarly to the previous chapter, the first part of the analysis considers the discursive construction of abortion in relation to the Polish nation. This includes discussion of the ways in which abortion is framed in relation to the extinction of the nation, including Holocaust, as well as the ways in which abortion is related to the Polish nation's past experiences of state socialism and Nazi occupation. I go on to examine the kinds of nationalist futures projected through abortion reportage, considering the two competing ideal Polish futures which emerge: the Christian (Roman Catholic) nation, versus the international, secular, Western nation. I then examine the ways in which these competing nationalist projects articulate gender roles and ideology.

Again, similarly to the previous chapter, the second part of the analysis focuses on the construction of abortion in relation to democracy. In this chapter, discussion revolves around the ways in which each newspaper constructs ideal democratic practice, as well as its own role in 'guaranteeing' democracy. I investigate how each newspaper reports on the party political dimension of debate, further analysing how each constructs the significance of abortion for democratic institutions (including Church and state and the status of the Sejm). Going on to examine how mass protest is constructed or critiqued as constitutive of democracy in action, I conclude by considering the ways in which reportage constructs two competing subjects of abortion law: women and 'unborn life'.

Before I proceed to the analysis, however, I offer a consideration of the role of the print media in postcommunist Poland, further introducing the analysis thus far sustained on Polish media abortion debate. I then present the methodology and

rationale underlying my consideration of media reportage and introduce the newspapers under analysis.

Print media in postcommunist Poland

Considering the amount of research conducted on the economic dimension of transformation in postcommunist Poland, it is surprising how little has been published on postcommunist Polish media. Downing, O'Neil and Sparks have all commented on the dearth of research into postcommunist transformation that properly connects such changes to studies of mass communication processes (Downing, 1996; O'Neil, 1998; Sparks, 1998). For example, Downing representatively states:

the cultural and communication dimension is frequently missing, or minimally present, in analyses of the power processes of Eastern European change, thereby generating an analytical image of mute, if astute, pieces on a chessboard rather than actual societies in flux and movement. (1996, p.1)

Although Downing made this claim in 1996, I would argue that the situation remains similar fully seven years later. Whilst a significant amount of research has been devoted to the collapse of state socialism and the institution of democratisation across East Central Europe, such analyses have not been concerned with the role of the media in postcommunist transformation. Thus whilst the media are recognised to play a central role in democratisation, as O'Neil states, 'our understanding of the role they play in the actual process of transition is poor and largely anecdotal' (1998, p.6).

Nevertheless, a research field which considers the development of the Polish media both before, during and after state socialism is beginning to develop.

The media under state socialism

Throughout East-Central Europe, the media under state socialism was a 'transmission belt' from the party to the people, 'stifling alternative concepts or critiques of the existing order' (O'Neil, 1996, p.1). Maintaining strict control of the media enabled the party to control information, and thus control Polish society: the media was a crucial tool in the maintenance of authoritarianism (Goban-Klas, 1994). However, by the end of the 1980s, the media system was relatively diverse in Poland. Instead of the 'uniform and passive mass opinion allegedly produced by the communist media system,' Jakubowicz has noted that there were in fact three distinct media sites in operation at this time: the official communist media, the Church media, and the illegal and semi-legal oppositional material literature, mostly produced by Solidarity (1991, cited in Sparks, 1997).

With the collapse of state socialism, such 'underground publications' were predicted to define a new model of social communication in the postcommunist period (Sparks, 1997, p.106). The 'free press' was expected to play a key role in the maintenance of democratic government and society, enabling citizens to make informed political choices, facilitating communication between political élites and society at large, and thus helping to break down authoritarian rule (O'Neil, 1998, p.1). Such an understanding centred the media at the heart of the democratisation project.

Critiques of media reform in East Central Europe

With the dissolution of state socialism and the lifting of censorship, a 'torrent' of new titles poured forth across East Central Europe: however, the existence of new

titles outside the strictures imposed by state socialism did not 'alone lead to democracy by default' (O'Neill, 1996, p.1). Further, as O'Neil points out, 'it is unclear in the contemporary context how the media should, or should be expected, to mediate between politics and the people in the transition to free-market democracies' (*ibid.*). This is particularly so since as Sparks notes, 'The press... is closely tied either to political parties or to an increasing desire to attract advertising revenue. There is no attempt to establish a media system that responds to the needs and wishes of the citizens of the state' (1997, p.107). Thus the development of the free press has not fulfilled the radical political objectives it was originally expected to realise.

Several critiques have been made of media reform in East-Central Europe. Milton and Sparks have argued that since overall, the political and organisational structures of state socialism have remained relatively intact in the postcommunist period, this has not allowed 'a radical reorientation (that is, a freeing) of the news media in Eastern Europe' (Milton, 1996, p.21). At the same time, Milton critiques journalistic practice, arguing that there is an over-reliance on official sources, and a lack in the breadth of information content in general, which all contributes to the 'uncertain specification of the free press as a democratic institution' (1996, p.21; Sparks, 1997). Still others have noted that the advent of free-market democracy has not created a 'free' press: Goban-Klas has argued, for example, that the transformation of Eastern European media into 'self-managing commercial enterprises' means the media is now 'fettered' to the demands of legal regulation and market control (1996, p.25).

The Polish press

One of the distinctive features of the Polish media is that the communist and pre-communist past influences how political élites, the Roman Catholic Church, journalists, and society at large conceive the roles, power, functions and tasks of the media (Goban-Klas, 1996, pp.38-39). Johnson notes that Polish journalism is imbued with a particular historic experience of its importance in sustaining the Polish nation during the experience of partition in the nineteenth century, since during this time 'the press became a synonym for Poland, often the only organizer of Polish intellectual, social, cultural, and even sometimes political life' (Curry, 1983, cited in Johnson, 1998, p.107). Even during the era of state socialism, Goban-Klas noted, 'the idea of intellectuals as preservers of the national consciousness continued to be crucial to the journalists' self-image' (Goban-Klas, 1994, p.42). Thus the media in Poland is founded on the tradition first that journalism fosters national consciousness, and second, that strong ties should exist between journalism and politics (Curry, 1983, cited in Johnson, 1998, p.107).

This has resulted in a certain model of journalistic practice whereby the Polish (and indeed, East Central European) journalist feels 'a sort of messianic vocation. They want to become a mouthpiece for the people' (Horvath, 1996 cited in Jakubowicz, 2001, p.75). As a consequence, a particular mode of address has developed between Polish journalists and the Polish reading public. The audience is assigned the role of "pupils", citizens and followers,' whilst the journalist's purpose is to assume social responsibility through a critical and didactic role (Jakubowicz, 2001, p.75). At the same time, in Poland, as in the rest of East Central Europe, ruling élites and media élites are often in conflict over the proper role of the media in a democratic society.

Both believe that 'the media wield enormous power over the people. They consider media to be not *a* major but *the* main instrument of politics' (Goban-Klas, 1996, p.37). Both thus accord a central role to the media in the shaping of the new democracies.

Most Poles continue to see the press as political, rather than objective and independent. So Goban-Klas argues that whilst the Polish press has become more pluralistic, nevertheless, and in common with the state socialist era, it is 'widely believed that each party or faction must have a newspaper as its mouthpiece and that every newspaper must have some affiliation with a party or a faction' (1996, p.28). Such a conception of the purpose and role of the press is quite different from the UK context at least, where, despite having political leanings, broad-sheet newspaper reportage is widely represented as impartial and objective. In contrast, in the Polish context, the press is believed to perform an advocacy role in support of competing political parties or factions (Goban-Klas, 1996, p.39).

The significance of the print media to political life has not been under-estimated by the Catholic Church in Poland. Since the free-market economy and the proliferation of titles have not helped the Catholic press flourish in the postcommunist context,³⁹ the Church has diversified its media interests into television and radio. It has further promoted special schools and training for journalists in the Catholic press, radio, and television, as well as contributing to the formation of a new journalist association named the Association of Catholic Journalists (KAI).

³⁹ For example, Goban-Klas points to the substantial decline in readership of the principal Catholic paper, *Tygodnik Powszechny*, from 140,000 at its height to barely 40,000 in 1996.

The Catholic Church has also tried to impose its moral authority on national media policy by participating in debates over the proper content and function of the free press. For example, the new media law regulating television, implemented in 1992, stipulated that radio and television must 'respect the Christian system of values as a basis, while accepting universal ethical principles [and] the Polish state's vital interests' (Goban-Klas, 1996, p.30). There is no explanation of what these requirements entail. Further to this, the Roman Catholic Church has also criticised the performance of 'lay' journalists. This has included criticism of journalists' ridiculing of the Christian faith and morals, amounting to what they call blasphemy, which is emblematic, they argue, of a wider lack of tolerance and respect for the basic rights of humans. An even more forceful criticism of journalists was issued in a pastoral letter in September 1991. However, it is worth noting that the well-respected *Tygodnik Powszechny*, which represents the greater part of the liberal Catholic intelligentsia, was not included in those periodicals or programmes praised by the Episcopacy for their journalistic work. Although an avowedly Catholic paper, *Tygodnik Powszechny* attracted Church criticism following its editorial criticism of the Episcopacy.

At the same time, and in common with the historic role of the media in Poland described above, 'the conservative-nationalist political parties and the Roman Catholic church perceive themselves as an emanation of the national will and view their main task as preserving national culture and spirit' (Goban-Klas, 1996, p.37). Thus the right-leaning Catholic press provides one of the main sites through which 'nationalist ideology is developed and channelled' (Sparks, 1997, p.112).

Media and abortion debate in Poland

Many commentators have drawn attention to the central role of the media in Polish abortion debate. Some have commented on the partiality of the media, linking the stance of the newspaper toward the abortion issue with its professed political viewpoint, or else noting Church influence on media reportage around abortion. However, as we shall see, no analysis of media abortion debate has thus far attempted a critical analysis of the discourses circulating in relation to abortion in the media.

Fuszara offers a colourful description of media debate in relation to the first draft bill on abortion in 1989:

Highly emotional discussions also took place on TV and radio, as well as in newspapers. Representatives of both camps came to the 'open studio' on TV to voice their opinions and the debates dragged on late into the night. The editors of newspapers received hundreds of letters from their readers; they now stress that those in favour of abortion prevailed...Both parties to the discussions insulted each other, advocates of the draft calling its opponents murderers and Stalinists, and the opponents arguing that the advocates were trying to impose the Catholic Church's attitude upon the whole of society and that they were proposing a return to the Middle Ages and the Inquisition. (1991a, pp.221-222)

Fuszara's account suggests that media abortion debate has been both confrontational, passionate and emotive. Participants in media abortion debate, according to Fuszara, have predominantly been from one of the 'two camps' (presumably pro-choice or pro-life), although interested members of the public have also taken part by writing letters to newspapers. She thus stresses that the media has been a key site through which the pro-life and pro-choice lobbies have advanced their cause.

Whilst Fuszara draws attention to the kind of arguments being made, and projects being advanced through abortion debate, the majority of analyses of media abortion debate focus on the partiality, or impartiality, of different media sites. Laciak has noted the considerable coverage accorded to abortion in the Catholic press (1996, p.45), whilst Zielińska notes that press coverage of abortion debate by *Gazeta Wyborcza* and *Rzeczpospolita* has been 'objective' in reporting on abortion (2000, p.38). However, voices from the left have been practically absent in abortion debate, with the exception of what Zielińska calls the 'communist' newspaper, *Trybuna* (Fuszara 1993, p.249). Bystydzienski, meanwhile, states that the Polish abortion debate has been marked by the polarisation of press coverage so that the Catholic press reflects the Church's position on abortion, whilst non-denominational papers (such as *Gazeta Wyborcza*) have sustained a more critical viewpoint, even on occasion printing interviews with pro-choice feminists (1999, p.99).

Several commentators note that at the beginning of the anti-abortion campaign, the media 'seemed to sympathise with the opponents of the draft' (Zielińska, 2000, p.38; see also Plakwicz and Zielińska, 1994, p.206). However, as both these accounts stress, media opinion on abortion changed to reflect a position more amenable to the Catholic Church after being chided by the Polish Episcopate (Jankowska, 1991; Plakwicz & Zielińska, 1994; see also Zielińska, 2000). Such accounts stress the pervasive influence of the Church on the media.

Despite the repeated assertion of the centrality of the media to Polish abortion debate, there has been no critical analysis of the discourses circulating in relation to abortion. Assessments of the role played by the media have been confined to asking

whether a particular media site was supportive or critical of the pro-choice/pro-life position: such analyses take account of media sites as gatekeepers of information that have the influence to determine what points of view are publicised on abortion. However, such analyses crucially do not take account of the fact that news discourse is 'an ideological *construction* of contending truth-claims of reality' (Allen, 1999, p.4). As such, and following Allen, I agree that news discourse does not 'reflect' the reality of an event, but provides 'a codified definition of what should count as the reality of the event' (*ibid.*). From this perspective, no news account can be understood as impartial or objective.

Methodology and rationale

As we have seen, analyses of Polish abortion debate in the media have been rather limited in quantity and scope. Such analyses that do exist have sought to rate media coverage of abortion debate as partial or impartial, rather than taking account of *all* news discourse as partial ideological constructions of reality. In contrast, this study offers a discursive analysis of abortion reportage in the press, investigating *how* the newspapers I have selected constitute the 'reality' of the abortion debate. The analysis has thus considered both what discourses are invoked in press reportage around abortion, but also how such discourses are *reported*. Such a focus on the discursive dimension has allowed a detailed investigation of the ways in which the reporting of abortion is framed in relation to competing gendered democratic and nationalist projects. Performing a comparative analysis of two newspapers, one identified with the postcommunists or SLD (*Trybuna*), and the other with the Church (*Gość Niedzielny*), has enabled me to explore whether, and to what extent, similar

discourses circulate in both newspapers. I have also been concerned to trace the ways in which each newspaper respectively takes up a position in support, or else in critique, of the liberalisation of abortion.

This study builds on the assertions made by Downing and others that analyses of the processes of transformation currently being experienced in East Central Europe need to prioritise the analysis of mass communication which has been heretofore rather neglected. To this end, I am also interested in investigating how postcommunist transformation and democratisation is effected through reportage around abortion in the Polish press. In common with my over-arching research question which asks how all three research sites construct their authority and legitimacy as instruments of democracy, this chapter investigates how both newspapers represent their democratic role as mediators between politics and the 'people,' investigating in what manner both newspapers claim to articulate the 'national will'.

Whilst I would not argue that abortion debate in Poland represents a moral panic, my analysis of abortion reportage in the Polish press has been shaped by a key concept drawn from moral panic theory⁴⁰. Such a perspective acknowledges that it is through the media that a 'signification spiral' develops, in which the specific issue at stake becomes linked to other problems. Thompson argues, citing Jenkins, that particular interest groups and claims-makers in Britain involved in moral panics have historically pursued "*symbolic politics*" and the "*politics of substitution*" through which they drew attention to a specific problem in part because it symbolized another

⁴⁰ The term 'moral panic' was first coined in 1971 by Young, and further developed in Stanley Cohen's ground-breaking work *Folk Devils and Moral Panics*. In this latter work the concept of 'moral panic' was used to 'characterize the reactions of the media, the public and agents of social control to the youth disturbances' between Mods and Rockers (Thompson, 1998, p.7).

issue, which they could not address directly' (Thompson, 1998, p.21). Focusing on Polish press reportage as in part reflecting such a politics of substitution has enabled me to move beyond simply identifying the discourses in play around abortion, to investigating the issues for which abortion 'stands in,' such as the advancement and critique of competing democratic and nationalist projects.

Introduction to newspapers

It seems clear from the discussion above that abortion reportage in the media is already invested with certain ideas about the relationship between media and democracy, as well as an already-established 'partisanship' dependent on the location of the site at which abortion opinion is articulated. The significance of this lies in the fact that abortion reportage can never be seen to be 'neutral' in this context – in this debate, newspapers are 'pre-invested' with particular attitudes to abortion liberalisation legislation, depending on political affiliation and religious conviction. As Goban-Klas earlier puts it, the press is perceived to be a *mouthpiece* of a party or faction. Therefore, newspapers are pre-identified with a particular party or faction which best represents their general interests or attitudes and thus the depiction of the abortion issue in each newspaper plays to an already-established editorial 'outlook' on the abortion question. In such a context, where (with few exceptions) the media are obviously and deliberately partisan, I decided to focus on two newspaper sites which are heavily invested in abortion debate, namely *Trybuna*, the paper of the SLD or postcommunists, and *Gość Niedzielny*, part of the Catholic press.

Trybuna

Trybuna (Tribune) is a daily newspaper founded under state socialism and formerly called *Trybuna Ludu* ('People's Tribune'). During the state socialist era, it functioned as the organ of the Central Committee of the party with the largest readership of all the former Communist organs. In the postcommunist period, *Trybuna* has been transformed into 'a limited liability company with five shareholders, all private individuals linked to Social Democracy of the Republic of Poland' (Goban-Klas, 1994, p.222). In other words, *Trybuna's* political outlook is associated with the largest constituent element (SdRP) of the postcommunist successor party alliance, the SLD (Goban-Klas, 1994, p.236).

Former Communist papers saw a substantial decrease in their circulation post-'89. Goban-Klas states, 'In 1991, the press run of all "old" – formerly Communist – papers was only 30 percent of their 1986 circulation' (1994, p.225). However, *Trybuna* has been the most successful of the former Communist newspapers. Gulyas notes: 'Although all national newspapers of the Communist era saw their circulation figures decline after 1989, many of them retained their importance in the market' whilst she further notes that 'all the former Communist titles went through significant changes in terms of content, ownership and appearance (2003, pp.90-91). The average daily circulation figures of *Trybuna* between 1995 and 1997 stands at just under 300,000. To compare this with other newspaper circulation figures, the 1998 Polish Readership Survey established that *Trybuna* was the 7th most popular daily (out of 9), claimed by 1.33% of the respondents compared to 18% for *Gazeta Wyborcza* in first place and 5% for *Rzeczpospolita* in third place (National Readership Survey PBC, 1998).

Gość Niedzielny

Gość Niedzielny is part of the large network of publications linked to the Roman Catholic Church: Goban-Klas estimated that this amounted to approximately two hundred newspapers and weeklies, but that only six, including *Gość Niedzielny*, enjoyed any real influence (1994). The translation of this newspaper's title into English is 'Sunday Visitor'. It is a local Catholic weekly first established in 1945 and published in Katowice.

We have already noted that under state socialism the Catholic press flourished, becoming a key site for the expression of underground views. In the postcommunist context, and despite the Catholic Church's repeated attempts in this regard, the Catholic press has not fared well. The Catholic segment of the press remains quite small: it does not exceed 3 to 4 per cent of the total Polish press run, in numbers not exceeding 2 million copies. The Polish Readership Survey established *Gość Niedzielny* as 22nd in the weekly market out of 46 titles, claimed by 2.46% of the respondents, making it the Catholic newspaper with the highest circulation (National Readership Survey PBC, 1998).

Despite their marginality compared with the big players in the newspaper market, both *Trybuna* and *Gość Niedzielny* are relatively successful enterprises with an identifiable political outlook and a stable readership.

An introduction to abortion reportage in Trybuna and Gość Niedzielny

In all, I have analysed 45 articles: 25 from *Trybuna* and 20 from *Gość Niedzielny*. In *Trybuna* the articles run from 03/7/96 to 25/10/96, and in *Gość Niedzielny*, from 08/9/96 to 08/12/96. Coverage in *Gość Niedzielny* thus starts later, and ends later than comparable coverage in *Trybuna*. Peak coverage in *Gość Niedzielny* and *Trybuna* occurs around the second and third reading of the abortion amendment through the Sejm (29th-31st August) as well as around the Sejm debate which rejects the Senate's anti-liberalisation position (24th October). In contrast to *Trybuna*, *Gość Niedzielny* also features sustained reportage around abortion in the aftermath of the successful passage of abortion liberalisation.

The abortion question is front page news seven times in *Trybuna* over the period, whilst it never appears on the front pages of *Gość Niedzielny*. In *Trybuna*, articles on abortion additionally appear in the Polish news section; in editorials; in the 'current affairs' section; as 'theme of the day' and in the letters section. In *Gość Niedzielny*, abortion reportage is featured in Polish news items; Vatican news items; interviews; features and reports; letters; the questions and answers section and editorials. *Trybuna* and *Gość Niedzielny* report similar events in relation to abortion, including various Bishops' sermons or statements; Papal pronouncements; debate in Sejm and Senate as well as Presidential commentary and anti-liberalisation protests. Both *Trybuna* and *Gość Niedzielny* report the opinions of the Polish Church hierarchy and anti-liberalisation politicians and activists. *Trybuna* further reports the opinion of pro-liberalisation politicians, particularly the SLD, as well as pro-choice activists and doctors.

Abortion and nation

A nation under threat?

Both *Trybuna* and *Gość Niedzielny* relate abortion to the future survival of the Polish nation. For example, in *Trybuna* reportage, one participant in an anti-liberalisation vigil outside the Sejm states of abortion liberalisation that: 'It is planned that the Poles will only be 16 million [in number]' (*Trybuna*, 30/8/96a). Although this quote is not necessarily immediately identifiable as having anything to do with the question of abortion, the issue at stake is population decline. Using the phrase 'it is planned,' meanwhile, suggests that those supporting the liberalisation of abortion in the Sejm (outside which the protestor is standing) are pursuing a deliberate and systematic policy of significantly reducing the Polish population⁴¹.

A further *Trybuna* article which describes anti-liberalisation demonstration notes the following chants:

Dishonour – the homeland of the Pope wants to murder unborn children' or 'Thou shalt not kill' or 'Our Father...' [...] 'Whomever kills Polish children is not a Pole' or 'This is a fight about Poland – we will hold out'. (*Trybuna* 04/10/96)

Here abortion is described as murdering children, and further, a 'non-Polish' activity. National identity is equated with an anti-liberalisation position, and with a Roman Catholic perspective. Moreover, the question of abortion is characterised as a question of defining Polish national identity, in which Poland has a special responsibility, as the homeland of the Pope, to safeguard "unborn children". Polish national identity is therefore additionally described as having an evangelical purpose, which is being obstructed by those who 'kill children'. Abortion liberalisation is

⁴¹ In 2003, the Polish population stood at approximately 38 million people.

represented by the demonstrators as equating to the suppression of the Christian evangelical mission, which they describe as integral to Polish national identity.

The theme of the nation under threat is also evident in *Gość Niedzielny*. A short article which publishes extracts from the Pope's response to the successful passage of the second reading through the Sejm refers to the 'killing of unborn children', describing Poland as a 'state permitting the killing of innocents' and in the words of the Pope, characterising abortion liberalisation thus: 'the nation, which kills its own children, [is] a nation without a future' (*Gość Niedzielny*, 15/9/96). Here, in common with anti-abortion discourses in other contexts, the liberalisation of abortion is described as the killing of children, or the killing of 'innocents'. Again this is described as having wider ramifications since the 'killing of children' is further described as the destruction of the nation's future. Unborn children therefore come to stand in for the future potential of the Polish nation, whilst the liberalisation of abortion comes to be read as a metaphor for the extinction of 'Polishness'. At the same time the last phrase, 'the nation, which kills its own children, [is] a nation without a future' is redolent with the meaning that this is not simply extinction of the nation, but extinction of the nation from within. Abortion thus becomes equated with the spectre of race suicide.

Thus both *Trybuna* and *Gość Niedzielny* report anti-abortion discourses which describe abortion as a substantial and immediate threat to the Polish nation. However, the description of abortion as the death of the future nation is also subjected to critique in *Trybuna*. Letters from two doctors are published which ask 'why it is that the Italians, the English, the French, the Czechs, the Romanians, the

Canadians and the Americans and another five countries in the world, where abortion is legal, do not feel their nations to be “in danger” (*Trybuna*, 24/10/96a). Instead, so the doctors argue, the terms of debate should revolve around the quality of life that could be offered to an unwanted child. This letter is interesting for a number of reasons. First, *Trybuna* does not confront the claim that abortion equals the death of the nation through an editorial, but through the potentially less risky strategy of printing letters by readers. This helps *Trybuna* maintain a certain distance from the debate whilst simultaneously pursuing a particular critical position: no such letters in support of the claim that abortion equals the death of the nation are forthcoming. Significantly also, the two voices making the critique are both doctors. This position of expertise grounds the discussion with particular authority, de-centring the collective question of national survival by prioritising the welfare of individual children. The tone of the letter clearly suggests that the authors’ aim is to puncture emotional hyperbole. At the same time, arguing that Poles are no different from Italians, the French and so on denies claims about the special characteristics of the Polish nation.

Holocaust

The relationship between abortion and the extinction of the nation is also described in terms of Holocaust in both *Trybuna* and *Gość Niedzielny*. In a *Gość Niedzielny* article reporting the opinion of Polish Jews on ‘unborn life,’ a letter written by Józef Mach in his capacity as President of the Organisation of Polish-Israeli friendship is published. He states:

We must not hesitate to call the law permitting the killing of unborn children a **holocaust of the Polish nation**. We are in

solidarity and in full support of that standpoint expressed by Pope John Paul II and [...] the Polish Episcopacy. We take these speeches as a symptom of the future fate of the Polish Nation, which is in danger at the level of its very existence. (*Gość Niedzielny* 29/9/96, original emphasis retained)

It is interesting that *Gość Niedzielny* publishes such a statement by an individual who is Jewish. Adding that Józef Mach is writing in his official capacity lends a certain experiential credibility to the claim that a future extinction parallel to the Holocaust awaits the Polish nation.

What then is the significance of equating abortion liberalisation with Holocaust in the Polish context? Whilst such a comparison is familiar in Western abortion debates, clearly the trauma of experiencing and/or bearing witness to the Holocaust first and second hand lends a distinct dimension to such claims in the Polish abortion debate context. The degree of Polish culpability for the Holocaust remains hotly disputed both in and outside Poland, and I would argue that some degree of anxiety about complicity is evoked through claiming the similarity of abortion and the Holocaust. The message from Józef Mach and from *Gość Niedzielny* is not to repeat the mistakes of the past.

Although of course invoking the Jewish experience of the Holocaust lends tremendous moral weight to the anti-liberalisation position, comparing abortion with Holocaust in the Polish context first and foremost recalls the *Polish* rather than the Jewish experience of extermination by the Nazis in the concentration camps. This privileging of Polish suffering is most notable in *Trybuna's* reportage of the following anti-liberalisation protesters' chants:

Parliamentarians, we beg you – to permit our children to be born and to live... it is not possible (for us) to remain silent about these

killers, because the bodies of our forefathers perished at Auschwitz. (*Trybuna* 24/10/96b)

Here we can see that the protesters are reported to appeal to parliamentarians on the basis of Holocaust experiences, asserting their legitimacy to speak on this issue as descendants of Holocaust victims⁴². Arguing that a comparable holocaust of the Polish nation will take place if abortion liberalisation legislation is enacted, such liberalisation is equated with Nazi occupation, terror and murder. Speaking from the vantage point of the descendent of Holocaust victims not only adds authority and weight to their argument, but allows them to assume a practically unassailable moral vantage point. It also allows the claiming of Holocaust experience as a fundamentally *Polish* experience, of course.

Thus both *Trybuna* and *Gość Niedzielny* reproduce reportage that links the question of abortion to the question of the nation's future survival. Abortion is characterised in relation to historic attempts at the annihilation of the nation, such as the Holocaust. This past danger is re-constituted as a contemporary threat by further referring to the possibility of the extinction of the nation through population decline. These arguments are represented in both newspapers, but in *Trybuna* the linking of abortion with national survival is subjected to critique, with one pro-liberalisation letter disputing that abortion equals a threat to the nation's future.

⁴² In other contexts such claims to 'know' about the Holocaust as survivor, or descendent of Holocaust survivors would be read primarily as a Jewish experience. In the Polish context, a similar experiential claim would be read to mean a (non-Jewish) Polish survivor or descendent of survivors of the Holocaust.

The nation's past in the nation's present: abortion, socialism and occupation

The question of Polish national identity and abortion surfaces in relation to past Polish experiences under state socialism and World War Two in both newspapers. In *Trybuna* anti-liberalisation protesters proclaim: "No to the Stalinist law" (*Trybuna* 30/8/96a). Here we can see the 1956 liberal abortion law contradictorily named a Stalinist law: Stalin's pro-natal policy was precisely the reason why abortion was not legalised in Poland earlier than 1956, and this date in fact marks the beginning of de-Stalinisation and a certain degree of de-Sovietisation. However, I would suggest that the use of the word 'Stalinist' operates to signal legislation imposed from without, and therefore alien to Polish culture. The suggestion is that just as in 1956, any attempt to liberalise abortion law is part of an imperialist project harking back to the bad old days of Soviet rule. Such a position is not critiqued in *Trybuna*.

Trybuna also reports Deputies' speeches describing abortion liberalisation as the 'lowering of the values' which created Solidarity (*Trybuna* 29/8/96). Referring to abortion liberalisation as 'the lowering of the values' which created Solidarity indicates an identification of the communist past as negative and value-free, or at least steeped in the wrong values, whilst liberal abortion law is described as 'sullyng' the legacy of Solidarity. It is presumed that the Solidarity revolution would necessarily include the repeal of any liberal abortion law, and that subsequent liberalisation somehow goes back on the reforming ideals of the early 1980s by re-introducing state socialist policy. *Trybuna* does not attempt to recuperate or dispute these ideas.

Abortion is also framed in relation to the destruction of the human right to life, the destruction of democracy and of natural law. One statement issued by the Polish Episcopacy, and printed in *Gość Niedzielny*, characterises the liberalisation of abortion as somehow representing a return to the totalitarian past where rights were trampled on, the right of the Church was not respected, and democracy was a pipe-dream (*Gość Niedzielny* 22/9/96a). Another article in *Trybuna* reporting on anti-liberalisation protests in Gdańsk features the following comments from Prelate Jankowski⁴³:

What has happened today, is games with Poland. I think that the members of the PZPR [the Polish United Workers' Party] and presently the SdRP [Social Democratic Party of Poland], should not be (allowed) to remain in Poland. It is a shame, that we must again be at the mercy of the postcommunist Sejm, although that is no mercy. (*Trybuna*, 23/10/96a)

This extract makes it quite clear that Father Jankowski identifies the post-communist dominated 'merciless' Sejm as a continuation of Communist Party control. He is not merely calling for the purging of communist ideology, but of postcommunist politicians too, whom he associates with the previous, state socialist régime. By this logic, it is because former communists have been elected that abortion liberalisation has been proposed, since such politicians would necessarily be interested in re-introducing 'communist' policies such as liberal abortion legislation. Jankowski thus proposes a purge of former communists as a method by which 'de-communisation' can be achieved. The fact that *Trybuna*, as a former communist newspaper and organ of state, reports such identifications of the communist past as necessarily negative is interesting. My feeling is that in reporting such claims by Jankowski, a well-known and controversial figure, the newspaper is attempting to expose the

⁴³ Father Henryk Jankowski is notorious in Poland. He became famous as a Solidarity activist, closely associated with Lech Wałęsa, who worships at his Church in Gdańsk. Father Jankowski is known for his anti-semitic sermons and anti-communist/anti-postcommunist vitriolic speeches.

emotional tone and hyperbole of anti-liberalisation actions, at which its readers are expected to scoff. However, no specific rebuttal of Jankowski's claims are printed.

The reportage in both newspapers also links abortion liberalisation to Polish experiences in the Second World War. In an article titled 'Allowing abortion is like war,' *Trybuna* reports the homily delivered by Bishop Głodź, Bishop for the Polish Army on the 57th anniversary of the outbreak of WWII (*Trybuna* 02/9/96a). Bishop Głodź is reported to argue that there was in principle no difference between what happened on the 1st of September 1939 (i.e. the invasion of Poland by Germany) and the amendment of the so-called anti-abortion law, further adding:

We say, that soldiers do not die, but only give their lives for the Fatherland. But in order to give their life, it is necessary to believe in life, in other words it is necessary to believe in the civilisation of life, even assuming the pretence of the legality of law, the pretence of state law. (*Trybuna* 02/9/96a)

The description of abortion as a kind of war in which the triumph of the pro-liberalisation lobby heralds victory for the 'civilisation of death' sounds extremely familiar to anyone acquainted with Western abortion debates. However, the Polish context again lends a different dimension to such an analogy, since the experience of war referred to even in general terms such as these is overlaid with the tragic experience of occupation in WWII.

An article in *Gość Niedzielny* similarly frames abortion in relation to the Second World War by referring to the Polish experience of Soviet terror. Under the headline 'Do not kill,' the paper publishes an extract of the sermon given by the Chaplain of

the Families of Katyń and those murdered in the East⁴⁴ at Jasna Góra (*Gość Niedzielny*, 08/12/96). In the extract the Chaplain repeats the phrase 'do not kill' repeatedly, linking the liberalisation of abortion to the experience of Poles exiled in or murdered in the East. Once again abortion liberalisation is described as murder, and here characterised in relation to the historic and symbolic annihilation of the nation at Katyń. At the same time a letter to the editors from 'a Catholic' also relates abortion liberalisation to the historic suffering of the Polish nation under the period of Nazi occupation and Stalinist terror, further comparing the intent of liberal abortion law with the 'activity of the Occupier' (*Gość Niedzielny*, 08/12/96). As we can see, in such descriptions of the consequences and purpose of abortion law, the past is always present, and the liberalisation of abortion law is described as sullyng the legacy of those who fought and died for Poland during this time.

As we have seen, abortion reportage in *Trybuna* and *Gość Niedzielny* is a key site where national anxieties about the Polish past are rehearsed. Abortion comes to stand in for the experience of state socialism as a colonising and non-Polish project, whilst the anti-abortion position becomes equated with the contemporary and historic anti-communist project. At the same time, abortion stands in for the tragic Polish experience of the Second World War, representing the loss of life, sacrifice in service of the nation, grief as well as a degree of Polish culpability around the Holocaust.

⁴⁴ 10,000 Polish officers were murdered by the Russians in Katyń forest during WWII. This massacre was only admitted by the Russian Government in 1995. Many soldiers, dissidents and members of the intelligentsia were also dispatched to concentration camps, Siberia and other regions of the USSR during the war. A sizeable community of Poles remains in the Republic of Kazakhstan, for example.

Projecting the nation's future and ensuring 'Polishness': establishing Christian values versus achieving European identity

As well as offering an interrogation of the past through abortion debate, both *Trybuna* and *Gość Niedzielny* provide reportage and analysis around the kinds of Polish futures projected by pro-liberalisation and anti-liberalisation positions. Two competing projections of Polish futures are articulated and analysed: the 'authentic' Polish Christian nation versus the modernist European nation.

The Christian nation

The identification of the Polish nation as a family of Roman Catholic believers recurs in both *Trybuna* and *Gość Niedzielny* reportage: the special and particular mission of Poland as homeland of the Pope and thus cradle of Christianity in Europe lends an added dimension to such claims. In this context, appeals against abortion liberalisation are described as the 'defence' of Christianity (for which read Roman Catholicism) and, as such, the defence of the Polish nation. As we have earlier seen in relation to its reportage around the endangered Polish nation, *Gość Niedzielny* reportage suggests that the question of abortion liberalisation, and its significance for the state of Polish morals, extends far beyond a religious perspective. Meanwhile *Trybuna* publishes a further extract of Bishop Głodź's sermon on the 57th anniversary of the outbreak of WWII:

there has come into being a line of division in Polish society, which doesn't run between Church and state, or between believers or non-believers, but between the civilisation of love and the civilisation of death, in which we can see proof of what occurred recently in the Sejm. (*Trybuna*, 02/9/96a)

This passage constructs the Christian, Roman Catholic perspective as a *universal* perspective, which extends beyond religious belief to wider society more generally. By implication, parliamentarians and those in society who support the liberalisation of abortion are not only non-Christian, but non-Polish. However, whilst such claims are not disputed in *Gość Niedzielny*, they receive critical and detailed critique in *Trybuna*.

For example, *Trybuna* offers extended critical comment on the influence of the Pope in abortion debate in its report on the Pope's appeal to young girls to follow in the footsteps of the Virgin Mary by remaining virgins⁴⁵ (*Trybuna*, 12/8/96). The article asks whether Poland can be a truly Roman Catholic country if there is a need to publicise the Pope's comments. *Trybuna* offers critique to the Pope's vision of the future and the role model he offers, further disputing that such a vision of the Christian nation is shared even amongst 'believers', let alone the rest of the population. Thus the paper points to the weakening grasp of the Catholic Church over Polish society, and acknowledges that Poland is a heterogeneous society, where Catholicism does not necessarily equal Polishness.

As indicated above, the vision of a Polish future shaped by Christian morality resonates throughout *Gość Niedzielny*, as might be expected from a newspaper so closely allied to the Catholic Church. However, some limited debate does surface around the juxtaposition of the Catholic and Polish nation. In an article titled 'Whoever chooses death, disqualifies themselves from the Church,' *Gość*

⁴⁵ It is unclear whether this is a call for young women to become nuns, or a plea for sexual abstinence before marriage.

Niedzielny reports Cardinal Józef Glemp's sermon at Jasna Góra⁴⁶ which proclaimed that excommunication would be meted out to those Roman Catholics who support abortion (*Gość Niedzielny*, 08/9/96a). However, despite such a proclamation, discussion arises in *Gość Niedzielny* as to the role of Christian belief in determining an individual's opinions on abortion, featuring debate as to whether such a punishment is deserved (*Gość Niedzielny*, 29/9/96). Here an editorial in the 'Questions and answers' section tackles the following question from 'Stanisław' from Rudy Śląsk: 'Should christened people, who approve of abortion, but do not commit it, also be subject to excommunication?' Answering this question, the article re-iterates the position of the Polish Cardinal Józef Glemp, quoting the following passage: 'Whomever chooses death, whomever says "yes", whether mother, father, adviser, doctor, Deputy, they all disqualify themselves from membership in the community of people preaching Christ's love'. Canonical law is brought to bear on the question, and the position and teaching of the Catholic Church on the matter is explained in detail.

It seems clear that *Gość Niedzielny* is here performing a didactic function. It is *assumed* that not all Catholic readers may agree with the position of Cardinal Glemp: hence the need for the explanatory answer to the reader's letter. However, the scale or incidence of resistance to the excommunication position is never explored. The debate surfaces briefly, but is contained by reproducing the official position of the Catholic hierarchy: it is raised, only to be negated.

⁴⁶ This sermon was delivered immediately before the final passage of the liberalisation bill through the Sejm. Jasna Góra is the monastery in Częstochowa which is the centre of religious activity and pilgrimage in Poland. It is here that the 'Black Madonna' icon (protector of Poland) is kept and displayed.

Such a claim for the primacy of Roman Catholic morality in determining attitudes to abortion is consistently disputed by *Trybuna* through its parallel coverage of the Church's clamp-down on Roman Catholics supporting the liberalisation of abortion. *Trybuna* disputes the claims of the Roman Catholic hierarchy to speak for the nation, to direct parliamentary policy, and to assume a universal perspective towards abortion globally. In an editorial article, the paper investigates the position of the Catholic Church and its participation in abortion debate, as well as its pronouncements on excommunication for those believers who support the liberalisation of abortion, or in some way support a woman to have an abortion (*Trybuna* 09/9/96). This article mocks the use of the term 'civilised' by anti-liberalisation campaigners to describe those states which restrict abortion, and for describing abortion debate in terms of a 'civilisation of life' versus a 'civilisation of death'. It argues that restricting abortion 'cannot be reconciled' with Poland's future entry into Europe, when Polish women will find it much easier to obtain abortions⁴⁷ (*ibid.*). It pokes a finger of fun at the Catholic Church, noting that perhaps it is 'fanatical' rather than 'civilised' countries that mete out excommunication for those who vote for the liberalisation of abortion. Concluding, the article questions whether it might be possible for a soul to change citizenship, making a dig at the Catholic Church's universal claims to speak out and direct abortion policy, no matter what the individual country's context. The implication here is that if Polishness equals Catholicism, there can be no place for those who do not support the Catholic Church's precepts: hence the need to change citizenship. Excommunication thus becomes a metaphor for abjected outsiders.

⁴⁷ It is unclear whether this suggests that Polish entry into the EU will be accompanied by a liberalisation of abortion law to bring Poland into line with other member states, or whether abortion will be easier simply because after EU entry, Poland will have open borders with other EU countries where abortions are easily available.

So both *Trybuna* and *Gość Niedzielny* report the projection of a future where morality and behaviour is shaped by Christian morality and more specifically, Polish society (and parliamentarians) obey the dictates of the Roman Catholic Church. However this position receives extensive critique in *Trybuna*. Moreover, it seems that despite its staunch support of the Church line in this regard, even *Gość Niedzielny* has to act to close down opposition to such a claim by re-iterating the serious intentions of the Church to excommunicate members for supporting abortion.

Poland's place in Europe and the international dimension

The alternative future identified by newspaper reportage of the abortion debate also interrogates Polish abortion law in relation to its standing in a European context. Polish abortion legislation is compared with that in other European countries, as is the take-up of contraception and sex education.

In *Trybuna*, for example, Polish women's use of contraception is reported as being four times lower than that of Western European women (*Trybuna* 14-15/8/96). Of course, provision for a subsidy of contraception is included within the liberalisation bill, and as we have seen in the previous chapter, one of the principal arguments made by the pro-liberalisation lobby is that being pro-liberalisation does not entail being pro-abortion. Thus various other measures designed to reduce the incidence of abortion, including encouraging increased contraceptive take-up by Polish women, are included in the liberalisation amendment. Making a comparison between Polish women's use of contraception and their Western European counterparts may serve to

demonstrate the 'backwardness' of Polish society in not taking up contraceptive provision, and set up the aspiration to increase use.

Trybuna questions what will happen to abortion law when Poland enters into the EU, since abortion is subject to less restrictive conditions in almost every EU country, with the exception of Ireland (*Trybuna*, 09/9/96). After the successful passage of the abortion liberalisation legislation, *Trybuna* further reports that Reuters have described Polish abortion legislation as coming into line with that of many other countries, including Italy, Belgium, Great Britain, Austria, Greece and Spain (*Trybuna*, 25/10/96). Both these articles implicitly suggest that in order for Poland to be fully European, and even to fully facilitate entry into the European Union, it needs to liberalise abortion law.

Gość Niedzielny does not compare Polish and European abortion law in quite the same manner as *Trybuna*, but nevertheless makes some attempt to use a comparative framework. Attention is drawn to the opening of 'the largest pro-life centre in the world' in the U.S., with the attendance of Polish anti-liberalisation and pro-life campaigners (*Gość Niedzielny*, 08/9/96b). Such a report draws attention to the global scale of pro-life campaigns, as well as the global impact of, and interest in, Polish abortion debate.

Another *Gość Niedzielny* article headlined 'The justification of murder,' appearing alongside a large photograph of a newly-born baby, outlines abortion law in various countries around the world, further referring to sex selection practices in China and India (*Gość Niedzielny*, 17/11/96a). The conflation of abortion with practices of sex

selection, which include differential abortions according to gender and the infanticide of female babies, confers a particularly negative value. A further article taken from various Russian press sources reports on abortion in Soviet and contemporary Russia (*Gość Niedzielny*, 17/11/96b). This documents appalling conditions in obstetric hospitals as well as the everyday use of abortion as contraceptive measure. Such a portrayal achieves two things, first, equating liberal abortion policy with greater health risks and lower standards of healthcare, and second, identifying the liberalisation of abortion project in Poland with the Sovietising experience of state socialism, during which time abortion was used as a method of fertility control in Poland. Both these points powerfully de-legitimate the liberalisation project.

The gendered nation

It is significant that in all the *Trybuna* and *Gość Niedzielny* reportage which relates abortion to the Polish nation's past, present and future, women and gender are absent signifiers. However, despite such an absence, the history which is invoked is gendered in particular ways.

Equating abortion with Holocaust, Katyń and the experience of occupation, as in *Gość Niedzielny* coverage especially, resonates with a gendered history in which Polish women have traditionally been characterised as 'mothers of the nation,' in service to the nationalist cause. In this context motherhood has assumed a political as well as a purely socio-reproductive role, with women producing sons to fight in the struggle for freedom and independence as well as maintaining Polish national identity through education and socialisation. Polish women have throughout the

years of occupation been imbued with the sacred duty of keeping the heart of the Polish nation alive in the domestic arena when the possibility of full participation in the political, public sphere has been impossible. Such traditional ideal models of womanhood stress Polish women's capacity for self-sacrifice in service of the Polish family, and by extension, the Polish nation.

The nationalist perspective allied to the anti-liberalisation position is identified in both newspapers, but where *Trybuna* offers some limited critique, *Gość Niedzielny* offers its full support. In the anti-liberalisation position to which *Gość Niedzielny* allies itself, women remain in service to the nation by virtue of their reproductive capacity and duty. Relating abortion to the nation's past allows the question of abortion to become harnessed to the nationalist cause, whereby traditional roles (wife; mother; homemaker) are assigned to women in order to safeguard the nation's future. Here women are characterised as protecting and enabling the nation's future by reproducing the next generation and thus guaranteeing a future Polish nation to enjoy the fruits of democratic freedom for which their 'forefathers' perished and fought.

Such a perspective is associated with the drive to encourage women back to the home after the 'masculinising' and unnatural experience of state socialist gender ideology, which prioritised work and family equally, in theory at least, if not in practice. Therefore the imagined Polish nation of the anti-liberalisation conviction valorises motherhood as a constructive method by which to purge what remains of state socialist gender ideology, leaving the path open for the re/construction of an 'authentic' Polish nation free from the taint of communism. Here, and in common

with similar discourses I have identified in the previous chapter, the rejection of liberal abortion policy becomes both materially and metaphorically a vehicle for the erasure of the communist legacy. The guiding authority for this ideal society lies above politics and beyond the scope of individual needs, resting with a commonly understood conception of the collective good which goes beyond such material concerns as gender. In fact, sourcing the regeneration of Polish society and the future cohesion of Polish national identity at the site of the family places an unequal burden of responsibility on women.

Trybuna, meanwhile, mounts a limited challenge and critique to the anti-liberalisation argument that the Polish nation is under threat. However, this is never very strong or sustained, and is additionally presented by outside opinion (through letters) rather than through the paper's editorial 'voice'. *Trybuna* offers some critique to the Pope's admonition that young Polish girls should follow the role model of the Virgin Mary, suggesting it is suspicious of the kinds of roles being conceptualised for Polish women in their 'guardian of the nation' capacity. However, no extended commentary on the gendered dimension to the abortion equals death of the nation thesis is forthcoming in *Trybuna*. Perhaps the assumption is that readers can spot emotional hyperbole and scoff at it without direction from editorials.

However, at the same time *Trybuna* does recognise that abortion legislation is not gender neutral. In contrast to *Gość Niedzielny* reportage, where women are largely absent except perhaps as victims, in *Trybuna*, as we shall see, women are centred as those who will be affected by abortion legislation. *Trybuna* suggests however, that the solution to the present crisis in abortion provision as lying outside the Polish

context. The adoption of a European identity and a progressive gender ideology is presented as serving women's interests as women (rather than as Christian believers). *Trybuna* here clearly signals the liberalisation project as part of a 'modernising' process, linked to Enlightenment values of rationality and education, and designed to bring Poland into line with other countries' policies on abortion, contraception and sex education.

Abortion and democracy

Under the headline, 'Abortion and democracy' Oliwia Małeczka states that discussion around abortion 'is a political question in Poland' (*Trybuna*, 12-13/10/96). Expanding upon this, she adds, 'the discussion [around] abortion is not only a problem about the subjectivity of the human foetus, but is also at the bottom [of the problem] of the discussion of the effectiveness of democracy' (*ibid.*). Reportage around the issue of abortion in the newspapers *Gość Niedzielny* and *Trybuna* certainly substantiates this viewpoint that abortion debate is not only about abortion, but specifically about the nature of 'democracy'.

Both newspapers claim a particular role in the maintenance of democracy through their function as intermediary between the Polish 'public,' and those who are participating in abortion debate, including politicians, the Church, and representatives of the pro-choice and pro-life lobbies. At the same time, both newspapers investigate the significance of abortion debate for the shape of Polish democracy, documenting its impact on Church-state relations, party politics, and the status and competence of the Sejm. Both *Trybuna* and *Gość Niedzielny* also debate

the purpose and effectiveness of abortion law, in turn raising the question of who is the subject of abortion law: women, fetuses or concerned citizens?

The party political dimension

Party politics and the outcome of abortion debate

Trybuna devotes a significant amount of column inches to the question of how party politics will influence the outcome of abortion debate in both Sejm and Senate. Remembering that it is closely affiliated to the SLD, the principal supporters of the amendment, this is perhaps not surprising. *Trybuna* describes which political parties and clubs are in opposition to the abortion liberalisation, specifically noting how the PSL, the SLD's partner in the ruling coalition, will vote, or has voted, on the amendment.

Noting which political parties and clubs are in opposition to the liberalisation of abortion amendment, *Trybuna* reports that the PSL 'only agrees with abortion in the case of danger to the woman's health or life, [and] not in socio-economic conditions since, as Deputy Bentkowski stated, "in Poland, nobody dies from hunger"' (*Trybuna*, 30/8/96b). Whilst *Trybuna* does not offer any comment on Bentkowski's statement, this passage constructs the PSL position as somewhat extreme, since socio-economic hardship is equated with no less than starvation-level poverty.

Following the Senate's rejection of the abortion amendment, a further *Trybuna* article, titled 'The votes of the PSL prevailed', offers extended comment on the importance of the role played by the PSL, who voted against the amendment

(*Trybuna*, 04/10/96). Within the article, Senator Ryszard Jarzembowski (SLD) reportedly comments of the PSL: 'If in a match my team-mate⁴⁸ shoots into my goal, it is necessary to replace him' (*ibid.*). This analogy suggests that the obstructive activities of the PSL have endangered its membership of the ruling coalition.

Jarzembowski is concerned that the PSL's anti-liberalisation actions and inability to play by the rules cannot be reconciled with the effective operation of coalition politics, reflecting a deeper unease between the two parties. The PSL or Polish Peasant Party's primary constituents are rural, and it is in the poorer, rural areas of Poland that religiosity runs highest and where opposition to the abortion amendment seems to be strongest. I would speculate that *Trybuna's* reportage around the actions of the PSL indicates a considerable degree of anxiety over the ability of the PSL's constituency to sit comfortably with the modernist, European-influenced project to which the SLD has pledged itself, and with which the abortion liberalisation amendment is affiliated.

Although *Gość Niedzielny* offers no parallel analysis of party politics, the paper does print the way Deputies voted in the final passage of the abortion liberalisation bill through the Sejm, listed according to party affiliation (*Gość Niedzielny*, 03/11/96a). Identifying the way parties and individual politicians voted could simply serve the purpose of making the political process transparent. However, as we have seen earlier, *Gość Niedzielny* is in sympathy with the Church directive that excommunication should be meted out to those who support abortion, be they

⁴⁸ I have translated the Polish word *zadwodnik* here as 'team-mate' since that seems to fit the context best. This word should be translated literally as competitor or contestant.

fathers, mothers or politicians. So we can speculate that printing such a list serves the purpose of identifying the 'supporters of abortion,' the perpetrators as it were.

The significance of abortion for democratic institutions

Church and state

Both *Trybuna* and *Gość Niedzielny* frame the liberalisation of abortion in relation to its significance for Church-state relations, centring discussion around the statements of Cardinal Glemp⁴⁹ and Bishop Pieronek⁵⁰ that Church-state relations have become more tense since the initiation of abortion liberalisation legislation. However, they draw different conclusions about what is at stake.

The 27th of October edition of *Gość Niedzielny* reproduces a half-page extract from Cardinal Józef Glemp's interview with the Catholic Press Association which begins with the following statement: 'it is true, that in the field of Church-state relations we can see today a certain tension' (*Gość Niedzielny*, 27/10/96a). Under the headline 'Alarm bell,' a further issue of *Gość Niedzielny* states that 'Bishop Tadeusz Pieronek, Secretary-General of the Polish Episcopal Conference, said recently, that the state of relations between the state and the Church is [in our country] the worst it has been for three years' (*Gość Niedzielny*, 03/11/96b). The article goes on to add its own estimation of Church-state relations thus:

The result of this vote [the successful passage of the abortion liberalisation amendment in the Sejm] constitutes a step back. The lack of desire for the improvement of relations with the Church, as well as a complete disrespect for believers, is shown by

⁴⁹ Cardinal Józef Glemp is Primate of Poland, therefore the most important religious figure in Poland after the Pope.

⁵⁰ Bishop Pieronek is at this time Secretary-General to the Episcopal Conference (Council of Bishops and Archbishops), a position with a high profile.

the triumphalist commentary delivered by SLD representatives after the [successful] amendment of the law. The ardour with which the President Aleksander Kwaśniewski declared his inclination to sign the liberalised law, only deepens the 'freezing' of the relations between the state and the Church. (*Gość Niedzielny*, 03/11/96b)

Such emotive expressions of the calamitous implications of liberalising abortion access suggest that *Gość Niedzielny* sees favourable Church-state relations as predicated upon the government following the teachings of the Catholic Church. Describing the introduction of liberal abortion legislation as a 'step back,' suggests that a certain progression toward reconciliation between Church and state has been interrupted ('frozen') or even jeopardised through abortion liberalisation. Identifying those responsible for abortion liberalisation as the SLD, the piece argues that abortion liberalisation indicates 'complete disrespect for believers,' suggesting that abortion liberalisation represents a method by which SLD members have sought to 'score one over' the Church. Using such terms as 'triumphalist' and 'ardour' classifies SLD reaction as the language of emotional excess, with an implied lack of ethics/morality and reason, whilst 'triumphalist' recycles associations with excess militarism, resonating with the Polish experience of occupation I have described above. Of course, by linking the question of good government to the role played by Christian belief in determining legislation, Church commentators and *Gość Niedzielny* present the proper ordering of Polish society and politics as requiring a central role for Christian believers. The democracy they describe is a democracy of Roman Catholic citizens, for whom the enactment of appropriately Christian legislation is a prerequisite of representative democracy. The Church is thus described both as a source and as an agent of democratisation.

Trybuna similarly reports proclamations by Bishop Pieronek and Cardinal Glemp on the tension in Church-state relations, but to different ends (*Trybuna*, 23/10/96b). Interestingly, attention is drawn to the difference in opinion between Pieronek and Glemp. *Trybuna* reports that a journalist asks Cardinal Glemp whether he agrees with Bishop Pieronek's estimation that Church-state relations are at their worst point since 1993 (when the SLD came into power). Glemp responds: 'I remember times, even [...] before 1993, and [during] these times, [the state of Church-state relations] was significantly more dangerous [than now]' (*Trybuna*, 23/10/96b). This extract contradicts Pieronek's statement, but more than that, it identifies the state socialist period, rather than the post-1993 era, as a time during which Church-state relations were in danger. So doing, it emphasises the relative freedom and safety for the Church in the postcommunist period, clearly down-playing the threat that Pieronek describes.

As well as highlighting points of disagreement and contradiction between Glemp and Pieronek's statements, *Trybuna* offers a response to such claims by simultaneously soliciting opinions on 'the left's' position on Church-state relations. Statements from SLD Deputies vehemently rebut the accusations that Church-state relations are in a precarious position.

For example, Danuta Waniek, Head of the Chancellery of the President, analyses the Church hierarchy's statements thus:

Acknowledging the state of relations between the Church and the state [in this manner] is an artificial triggering of conflict, where none exists. I have the impression, that the Church is interested in [fostering] tense relations with the state [...] the question of abortion [...] is a decision in the hands of the sovereign [power] chosen by the authority of the nation [...] now [the Sejm] is

deciding [the matter of abortion], and not a team of twelve people...(*Trybuna*, 23/10/96c)

Waniek here argues that the Church hierarchy has deliberately described Church-state relations as precarious in an attempt to increase its influence in politics. She contrasts the legitimacy and authority of the Polish Parliament as the sovereign power with the nation's mandate, with the undemocratic and élitist mandate of the Catholic Church. Suggesting that the Church does not care for, or about, good relations with the democratically chosen power of the state, or respect the authority of the Sejm, Waniek implies that the Church is even actively anti-democratic.

Szmajdziński,⁵¹ Chairman of the SLD Parliamentary Group, similarly argues that abortion liberalisation does not represent 'proof' of tense Church-state relations. He claims that the Church enjoys a position of privilege in Polish society: 'There is no danger to freedom of faith and religion in Poland. The Church benefits from an excellent [financial] position [to be able to fulfil] its mission' (*Trybuna*, 23/10/96c).

He further states:

The government has not given any reason to speak of tension. However, the Church hierarchy's statement [which has] spread nervousness, has escalated the situation, [by] using language which is not [the language] of friendship, nor of loving neighbours. (*Trybuna*, 23/10/96c)

Szmajdziński thereby suggests that the Church is not really interested in fostering good relations with the state, but has used its position of privilege to besmirch the government to further its own interests. Miller⁵² meanwhile concludes the piece by stating: 'I think that it is possible to have co-operation between the state and the

⁵¹ *Trybuna* reports that Szmajdziński in fact did not vote on the final liberalisation of abortion amendment vote (*Trybuna*, 31/8/-01/9/96).

⁵² Miller abstained from the final vote on the liberalisation amendment.

Church without preconditions imposed upon Parliament, [such as] what the contents of law will be, but through respecting mutual opinions' (*Trybuna*, 23/10/96c). Miller comprehensively rejects the Church's model of democracy as fundamentally shaped and determined by Roman Catholic belief, and substantially influenced by the Church hierarchy. He argues that the Church is not really interested in co-operation and harmony *with* the state, but with *being* the state and exercising executive power, imposing preconditions on Parliament and determining the content of laws.

Whilst *Trybuna* does feature reportage which claims that Church-state relations are in jeopardy, it confronts such accusations head-on. All three Deputies' statements point to the Church's attempt to maintain a central and influential role in Polish politics as organ of democracy, and all three statements reject the Church's legitimacy to claim such a role. All three Deputies affirm the sovereignty of Parliament, contrasting this with the undemocratic composition of the Church hierarchy, further suggesting that the Church is even obstructing the operation of Polish democracy.

Here we can see a key point of contestation emerging around the role and function of the Church in Polish democracy between the two newspapers. The Church hierarchy and *Gość Niedzielny* construct the Church's mission as organ of democratisation and modernisation. This represents a continuity of purpose with the Church's role under state socialism. In contrast, the SLD and *Trybuna* represent the Church's role in Polish democracy as obstructive and actively anti-democratic.

Assessing the status of the Sejm

Reporting political debate

Both *Trybuna* and *Gość Niedzielny* report parliamentary debate around the liberalisation of abortion amendment either paraphrased or verbatim. However, *Trybuna's* reportage of debate is far more detailed than comparable reportage in *Gość Niedzielny*, reproducing extracts from pro-liberalisation speeches in the Sejm and Senate, in the majority from SLD politicians (*Trybuna*, 02/9/96b; *Trybuna*, 24/10/96c). *Trybuna* thus signposts its affiliation with the pro-liberalisation position, emphasising the role played by SLD politicians in the passage of abortion liberalisation. In contrast to *Trybuna*, *Gość Niedzielny* only offers sparse coverage of Sejm debate. It covers Senate debate in slightly more detail, reproducing speeches in service of the anti-liberalisation position, and simultaneously reporting anti-liberalisation protest outside the Senate (*Gość Niedzielny*, 13/10/96). Choosing to focus on Senate debate, where the anti-liberalisation perspective is more successful, *Gość Niedzielny* signposts its affiliation with the anti-liberalisation position in a similar manner to *Trybuna's* focus on the participation of the SLD in the Sejm. The reporting of anti-liberalisation protest outside the Senate and speeches in the Senate is not coincidental: *Gość Niedzielny* is interested primarily in documenting anti-liberalisation activity and not with tracing political and parliamentary debate in, and of, itself.

Constructing and critiquing democratic practice

Trybuna reports the passage of the abortion bill through the Sejm in considerable detail, with articles charting parliamentary committees' work on various aspects of

the liberalisation bill (*Trybuna*, 03/7/96; 10/7/96; 12/8/96). Including the feasibility of introducing a 'difficult conditions' clause into abortion law, Committee findings and methodology as well as reporting the main points of discussion generated by publication of the reports, these articles appear to be primarily factual, reporting the everyday machinery of government and further explaining in detail changes made to the bill after committee debate. Charting the bill's progression through the Senate, *Trybuna* further documents how experts with differing viewpoints and from various disciplines, including medicine, genetics and law, were called to answer the questions of members of the Senate Legislative Committee (*Trybuna*, 25/9/96).

These types of article describe the everyday practice of democracy through committee meetings and expert consultations, affirming the democratic nature of the Sejm, and further making such practices transparent to the public. The legitimacy of the Sejm is visibly demonstrated since these articles are keen to note anti-liberalisation points of disagreement being noted and accommodated: emphasis is thus placed on the consensus and compromise achieved through the Sejm's arbitral practice. No such comparable construction of the democratic practice of the Sejm or Senate is found in *Gość Niedzielny*, however, reflecting a differential investment in democracy between the newspapers. Whilst *Trybuna*, as newspaper of the ruling SLD, is extremely keen to uphold and demonstrate the legitimacy of parliamentary democracy, *Gość Niedzielny* is interested in questioning the legitimacy of parliamentary decision-making on abortion, and is therefore not interested in reporting such democratic practices.

In fact both *Trybuna* and *Gość Niedzielny* also report critiques of the Sejm's democratic practice, but to different ends. *Trybuna* reports on the irregularities in voting procedure manifested during the vote on abortion liberalisation (*Trybuna* 31/8-1/9/96). Following the statements of two (anti-liberalisation) Deputies⁵³ that 'the computerised vote result includes erroneous data' since both voted against the law but the print-out included their votes as "for", this article describes the formal motion to re-take the vote⁵⁴. (*Trybuna*, 31/8-1/9/96). Of course such an irregularity in the voting procedure is significant in, and of, itself, but here I think *Trybuna* is drawing attention to more than simply a computer error. Attention is drawn to the potentially unscrupulous methods by which the anti-liberalisation lobby has sought to prevent or to obstruct the passage of abortion liberalisation legislation. In this context then, the declaration of the voting machine error is framed as an anti-liberalisation attempt to secure another round of voting where a further and more effective walk-out could be staged. More than this, the episode is used to emblemise the anti-liberalisation lobby's obstruction of parliamentary democracy: the implication is that the anti-liberalisation lobby will only support democratic procedure if it results in a favourable outcome for their project.

The question of the voting irregularity also surfaces in *Gość Niedzielny* reportage, framed in the context of an interview with Deputy Hanna Suchocka⁵⁵ (*Gość Niedzielny*, 22/9/96b). Alongside a picture of a devil in some kind of machine (see Appendix 3, Figure 1), Suchocka argues that the vote is suspect, tainted because of

⁵³ The two UW Deputies were Hanna Suchocka, former Prime Minister, and Piotr Nowina Konopka.

⁵⁴ The motion was rejected. The *Sejm* voted against re-voting on the amendment.

⁵⁵ Hanna Suchocka was one of those Deputies whose vote was registered incorrectly. As Prime Minister in the previous term, she had been responsible for enacting the 1993 abortion law, and was therefore against the introduction of more liberal abortion legislation emblematised in the abortion amendment.

the original error, and should have been re-taken in the interests of democratic procedure. Equating the liberalisation vote with the activities of a 'devil in the machine' further suggests that the vote was somehow rigged in favour of liberalisation, and that it bears witness to underhand dealing, and deviousness. She thus comprehensively disputes the legitimacy of the vote, and the legitimacy of the Sejm, suggesting that the successful passage of the abortion amendment has even been actively anti-democratic.

Both *Trybuna*, and to a lesser extent, *Gość Niedzielny*, report attempts to de-rail the liberalisation amendment through a walk-out aimed to make the Sejm inquorate during the second reading of the amendment. *Trybuna* describes the walk-out thus:

[after the debate]...the BBWR-KPN demanded a five minute break. On the benches [there remained] around 400 Deputies. [Those who] marched out and didn't take part in the voting on the law [were] around two-thirds of the PSL, [...] part of the UW, as well as the small number of BBWR-KPN and BBWR-SW Deputies. The demonstration came to a halt in the lobby⁵⁶.
(*Trybuna*, 31/8-01/9/96)

Noting that this attempt to render the vote inquorate failed, *Trybuna* further reports the initiator of the walk-out as commenting in the lobby that 'he regretted that only a part of the opposition left the Chamber' (*Trybuna*, 31/8-01/9/96). Using such language as 'demanded' and 'marched out' constructs the walk-out as a childish reaction designed for effect, and ultimately obstructive to democratic procedure. However, *Trybuna* draws attention to the limited nature of the challenge offered through the walk-out, since it did not attract a sufficient number of Deputies to succeed, and also because the BBWR-KPN (who had asked for the break) are such a small party, and thus presumably incapable of exerting much influence. We can

⁵⁶ After the walk-out, 284 Deputies were left in the Chamber.

speculate that *Trybuna*'s interest in the incident is heightened because it has the advantage of success on its side: perhaps here we can see the 'triumphalism' with which the *Gość Niedzielny* charges the pro-liberalisation lobby.

Despite its regular and detailed reportage on anti-liberalisation activity, such a focus on attempts to de-rail the liberalisation amendment is not tackled in such detail in *Gość Niedzielny*. The only place where *Gość Niedzielny* discusses the failed walk-out is in the interview with Hanna Suchocka (*Gość Niedzielny*, 22/9/96b). Suchocka notes that had there not been a walk-out demonstration, a sufficient number of Deputies might have voted in favour of a re-vote, suggesting that the boycott manoeuvre in fact backfired on the anti-liberalisation lobby. Thus we can speculate that the lack of detailed coverage of the walk-out is not only because such a manoeuvre proved to be unsuccessful, but because it reflects tensions within the anti-liberalisation lobby.

The Sejm: a crisis of authority?

Trybuna plays up the sensationalist aspect to the vote by emphasising the closeness of the outcome: 'At four o'clock in the morning only one vote decided that the Sejm would direct the bill to the Committees once more' (*Trybuna*, 30/8/96b). The article highlights the perceived news-worthiness of the vote by focusing on its closeness and the drama surrounding it. Such an emphasis on the closeness and drama of the vote does not occur in *Gość Niedzielny* reportage.

A sense of the continuing bouncing back and forth of abortion legislation is highlighted in the picture which appears in the centre of the same *Trybuna* article (see Appendix 3, Figure 2) (*Trybuna*, 30/8/96b). This shows a drawing of a stork carrying a swaddled baby in its beak with the following thought bubble coming out of the stork's beak: 'just one more law on protecting unborn life and I'm taking early retirement'. This cartoon refers to the likelihood of a future attempt to reverse the liberalisation amendment by re-introducing pro-life legislation which aims to 'protect unborn life'. It seems then that *Trybuna* is not tremendously confident of the long-term success of the liberalisation amendment, which further reflects on the ability of the Sejm to come to a binding and lasting position on the degree of permissible access to abortion, bringing the authority of the institution into some doubt.

Both *Trybuna* and *Gość Niedzielny* are also interested in reporting Church comment on the status and position of the Sejm after the successful passage of the abortion liberalisation amendment. *Trybuna* reproduces the comments of Bishop Pieronek who comments "live" to PAP⁵⁷: 'on the hands of the Sejm a monstrous crime rests, which will be committed with the majesty of the law on tens or hundreds of thousands of human existences' (*Trybuna*, 31/8-01/9/96). Here Pieronek describes the law as illegal, imputing that the Sejm has 'blood on its hands'. Such a description resonates with Poland's past experience of occupation and massacre, with abortion liberalisation likened to the experience of Katyń and other war crimes committed against the Polish nation during World War Two. Pieronek thus clearly questions the authority of the Sejm. Although this statement is not critiqued by *Trybuna*, it is followed by a statement from President Aleksander Kwaśniewski, in which the President asserts that he will sign the law as the 'fulfilment of his electoral

⁵⁷ PAP is Polska Agencja Prasowa or Polish Press Agency.

promises', emphasising his awareness that his political legitimacy is being called into question. Thus *Trybuna* disputes Pieronek's assertions, suggesting that the Sejm and the President enjoy ultimate authority through their electoral mandate. At the same time, printing Pieronek's claims illustrates the Church hierarchy's disrespect for decisions made by the Sejm which are not reflective of Church influence or teaching.

In a similar vein, *Gość Niedzielny* declares in its headline: 'Don't look for benefits at the price of innocent blood!', the benefits presumably being electoral (*Gość Niedzielny*, 27/10/96b). This article reproduces extracts from a sermon by Józef Życiński, Bishop of Tarnów, pointing out the Bishop's appeal to Sejm Deputies not to 'use the life of human beings in an unfeeling party political auction,' further relating Życiński's opinion that the 'killing of defenceless children' cannot be 'presented as a democratic outcome' (*ibid.*). As we have seen, *Trybuna* constructs the authority of the Sejm and President by emphasising that it is supported by the majority of the Polish people. Here, Życiński and *Gość Niedzielny*, as a Church paper supportive of the Church hierarchy, turn this argument on its head, suggesting that the motives of pro-liberalisation Deputies, and the Sejm, are dubious, and that democratic institutions have been mis-used in the interests of furthering political capital. Both firmly reject the idea that abortion liberalisation can be in any way described as democratic, bringing the authority of the Sejm into disrepute.

Challenging abortion liberalisation

Both *Trybuna* and *Gość Niedzielny* are keen to discover the reaction of the anti-liberalisation lobby to the successful passage of the liberalisation amendment,

particularly any steps that might be taken to oppose the bill or appeal the law. *Trybuna*, for example, prints the following comment by Krzysztof Król from the KPN, on learning that his walk-out had not achieved its aim:

At this moment we are formulating a motion to the President of the High Court Adam Strzembosz about an appeal on this law to the Constitutional Tribunal. There is a good chance that the Tribunal will question the law, and to reject this opinion it will be necessary to have two-thirds of the vote [in the Sejm)] and then the law will not actually come into effect. (*Trybuna* 31/8-1/9/96)

Here Król clearly challenges the finality of the Sejm's ruling on abortion, locating ultimate authority with the Constitutional Tribunal and outlining the steps which will be taken to challenge the liberalisation amendment. It is interesting that he mentions Adam Strzembosz in this context. We have seen in the previous chapter that Strzembosz spoke out against the liberalisation amendment in his official capacity as President of the High Court, claiming that there was no legal basis for a change in the law. Król suggests that Strzembosz's speech has given the anti-liberalisation lobby grounds to challenge the amendment, and an additional strategy by which to obstruct the liberalisation of abortion. Such reportage suggests that *Trybuna* is clearly concerned about challenges to the authority of the Sejm made through representations to the higher authority of the Constitutional Court. This extract, and the stork cartoon I have described above, suggest that *Trybuna* is unconvinced that the passage of liberalisation legislation represents a binding resolution of the abortion question, and further expresses anxiety around the ability of the Sejm to exercise executive power.

Gość Niedzielny similarly reports the ongoing activities of the anti-liberalisation lobby in the aftermath of the successful passage of abortion liberalisation. It

documents the activities of PFROŻ against the passage of the third and final reading in the Sejm (*Gość Niedzielny* 10/11/96b), subsequently reporting anti-liberalisation Senators' attempts to change the President's mind about signing the abortion amendment into law, as well as the same Senators' appeal to the Constitutional Tribunal (*Gość Niedzielny*, 17/11/96d). *Gość Niedzielny* is keen to stress that opposition to the liberalisation of abortion has not ceased with the imminent entry of the bill into legislation, and that sufficient grounds for challenging the law remain. Whilst *Trybuna* expresses concerns regarding future challenges to the Sejm's decisions, the focus of *Gość Niedzielny* reportage here is on the practical steps being undertaken to prevent the law being enacted. It emphasises that abortion liberalisation does not represent the end of the story.

Debating the purpose and effectiveness of abortion law

Trybuna and *Gość Niedzielny* both interrogate the functioning of the 1993 law, using editorial comment and 'experts' to substantiate their position on abortion liberalisation. However, they both draw different conclusions with the same data. *Trybuna* documents Sejm debate around a Health Ministry report on the realisation of the law on family planning in 1995, giving official figures for each case in which abortion was permitted (*Trybuna*, 14-15/8/96). Titled '559 abortions?', *Trybuna* indicates its disbelief that the low number of abortions listed in the official figures are accurate, further stating that abortion tourism 'is not measured in any statistic' (*ibid.*). *Trybuna* thus offers critique of the 1993 law, arguing that whilst the number of abortions performed in accordance with the law has dropped significantly, the number of abortions carried out overall has probably not, in fact, decreased. The

paper suggests that the continued incidence of abortion is related to the poor take-up of contraception by Polish women (which it describes as four times less than contraceptive take-up in the EU). *Trybuna* simultaneously documents the 'plight' of pregnant women in difficult living conditions under the 1993 law. Such reportage suggests that *Trybuna* supports the liberalisation amendment, since the 1993 law is subjected to critical scrutiny for its 'double standards' and lack of attention to women's material conditions.

Gość Niedzielny, in contrast, paints a far more positive picture of the functioning of the 1993 law. Joanna Jureczko-Wilk's article points out that according to official data, the functioning of the 1993 law has resulted in a decrease in the number of abortions, miscarriages and deaths of children (*Gość Niedzielny* 08/9/96c). The 1993 law is presented as having fulfilled its purpose, while of the pro-liberalisation lobby she states: 'There is no such thing as a more (or less) humanitarian killing. A lesser evil remains an evil, and may be even more dangerous, since it is easier to absolve oneself (from blame)' (*ibid.*). The message is that there can be no reasons which justify abortion, and therefore no reasons which sanction the liberalisation of access to abortion. In the final part of the article, Jureczko-Wilk returns to the significance of abortion law for Polish society:

The law remains a norm for society – it should show the important boundary between what is good, and what is bad, what citizens are permitted to do, and for what they will be punished by society. A good law is that which does not deviate from morality. Above all [the law] mustn't state that humanity begins only at 26 weeks of the development of the human foetus. (*Gość Niedzielny* 08/9/96c)

We can see a clear correlation between Church teaching on abortion and *Gość Niedzielny* editorial in this extract.

Meanwhile, another *Gość Niedzielny* article reproduces information on the effects of the 1993 abortion law gleaned from government reports (*Gość Niedzielny*, 08/9/96a). The factual report details the numbers of abortions performed under each category (e.g. danger to woman's health etc.) and the number of miscarriages and so on. A pie-chart expresses this information visually alongside a picture of a newborn baby wrapped in a blanket, suggesting that the purpose of the 1993 law has been to 'defend' babies (see Appendix 3, Figure 3). In contrast to *Trybuna*, *Gość Niedzielny* takes the official statistics at face-value, and constructs the significant reductions in the numbers of abortions as a measure of success for the 1993 law. Clearly the reportage in *Gość Niedzielny* favours an abortion law close to that of the 1993 law.

The significance of mass protest

Protests, marches and petitions organised by anti-liberalisation protesters and organisations are reported by *Trybuna* and *Gość Niedzielny*, and both debate the importance of such demonstrations for Polish democracy. *Trybuna's* very detailed reportage critiques the representativeness of such demonstrations and carefully considers whose support is being mobilised in the service of the anti-liberalisation campaign, which serves the purpose of de-legitimising the protests. *Trybuna* also reports on pro-liberalisation protest and activism. *Gość Niedzielny*, on the other hand, focuses on the 'success' of the anti-liberalisation protest, and fails to report any pro-liberalisation activity at all.

Trybuna's critique of the anti-liberalisation marches focuses around the age of the participants. In its article 'An altruistic picket,' for example, *Trybuna* states that 'a decided majority of the protesters were elderly' (*Trybuna*, 30/8/96a) whilst another article reporting that anti-liberalisation protests outside the Senate had included 10,000 participants, also draws attention to the advanced age of the protesters (*Trybuna*, 04/10/96). *Trybuna* emphasises this point through its visual representation of anti-liberalisation protest, printing photographs of protesters. For example, one article includes two pictures, one showing a little girl clasping her hands earnestly in prayer, standing in front of a banner in English titled '8 Week-old Baby – Before and After'⁵⁸ (see Appendix 3, Figure 4a), and another showing a middle-aged man holding a banner which declares in Polish: 'Life yes! Death no! Abortion kills' (see Appendix 3, Figure 4b) (*Trybuna*, 07-08/9/96). *Trybuna* thus represents anti-liberalisation protest as representative of a small portion of Polish society, including the old and the young. This point is substantiated through an interview with a leading gynaecologist, who is asked about the protests recently seen on television (*Trybuna*, 07-08/9/96). He states that participants in anti-liberalisation demonstrations are 'the same small vocal group of protesters who do not represent the voice of public opinion,' adding that 'among these [protesters] are children and the elderly,' whilst those to whom the law will apply (women) are absent (*ibid.*). It is not only that men, children and the elderly are not the subjects of abortion law, but that children and the elderly are particularly marginal constituents of public opinion. Thus, whilst recognising that mass protest is a signifier of democratic speech, *Trybuna* suggests that as such demonstrations are not representative of a broad

⁵⁸ It is interesting that this poster is in English. I would speculate that this shows the involvement of U.S. or UK involvement in Polish abortion debate.

spectrum of Polish society: anti-liberalisation protesters cannot claim to represent mainstream opinion.

Trybuna further undermines the democratic significance of these protests by suggesting that they are carefully planned and orchestrated rather than 'spontaneous' (*Trybuna*, 09/9/96). Labelling such protests as suspect because of this, *Trybuna* implies that such demonstrations have occurred under pressure from the Catholic Church and are thus not properly 'authentic'. *Trybuna* thus de-legitimises the claim of the anti-liberalisation protesters to speak for Polish society.

Elsewhere *Trybuna* questions the significance of the 2 million signatures received in the Senate, protesting against the liberalisation of abortion (*Trybuna*, 03/10/96). This article questions who has written the letters, proposing that teenagers and children will have been responsible for many, and that the 2 million signatures may not represent different, genuine individuals. This article then draws on public opinion polls to refute Alicja Grześkowiak's assertions that the majority of the Polish public supports the anti-liberalisation position. *Trybuna* is keen to stress that despite the scale of the support mobilised by the anti-liberalisation position, such large-scale anti-liberalisation actions are not representative of Polish 'public opinion'.

Trybuna also reports on mass protest by reproducing extracts from an anti-liberalisation speech by Senator Alicja Grześkowiak, in which she presented the mass signatures received in protest at the liberalisation bill to the Senate. She is quoted as saying that these signatures represent a 'new form of direct democracy which must not be ignored lest "distrust" creep in to the relationship between the

electorate and its representatives' (*Trybuna*, 12-13/10/96). Accompanied by a photograph of anti-liberalisation picket outside the Senate, the article details the repeated attempts by pro-liberalisation campaigners to put the question of abortion before a referendum (see Appendix 3, Figure 5). Counter-posing Grześkowiak's letters with previous pro-liberalisation attempts to instigate a public vote again suggests that *Trybuna* is sceptical of the representativeness of the letters, and implies that a referendum would be more indicative of 'public opinion'. It rejects Grześkowiak's claim that such mass signatures and letters represent a direct form of democracy and comprehensively contests the anti-liberalisation lobby's claim to speak for Polish society.

Disputing the legitimacy and representativeness of anti-liberalisation protest by regularly presenting the 'other side' of the argument is a frequent strategy. So, for example, whilst apparently documenting the 'Fasting vigil of the defenders of life' immediately before the Senate vote, the article also reports the opinion of Wanda Nowicka, President of the Federation for Women and Family Planning (*Trybuna*, 02/10/96). Putting forward the main arguments of the pro-liberalisation lobby, the article uses Nowicka's words to expose 'abortion myths'. This includes denying, for example, that the restriction of abortion has reduced the number of abortions performed.

Trybuna also disputes the legitimacy of the anti-liberalisation lobby to represent Polish society by reporting pro-liberalisation protest. One article titled 'Compulsion or right to choose' documents the clash of two pickets, one 'in defence of unborn life', the other 'in defence of the right to abortion' (*Trybuna*, 24/10/96b). This is

accompanied by a photograph of a demonstration of 'supporters of the right to choose' which shows women (one with a child) holding a banner which proclaims: 'There is no freedom of conscience without the freedom to choose' and '...fight for the right to [...] legal abortion' (see Appendix 3, Figure 6) (*Trybuna*, 24/10/96b). *Trybuna* notes that those attending the pro-liberalisation picket are women and teenagers: this serves to legitimate the pro-liberalisation protest, since the protesters are those who will be affected by the legislation, and therefore those constituents who properly have a 'right' to protest.

Trybuna also describes the chants of the two pickets. From the anti-liberalisation side it reports the following chants: 'Give abortionists a taste of their own medicine: kill them and take away their life' (*Trybuna*, 24/10/96b). This was reportedly met with the following response from liberalisation supporters: 'Where is the expression of your faith – loving your neighbour as yourself?; 'Permit us to live! Don't impose your political viewpoint on others! Neither Church nor state, women must decide themselves' (*ibid.*). Here *Trybuna* contrasts the universal, absolute dictates presented by the anti-liberalisation lobby with the claims of the pro-liberalisation protesters for human rights. The anti-liberalisation lobby is represented as unfairly imposing its viewpoint on reluctant women, who claim the right to choose for themselves.

Gość Niedzielny reports anti-liberalisation protest, in particular drawing attention to the scale of protest mobilised in the anti-liberalisation campaign. For example, one article titled 'Almost 900 thousand protesters' describes the letters sent in to the Office of Letters and Complaints at the Sejm Chancellery, protesting changes to the 1993 restrictive abortion law (*Gość Niedzielny* 08/9/96d). Another article meanwhile

reports anti-liberalisation protest in the Katowice streets (*Gość Niedzielny*, 03/11/96c).

Gość Niedzielny further reports anti-liberalisation campaign activity by reporting on the success of such activities. The effectiveness of public protest is assessed through printing a letter from Marcin Tyrna, leader of the NSZZ Solidarity Club in the Senate (*Gość Niedzielny*, 20/10/96). This expresses the club's 'thanks' to all those who had expressed protest at the liberalisation of abortion bill, leading to its defeat in the Senate. *Gość Niedzielny* also reports on the recent meeting between the President and anti-liberalisation Senators, commenting on the Senators' decision to take the newly passed law to the Constitutional Tribunal (*Gość Niedzielny*, 17/11/96d). So here we see the direct effects of the pressure from 'public opinion'.

Both *Trybuna* and *Gość Niedzielny* thus report abortion demonstrations in some detail. However, whilst *Trybuna* consistently refutes that such mass protests are a signifier of democratic speech, *Gość Niedzielny* constructs such anti-liberalisation demonstrations as indicative of the will of Polish society.

The subject of abortion law: women versus 'unborn life'

Trybuna and *Gość Niedzielny* present different subjects of abortion law. Under the headline 'An embryo is not a child' (*Trybuna*, 24/10/96a), a letter from two Warsaw doctors refutes the assertion that abortion is killing an unborn child, since, as they reportedly state, until 13 weeks the foetus is in fact an embryo (here the authors resort to English and German to express their meaning, embryo, foetus, Keim,

Leibesfrucht). They argue, that within the time-period in which abortion is legal, there is no child and therefore one should not talk about killing somebody. They conclude by arguing that an unwanted child will suffer a worse existence, that children should not come into the world as a 'victim' of a burst condom, that young girls unfit for motherhood should be allowed to have abortions. Here we can see that *Trybuna* is keen to contest that the subject of abortion law is the 'unborn child'.

As we have seen, *Gość Niedzielny's* commentary and reportage around the question of abortion and democracy is concentrated around representing the 'right to life' of the unborn. Framing abortion in relation to the destruction of the human right to life, results in the 'citizen' affected by abortion law being the 'unborn' rather than the pregnant woman. The democratic rights of the foetus are described as being taken away by liberalising abortion. The universal 'human right to life' is therefore being violated by liberalisation of abortion, so liberalisation itself is represented as anti-democratic. Here the anti-liberalisation position is once again presented as synonymous with a democratic position, which equates the position of the foetus with the position of the child in democratic society: the foetus and the child are equally citizens of the new Poland, and as such should be legally guaranteed the 'right to life' from the moment of conception.

Conclusion

This chapter has offered a comparative analysis of the ways in which *Trybuna* and *Gość Niedzielny* construct the 'reality' of the Polish abortion debate, investigating both what discourses are invoked in reportage and analysing how such discourses are

reported. We have seen in both newspapers, abortion is framed in relation to, and used as metaphor for, the interrogation of competing gendered nationalistic and democratic projects. This discussion has thus contributed an understanding of the ways in which transition is being effected by, and through, press reportage around abortion, responding to Downing's critique that such analyses are missing from studies of transformation across East Central Europe (1996).

Returning to the questions I posed at the start of the chapter, we can see that similar discourses do, in fact, circulate in both *Trybuna* and *Gość Niedzielny*. Both report the significance of abortion for Polish national identity, interrogating the legacy of the Polish past for Polish futures through the lens of abortion. Both newspapers provide an arena for the expression of anxieties around the legitimacy of public opinion, parliament, political parties and the Church hierarchy to determine abortion law, as well as the shape of Polish democracy. Both *Trybuna* and *Gość Niedzielny* thus concur that Polish abortion law is about 'more' than abortion: they use the issue as a metaphor through which to debate competing national and democratic models. In consequence, abortion law itself becomes emblematic of postcommunist transformation, with the liberalisation amendment 'standing in' for the secular, modernist and European-oriented democratic project, and the anti-liberalisation perspective 'standing in' for a democratic project defined as a Roman Catholic Christian democracy of believers, where the Church hierarchy is a major player.

However, such anxieties around Polish national identity and democratisation are raised to different ends, reflecting a different political agenda in each newspaper. As we have seen, *Gość Niedzielny* is supportive of the Roman Catholic democratic

project and the anti-liberalisation position, validating the role of the Roman Catholic Church in abortion debate and democratic reform, and offering sustained critique around the stability and competency of the Sejm. In contrast, *Trybuna* reportage supports the secular, modernist, Western European-influenced democratic model, validating the SLD as political constituency, and further, upholding the authority of the Sejm in the face of considerable attack from the Roman Catholic lobby, amongst others. Such identifications reflect the newspapers' prior investments in abortion debate, as respectively, mouthpiece of the SLD (*Trybuna*), or else, the Roman Catholic Church (*Gość Niedzielny*).

Such identifications mean that *Trybuna* and *Gość Niedzielny* construct their roles as mediator between the political sphere and Polish society in quite different ways. *Trybuna* is filled with reportage around the operation of parliamentary democracy, and focuses on the party political dimension of abortion debate, as well as documenting (in order to rebut) the Church's participation in abortion debate in considerable detail. It performs an advocacy role, supporting the SLD and the pro-liberalisation position. *Gość Niedzielny*, meanwhile, focuses less on the party political dimension, and more on reporting the Church hierarchy's opinions on abortion, although that is no less political. Despite representing a quite different viewpoint, in a similar manner to *Trybuna*, *Gość Niedzielny* is a mouthpiece for a specific faction of Polish society, representing a clearly identifiable viewpoint, and consistently privileging the Church over other commentators and participants in debate. It also assumes an explicit didactic role, explaining Church teaching around excommunication in relation to abortion, for example. However, despite their

substantial differences, both newspapers express the conviction that through abortion, the very nature of Polish democracy is at stake.

It is significant that neither gender nor women's interests as subjects of abortion law surface to any substantial degree in the press reportage around abortion I have analysed. Whilst the impact of abortion law on women is reported in *Trybuna*, as well as some limited coverage of the pro-choice movement, including the articulation of a woman's right to choose, such coverage forms only a small part of total coverage during this period. It is significant that *Trybuna* does not try and recuperate gender equality ideologies in relation to abortion: we can speculate that such an absence results from the newspaper's hesitation to be labelled 'communist'. Meanwhile, women, and women's interests, are completely absent from *Gość Niedzielny* reportage: as we have seen, gender crucially underpins its nationalist-democratic project, but even so, women are not mentioned.

In common with the previous chapter, which analysed parliamentary debate around the abortion liberalisation amendment, we can see that press reportage around abortion in *Trybuna* and *Gość Niedzielny* similarly 'makes politics'. Reportage around abortion constructs lines of divide between the right and postcommunist left, between Church and state, and between competing nationalist and democratic projects. Similarly to parliamentary debate, press reportage constructs abortion as a key symbolic 'stand-in' issue through which the meaning of the Polish past is interrogated, where Polish futures are imagined, and where competing political projects are articulated, and legitimated.

However, two key differences also emerge from a comparison of parliamentary debate and press reportage. First, we have seen that whilst *Trybuna* validates the pro-liberalisation position, it is less concerned with the impact of abortion law on women and the exercise of women's citizenship rights than appears in comparable pro-liberalisation argument in the Sejm. In the main, *Trybuna* advances abortion liberalisation in service of a wider transformative democratic project, rather than in terms which construct abortion liberalisation as furthering and prioritising women's interests. *Trybuna* reportage does not attempt a recuperation of the gender equality project that we see (however partial) in the Sejm.

Second, both *Trybuna* and *Gość Niedzielny* are particularly concerned with the meaning of 'public opinion' to a degree unprecedented in parliamentary debate. We have seen that both newspapers are extremely concerned with the significance of 'public opinion' for Polish democracy, with extensive descriptions and critiques of the meaning of the huge anti-liberalisation protests. *Gość Niedzielny* constructs such protests as 'direct democracy in action,' and evidence of widespread support for the anti-liberalisation position. In contrast, *Trybuna* disputes such claims, arguing that whilst mass protest is a signifier of free speech (and thus democratic activity), these protests are not illustrative of Polish 'public opinion', and even anti-democratic, since they are engineered and manipulated by the machinations of the Roman Catholic Church. Although, as we have seen, the meaning of public opinion is raised, such a consistent and comprehensive focus on the meaning of mass demonstrations does not permeate parliamentary debate in the Sejm.

The following chapter will explore this issue in more detail, investigating the meaning of public opinion in Polish abortion debate through an analysis of CBOS opinion poll bulletins on abortion. This discussion will analyse how both these poll bulletins construct the Polish nation, as well as investigating how these bulletins frame the significance of abortion for Polish democracy.

Chapter 6: ARTICULATING THE PEOPLE'S WILL? NATION, GENDER AND DEMOCRACY IN OPINION POLLING ON ABORTION

Introduction

The practice of opinion polling, as well as the status of the results achieved by polling, are held in great respect at all levels of Polish society⁵⁹. In fact, much to my initial surprise, everybody with whom I came into contact in the course of my fieldwork in Poland repeatedly advised me that I could not attempt this thesis without looking at the opinion polls on abortion. Public opinion, based on polling, plays a key role in abortion debate and is used by both pro-liberalisation and anti-liberalisation campaigners to substantiate their claims to speak for the Polish public. At the same time, opinion polls in, and of, themselves contribute to abortion debate by defining the terms of debate and identifying what is at stake through contestations around abortion. In common with parliamentary debate and media reportage around abortion, the CBOS public opinion poll bulletins on abortion are contextualised or framed with reference to two substantive issues. In this chapter, first, the abortion question is related to competing nationalist projects, and second, it is used as a site through which Polish democracy is assessed.

The chapter analyses four opinion poll bulletins on abortion conducted by CBOS throughout 1996, using a discourse analysis methodology. As such, my discussion concerns not just the substantive content of the bulletins but also the ways in which the pollster identifies issues of interest, frames the significance of abortion debate and defines the axes of difference in Polish society. The main analysis is preceded

⁵⁹ This point was emphasised to me repeatedly in the context of an interview with Michał Wenzel at CBOS.

by a discussion of the role of opinion polling in Polish abortion debate, a detailed examination of the methodological framework, and a brief description of the opinion polls under analysis.

Opinion polling in the postcommunist context

The first Public Opinion Research Centre (hereafter, CBOS) opinion poll bulletin issued on the question of attitudes to abortion coincided with the first semi-free elections since the Second World War. Since that first bulletin in June 1989, the question of the significance of abortion has surfaced repeatedly in opinion polls. This continued polling on the issue of abortion reflects continued legislative debate over the shape of abortion policy.

Although opinion polling did feature in state socialist régimes, as Henn documents (1998), it has taken on new and central forms in the postcommunist era. In the context of moving from an authoritarian state socialist régime, in which so-called 'public opinion' was dictated from above, to an ideal of a democratic and representative state, in which citizens have both the right and responsibility to influence and determine public policy, public opinion polling assumes a central function in maintaining lines of communication between political élites and the rest of society.

In the postcommunist European countries a discursive construction of public opinion polls and polling has developed which is quite unlike that in Western Europe. From this perspective the conducting of public opinion polls itself actually contributes to

democratisation, by assisting politicians in identifying public attitudes to reform (Henn, 1993). This might take the form of providing feed-back on government plans or measuring voter alignments in the new context of multi-party democracy. Following a survey of pollsters in Central/Eastern Europe, Henn writes:

in the transition from single to multi-party political systems, the role and functions of polling are extended, and actually take on new functions not apparent in western capitalist democracies – measuring the effectiveness of government and other political structures, and helping to clarify the issues of concern of the people. (*ibid.*, p.13)

Henn also noted in his survey that ‘over 7 in 10 of the indigenous pollsters believe that their polls do inform the government and their other clients, and nearly a third believe that public opinion polls influence government policy’ (1993, p.13).

Governments in post-communist countries, including Poland, have been shown to make significant use of opinion poll data and have in fact been major sponsors of such research. For example, polls have been used to ask ‘the public’ how they rate various government and state institutions, to investigate citizens’ satisfaction with the new political systems, and to ascertain what steps the public would like decision-makers to take for further improvements, as well as to help define the shape and direction of individual policies (Henn, 1997, p.130). Thus we can see that opinion polling in the postcommunist context is understood to perform a key role in mediating between politics and the people.

Abortion and opinion polls in Poland

This perception of the role of opinion polls in political life has had a significant impact on abortion debate in Poland. Henn draws attention to public opinion polling in 1991, in the context of legislative proposals to outlaw abortion, stating that, before voting 'the [Polish] government decided to hold a series of consultations with the public, in order to gauge the mood on the issue' (1997, p.132). In other words, legislation was first proposed, and then the level of support existing in society for such a change to the law was assessed. Before these consultations, the Polish parliament deemed itself not to possess enough understanding of popular attitudes to abortion legislation to make an informed decision on the issue.

In the Polish context then, it seems that gathering public opinion, and indeed, acting on this information, plays a vital role in justifying and legitimating the desirability of particular pieces of legislative reform. Further, as will be argued later in the chapter, the polling of public opinion plays a key role in mandating and reinforcing the authority of the Polish parliament to determine public policy. A further element in public opinion polling on abortion which is pertinent to this study is traced by Henn. He notes that the 'consultations with the public' mentioned above, originally designed to gauge public mood on the desirability of a particular piece of abortion legislation, were hijacked by the Roman Catholic Church, which organised letters against abortion at the parish level and pressurised congregations into a pro-life position. However, as Henn states:

the results of an opinion poll, published on the day of the parliamentary vote, contradicted the findings of these 'consultations,' and suggested that the majority of the public did not agree with the anti-abortion lobby. As a result, the Polish parliament voted not to allow a change in the law at that time. (*ibid.*, p.132)

According to Henn's model, the collection of representative public opinion plays a role in counter-acting the influence of dominant groups in society, such as the Roman Catholic Church, which are 'over-represented' at the political level. In this example, an 'impartial,' disinterested and representative poll of public opinion enjoys a direct and immediate impact on parliamentary abortion debate in Poland because it remains free of the influence of the Church and as such, reflects an 'objective' perspective on the issue.

The importance of opinion polls for determining the shape and scope of legislation on abortion in this example is quite striking, as well as the degree of confidence expressed by politicians in the representativeness of 'impartial' opinion polling and its capacity to speak for the 'majority of the public'. What is clear is the vital and dynamic role played by public opinion polling in determining public policy, and in countering the dominance of the Roman Catholic Church over Polish society as a whole. British opinion polls, at least, do not enjoy such a prominent or un/critiqued position in public life.

Methodology and rationale

For the purpose of this thesis, I am taking Nick Moon's following definition of public opinion polls:

...the definition of an opinion poll is more broad than voting intention, and less broad than any topic under the sun... the opinion in public opinion polls must be about political or social topics... they must be about matters that are in the general public interest [...] to count as an opinion poll rather than a random collection of anecdotal information, there must be some form of scientific approach... (1999, pp.2-3)

Lipari has described opinion poll literature as being characterised by three schools of thought: populist, critical and constructionist (2000, p.188). According to the populist perception: 'when conducted correctly, opinion polls can more or less effectively express the will of the people and facilitate democratic policy-making' (Lipari, 2000, p.188). The populist approach sees public opinion polling as enabling communication between political élites and the mass of society, and understands public opinion to exist as 'an aggregation of individual attitudes, beliefs and preferences' through which 'the public' is constituted (Lipari, 2000, p.188). The populist model thus sees polling as a method through which citizens can express their point of view on a number of important topics. It assumes that opinion polls collect and reflect public opinion in a straightforward manner, that individual attitudes are consistent and meaningful, and that such a concept as the 'public' enjoys currency. According to this perspective, public opinion already exists before the collection of opinion through polling: the practice of opinion polling merely makes public opinion visible.

The populist view of opinion polling has been substantially critiqued. Those holding what Lipari labels as the 'critical view of opinion polling' have argued instead 'that polls cannot measure public opinion because both polls and publics are manipulated by élites seeking to gain power and to domesticate the potentially transformative power of collective public action' (2000, p.189). The critical view maintains that opinion polls are in fact used to legitimate the authority of the state, rather than to maintain a key democratic function in linking élites to the rest of society. Such critiques have thus stressed that opinion polls are in fact marked by 'the absence of participatory, public discussion' (Lipari, 2000, p.190).

The third strand of theorising around opinion polls, on which this chapter is founded, Lipari labels the constructionist approach. Such a perspective does not see public opinion as 'out there,' waiting to be collected: rather, it stresses that public opinion is *created* by the process of opinion polling, 'arising out the process of social and communicative interaction' (Lipari, 2000, p.190). Thus the author of opinion polls is not the public but the pollster, who does the 'ideological work', formulating the questions, establishing the framework and setting the parameter for each response (Lewis, 1999, pp.202-203). However, as Lewis points out:

Unlike some forms of cultural production, any notion of authorship in mainstream polling is deeply suppressed... the discourse of public opinion is... constructed from a particular set of perspectives while the process of polling is hidden behind the data it produces... (1999, p.202)

From this perspective then, and as Lipari states, 'Rather than masquerading as a reflective and neutral medium, polling can and should be, like other forms of political discourse, a site of struggle over interpretations' (2000, p.210). Her model, which emphasises polls as a form of discourse, poses

a framework from which to explore, for example, the vision of the world portrayed in poll discourse. Who are the actors? What are the actions? What kinds of allegiances and affinities do questions invoke? Which are suppressed? What perspectives, symbols and images are constructed? Which are neglected? (Lipari, 2000, p.210)

So, the constructionist approach that Lipari describes neither valorises nor repudiates the practice of opinion polling: it is interested instead in the opinion poll as cultural form, to begin to think instead about what polls 'suggest about the state of public discourse' (Lewis, 1999, p.204). Rather than focusing on opinion polls as a tool of psychological measurement, the constructionist approach, and in particular, Lipari's

discourse model of polling, privileges the consideration of opinion polls as discursive forms (2000, p.193).

This analysis of the 1996 CBOS abortion poll bulletins is based on Lipari's and Lewis' insights that polling is a specific form of public discourse, that 'public opinion poll questions serve in part to set the terms of public policy debates', and that public opinion polling performs a particular function to 'identify and thereby legitimate the political issues and public policy options deemed worthy of consideration' (Lipari, 2000, p.210). From this perspective, opinion polling plays a key role in legitimating the terms through which abortion is, or can be, debated. My methodology has been based on the understanding that no such category as public opinion exists in, and of itself, but is created through the act of polling, by the pollster. My analysis thus attempts to expose the pollster's 'voice' as author of the opinion poll bulletin. Moreover, and in accordance with Lipari's model of opinion polls as a communicative rather than psychological activity, this chapter analyses the opinion poll bulletins as particular discursive forms through which particular understandings of the significance of abortion come to be prioritised over others.

Central to this chapter, therefore, is the understanding that the practice of opinion polling itself contributes to political debate, not simply by representing true/factual 'public opinion' as pollsters and politicians would perhaps have us believe, but by *creating such a category as public opinion* in the first place. Inevitably this has significant repercussions for the ways in which the practice of opinion polling comes to structure and frame the significance of the issue of abortion in the political arena. How pollsters define the terms by which such a concept as 'public opinion' becomes

uncomplicatedly 'true' and representative of the 'Polish public,' and indeed representative of national identity and democratic procedure, forms the major axis of discussion.

This chapter answers the overarching research questions that inform the entire thesis, analysing how abortion polling legitimates political authority and assessing to what degree gender is figured in opinion poll discourse on abortion. The specific questions addressed in my analysis of the 1996 poll bulletins are as follows: what role (implicit and explicit) is claimed by opinion polls in the bulletins? Second, what sub-texts inform the bulletins on abortion opinion, in other words, how is abortion debate framed by the pollster and what 'actors' in abortion debate are thus identified? Third, how do such framings of abortion debate construct allegiances and affinities? These will be considered under two over-arching themes, as used in the previous analytical chapters: abortion and nation, and abortion and democracy.

An introduction to CBOS and the opinion poll bulletins

Monthly opinion polls are conducted by CBOS, which exists, in its words 'to satisfy the needs of Polish public administration bodies and societies at large, as well as various other interested institutions: local government, the press and television, industry and advertising agencies' (CBOS, 2002). Founded in 1982 under martial law⁶⁰, CBOS is currently funded by a grant from the state⁶¹, and mandated with a responsibility to the state and to society to determine public opinion on significant

⁶⁰ Interestingly the CBOS public databases start afresh from 1989, and the opinion poll bulletins I have examined do not refer to any polling or poll results conducted before 1989, despite the fact that poll results between 1982 and 1989 must exist!

⁶¹ In the mid-1990s there was considerable debate about privatising CBOS. This was ultimately rejected, and further attempts to privatise the organisation have not re-surfaced subsequently.

issues of the moment (Wenzel, 2001). These significant issues are determined by the CBOS Board, whose members, drawn from the academic community, are understood to remain impartial and independent from party politics (*ibid.*). Most surveys, including those under consideration here, are made on a nation-wide representative 1000 or 1200 adult population random address sample. CBOS is professionally verified for the quality of its questions, and is to some extent relieved of commercial pressures by virtue of its grant from the state (CBOS, 2002; Wenzel, 2001). The identity of CBOS therefore remains distinct from its more commercially-oriented competitors.

From 1989 to 1995 there were a total of nine bulletins published relating to abortion, an average of two per year⁶². In 1996, the year under consideration, no less than five bulletins specifically considered the question of public attitude towards abortion. Increased polling activity on the question is reflective of increased parliamentary and media debate: 1996 was marked by intense and concentrated debate at key points throughout the year. The relevant bulletins were: *Ideological questions: privatisation, unemployment, abortion, Concordat* (CBOS, January 1996a); *Thematic territory of a Referendum* (CBOS, January 1996b); *Attitude towards regulation permitting abortion and the eventual change of the law* (CBOS, April 1996); *Attitude towards abortion in the light of the liberalisation of regulations concerning it* (CBOS, November 1996a); and *Amendment of the anti-abortion law and its consequences* (CBOS, November 1996b). All of these bulletins report on public

⁶² These were: *Public opinion on abortion* (June 1989); *Young people on abortion* (July 1989); *Public opinion on abortion* (June 1990); *Law on abortion in the opinion of society* (March 1991); *Law on abortion in the opinion of young people* (June 1991); *Public opinion on the abortion law* (April 1992); *The opinion of society on abortion* (November 1992); *Social consequences of the law on the conditions under which abortion is permitted* (November 1993); *Attitudes to the legal permissibility of abortion and eventual changes to the law* (June 1994).

attitudes to abortion, but some do so in the context of wider framing issues, such as possible topics for inclusion in a Referendum or the relationship between attitude to abortion and attitude to the Concordat, privatisation and unemployment. Most, however, report on attitudes to abortion in the narrower but perhaps more immediate context of then-current legislative attempts to liberalise abortion policy.

All the bulletins are presented in a similar way. Most start with an introductory page that summarises the findings and then the main body of the bulletin is preceded by an introductory section – a preamble. This places the bulletin's findings in context, whether this be an explanation of the importance of considering attitudes to the issues of privatisation, unemployment, Concordat and abortion alongside one another, or an overview of political developments in abortion debate. All these preambles give a rationale for considering public opinion on abortion at that time, as well as contextualising such opinion against the backdrop of abortion debate and legislative efforts since 1989. The preamble also summarises the main findings to be presented.

The substantive sections of the bulletins are further sub-divided and organised according to theme, with the bulletins reproducing the questions asked and the range of options (with percentages) given in answer to these questions, together with analysis of the findings. These are often further contextualised by being reproduced in a table alongside previous bulletin's findings on the same question. Following a summary and conclusion, an appendix to the substantive part of the bulletin gives a detailed breakdown of the questions with respondents' answers according to sex, age, place of residence and so on.

To illustrate this further, let me describe the contents of the November bulletin *Attitude towards abortion in the light of the liberalisation of regulations concerning it*. It is divided into the following sections: Preamble; Abortion – acceptance or opposition?; Social hierarchy of conditions under which abortion is permitted; Opinion on the consequences of the current regulations on abortion; Social reception of the reaction of the Catholic Church representatives to the liberalisation of abortion law; Political context of the liberalisation; Conclusion. Questions and answers are reproduced, giving a factual and ‘transparent’ impression of how the pollster has gathered the information, but at the same time it is clear that work has been done to produce a coherent and sustained analysis of the meaning of the findings, and also that the information has been arranged according to theme. The relationship between the ‘facts’ collected and the bulletins produced from these facts, which CBOS is mandated to distribute as widely as possible, is not as straightforward as suggested.

Abortion and nation

Abortion is contextualised in relation to nation in a number of ways. First, the very practice of public opinion polling creates the category of representative ‘national’ opinion. Second, and in common with what we have already seen in the parliamentary and media contexts, the abortion question is related to what CBOS calls the ‘ideological shape of the state’. Two competing nationalist projects are identified as at stake in discussions around abortion: the ‘Catholic state option’ versus the ‘rational, secular state option’. Third, the significance of gender in both these national projects, and indeed the importance of gender in the ‘national’ opinion that CBOS constructs, is both raised and erased as a category of analysis.

Creating difference and national identity

CBOS claims authority and legitimacy to 'speak' for Polish society by stressing the representativeness of the opinion poll sample. This is signalled by footnoting the following at the beginning of every bulletin: 'The research (name of bulletin) was conducted on (date) on a representative random sample of the adult population of Poland (N=number of respondents)'. The methodology is further described through the tables appended to the bulletins, where the precise questions with answer options are reproduced. Respondent profiles are broken down according to the following variables: sex; age; place/size of residence (big city down to village); region; level of education; class; state of employment (student/ retired/wage-earner etc.); economy sector (private; state etc.); wages per person; the respondents' opinion of their living conditions; participation in religious services (presumably Roman Catholic, although this is never explicitly stated) and finally, political viewpoint⁶³.

These variables illustrate the axes of difference in Polish society that are privileged as a source of interest and focus for analysis by the pollster. These markers of difference indicate and encompass the range of experience and identification assigned to the individual alongside their apparently common experience of being a citizen of Poland, or a 'Pole'. At the same time other axes of difference are omitted: neither sexuality, for example, nor ethnicity as a Western reader might understand it, figure as factors of difference that might influence 'opinion'. Ethnicity is understood through region of residence rather than skin colour or first language, and heterosexuality is presumed. Despite these omissions, the CBOS bulletins

⁶³ Such a breakdown of opinion also features in Western opinion polling on abortion. Banaszak notes that literature on the United States and Europe has explored the factors identified as significantly influencing abortion attitudes gathered in public opinion polls. Factors identified include religiosity, women's labour force participation and education (Banaszak, 1998, pp.547-549).

nevertheless claim to define the collective range of experience of individual Polish citizens. In other words, the bulletins define what it means to be Polish, by identifying the factors around which any particular individual's identity is constructed.

Offering a breakdown of respondents and correlating such factors as age or sex with responses to individual questions allows the pollster to analyse which factors are significant in deciding attitude, in this case, to abortion. In other words, not only do CBOS bulletins offer an understanding of what differences exist in postcommunist Polish society, they also provide some analysis of *which differences matter*. The underlying logic here is the attempt to understand and offer some explanation for *why* certain people hold particular attitudes on abortion.

However, a contradictory internal logic is also in operation here. At the same time that group differences in Polish society are charted and analysed, the purpose and function of the pollster is to amass collective opinion on pressing contemporary issues, as well as to chart dynamic changes in this collective opinion over time. In this case, not only do the poll bulletins demarcate difference, they also represent an attempt to speak for the collective 'nation' of Polish citizens by representing majority attitudes, explaining not only 'who' Polish people are but also 'what' Polish people think. Therefore an internal tension remains in the bulletins between on the one hand, emphasising and documenting difference and on the other, attempting to forge a consensus, middle-ground opinion which remains representative of the majority of Polish citizens. It remains to be seen whether the opinion poll bulletins exploit or attempt to reconcile this tension.

As we have seen, then, the bulletins both define *who* has the right to have opinion on abortion (the 'public') and *what* they think ('opinion'). At the same time, CBOS bulletins also frame abortion in relation to the Polish nation by using the question of abortion liberalisation to explore the projected future ideological shape of the Polish nation-state. Here the polls assess the degree of support expressed by the 'public' for the competing nationalist projects being articulated, variously, the Catholic state option versus the rational, secular state option.

The ideological shape of the state

Discussion concerning the state's ideological shape has constantly accompanied the processes of the introduction of economic reform. Yet in this field from the same moment there has been drawn two contrasting options – a state of 'neutral world-outlook' or a state 'respecting Christian values'. The symbol of the conflict between these two options has been discussion concerning the legal regulation of the problem of abortion. (January 1996a, p.5)

In this bulletin extract, abortion is described as absolutely crucial in terms of marking the difference between two competing state-building projects: the perspective of 'neutral world-outlook' versus the 'respecting [of] Christian values'. The word 'neutral' (which could also have been translated as non-aligned), is used to represent those opposing (or at the very least disinterested in) the construction of a Polish nation-state based on Christian morality and teaching⁶⁴. Of course, such 'neutrality' will have its own values and political vision: such 'neutral' views are similarly subjective and just as political as those expressed by those in support of a state based on Christian morality and teaching.

⁶⁴ This reflects common Polish usage: for example, the NGO Association for a Non-ideological State is called Neutrum.

What is significant here is that abortion debate symbolically demarcates lines of division within Polish politics and society. In fact, abortion debate is itself considered to be 'the symbol of the conflict' between the two positions, with Christian values counter-posed to 'neutral,' for which read secular, values. In this context abortion assumes a significance far beyond its legislative implications, being identified as part of a wider ideological clash about the future direction of the state, nation and purpose of reform. Debate around abortion is thus affiliated to both competing versions of the state-building project. It is explicitly harnessed to broader debate around the role of religion and Catholic belief in ideologically determining the contours of the newly re-born Polish state, as well as individual policies, within it.

Moreover, the question of abortion is also emblematic of ideological conflict around the 'proper' rate of transformation in the postcommunist context. The January 1996 poll which investigates public opinion on four issues (privatisation, unemployment, the Concordat and abortion) considers the degree of public support for 'liberal transformation' and public opinion on the ideological shape of the state' (CBOS, January 1996a, p.1). The poll is introduced thus:

The subject of this research is the analysis of the dynamic changes of Polish opinion on the key political questions of the first half of the 1990s. We present the results of various opinion polls (conducted a week before the presidential elections), in which we researched, amongst other issues, the ideological climate regarding basic political questions at the end of election campaigning. (CBOS, January 1996a, p.1)

Abortion is here presented as a political issue crucial to the ideological make-up of the state but the question of attitude to abortion is also linked specifically to other issues such as unemployment, privatisation and the Concordat. More generally, it is

linked to the 'liberal transformation' of the state after state socialism. In this way, abortion policy and debate is described as 'measuring' the rate and scale of postcommunist state reform⁶⁵.

The Catholic state 'option'

In general terms, CBOS estimates the Church to have been crucial in determining, or at the very least, influencing, legislative outcomes in parliamentary abortion debate: this is presented as part and parcel of the political context in which attitudes to abortion have been collected. At the same time, CBOS opinion polls make two separate attempts to investigate public opinion about the Catholic Church's participation in abortion debate. The first gauges attitudes to the Episcopate's vocal reaction to abortion liberalisation, whilst the second determines opinion towards the action of the Catholic Church in abortion debate more generally, together with the consequences of this for the Catholic Church's position in Polish society.

Under the heading 'The social reception of the reaction of the Catholic Church representatives to the liberalisation of the law concerning abortion,' the January 1996 poll describes the participation of the Catholic Church in anti-liberalisation campaigns in some detail:

Voting in the Sejm, including [votes in favour of] the so-called social [factors under which] abortion is permitted, was met with strong criticism on the part of the Catholic Church. The secretary to the Polish Episcopate labelled supporting the liberalisation as 'the [a]moral participation in the murder of a hundred thousand people,' at the same time calling on doctors and nurses to refuse to participate in this type of practice. (CBOS, November 1996a, p.9)

⁶⁵ I return to this point in more detail in the section on 'gendering abortion' below.

This extract gives a flavour of the reaction expressed by the Catholic Church in the wake of the successful passage of liberalisation of abortion law in the Sejm, drawing attention to the fact that the most senior members of the Church hierarchy (the secretary to the Polish Episcopate) have participated in such reaction. At the same time as reproducing the emotive language of 'murder' in which this reaction is expressed, the extract makes clear the combative relationship between the Catholic Church and the Sejm, whereby the Church has attempted to de-legitimize the proper rule of 'law' (as embodied in the legislature) by appealing to (higher, Church-sanctioned) 'moral' law. The pollster also makes clear that the Church has appealed to medical professionals to 'refuse to participate in the practice' of the liberalised abortion law by primarily identifying them as *believers* (who should act morally and according to the wishes of the Church) over and above their responsibilities as *citizens* (with responsibility to provide the services required under the auspices of health care). This extract illustrates very well how these alternative ideological conceptions (secular state composed of citizens, versus Catholic state composed of believers) clash both at the macro-political (the Sejm; the media) and micro-political level (people's everyday lives and decisions).

After setting the context thus, the same opinion poll goes on to estimate opinion of 'the Episcopate's statement expressing [its] viewpoint on the proceedings of the Deputies' (CBOS, November 1996a, p.9). Particularly significant here is the strong correlation established between regularity of attendance at Church or declared religious belief, and positive estimation of the Church's critical pronouncement on parliamentary proceedings resulting in liberalisation of abortion legislation. Meanwhile, acceptance of the Church's estimation of abortion as a form of murder is

also most frequently expressed by those respondents identifying themselves with the right in Polish politics, whilst it is opposed by sympathisers of the left (CBOS, November 1996a, p. 10).

Here the public estimation of the Church's role in abortion debate is shown to be linked to the religiosity of respondent. In other words, those respondents declaring regular practice of religion support the actions of the Church. Meanwhile, such a position is described as 'most frequently expressed' by those identifying with the right; the political rift between right and left is here shown to link to position on abortion as well as attitude towards the Church. Thus it can be deduced that the right, supportive of the Catholic Church's position on abortion and its pronouncements to parliament, themselves remain critical of the treatment of abortion in the parliamentary procedure. Here both religious perspective and political affiliation are mapped onto attitude towards abortion liberalisation⁶⁶. More than this, asking the question in the first place suggests a certain instability in the Church's position as a legitimate definer of Polish policy based on morality.

A further poll published in the same month charts respondents' opinion on the position of the Church. The Church's participation in abortion debate is characterised thus:

The Catholic Church is opposing the legalisation of abortion on social grounds coming into operation, in order to prevent [the] occurrence [of abortion]. Amongst other things the Church has appealed to Deputies not to modify the Senate's decision, rejecting the amendment of the anti-abortion version of the law,

⁶⁶ This is unsurprising. Under state socialism, religious imagery and nationalist ideology became entwined with, and harnessed to, the underground struggle. After the dissolution of the state socialist régime, the trade union *Solidarity*, which had been responsible for stimulating the collapse of the socialist state, splintered into several allied right-wing parties. However, all retained some degree of allegiance to the Church.

also supporting the movements for 'the protection of life'. They have very strongly stressed their position towards abortion, with the reminder that the results of supporting abortion will be excommunication. (CBOS, November 1996b, p.5)

Here the opinion poll notes the activity of the Church in abortion debate, describing its policy of attempting to influence parliamentary debate, support for the anti-liberalisation campaign and 'protection of life' as well as issuing the punishment of excommunication. It is in this context that attitudes towards the position taken by the Church are gauged: it is found that 'a significant part of the respondents think that the position taken by the Church has resulted in a decrease in its acceptance by society' (CBOS, November 1996b, p.6). However, 'almost half of those questioned are of the opinion that it has not effected an influence on people's opinion of the Church, or an increase in approval of the Church' (CBOS, November 1996b, p.6). It seems clear that whilst the Church is represented as one of the main players in abortion debate, the CBOS opinion poll bulletins simultaneously note that its standing and authority to speak on this issue is not undisputed, particularly by those supporting abortion liberalisation and those sympathetic to the left. Moreover, the degree of its influence is questioned by some respondents, with others arguing that its participation in abortion debate has even damaged its standing. CBOS' framings of debate as well as its findings, therefore indicate that there is some resistance to the Church's participation in the political dimension of Polish life.

Opinion polls also characterise 'typical' pro-liberalisation and anti-liberalisation constituents. Across all opinion polls, the anti-liberalisation position is equated with the right, with religiosity, with the rural and poorest element of society, and with the elderly. This serves to de-legitimate the pre-eminence and influence of the Church

(as the principal advocate of the anti-liberalisation position) and its claim to speak for Polish society: such an identification of anti-liberalisation/Church supporters recognises that the Church's influence is restricted to particular groups and not necessarily reflective of 'Polish opinion' (whatever that is) as a whole⁶⁷. Opinion polls thus appear to allow a 'true' and objective measurement of public feeling towards the participation of the Church in political life to be taken, refuting the Church's automatic claim to represent Polish (for which read Roman Catholic) attitudes to abortion.

The rational, secular state 'option'

The option presented as an alternative to the 'Catholic state' is that of a 'neutral world-outlook,' in which citizenship and the 'democratic' rule of law is valorised as the proper direction and function of postcommunist legal and economic reform. Within this model, the secular state performs a representative function, mediating between conflicting interests in society, obtaining information ('public opinion') so as to be able to reach a consensual position through debate in public fora (for example, in the media or in the legislature). I have already noted the meaning of the word 'neutral' in this context; what is further relevant is the fact that the model posited as an alternative to the Christian nation-state is a competing nationalist project which does not take account in any significant way (in the bulletins at least) of gender.

⁶⁷ These groups remain marginal to political life in Poland. Their support of the Church's position on abortion consequently makes the Church's influential position in Polish society not only look unrepresentative of Polish society in general, but representative of 'minority' interests.

In its attempt to find a consensus on abortion, CBOS charts attitude to abortion according to the reason for which abortion is requested, as well as the broad category of opinion about abortion professed by the respondent⁶⁸. The opinion poll bulletins characterise public opinion about 'different kinds' of abortion, variously hierarchising abortions under the following categories: when the mother's life is endangered; the mother's health is endangered; pregnancy is the result of rape or incest; it is known that the child will be born disabled; the woman is in a difficult material situation. These 'reasons' are ordered according to popularity of support, from 85% or more of respondents from 1991 to 1996 supporting legal abortions in case of danger to the mother's life, to around 50% supporting abortion for women in 'a difficult material situation'. Support for each of these options is gauged in each of the opinion polls, allowing a comparison over time. Framed in this way, abortion rights are constructed as contingent only.

Obviously such a hierarchy of permissible abortions is not restricted to Poland: in fact, such a breakdown of opinion is common in international surveys on abortion (Wenzel, 2001). Neither should such a breakdown of conditions be interpreted as translating directly from legislative options: here, for example, the range of options broadly relates to the political context, but does not describe or specifically relate to the 1996 liberalisation proposal.

At the same time respondents in opinion polls on abortion throughout the 1990s were asked whether abortion should be allowed without limit; allowed but within certain limits; banned, but with certain exceptions; or banned completely. The options

⁶⁸ These same questions are posed to CBOS respondents in all the opinion poll bulletins I have examined.

allowing abortion without limit or else banning abortion without exception were labelled 'extreme,' with the majority of support being expressed for the middle options, abortion allowed 'within certain limits' or else banned 'but with certain exceptions'. This matches but does not replicate the legislative options on offer during the history of abortion debate since the dissolution of state socialism. Moreover, the identification of 'limits' to abortion in the majority options, together with the lack of specification of what such 'limits' might entail, ensures that limited access to abortion is presented as the majority opinion in Polish society. Most popular are those options in the middle of the spectrum, abortion permitted with limits, or banned with certain exceptions. The ostensible purpose of opinion polling in this context is to seek areas on which there is consensus. Noting that in fact there has been a falling away of support for what it calls 'extreme' or 'radical' options is extremely significant in the postcommunist context (CBOS, April 1996, p.3). The concept of abortion 'without limits' is associated with the state socialist régime where abortion was available virtually on demand and abortion was widely used as form of contraception.

In June 1989, the first time abortion is raised in the postcommunist period, 26% of those sampled expressed themselves in favour of abortion being 'allowed without condition' (CBOS, June 1989, p.2) and 62% identified themselves with the position 'every woman should have the right to decide whether she wants to give birth to a child or not' (CBOS, June 1989, p.8). However in the April 1996 bulletin only 13% of those sampled agreed that abortion should be allowed without limits, whilst the question about a woman's right to choose was not even posed. These figures clearly demonstrate a dropping away of popular sympathy with the position of allowing

access to abortion on demand which is implicitly associated with the radical gender ideology of state socialism. At the same time, CBOS bulletins also construct the 'total restriction of abortion' position which is supported by the Church as an 'extreme' position which is only marginal and thus unrepresentative of Polish society as a whole.

The middle ground is privileged as more significant than the 'extreme' because of its majority position. Moreover, extreme positions on abortion are identified with the political sympathies of the respondents: here, an 'extreme' liberal position on abortion is linked to support for the SLD or UP (broadly, the left), which in some cases seeks an even more radical abortion law than that proposed in the 1996 amendment (CBOS, April 1996, p.5), whilst a 'radical' conservative position on abortion is linked to support for ROP⁶⁹ and AWS (broadly, the right). Interestingly, no explicit feminist position is identified with those who seek an abortion law more radical than that proposed in the 1996 liberalisation amendment. Meanwhile:

within the electorate of the PSL and UW there predominates a measured option – among those counted as voters for these parties, there are the most people who are supporters of certain limits to abortion access, or a ban with exceptions. (CBOS, November 1996a, p.11)

Here, 'measured' (for which, read reasonable) opinion is identified with the centrist parties of the UW and the PSL. Hierarchising access to abortion in this way allows a sophisticated correlation of political sympathies with attitude to abortion, which emphasises the importance of consensus in the midst of an extremely fragmented political scene. In the context of coalition politics, whilst the 'right' or the 'left' may have political dominance, the centrist parties (such as the UW or the PSL) with

⁶⁹ ROP is the Movement for the Reconstruction of Poland, affiliated to the right.

whom the 'right' (AWS) or the 'left' (SLD) form coalition governments, nevertheless retain the veto over government policy.

The right and rationality of the state to come to decisions mutually agreeable and beneficial to all, ultimately reconciling differences through the legislature (here represented by the authority and competence of the Sejm) remains the foundation and rationale of the 'neutral world-outlook' option offered in opposition to the Catholic state. Therefore discourses around the possibility and potential of reaching compromise⁷⁰ by attending to the position of consensus in Polish society remain key; hence the privileged position of the 'middle ground'. Despite the fact that CBOS stresses its objectivity and disinterest throughout the opinion poll bulletins, its identification with democratic processes of state mean that it sympathises with that ideological position which favours rationality and consensus.

Gendering abortion

Gender is notable by its absence in the CBOS opinion poll bulletins. Despite or perhaps because of this absence, gender becomes represented in the methodology and practice of opinion polling in a particular way. Gender is further articulated in the opinion poll bulletins as part and parcel of the struggle around the present/future ideological shape of the state, both by 'Catholic' and by 'secular' viewpoints. Here transformation in gender ideology (as emblematised by abortion policy) is used to measure the distance 'already achieved' from the state socialist context.

⁷⁰ See for example the following extract in which the November 1996 opinion poll bulletin is introduced: 'The greatest controversy occurred around the liberalisation of conditions under which abortion is permitted, widening [access to abortion] to include so-called social reasons. It is worth remembering that before this point, the current version of the law had been considered by some to be too restrictive, being as it was the result of compromise....' (CBOS, November 1996, p.1)

Representing gender in opinion polling practice

The practice of opinion polling presumes a gender neutral citizen. As I have earlier argued, citizenship is the primary identification of the CBOS opinion poll respondent; variables such as gender, age, wage level and so on remain secondary. In practice however, it is only because CBOS (in this instance at least) does not consider lived experience, that attitude to abortion can be abstracted out to gender neutrality. Only women can have experience of abortion, but their views as women are not deemed significant. By suppressing lived experience as a form of knowledge, male 'expertise' (as evidenced through their participation in opinion polling as respondents) is legitimated.

Because no gender differentials seem to determine attitude to abortion, women are described as not having a 'special interest' in abortion, and the issue of 'public opinion' on abortion is claimed to be 'gender-neutral'. For example, noting the breakdown of opinion according to categories such as wage level, place of residence, age etc. after asking the question, 'In your opinion, in the current situation, is it necessary to change the currently valid law on abortion?', one opinion poll bulletin noted:

The changing of the law was approved by a somewhat larger proportion of men (55%) than women (50%), although those against the changes were more often women (32%) as opposed to men (25%), although the [overall] variations were not large. (CBOS, April 1996, p. 3)

The bulletin claims here that gender does not 'determine' attitude to abortion, since attitudes to abortion are evenly spread between men and women. Therefore, it is claimed, abortion is not a gendered question. In other words, the discovery that women don't support liberal access to abortion in greater numbers than men is

translated into the supposition that women aren't especially interested in the issue. The fact that men and women might have very different reasons for their attitude to abortion does not receive attention, reflecting the quantitative focus of the practice of opinion polling. Nor is attention paid to differences between women, nor to why it is that women as a group don't support abortion any more than men do. I would speculate that women's lack of overwhelming support for abortion might result from a desire not to be seen as 'extreme' or associated with the implicit negative connotations of feminism. Or it might result from women's reluctance to admit the possibility that abortion has formed part of their life experience, given the context of mass underground abortions and abortion tourism.

So except as a category of partiality, CBOS opinion poll bulletins on abortion simply aren't very interested in the question of gender. Instead they are much more concerned with the significance of abortion for the status and competence of the Sejm. Consequently, the pro-liberalisation of abortion project receives attention in terms of its (party) political dimension, but not in its own terms, which might centre women in the abortion debate. There is no mention of the vigorous and ongoing feminist project to improve women's access to abortion or the fact that regardless of poll opinions, Polish women do seek abortion in droves: debate is located by CBOS purely at the political level⁷¹.

At the same time, the ways in which 'opinion' on abortion is collected *are* gendered. For example, the opinion polls ask the question whether abortion is allowed 'in certain cases'. These include the following: 'danger to the mother's life'; 'danger to the mother's health'; 'if pregnancy was the result of a crime', including rape or

⁷¹ This also de-legitimises other fora for debate, most notably, the media.

incest, if it is 'known that the child will be born disabled' or finally, if the 'woman is in a difficult material situation'. There is consistent slippage throughout the opinion poll bulletins between the terms used: whereas in the first four cases the poll refers to the 'mother,' the fifth case refers to the 'woman'. This is because this last clause refers to the new socio-economic case, which uses different wording to the original four clauses embodied in the 1993 Abortion Act.

The hierarchisation of abortion according to 'degree of permissibility,' already noted, serves as a universalisation and abstraction of circumstance, working to obscure debate around women's right of access to abortion as citizens. This is the only place in the opinion poll bulletins where (implicit) foetal-maternal conflict is characterised and 'public opinion' on the issue sampled. Broadly representative of existing and potential abortion legislation, this hierarchy of 'permissible cases' offers the possibility that the mother/woman may not have sufficient justification to seek and obtain an abortion. In fact, CBOS opinion polls repeatedly note that respondents rate some cases (such as danger to the mother's life or health) as being more justifiable than others (such as difficult socio-economic conditions).

Listing 'reasons' for abortion in this way of course does not allow for the possibility that women should be allowed access to abortion on demand without need for a justifiable 'reason'. In any case, this approach would fall under the category of allowing access to abortion 'without limit' (as opposed to the other options: 'allowed under certain limits'; 'banned with certain exceptions'; or 'banned completely'), which, as we have noted above, is represented as a marginal and 'extreme' position allied to the former state socialist project and therefore de-legitimated by association.

Gender and the ideological shape of the state

I have argued in earlier chapters that the reform of gender ideology is represented as 'emblematic' of postcommunist transformation and therefore integral to the struggle between competing nation-building projects over the ideological shape of the state. This chapter has noted that linking attitudes to abortion to other 'key political issues,' such as unemployment, places abortion policy in the wider context of determining and measuring 'public satisfaction' with the rate and scale of postcommunist reform. This presumes that state socialist and communist gender ideology can offer no resources in the contemporary context: as we will presently see, neither of the nation-building projects on offer admit the possibility of recuperating policies from the state socialist era. Because the most liberal abortion law, in effect, 'abortion on demand,' becomes classified as a property of 'state socialism,' it is automatically vilified and rejected in the contemporary context.

As we have earlier noted, the ideological conception of the state that favours 'respecting Christian values' defines Poles as believers first and citizens second. Moral obligation and responsibility are therefore prioritised over, or are a prior condition of, the exercise of citizenship. In the case of abortion policy, this means that women's reproductive capabilities take precedence over any individual claim to bodily self-determination (through having an abortion, for example). However, the opinion poll bulletins consistently suppress the gendered dimension to such a conception of the state.

At the same time the opposing 'world view,' which presents a secular state capable of operating rationally, constructs an apparently gender 'neutral' citizen (as

embodied in the opinion poll respondent, for example). However, here the opinion poll bulletins describe the liberalisation of abortion as 'above all in order to help women not having the appropriate conditions to give birth to and bring up a child' (CBOS, November 1996a, p.11). The language and wording used is significant here: women are described as having 'special' access to welfare because of their biological (and presumably economic) burden as child-carriers and child-rearers. The paternalistic state is thus demonstrated to be competent to offer help to vulnerable women, aiding women 'in a difficult material situation'. Despite discourses around the gender neutrality of the citizen, and in common with the alternative 'Catholic' project, clearly here the bulletin notes that the secular world-view attributes agency to the state rather than to individual women. The emphasis is on the rights and responsibility of citizenship extended to women, rather than the agency of women themselves as citizens. Meanwhile, the agency of the individual as a component of 'public opinion' thus lies in the category of 'Pole-citizen' rather than as interested and affected party, such as 'woman' or 'potential mother', for example.

We have seen in this section that the issue of abortion in CBOS abortion poll bulletins is framed in relation to the Polish nation in several ways. CBOS itself creates the category of 'national opinion' through its claim to representatively sample Polish society. At the same time, CBOS frames abortion in relation to its significance for revealing ideological cleavages in Polish society around competing nationalist projects. Opinion poll bulletins claim that abortion debate reflects wider contestations around the ideological shape of the state. It identifies an anti-liberalisation position as being supportive of an agenda that places Roman Catholic morality at the heart of the Polish reconstruction project, whilst the pro-liberalisation

position is identified with a rational, secular state. As we have seen, CBOS opinion poll bulletins legitimate the conception of the state as rational and secular: this works to discredit the Catholic model of the proper shape of the Polish state.

At the same time, CBOS simultaneously raises *and* erases gender as a substantive category of analysis: gender is consistently erased as a category of analysis worth consideration, but as I have demonstrated, opinion polling practice is gendered. Moreover, and despite the bulletins' claims, gender remains integral to the ideological shape of the state, whether in the 'Catholic option' whereby women's biological capabilities supersede their citizenship rights, or the 'rational, secular state option' whereby the paternal state confers special citizenship rights on women because of their biological vulnerability.

Abortion and democracy

CBOS opinion polls on abortion regularly stress the importance of understanding the political context in which opinion is sampled, offering detailed descriptions of the same. Indeed, the act of polling on abortion is itself stimulated by the repeated re-emergence of abortion as a political question requiring parliamentary debate. Moreover, the pollster recognises the potentially dynamic influence of political debate on attitude to abortion, particularly with regard to the addition of the 'socio-economic' clause to the list of permissible cases in which abortions may be performed.

Abortion as a political issue throws into relief several related elements in the CBOS opinion poll bulletins: party politics; shifts in political power between right and left; identifying the 'actors' and experts in abortion debate; and finally, assessing the motives of those involved in abortion debate.

Abortion as a (party) political issue

CBOS abortion poll bulletins frame abortion as a (party) political issue, using the topic of abortion legislation as a site through which to assess Polish democracy. Thus the party political dimension of abortion debate recurs as a backdrop throughout the 1996 bulletins, particularly in the preambles and introductions where detailed contextualisation is offered. For example, the introduction to the November 1996 poll describes the political dimension of abortion debate thus:

In September, after several years of its absence, the question of permitting abortion returned to the proceedings of the Sejm. Those voting for it, were in the majority, the Deputies of the SLD and UP, who formulated changes to the presently existing law. The greatest controversy occurred around the liberalisation of conditions under which abortion is permitted, widening the statement to [include] so-called social reasons.... [under the 1993 legislation] ... abortion, though governed by legal regulations, nevertheless remained an open question and built up a lot of emotion. The parliamentary campaigns in 1993 and the following period, disclosed the political weight of this problem. [Practically]... every political grouping presented a position on this matter... (CBOS, November 1996a, p.1)

This introduction notes the substantive context of the recent parliamentary debate on abortion, especially around the question of allowing abortion on 'socio-economic' grounds, relating this to the broader political context of election campaigning. It stresses that despite the relative absence of abortion from parliamentary proceedings after 1993, when the restrictive abortion law was passed, there has nevertheless been

a continuation of public debate on the issue. Meanwhile, so the introduction notes, the current parliamentary campaign to liberalise abortion bears testimony to promises made in previous election campaigns, and, potentially even to election campaigns in the near future. Here the liberalisation of abortion is clearly identified with a party political manifesto presented by the SLD and the UP in opposition to the Church, which has vigorously protested the liberalisation of abortion. The preamble to the bulletin roots the question of abortion in the political and party political context: the debate here is described as part and parcel of the battle to gain and maintain political ascendancy, particularly by the left.

In this context, public opinion on abortion is broken down according to the respondents' political affiliations. One poll bulletin notes:

Generally attitude to abortion is strongly connected to the political outlook of those researched. It is not surprising that the politics of this problem reflects in a large measure the character of divisions between the Polish right and left. (CBOS, November 1996a, p.11)

Again we can see how the question of access to abortion is shown to symbolically delineate the boundary between Polish right and Polish left. Attitude to the liberalisation of abortion is here further broken down under the heading 'political electorate of political groups', with the poll declaring in its introduction that:

The majority of the supporters of the SLD and the UP [were in favour of] sanctioning social grounds for having an abortion, although sympathisers of AWS, UW, PSL and ROP were in the majority, against this. (CBOS, November 1996a, p.1)

This substantiates the pollster's earlier assertion that the abortion debate both marks, and is marked by, the right/left divisions in Polish society. The left, represented by supporters of the SLD and the UP, supports liberalised access to abortion, whilst the

centre/right is represented by sympathisers of AWS, UW, PSL and ROP, who, in the majority, oppose such legislative measures.

Identifying actors and 'experts' in abortion debate

Although particular individuals are generally not singled out for attention, opinion polls identify certain institutions and groups as having played a significant role in abortion debate. First and foremost are politicians, together with all the machinery of party politics. Second is the Catholic Church, particularly its attempts to influence parliamentary process and debate. Special mention is made here of the Secretary to the Episcopate's pronouncements on liberalisation (Bishop Tadeusz Pieronek), much discussed in *Trybuna* and *Gość Niedzielny*. Although their role is little represented and questioned, the media does warrant a (limited) mention in relation to their role in influencing public opinion on abortion. The medical profession is also included, not in relation to participation in abortion debate but rather in relation to the implementation of the liberalisation proposal and the possibility of the present and future operation of the 'conscience clause' working to obstruct access to abortion. The bulletins therefore devote considerable attention to the role of 'actors' and experts in debate.

Following the second reading of the liberalisation bill in the Sejm, and preceding its consideration in the Senate, there is some debate around the role of the medical profession in allowing access to abortion (CBOS, November 1996a, p.8). As the opinion poll notes, the liberalisation of abortion legislation does not automatically translate into increased access to abortion because of 'the phenomenon of ... the

“conscience clause”, meaning the possibility of nurses and doctors refusing to participate in abortion operations, if this would be in opposition to their religious and moral convictions’ (CBOS, November 1996a, p.8). The poll further notes that ‘the Church has called on health workers to behave in the same way, as a kind of boycott of the new law’ (*ibid.*). Clearly the opinion polls are signalling the (potentially) limited efficacy of liberalised abortion legislation when the ‘enforcers’ of such legislative measures, that is the medical profession, retain a professional veto over women’s access to abortion. Moreover, some limited critique of the role of the Church in such measures is offered.

Abortion debate as emblematic of shifts in political power

Considering the fact that, as we have seen, attitudes to the liberalisation of abortion get mapped onto the right/left political divide, it is perhaps unsurprising that the opinion poll bulletins contextualise the question of abortion within the swings in the balance of power between right and left. For example, the repeated attempts to liberalise abortion are identified with the 1993 elections, which signalled the victory of the SLD and UP over the previous centre-right coalition, headed up by Solidarity.

At the same time, the poll bulletins note that certain groups have used the issue and public debate around abortion strategically to advance their political manifestos.

One CBOS opinion poll bulletin notes:

it seems that the existence of continual legislative changes [in regard] to the question of abortion is being attributed to the Church, or [politicians and political parties] taking advantage [of the abortion question] in political games. (CBOS, November 1996a, p.8)

Here the pollster demonstrates awareness that the struggle over abortion legislation assumes a greater value and significance than a simple struggle over the terms of women's access to abortion: it symbolically marks the territory of division between political factions, and it is an arena in which the Church also stakes a claim as primary definer. Moreover, debate over access to abortion represents a critical and crucial arena in which politicians, political parties and the Church can 'take advantage;' in other words, bolster their authority and support within Polish society by taking part in debate. The sub-text implies that participation in abortion debate raises political profiles and allows a wider 'public' engagement with politics than is otherwise the case. At the same time, this wording 'taking advantage' also suggests somewhat unscrupulous activity on the part of those involved in the scramble for heightened publicity and profiles.

Assessing motives

The opinion polls also offer commentary on the motives of those participating in abortion debate, arising particularly from evaluating 'public opinion' on politicians' motivation in sponsoring the liberalisation proposal. The issues of party loyalty and election promises are raised, and opinion is gauged as to the potential effects (in the next election) of parties carrying through liberalisation legislation. It is in this context that a certain degree of scepticism is voiced towards the timing of the liberalisation proposal:

During the parliamentary campaign in 1993 the SLD and UP promised their voters support in the Sejm for the liberalisation of the then existing law regulating the question of abortion. Presently, three years after the elections, the Sejm has carried out changes including adding social [factors] to the list of situations in which abortion is legally permitted. The fact of carrying out these

changes to the strict regulations at this [particular] moment is sometimes attributed by commentators to the political context, [including] the desire to connect with voters through the fulfilment of one of their election promises, and at the same time, to provide an unofficial start to the campaign for the next parliamentary elections. The perspective of respondents on the theme of motives directing the initiatives of the amendment are mixed, although there is a somewhat larger number of people who are not persuaded of a political subtext in the Sejm's decision, instead persuaded of the opinion, that the changing of the regulations is above all in order to help women not having the appropriate conditions to give birth to and bring up a child. (CBOS, November 1996a, p.11)

Investigating party manifesto pledges and voter support performs the function once more of tying abortion into the broader party political contest. The liberalisation of abortion here is equated with the loyalty of the SLD and UP towards their voters, 'fulfilling a promise'. So the successful passage of abortion liberalisation legislation is seen to guarantee voter satisfaction with those parties, as well as offering 'help' to women in difficult living conditions who choose not to give birth to and bring up a child. This position assumes that the (paternal) state should compensate women (as potential victims) for their biological function. Here a position of 'compassionate realism,' of assisting the 'poor unfortunates,' in other words 'women not having the appropriate conditions to give birth and bring up a child,' is assumed of those proposing abortion liberalisation.

However, following the successful passage of the legislation, a further poll bulletin suggests that opinion towards the motives of Deputies in proposing such legislation shows increased scepticism (CBOS, November 1996b, p.5). This is complemented by a rise in the number of people believing that the drive for abortion liberalisation legislation has been the desire for certain parties (i.e. the SLD, UP) to increase their 'political capital' in view of the upcoming elections (*ibid.*) and 'not in reality because

of concern for the fate of women finding themselves in a difficult material and living situation' (*ibid.*). In other words, this reason ('helping women') is mooted as the *correct* reason for proposing and supporting such legislation and scepticism seems to have increased precisely because (a certain portion of) the electorate feels that gritty political realities such as voter support, rather than compassionate realism, have motivated the legislative initiative. Hinting that the motives of politicians are strategic (and thus a little dubious), and that the liberalisation of abortion is advanced principally to increase electoral support in the forthcoming elections also suggests that the abortion issue has been 'muddied,' with the result that it is no longer possible to treat it separately from the balance of political power. On the other hand, raising the issue of 'electoral promises' writes to the implicit assertion of the pollster that the public demonstration of democratic accountability (as evidenced through the 'keeping of electoral promises' by political parties) is a key factor in voter support, and therefore in determining the future political landscape. Nevertheless, it does seem significant that the issue of political motives looms so large in this context, perhaps indicating a decrease of trust by the electorate in the postcommunist left and their populist policies at the end of their term of office⁷².

The Church's motivation for participation in abortion debate is also considered. Here the pollster advances the opinion that the Church is seeking to maintain (and possibly extend) its grip on political and personal life:

After the rejection of the liberalisation bill in the Senate, mainly by Senators from 'Solidarity' and the PSL, the Sejm again resolved the law at the end of October. Despite this, the Church remained committed to working [to change] the status quo of the regulation of this sphere of life. (CBOS, November 1996b, p.1)

⁷² Following parliamentary elections the next year (September 1997), the postcommunist left coalition was replaced by a centre-right coalition favouring and headed up by AWS, which campaigned vigorously against the liberalisation of abortion.

The Church's pronouncements on the passage of liberalisation legislation, its proclamation of the punishment of excommunication for participation in abortion, together with its calls for the medical profession to refuse to carry out abortions, are all documented in the opinion poll bulletins. At the same time, CBOS seeks 'opinion' about the question of whether the Church's participation in abortion debate has contributed to the acceptance of a wider role for it in society. However, the question of whether the Church is campaigning for greater social and political influence goes unasked: this is assumed to be true by both the pollster and the respondents.

Criticism of the Church's actions is also expressed in opinion poll bulletin findings, reflecting the ambivalent position of the pollster towards the extension of the Church's influence in political life. Let me here refer back to a point I made earlier: whilst the Church defines people as *believers* first and as *citizens* second, the 'secular world view' defines people first as citizens and then as believers, or women, or teenagers or whatever. In the above extract, considerable unease is expressed by the pollster for the consequences of the Church's prioritisation of the moral and the spiritual over the material and the legal: such a prioritisation seems to lead to a de-legitimation of the rule of law, here expressed as the legislature's decision on abortion law.

As part of the democratic machinery of government and, as such, supporting the good practice of citizenship, CBOS is quite explicitly harnessed to the secular version of nation-building. In this case it is perhaps not surprising that the opinion

poll bulletins devote so much space to analysing the significance of religious practice on attitude to abortion and the participation of the Church in abortion debate: the pollster here is on the 'opposite' side of the fence to the Church, no matter its statements about objective credentials.

Democratic accountability and the good practice of citizenship

Discussion about who most properly has the authority to decide the legislative outcome of abortion debate figures repeatedly in the bulletins, with particular attention paid to the question of a referendum (CBOS, January 1996b). Posing the question, 'What matters, in your opinion, should be put to the vote in a referendum?', it is reported that 23% of respondents opted for deciding the matter of abortion (also called 'the protection of unborn life') via a referendum, under the categorisation of relations between Church and state and world-outlook issues' (CBOS, January 1996b, p.1)⁷³.

In comment and analysis on responses to the above question the CBOS bulletin notes:

...in this example the greatest [number of] answers which were received on any matter, [and] which aroused the most emotion, [regarded] the issue of permitting abortion... It is possible to deduce that the opinion of society... [reflects a] certain unwillingness for theological sermonising, and also the fear of reducing citizenship to the role of the subject/object of somebody else's decisions. (CBOS, January 1996b, p.2)

⁷³ Respondents were given a list of options to choose from under the headings, 'Relations between the Church and world-outlook issues'; 'Problems of a social nature and social issues'; 'Constitutional matters'; 'Economic matters'; 'Security and law'; 'Defence and international matters'; 'Other'; 'I am against [holding] referenda'; and 'I don't know, I don't have any knowledge about this'. Respondents were asked to choose the 4 most important issues.

Referring to the fears embedded in such an opinion, the poll notes the public's reluctance to accept 'theological sermonising,' clearly refuting the Church's claim to speak for the Polish people as a whole. Moreover, the accompanying fear 'of reducing citizenship to the role of the subject/object of somebody else's decisions' reflects public anxiety about the potential lack of democratic accountability in the political system. Here abortion is re-configured as an issue in which anxiety about the democratic accountability of politicians, or rather, the helplessness of citizens as 'objects' over which politicians have control, takes centre stage.

This precedence is confirmed through a later question: 'About which of the issues presented below would you like to express your views in a referendum before the Constitution, and which would you like to remain in the province of the authorities?' Where the 'permission or banning of abortion' is offered as one of a list of options, 79% of respondents 'would like to express [their opinion] in a referendum,' with 13% opting to 'prefer to leave the decision to the suitable authorities' and 7% declaring it 'hard to say'. Again, quite clearly, the public is reluctant to concede authority on such an emotive and individual issue as abortion to the legislative apparatus. Of course there never *is* a referendum on abortion, which perhaps signals the limit of polling's influence.

The poll bulletin further notes:

It is possible to presume that Poles attach great weight to a referendum.. [including] on the one hand...those [issues] which most often are matters of conflict...Undoubtedly there are elements of wishful thinking here: if society expresses its opinion, the given problem will be closer to a solution. (January 1996b, p.2)

The substantial support for deciding the question of abortion via a referendum is not simply a matter of the Polish public wishing to ensure that the 'public voice' is heard, so exercising their democratic right as citizens to influence and determine government policy. It further reflects anxiety around the competence of the Sejm to achieve a 'rational' decision on the question of abortion, given the 'emotive' arguments and the substantial cleavage in 'public opinion'. The practice of opinion polling is here playing a key role in evaluating how effectively the Polish parliament is exercising its authority to determine abortion policy. The results indicate that in fact its democratic, representative mandate is being questioned by respondents.

A further sub-text is teased out in the above extract. Noting that 'wishful thinking' is in part responsible for such a high level of support for a referendum, the poll bulletin reflects public unease with the conflict in society characterised and constantly raised through abortion debate. The pollster notes that in this context, the referendum comes to represent a way of resolving societal conflict, further guaranteeing maximum consultation and democratic accountability in the political system. Holding a referendum on abortion policy therefore represents a 'way out' from anxiety around the status and authority of the Sejm and a resolution of the divisions created and sustained in Polish society through the constant debating of the abortion question.

Interrogating the effectiveness of legal provision

I have argued above that the posing of the question as well as the respondents' answers about the suitability of deciding the abortion question through a referendum

points to substantial public unease with the capability of the Sejm to adequately resolve the abortion question. Further critique is offered to the competency of the past and current Sejm through assessments of the effectiveness of legislating on the abortion issue. As with media and parliamentary debate on abortion, the purpose and effectiveness of the 1993 legislation to curtail the numbers of abortions performed is debated. Further, attitudes to the successful passage of liberalisation legislation in 1996 are gauged, with an estimation of the degree of societal acceptance towards the new 'socio-economic conditions' clause. Finally, opinion polls identify some of the public as being sceptical to the possibility of legislating adequately on the question of abortion at all.

The 1993 law

The November 1996 poll considers the effectiveness and the purpose of the 1993 abortion law in the context of recent parliamentary debate:

The most important intention of the [1993] law 'Act on Family Planning, Human Embryo Protection and Conditions for Legal Pregnancy Termination' was to be the radical reduction of the numbers of abortions carried out in our country [...] Unofficial quotes given on the growing [incidence of] backstreet abortions stated [that] the law had the protection of the unborn child as its 'concern' from the moment of its passing. And what do Poles think on this issue? Is there a feeling in society that the 'anti-abortion' law fulfils its work in causing an actual reduction in the number of abortions? (CBOS, November 1996a, p. 6)

The bulletin identifies the original and primary purpose of the 1993 'anti-abortion law'⁷⁴ as to reduce the number of abortions and further identifies key criticisms of the law. These include the divergence between official and legal practice (as embodied

⁷⁴ The 1993 Act on Family Planning, Human Embryo Protection and Conditions for Legal Pregnancy Termination is widely referred to as the 'anti-abortion law': the use of this phrase does not in the Polish context necessarily reflect a negative attitude to the law.

in the 1993 law) and actual practice (the growing number of backstreet abortions), with an inadequate realisation of the non-abortion related measures. It is interesting that no counter view presenting the law as a 'success,' is offered.

Reproducing the results, the bulletin notes that 'there is a low opinion of the effectiveness of the presently-existing law, when it comes to the limitation of the numbers of abortions carried out...' (CBOS, November 1996a, p.8). Thus CBOS presents the (majority) opinion that the present law does *not* fulfil its primary mandate of reducing the numbers of abortions, despite the substantial reduction in the numbers of legally-sanctioned abortions in public hospitals⁷⁵. At the same time, CBOS indicates that scepticism was expressed about the capacity of the law to fulfil its mandate of contributing towards a 'growth of social respect for unborn life'. The bulletin notes that the majority of respondents felt that: 'despite the introduction of limits on abortion, the same number of women as before were having abortions, but were having them illegally, or abroad' (CBOS, November 1996a, p.7). This further substantiates the pro-liberalisation position by indicating 'popular' dissatisfaction with the 1993 legislative arrangements on abortion.

The 1996 liberalisation proposal

Opinion is also gauged on the 1996 proposal to liberalise abortion, particularly after the legislation has passed through the Sejm (November 1996b, p.2) and this is further broken down according to respondents' political affiliation. The public debating of abortion is argued to have had some effect on public attitude to abortion: 'it seems

⁷⁵ Similar claims about the inefficacy of the 1993 abortion law were one of the key arguments used by the lobby campaigning for the liberalisation of abortion in 1996, and also in the present day. For a contemporary example, see Girard & Nowicka, 2002.

that the arguments of those supporting the liberalisation of conditions under which abortion is permitted have been met with a somewhat greater understanding' (CBOS, November 1996b, p.2).

The same bulletin investigates reasons for opposition to the liberalisation of abortion:

One of the most fundamental arguments put forward by those opposed to the liberalisation of the conditions under which abortion is allowed was stated to be [the fact that] it leads to an increase in the numbers of abortions carried out in Poland. (CBOS, November 1996b, p.4)

Reasons for supporting the liberalisation of abortion, meanwhile, included the reverse opinion that 'liberalising the law would not have an effect on the scale of this phenomenon [i.e. numbers of abortions performed] in Poland' (CBOS, November 1996b, p.4). This is a rather negative statement, since liberalisation is supported on the basis that it won't make any difference to the existing level of abortions performed⁷⁶. As the opinion poll notes: 'The argument that the above-mentioned law would increase the numbers of abortion operations has more believers among those against abortion, however supporters of the amendment feel more sceptical about it' (CBOS, November 1996b, p.4).

The last opinion poll on abortion carried out in 1996, meanwhile, ultimately gauges whether public opinion accepts the amendment of the anti-abortion law recently enacted in the Sejm (CBOS, November 1996b). The bulletin concludes:

Social opinion on the conditions under which abortion is permitted, the liberalisation of the anti-abortion law and the consequences of its enactment, and also the motives for its execution by the Sejm [remain] far from clear-cut. Poles reject extreme decisions in relation to abortion legislation. Poles most

⁷⁶ Following this opinion to its logical conclusion, whether abortion policy does or does not change will not affect the numbers of abortions performed.

often subscribe to the banning of abortion with certain exceptions, or establishing limits to abortion. Over half of the respondents accept the amendment of the anti-abortion law, stating that it will not cause an increase in the numbers of abortion operations in Poland. (CBOS, November 1996b)

Reporting back on the degree of 'public' acceptance for the amended law, public support (measured through the respondents) is established to stand at the magic amount of 'over half of society'. Establishing that the majority supports the amended law indicates that there is sufficient degree of consensus around it to make it 'representative' of Polish society. Therefore the practice of opinion polling here is demonstrated to be playing a key role in mandating and reinforcing the authority of the Polish Parliament to determine public policy on abortion.

Socio-economic conditions clause

Attitudes are also assessed by examining the most controversial clause of the amendment: that which provides access to abortion for women in difficult material situations. One opinion poll bulletin describes the clause thus:

Only four exceptions permitting abortion are sanctioned by the currently-existing law 'Act on Family Planning, Human Embryo Protection and Conditions for Legal Pregnancy Termination' [...] Presently there [will be] the introduction of changes in the regulations governing these conditions, the so-called social indications allowing abortion if the woman proves herself to be in difficult living conditions or material conditions, which do not allow her to give birth and bring up a child. In the experience of society there exists a particular hierarchical division of permission of abortion in the above-mentioned situations. (CBOS, November 1996a, p.4)

The opinion poll describes the addition of the socio-economic clause to the list of 'permissible abortions' much in the same way as the pro-liberalisation campaigns

and arguments. Whilst this account looks neutral and objective, not expressing an explicit position on the legislation, it actually reinforces the pro-liberalisation position.

According to CBOS analysis the issue most determining whether there is acceptance of the socio-economic clause, and therefore the 1996 liberalisation bill as a whole, is whether the introduction of such a clause will result in increased numbers of abortions (as above). The bulletin indicates that the respondents remain divided in their opinion of the socio-economic clause. Thus despite the representative and democratic procedures enshrined in legislative practice and procedure, CBOS remains unconvinced that the abortion question has been settled once and for all. 'Social opinion' remains ambivalent as to the status and meaning of the new law, and suspicious of the motives of those responsible for enacting it. Moreover, there seems to be some anxiety around the capability and competence of the legislature to reconcile differences (as exemplified in abortion debate) through legislative procedure.

What we can ascertain however, is that charting dynamic shifts in Polish 'public opinion' enables the popularity of public policy on particular issues to be evaluated, as well as identifying potential bases of support or antagonism. So despite the stated ambivalence in the results, here CBOS can be seen to be explicitly fulfilling its mandate of assisting politicians by identifying public attitudes to reform (Henn, 1993) and providing feed-back to politicians relating to individual policies.

A sceptical view of abortion law?

We have seen that the bulletins express scepticism regarding the efficacy, or even desirability, of politicians legislating on the matter of abortion, for example the question of abortion being decided through a referendum received considerable support from respondents. Additionally it is possible to discern some substantial misgivings over the possibility of legislating at all on this issue. As one opinion poll states: '...it is [apparent] that recently... social opinion is not very convinced of the effectiveness of the instruments of legal regulation in this sphere' (CBOS, November 1996b, p.4).

Here referring to the possibility of reducing the numbers of abortions, the extract raises the possibility that enacting adequate and appropriate abortion legislation is not as clear cut as the terms of either pro-liberalisation or anti-liberalisation campaigns would suggest. Both would argue that their version of abortion law (variously, liberal or restrictive) would result in decreased numbers of abortions. However, the above extract indicates that such claims are not being taken at face value either by CBOS or by the poll respondents.

Moreover those sceptical of the 1993 law and its effectiveness in safeguarding human life, broadly identifiable with the left and supporters of the liberalisation of abortion, see public life and the media as primary definers of the abortion issue. Despite its stated aim to chart the influence of political debate on public opinion over the 1990s, the poll bulletin notes:

Changes in attitude towards abortion are not necessarily quite directly associated with the activity of the recent law... this opinion was stated by those respondents who sceptically viewed both the influence of the law on the actual number of abortions,

and the growth of social respect for life. It seems that greater significance can be deduced from the existence of the problem of abortion in public life and the media, and the same in the experience of Poles. (CBOS, November 1996a, p.15)

It is 'the problem of abortion in public life and the media' which is placed centre stage rather than the actual legislative framework or parliamentary debate. This serves the purpose of once more de-legitimizing, or at the very least, undermining, the authority of politicians and the ability of parliamentary democracy to properly and adequately interrogate and debate the issue of abortion in a representative manner.

Despite this expression of anxiety by CBOS around the de-legitimation of the political dimension, the poll goes on to state: '...[one should not] ...underestimate the role of the Catholic Church in the shaping of support against abortion' (CBOS, November 1996a, p.15). This indicates the fact that the Church has managed to pursue its objectives in parallel arenas, both through the party political dimension (influencing Parliament) and through public debate (the media, for example). The bulletin here seems to indicate that the Church has a more secure grip on public opinion than (party) political debate can hope to achieve. As I have argued above, CBOS remains ambivalent – or even hostile - to the extension of the Church's role and participation in public life: it is therefore no coincidence that it urges the reader not to 'underestimate the role of the Catholic Church in the shaping of support against abortion' (CBOS, November 1996a, p.15).

The scepticism of respondents about the efficacy of the 1993 law, as well as substantial support for deciding the question of abortion via a referendum, seem to

point to a certain dissatisfaction with deciding legislative outcomes on abortion via parliamentary debate. Furthermore, some respondents express negative appraisal of any law on abortion. This substantiates the points I have made above about the bulletins reflecting deep-seated unease around the limited political capital of the Sejm.

The next section considers the role claimed by CBOS as democratic arbiter. Analysis is focused on two related themes: the professional credentials claimed by CBOS and used to substantiate its claim to be a primary definer on abortion, and its construction of the democratic role of opinion polling in the political process.

Creating opinion: disinterest, neutrality and professionalism

Throughout the opinion poll bulletins, and most particularly in the preambles and conclusions, the pollster 'voice' attempts to sound a disinterested, dispassionate and objective note on current events as they relate to the collection of opinions on abortion. For example the November 1996 bulletin begins thus:

In September, after several years of its absence, the question of permitting abortion returned to parliamentary proceedings. Those voting in favour of the motion included Deputies of the SLD and UP, the parties responsible for formulating changes to the present law. The greatest controversy occurred around the liberalisation of conditions under which abortion is permitted, widening [access to abortion] to include so-called social conditions. It is worth remembering that before this point, the current version of the law had been considered by some to be too restrictive, being as it was the result of a compromise...⁷⁷

In the last public opinion poll we asked respondents about their opinion on the question of abortion, their attitude towards the

⁷⁷ This is just a short section from the first paragraph, which goes on to further discuss previous parliamentary debate in 1993 around the passage of restrictive abortion legislation as well as the relationship between the recurrence of the abortion issue and parliamentary elections.

proposed changes, and [attitude towards the] consequences [of these changes]. It is necessary to emphasise that the research was conducted before the sitting of the Senate, in which the senators, by a majority of votes, rejected the changes proposed by the Sejm.

The 'voice' of the pollster here articulates a 'professional' and 'competent' awareness of the significance of the political context for polling attitudes to abortion. Commentary is also made on the wider significance of these developments for Polish politics: in the extract, the pollster identifies what is controversial about the proposed abortion legislation (the socio-economic conditions clause), further identifying who is responsible for instigating such a legislative initiative (the SLD and UP Deputies). The opinion poll bulletin is thus discursively constructed as a 'professional' and 'objective' assessment, summary and overview of developments in abortion debate.

Throughout the poll bulletins distance is maintained between the pollster and subjects of the polls (the respondents), as well as the substantive topic under consideration. The 'neutrality' of the pollster is affirmed and reinforced through detailed descriptions of the partiality of the main groups participating in abortion debate, the Catholic Church and its right-wing adherents and the secular left. In contrast to those described as 'for' or 'against' the liberalisation of abortion, CBOS bulletins discursively claim a neutral space, identified with neither position. They attempt to offer a 'balanced' description of pro-liberalisation and anti-liberalisation argument and supporters. However, despite such claims, as I have argued earlier, the pollster is partial to the secular world-view that supports liberalisation.

The bulletins do not deal with the pro-liberalisation position and support in anything like as much detail as the anti-liberalisation position. For example, whilst attitudes to

the Church's response to liberalisation are assessed, no comparable examination of attitude towards the pro-liberalisation lobby is attempted in any of the bulletins I have examined. Whilst both anti-liberalisation and pro-liberalisation positions and 'supporters' are described and analysed, the anti-liberalisation lobby's intervention into abortion debate is singled out for more attention and comment.

Contextualising abortion debate, and in so doing further advancing the importance and centrality of polling on the question of abortion, one bulletin's preamble notes:

... Deputies from the UP recently introduced a draft bill to change the law in the Sejm which advocates amongst other things that 'It should not constitute a crime [to perform] an abortion on women who find themselves in difficult living conditions or a difficult personal situation'. Opponents of the draft bill show that this doesn't include any way of verifying these difficult conditions, which, [they argue] is therefore in reality a proposal to legalise abortion.

In this context an important characteristic is the recognition of society's opinion on this issue. CBOS carried out a public opinion poll amongst adult Poles over several days before the direction of the draft bill for the amendment of the law to the Sejm commissions (CBOS, April 1996, p.1)

In this extract we can see the pollster claiming the important and central role of public opinion polling for determining public policy, particularly in the context of the draft bill's opponents suggestion that there will be no way of verifying the 'difficult living conditions' clause included in the amendment. Explaining that the poll was taken before the successful passage of the liberalisation bill at its first reading in the Sejm, the bulletin suggests that opinion polling offers a way to ascertain the degree of public satisfaction with parliamentary activity at key stages in the political life of a bill. Sustained (political) debate around abortion guarantees the continued need for CBOS bulletins on attitude to abortion.

There is a collective 'we' that relates to CBOS researchers, referring to a set of professionals who operate according to a professionally verified methodology (the representative random sample). However, this collective appellation surfaces only rarely. More often the actual individuals who carry out the opinion polling remain absent from the descriptive content of the bulletins. Moreover the standpoint of CBOS is never described in any detail; the bulletins are consistently non-reflexive. For example, whilst we have noted CBOS' affirmation of the importance of collecting 'public opinion' through the practice of polling, the bulletins never address epistemological questions such as identifying the meaning of the answers and findings they gather. Collecting the opinions of twelve hundred or so 'representative' individuals magically transforms into the opinion of 'Poles'; nowhere is the process of gathering such information, or indeed, exactly *why* this information is so vital, ever explained.

Another technique which serves to reinforce the authority and professionalism of CBOS is the use of past opinion poll bulletins as comparators to contemporary attitudes. Thus the April 1996 bulletin notes in its preamble:

In comparison with 1994 there has been a growth in acceptance of the [1993] law 'On family planning, the protection of unborn life and conditions under which abortion is permitted,' but half of society [still] expresses itself [in favour] of changing it. (CBOS, April 1996, p.i)

Results from May 1994 and March 1996 on the question 'In your opinion, in the current situation, is it necessary to change the current law on abortion?' immediately follow this extract and further highlight the analytical focus and capability of CBOS in identifying particular periods of time for comparison. In other cases, the

contemporary period is compared to the past by using a set of data gathered over a longer period of time⁷⁸.

I would suggest that reproducing results in this manner reinforces the professionalism of CBOS as an organisation and enhances its credibility more generally by emphasising the continuity of personnel and methodology. This indicates organisational and institutional stability in a time of flux and transition for governmental and state-run institutions, as well as political, economic and social instability in wider society. In this context the voice of CBOS becomes privileged as the stable instrument through which differences emerging in the postcommunist period are charted and analysed.

Opinion polling as political process: mediating between 'politics' & the 'people'

The process of opinion polling is represented as being *outside* or rather, *above* (the partiality of) the political process: bulletins do not reflexively analyse the role opinion polling plays in policy debates or how 'public opinion' comes to exist in the first place. Dialogue is described between political élites and the 'public,'⁷⁹ between pro-liberalisation and anti-liberalisation campaigners, but nowhere is the role played

⁷⁸ Two questions similarly recur throughout the CBOS bulletins on abortion. The first is in 12 bulletins from November 1990 to November 1996: 'In your opinion, abortion should be: allowed without any limits; allowed, but within certain limits; banned, but with certain exceptions; banned completely; hard to say'. Earlier results are reproduced in subsequent bulletins, as comparators to contemporary results. The second question asks: 'What is your opinion, should abortion be allowed by law when: the mother's life is endangered; the mother's health is endangered; pregnancy is the result of rape or incest; it is known that the child will be born disabled; the woman is in a difficult material situation; or - hard to say'.

⁷⁹ For example, the November opinion poll *Amendment of the anti-abortion law and its consequences* states in its introduction that it sets out to chart the dynamic influence of political abortion debate on opinion: 'Similarly to two months ago, we asked respondents about the characteristic of their opinion of the method of legal regulation of abortion. This gave the possibility of tracing if, and how, the current ongoing substantial debate around the amendment of the anti-abortion law has [influenced] public opinion' (CBOS, November 1996, p.2).

by the pollster in enabling or representing this dialogue discussed. This has the effect of making opinion polling look apolitical and divorced from functions of the state.

Unlike the media, which consistently and regularly refers back to the experience of state socialism, and Nazi/Soviet totalitarianism before it, the opinion polls start anew in 1989. There are no references to opinion poll bulletins⁸⁰ before 1989, nor is reproductive policy during the state socialist period flagged up as relevant to current policy debates over abortion. In this way, the practice of opinion polling is marked by complete disjuncture from the lived and documented experience of state socialism, demonstrating CBOS opinion polling to be 'untainted' despite its foundation in this period. By extension, this makes CBOS polling look 'democratic,' and as I have documented earlier, its breakdown of respondents into constituents according to sex, age, wage level etc. further guarantees its 'representative' function.

However, the practice of opinion polling cannot be claimed as the passive instrument of the people, since CBOS is itself state-mandated. As such, it is part of the machinery of government and intrinsically linked to the democratic and political processes of state. Rather than merely channelling 'public opinion' to political élites, the opinion pollster (in this case, CBOS) performs the role of *translator*. As I have documented above, this may include the role of explaining and summarising the significance of abortion debate in the bulletins. However, these processes of translation remain for the most part invisible.

⁸⁰ This is true for all of the CBOS public opinion abortion poll bulletins I have examined, not just the 1996 bulletins.

I have argued that the 1996 CBOS opinion poll bulletins repeatedly frame abortion in relation to Polish democracy. Abortion is used as an issue through which to chart party politics, to emblematised shifts in political power and identify and assess the motivations of primary definers in abortion debate, as well as to assess democratic accountability and the competency of the Sejm to enact adequately representative and binding legislation on abortion. At the same time, I have argued that CBOS frames itself in a particular relationship to Polish democracy by stressing its professionalism and indispensability: it claims a primary role and neutral role for opinion polling in abortion debate. However, and despite its claims of objectivity, CBOS is partisan through its affiliation to the rational, secular state model.

Conclusion

This chapter has focused on the ways in which CBOS abortion opinion polls construct the meaning of abortion, further analysing what implicit and explicit role as democratic institution is claimed by CBOS in these polls. Several themes have emerged from the analysis. The opinion poll bulletins attribute agency in the matter of abortion to the category of 'Pole' and not women: gender is consistently erased as a factor determining attitude to abortion. At the same time, the practice of polling is discursively constructed as a method of finding out what 'Poles' think and what 'public opinion' is, as a result 'public opinion' then comes to stand in for 'Polishness'. However, the practice of polling does not 'reveal' what is called public opinion more than construct it.

Key anxieties raised in the poll bulletins include the role of the Catholic Church in creating Polish identity and a preoccupation with the emergent divisions in Polish society stimulated by abortion debate, which are reflective of a wider ideological clash between the postcommunist left and Catholic right. Abortion is consistently raised as a political issue, framed in preambles and analysis by reference to Parliamentary debates, and constructed as an issue that is emblematic of wider anxieties regarding the legitimacy of party politics and the status and stability of Parliament. A key preoccupation of the opinion poll bulletins is thus to trace the abortion issue in relation to the status and health of Polish democracy.

Returning to those issues I raised at the start of this chapter, we have seen that in service of its democratic role, CBOS consistently stresses its democratic credentials by affirming its objectivity, impartiality and professionalism. Through its representative sampling of the Polish population, CBOS creates the Polish nation, describing axes of difference, and describing which differences matter in determining attitudes to abortion. It thus stakes a claim to speak for and represent the Polish nation, and to mediate between politics and the people. However, and despite its claims to the contrary, we have seen that CBOS is in fact *partisan*: it is crucially invested in the democratic model that valorises rationality and consensus, and which is allied to the secular nation-building project. As a result, it consistently privileges majority opinion over what it terms 'extreme' options, and expresses anxiety around the Church's claim for higher authority than that embodied in the rule of law and democratic processes of state.

This discussion has also focused on the framing of the abortion poll bulletins, investigating what CBOS sees to be at stake in abortion debate. I have shown that CBOS opinion polls consistently relate the abortion question to the health and status of Polish democracy. The poll bulletins construct abortion in relation to its significance for the status of the Sejm, expressing anxiety around its legitimacy in terms of accountability, representativeness and ability to come to a rational decision based on consensus. Opinion polling further 'makes politics' by identifying two competing nationalist projects, the Catholic state option versus the rational secular state option. Identifying politicians and the Church hierarchy as *the* key participants in abortion debate, the bulletins describe both positions as crucially invested in abortion debate, and see abortion as an arena through which their conflict is expressed. The opinion poll bulletins, and by extension CBOS, ultimately frame (and thus legitimate) the abortion question in political terms, seeing abortion as emblematic of postcommunist transformation.

At the same time, there are key omissions in CBOS abortion poll discourse. Whilst gender is described where the bulletins chart differences in Polish society, gender does surface for discussion. However, CBOS consistently alleges that gender is not a difference that ultimately matters, since abortion *attitudes* are not gender differentiated. Moreover, although those competing nation-building projects that CBOS describes as emblematic of abortion debate are both predicated and determined by gender ideology, by emphasising the party political dimension of abortion debate, CBOS opinion poll bulletins claim that gender is no way implicated in either of these political projects. Whilst CBOS opinion poll bulletins make clear

that abortion debate is about politics, it is never considered to be a debate about gender.

In common with the two previous chapters, which analysed parliamentary debate and press reportage, we have seen that CBOS opinion poll bulletins around abortion similarly 'make politics'. Abortion is similarly constructed as emblematic of postcommunist transformation, a key issue through which competing nation-building projects are articulated and distinct political identities created. Similarly to Sejm debate and press reportage, the opinion poll bulletins are a key site where the status of Polish democracy is assessed: similar anxieties around the role of the Church in Polish democracy and the legitimacy of the Sejm are expressed here.

However, there are also key differences. Opinion poll bulletins define national identity in quite different ways than Sejm debate and press reportage. In the other two sites, national identity is regularly expressed through reference to the Polish nation's past experiences: such constructions do not appear in the poll bulletins. CBOS defines national identity through the lens of the present, charting differences as they emerge in the contemporary context. Whilst this does allow for a relatively pluralistic perspective of Polish national identity, CBOS consistently de-legitimizes such axes of difference by privileging the majority or consensus opinion. It attributes agency to the citizen-Pole, but the definition of such is average.

As I have shown, poll bulletins consistently suppress the gendered dimension to abortion debate, both as a category of analysis, and in their definition of what abortion is 'really' about. However problematically, women's interests are advanced

through Sejm debate and through *Trybuna* reportage: such a focus is not echoed in the opinion poll bulletins.

In a similar manner to the other two sites, opinion poll bulletins are crucially invested in describing the significance of abortion for the status of the Sejm: they construct their role as to mediate between political élites and the Polish public. However, and interestingly, the role and influence of the media in abortion debate hardly surfaces. We can speculate that such an omission reflects a concern to de-legitimize the role of the media. After all, opinion pollsters and the media both claim to mediate between politics and the people, and are therefore in direct competition with one another. However, each site offers a different kind of identification of their role in abortion debate: whilst CBOS opinion bulletins suppress authorship and stress impartiality, editorial voice and political viewpoint is omnipresent (and expected) in both *Trybuna* and *Gość Niedzielny*.

Chapter 7: CONCLUSION

This thesis has investigated abortion debate in Poland around the 1996 liberalisation amendment from three different sites, analysing in turn parliamentary debate, press reportage and CBOS opinion poll bulletins. By way of conclusion, I first re-visit my intellectual autobiography and its implications for this research. I then present a brief summary of the three analytical chapters, followed by a systematic review of the research questions, and my conclusions to them. I end by re-stating the originality of my thesis and giving consideration to future research agendas.

Following Temple (1997), I have offered my intellectual autobiography in an attempt to show how my location as researcher has influenced the way I have approached and carried out the research. This has been particularly important given the context of substantial misunderstanding and differential expectations between Western feminists and feminists in East Central Europe. So, in an attempt to move beyond Patai's 'badges of location', I will offer an idea of how my location has influenced the research.

First of all, I am aware that my analysis of Polish abortion debate is informed by a different angle of vision than that of Polish feminists. I have been both insider and outsider, with familial connections and experience of living and working in the country. However, whatever my affinity for Poland, I now live abroad, which means that I am not directly involved in pro-choice campaigns: it is not my right to abortion that is restricted. As we have seen, Polish feminist research on abortion debate has focused on the issues arising from the 1993 restrictive 'anti-abortion' law. I would

argue that such a focus results from Polish feminists' engagement with the abortion debate on a practical basis, reflecting a pragmatic strategy: after all, the 1993 law is what is currently in place, affecting women's material living conditions on a daily basis. I think it is for this reason that I have encountered surprise and even hostility that I chose to focus on the 1996 liberalisation amendment. A common critique has been first, that the amendment simply represented an attempt by the SLD to gain political capital and is thus discredited since it did not advance women's rights, and second, that it was so short-lived that it did not represent any significant gains for women. Thus the amendment has not attracted scholarly attention.

However, because I am not invested in Polish abortion debate in a similar manner, my perspective has been rather different, allowing me to prioritise and investigate such a neglected 'moment'. Friends and colleagues in Poland have often described restrictive abortion law in Poland as inevitable because of the substantial hold of the Catholic Church over Polish society. However the 1996 liberalisation did take place, and however brief a moment, it complicates the perspective that Polish society is 'inevitably' religious and traditional. My aim has been to explore this moment of resistance, and the degree to which feminist concerns shaped it.

My location as researcher has also influenced the way I have carried out the analysis. The history of East-West feminist engagement bears witness to considerable misunderstandings and, indeed, mis-readings by Western scholars researching the former communist European countries. It is for this reason that I have offered lengthy contextual sections to each analytical chapter and drawn attention to places where my arguments are speculative or my translations might be incomplete. At the

same time, I recognise that my analysis of abortion debate is both partial and subjective: it is only one reading of many.

The first analytical chapter analysed the discourses in play in the second reading of the abortion liberalisation amendment. I found that Deputies consistently used abortion as an issue through which to propose, and to critique, competing democratic and nationalist projects. They related abortion law to various anxieties, including the pace and purpose of postcommunist reform (as well as the purpose of law more generally), the legitimacy of specific political factions, the stability (or instability) of the political system, the relationship between Church and state, and the protection of the Polish nation and family. Thus abortion politics around the amendment did in fact 'make' politics: abortion became a key symbolic issue used to define competing democratic and nationalist projects. Whilst speakers in the liberalisation debate did advance women's rights as basis and justification for the liberalisation of abortion, this was both partial and strategic.

The second analytical chapter considered press reportage loosely centred around the passage of the liberalisation amendment from its second and third reading in the Sejm through to its signature into law by President Kwaśniewski. Examining two newspapers located at opposite ends of the political spectrum, *Trybuna* and *Gość Niedzielny*, this chapter performed a comparative analysis of the discourses in play in reportage around abortion. Despite their differential investments in abortion debate, both newspapers raised similar key anxieties in such reportage, albeit to different ends. As in the previous chapter, I argue that abortion was used as a 'stand-in' issue to articulate, interrogate and legitimate competing democratic and nationalist

projects. In common with Sejm debate around the amendment, key anxieties were raised through abortion reportage, including the legitimacy of public opinion, the stability of the Sejm, the representativeness of political parties, and the claim of the Church hierarchy to speak for the Polish nation. Gender and women's interests did not surface to any substantial degree in *Trybuna* (affiliated to the SLD), whilst in *Gość Niedzielny* (affiliated to the Church) they were virtually absent. Whilst *Trybuna* did attempt to advance women's rights in service of the pro-liberalisation position, this position was invested in a particular conception of the paternal state where women were constructed as vulnerable dependants. Thus the articulation of women's rights on the basis of equal citizenship claims was not articulated in a comparable manner to pro-liberalisation argument in parliamentary debate.

The third analytical chapter analysed CBOS opinion poll bulletins from 1996. It identified that, in common with parliamentary debate and media reportage, the opinion poll bulletins saw abortion as a crucial symbolic issue through which Polish politics is defined: right versus left; Catholic versus secular; traditional versus modern and so on. It identified similar actors in abortion debate, including politicians, political factions, the Church hierarchy as well as medical professionals. Throughout the analysis of the poll bulletins it became apparent that the practice of opinion polling raised comparable anxieties in relation to the health and status of Polish democracy, including the proper role of the Church hierarchy in a democratic state and the legitimacy of the Sejm, particularly in relation to its accountability, representativeness and ability to come to a 'rational' decision based on consensus. Whilst gender was raised as an axis of difference by which to categorise opinion, the

abortion question was not constructed as having anything, in and of itself, to do with gender, or women. Agency was thus attributed to the citizen-Pole.

As we have seen, each site constructs a particular role for itself as mediator between 'politics' and the people; each site constructs its role as agent of democratisation, claiming the right to 'know' about abortion, and to thus be a primary definer of abortion debate. Speakers in the Sejm liberalisation debate either claim or dispute the legitimacy of the Sejm to decide abortion law, and such claims and counter-claims are echoed in press reportage and opinion poll bulletins. Both newspapers are filled with reportage which either legitimates (*Trybuna*) or undermines (*Gość Niedzielny*) the authority of the Sejm, whilst the specifically political dimension of abortion debate is consistently privileged (*Trybuna*) or, consistently negated (*Gość Niedzielny*). My analysis of the CBOS opinion poll bulletins has shown a similar pre-occupation with investigating the legitimacy of the Sejm, and with framing abortion as a party political issue: the primary objective of opinion polling is to trace the connection between abortion attitudes and political viewpoint.

However, whilst both *Trybuna* and *Gość Niedzielny* stake their claims to mediate between 'politics' and the people, neither Sejm debate nor opinion poll bulletins refer to media debate around abortion. Instead, Deputies refer either to 'public opinion' or to their electoral mandates in order to legitimate their claims to authority, whilst the abortion debate to which opinion poll bulletins refer is that sustained in the Sejm or Senate, rather than media abortion debate. We can speculate that such an omission results from a political culture where the media has not historically mediated between 'public' and 'politics' to a degree comparable to the U.S. or UK: the legacy

of authoritarianism means that political élites (within which definition I would also include opinion pollsters) are interested in communicating directly with their electorates. At the same time, and as many commentators have noted, political élites are suspicious of the media, seeing them as 'attack dogs, not watchdogs' (Johnson, 1998, p.121; see also Goban-Klas, 1996; Sparks, 1997). All of these considerations, I would argue, lead to an uncertain specification of the media's role as democratic institution.

All three sites, meanwhile, construct 'public opinion' as integral to Polish democracy. Each has a competing definition of what such 'public opinion' means. CBOS opinion poll bulletins define opinion as the majority or the consensus opinion, constructing the 'typical' or 'average' citizen-Pole through its representative samples of Polish society. It thus claims to describe representative Polish public opinion, by which to determine the efficacy or failure of the Polish political system. Sejm Deputies consistently refer to 'public opinion', variously evidenced through electoral mandates, mass protests or poll bulletins, using it to legitimate (or dispute) both individual, party and faction status, as well as the status of the Sejm itself. Of course, the meaning of public opinion differs greatly between pro-liberalisation and anti-liberalisation speakers, but virtually all construct respecting public opinion and legislating in line with it as absolutely central to a definition of Polish democracy. Such a conception of the centrality of public opinion in determining public policy pervades *Trybuna* and *Gość Niedzielny*. However, as with parliamentary debate, they are divided in their definition as to what *counts* as public opinion: *Trybuna* remains highly sceptical of the representativeness of mass demonstrations, whilst *Gość Niedzielny* constructs the same as evidence of widespread disapproval of the

liberalisation amendment. All three sites regard public opinion as fundamental to Polish democracy. However, as their definitions of public opinion differ, it follows that their definitions of Polish democracy also vary considerably. Each site stakes a claim as a democratic institution (and, as such, the right to know about abortion) within its own definition of Polish democracy. Their definitions are both mutually validating (with perhaps the exception of the media) *and* in competition with one another to be *the* primary definer on Polish abortion debate.

In relation to my first research question, which asks in what ways Polish abortion debate 'makes politics', I have shown that abortion debate is a key issue through which political authority is legitimated. Discourses circulating in all three sites use abortion as a 'stand-in' symbolic issue to investigate, legitimate, or else critique, competing political factions. Thus abortion becomes mapped onto political affiliation: it is an issue through which political *identities* are created, sustained and contested. It is also an issue through which visions of the nationalist past and nationalist future are projected: it is thus also a topic of debate through which political *projects* are articulated. As such, abortion comes to stand in for competing transformation projects, and even becomes emblematic of postcommunist transformation. After all, both pro-liberalisation and anti-liberalisation discourses concur that the practice of abortion, associated as it is with state socialism, is negative and should be eradicated: all agree that a decrease in the practice of abortion represents a step further away from the state socialist past. Where the positions differ is in the *shape* of postcommunist transformation: I have shown that each is underpinned by a different conception of the Polish nation's future. So, from the pro-liberalisation perspective, abortion liberalisation becomes emblematic of moving

to a Polish future defined by secularism and Western liberal democracy, whilst from the anti-liberalisation position, liberalisation comes to represent the undermining of tradition, immorality – or even amorality, and ultimately, the destruction of the Polish nation itself.

My second research question considered how each of the three sites constructs its role as mechanism and instrument of democracy. Speakers in the Sejm legitimate their claim to know about, and to legislate on, abortion through the operation of democratic machinery, including the use of ‘balanced’ experts and detailed government reports. Those in opposition to the liberalisation amendment, meanwhile, critique established procedure as well as the purpose of abortion liberalisation. However, virtually all participants in debate agree that good governance and citizenship practices lie in an appropriate abortion law that *both* reflects a degree of compromise by both sides (although what that means is the subject of much discussion) *and* reflects public opinion, however this is defined. Both pro-liberalisation and anti-liberalisation camps claim that their position reflects these two key criteria. I have indicated how nationalist identity underpins pro-liberalisation and anti-liberalisation projects; those arguing in favour of liberalisation describe a Polish future based on a secular state which looks to Western Europe for inspiration, whilst the national identity allied to the anti-liberalisation position identifies with a conception of Polish national identity based on tradition, Roman Catholic morality and the protection of the Polish family.

My comparative analysis of press reportage in *Trybuna* and *Gość Niedzielny*, meanwhile, has revealed that both newspapers claim a democratic role as translator

or intermediary between 'politics' and the 'people'. However, *Trybuna* and *Gość Niedzielny* have very different conceptions of what 'politics' and the 'people' mean. *Trybuna* defines politics as parliamentary democracy, focusing on the party political dimension of debate, and rebutting the Church's (unwarranted) participation in Polish politics. The Polish people that *Trybuna* addresses are SLD members, or at least those who are sympathetic to the SLD's position, and it is clear that *Trybuna* plays an advocacy role, acting as mouthpiece for the party to which it is affiliated. *Gość Niedzielny*, on the other hand, consistently privileges the viewpoint of the Church hierarchy, in turn de-legitimizing the Sejm as invested with sufficient authority to determine abortion policy. As mouthpiece of the Church hierarchy, *Gość Niedzielny* performs a didactic function for the 'people' (defined as Roman Catholic readers), outlining the Church's position on abortion rather than reporting in detail on abortion party politics. 'Politics' with a capital 'P' is rejected in favour of a moral and spiritual authority that transcends the limited political capital of the Sejm. As a result, good governance and good citizenship models look quite different in each newspaper. For *Trybuna*, good governance and citizenship means a position supportive of the SLD and thus abortion liberalisation (which is described as democratic), whilst national identity is constructed around a secular state. The democratic model advanced by *Gość Niedzielny*, meanwhile, privileges the authority of the Roman Catholic Church to determine public policy and to participate in Polish politics: here national identity is defined as a community of Roman Catholic believers.

The CBOS opinion poll bulletins claim a different democratic role as translators between 'politics' and the 'people' since the nature of opinion polling itself means

that authorship is consistently suppressed. In the language of the bulletins, it is the Polish public that has spoken, rather than the pollster. CBOS constructs its democratic role to representatively sample the Polish population, and hence to stand in for the majority of Polish society. Its democratic role is constructed as being to collect, analyse and present the 'will' of the Polish public in an objective, neutral and scientific manner. CBOS' claims to be democratic focus on the methodology utilised, and the professionalism of the organisation and its employees. However, whilst CBOS and the opinion poll bulletins' models of good government and citizenship claim to be neutral and objective, they are in fact very much partisan, harnessed to a democratic-nationalist model which stresses the legitimacy and authority of the Sejm, and which is allied to the conception of the state as secular. It is for this reason that the bulletins consistently express anxiety around the participation of the Catholic Church in Polish politics. The bulletins construct national identity through a thorough exploration of the axes of difference that matter in Polish society, but ultimately, the opinion polls construct national identity as majority opinion, expressed through consensus.

In relation to my third research question which investigated how gender projects figure in competing abortion discourses, I found that gender is absolutely crucial to the state-building projects constructed through abortion at all three sites, although the gendered dimension to such projects is often suppressed. The position that favours the institution of a secular Polish state modelled on Western democracies sometimes prioritises women's interests, and sometimes erases gender from abortion debate completely. More often, abortion liberalisation is advanced as a package by which to 'modernise' Poland and bring it into line with Western Europe, rather than a strategic

step to improve women's material conditions or to grant women equal citizenship rights. In parliamentary debate especially, pro-liberalisation speakers repeatedly stress that the eradication of abortion, the introduction of modern sex education and the widespread use of contraception is not so much about women's rights, but the construction of modern Polish society. At the same time, only *certain* women are constructed as the subjects of abortion debate: speakers consistently refer to the state's responsibility to protect and support vulnerable women in 'difficult living conditions'. This is a *paterfamilias* role writ large, linked to the universal valorisation of the Polish family. It suggests that vulnerable women deserve 'special' measures and certainly does not advance women's reproductive rights on the basis of equal citizenship rights.

The anti-liberalisation position, which constructs a state-building project steeped in Roman Catholic morality and prioritising Polish tradition, consistently suppresses the idea that such a project has anything to do with gender. However, as I have argued, this position is nevertheless allied to a conception of the Polish nation that *is* gendered. It constructs a Polish past where women perform a symbolic role as mothers of the nation, and where sacrifice is required for the greater collective good, suggesting that should women not take up such a role once more, the Polish nation is endangered. Women's claims to equal citizenship rights are thus simply effaced.

My fourth research question asked to what extent debate around liberalisation allowed the successful recuperation of the gender equality project and a mainstreaming of feminist concerns. Pro-liberalisation discourses have been marked by a degree of ambivalence for women's rights. This reflects an uneasy tension

between the desire on the one hand to advance women's rights as part of a modernist state-building project, and the necessity on the other, to distance the liberalisation project from the taint of state socialism. Claims for gender equality and women's equal citizenship rights are thus never more than partial and strategic. At times, pro-liberalisation discourse advances women's interests as a basis for extending access to abortion but often the liberalisation of abortion is seen as more about the construction of modern democracy. Certainly, the option of abortion 'on demand' is never articulated as a viable option: abortion may be about a women's right to choose, but it is only ever in certain contexts, and with justifiable reasons. I have also shown that such claims for women's reproductive rights (however limited) are countered by foetal citizenship claims. Thus, in a similar manner to Western abortion debates, abortion in Poland is constructed as an antagonism between pregnant woman and 'unborn child'. However, claims for foetal personhood acquire a whole set of different meanings in the postcommunist Polish context. The 'unborn child' not only represents the extermination of the Polish nation's future, but also comes to stand in for the past tragic experience of the Polish nation under partition, occupation and authoritarian rule. In this context, advancing women's rights becomes equated with a betrayal of the nation's past sacrifices.

In sum, whilst the amendment debate represents a mobilisation of certain feminist concepts (for example, a woman's right to choose), this is never more than partial and strategic and there is no wholesale mainstreaming of feminist thought. Abortion 'on demand' is never constituted as a viable option, and the state is constructed as *paterfamilias*; women's citizenship can be exercised, but only in certain specific cases. Clearly, the construction of the Polish nation as endangered, together with the

hegemonic constructions of the importance of the Polish family, mitigate against women's universal citizenship claims. The recuperation of the gender equality project from the taint of state socialism is never completely successful, hence the need for continual pro-liberalisation distancing from a pro-abortion position. Nonetheless, and despite all these problems, I would argue that the liberalisation amendment debate does complicate the picture of Polish abortion law (and Polish legislators) as necessarily 'masculinised,' traditionalist and anti-feminist. However strategic, and however partial, the amendment debate did offer a brief moment where women's material concerns were advanced, and where women's access to abortion was liberalised. Ultimately however, the liberalisation of abortion only occurred because of a favourable balance of political power, and *not* because of a fundamental shift in thinking which prioritised women's reproductive rights.

This thesis claims methodological originality in terms of research design. Focussing on three sites at which abortion debate surfaces (Sejm, the press and opinion polls) has allowed a detailed analysis of the relationship between abortion, gender and democratisation. This research design has allowed me to investigate what kinds of (gendered) knowledge are produced, what roles are claimed, and indeed, are in fact played, by the three sites in their capacity as mechanisms and instruments of democracy. I have analysed in detail the ways in which each site claims its democratic role as mediator between 'politics' and the 'people,' allowing a comprehensive understanding of overlapping, mutually validating and yet competing definitions in each of the three sites over the meaning of democracy and the purpose of their role within the new socio-political landscape. I would argue that this

approach could be applied fruitfully to other contested issues in postcommunist societies.

This thesis also makes an empirical and theoretical contribution to several research fields. My project advances the research field specifically concerned with Polish abortion debate by providing a detailed analysis of the discourses in play around the 1996 liberalisation of abortion amendment, a 'moment' previously neglected in academic research. It has been concerned in particular with investigating the degree to which the amendment bore witness to the mainstreaming of feminist concerns. This thesis further contributes to the research field connected with gender, citizenship and nation in the postcommunist context, by exploring the ways in which contestations around abortion in Poland contribute to the creation of a mythic past and idealised future that is underpinned by gender. Following Gal and Kligman (2000a), it thus represents an empirical case-study of the ways in which postcommunist transformation is being effected discursively through gender, and more specifically, through contestations around reproduction.

The Polish abortion debate, and I would argue, the Polish transformation project, bears witness to the construction of a *male* universal citizen. This is manifested in part through the coding of the private sphere as feminine and the public sphere as male, the universal valorisation of the patriarchal family and women's traditional roles within it, as well as the striking absence of women's concerns from the parliamentary, press and pollster agenda. This contributes the insight that the postcommunist transformation project underway in Poland involves the inscription of

citizenship with sexual difference: thus ideas around appropriate gender roles are *shaping* change, as well as being shaped *by* change.

I would suggest that this case study is of relevance to other abortion debates in the region and elsewhere. Similar discourses circulate in abortion debates in both the anglophone and the Polish contexts, such as the concept of foetal personhood. However, as we have seen, although the concept is the same, the meanings attached to it are very different, with the 'holocaust' of the 'unborn' in the Polish context symbolizing authoritarianism, partition and occupation. I would use this example to caution against a too-easy identification of similar discourses circulating in abortion debates globally.

This case study has also shown the limited political capital attached to the concept of choice; the 'pro-choice' position has limited application in non-'Western' contexts. Particularly where liberal individualism is not deeply rooted, campaigns for women's reproductive rights need to find alternative sources of legitimation: the concept of reproductive health may offer some resources in this regard. At the same time, it is clear from the case study that debates about reproduction are never 'just' about reproduction. I would suggest that successful feminist policy interventions need to be focused around wider political agendas than the narrow focus of abortion policy and reproduction. Feminists thus need to engage not just with the debate itself, but to actively shape the terms in which the debate is set, so that discussions of abortion policy, for example, can be re-centred around the potential material outcomes of such for women's everyday lives.

I have shown that the future prospect of EU accession did to some extent influence the 1996 liberalisation amendment debate, as the amendment became harnessed to a pro-European, modernist perspective. Further, as I outline below, the wider European context continues to shape Polish debate on abortion, if not abortion policy itself.

I would suggest two key directions for future research. Two specific groupings have been identified who, as pivotal players in the liberalisation amendment, might be targeted for interviews. It would be extremely interesting to interview pro-liberalisation Deputies active in the debate and pro-choice activists, in order to assess the degree of overlapping political perspectives, convictions and priorities. This would also allow an assessment of the degree to which the limited and partial advancement of women's rights represented a *strategic* move.

A second key direction for research centres on Poland's forthcoming (2004) accession into the EU. In July 2002, Polish politicians reacted angrily to a non-binding resolution in the European Parliament that called for abortion to be legalised across current and future member states. Singling out Ireland and Poland in particular, this resolution further stated that women should have easy access to contraception and sex education and that no person should be prosecuted for having an abortion. Responding to the resolution, the Sejm's European Affairs Committee rejected what it called 'pro-abortion pressure' on candidate countries. A comparative analysis of Irish and Polish abortion politics in relation to the EU would thus prove very interesting. I would speculate that it would highlight significant differences between the role and influence of the Church in the politics of the two cultures.

With the SLD in power at the time of writing, speculation continues as to the government's future plans for abortion law. In December 2002, the Secretary General of the SLD, Marek Dyduch, was quoted as saying that the SLD would (only) begin to work towards liberalising abortion law after the June referendum on EU entry, since it did not want to jeopardise relations with the Church before the EU vote. However, this claim was swiftly rebutted. In response, the Polish Archbishop and Episcopal representative in the European communities said that the Church would demand a clause on abortion in the Polish accession treaty whilst Cardinal Józef Glemp, Primate of Poland, stated that the recognition of the 'separateness' of Poland's position on the question of abortion should be in the accession treaty. Initially, Włodimierz Cimoszewicz, Poland's Foreign Minister, stated there was no need for a special clause detailing Poland's policy towards family planning in the accession treaty. However, in January 2003, to the outrage of pro-choice groups⁸¹, the SLD caved in to Church pressure and as a result obtained guarantees that 'no EU treaties or annexes to those treaties would hamper the Polish government in regulating moral issues or those concerning the protection of human life' (Traynor, 2003). Whilst the SLD came into office pledging to liberalise abortion law, it now seems to have got cold feet. The Prime Minister, Leszek Miller, has declared that there will be no abortion reform under the current government, whilst President Kwaśniewski has declared himself in support of the original 1993 law, re-instated in 1997. It seems that the SLD thought that abortion liberalisation was a price worth paying in return for Church (and Papal support) for a 'yes' vote in the EU referendum. This introduces the irony that despite, or maybe because of, the competing definitions of Polish nationhood I have described in the thesis, the

⁸¹ Polish NGOs, including the Federation for Women and Family Planning, issued an open letter to European Union politicians in outrage at the inclusion of the 'anti-abortion protocol' in Poland's accession treaty.

postcommunist left has procured its modern, secular future by strengthening the hand of the traditionalist, Roman Catholic nation. The second future direction for research in this area is thus to chart Polish accession to the EU.

Finally, it must be remembered that the most important reason that the Catholic Church holds such sway in Polish society is because the current Pope, Jan Paweł II (John Paul II) is Polish. He is the central figure around which Polishness becomes equated with Catholicism and his influence cannot be under-estimated. However, now in his early eighties and in failing health, the Pope cannot go on forever. His demise will be significant for the future shape of Polish society, and may herald a waning of the Church's influence in Polish society. Such an era might also usher in a period in which liberal abortion law once more becomes possible.

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Appendix 1

Chronology of significant events

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1956		<p>April – Abortion Admissibility Law permits abortion on socio-economic grounds. Implementation is trusted to doctors and abortion is effectively available ‘on demand’.</p>			
1989	<p>June – First semi-free elections. PZPR retain 51% of seats as agreed in Round Table Talks.</p>		<p>April/May – Sejm discussion of the Unborn Life Protection Law. This draft was prepared by Catholic lawyers commissioned by the Polish Episcopate and banned abortion without exception with punishments for woman and doctor of up to 3 years in prison. Debate on the issue postponed because of forthcoming elections.</p>	<p>June – Public opinion on abortion July – Young people on abortion</p>	<p>April/May – Mass media coverage and huge demonstrations in Warsaw, Poznan and Bydgoszcz.</p>

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1989			December – A group of senators petitions the Sejm to renew debate on the Unborn Life Protection Law.		
1990	December – Lech Wałęsa elected President.		September – Senate draft of the Unborn Life Protection Law approves Unborn Life Protection Law. Abortions are allowed to save a woman's life and imprisonment only for doctors or those carrying out the abortion (of two years). 'Abortifacient' contraceptives are banned. This draft fails to get accepted in the Sejm before 1991 elections.	June - Public opinion on abortion	April – New regulations introduced by the Ministry of Health (MEN) qualifies and limits access to abortion. A 'conscience clause' for doctors is introduced. Payment is instituted for abortions.

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1991	<p>October – First completely free parliamentary elections. 17 parties elected and subsequent government dominated by right-wing Solidarity successor parties.</p>		<p>Continued discussion of Unborn Life Protection Law in the Sejm leads to appointment of special Committee composed of 46 MPs to continue discussion on the bill. Against the wishes of pro-choice campaigners the committee decides by vote (20:18) to hold a 'public consultation'.</p>	<p>March – Law on abortion in the opinion of society June – Law on abortion in the opinion of young people</p>	<p>February/March – Citizens and organisations send opinions on abortion law to the Sejm. December – Medical Ethics Code approved by Polish Medical Guild. A doctor may not approve an abortion unless the woman's health is in danger or unless pregnancy results from rape or incest.</p>
1992			<p>July – first (and successful) reading of the Unborn Child Protection Bill in the Sejm. Idea of abortion referendum rejected as well as more liberal draft of bill drafted by Parliamentary Women's Group and allowing abortion on medical, legal, eugenic and social grounds.</p>	<p>April – Public opinion on the abortion law November – The opinion of society on abortion</p>	

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1993	September – Parliamentary elections show swing to the left with dominance of the SLD (postcommunist party).	March – Act on Family Planning, Human Embryo Protection and Conditions of the permissibility of abortion comes into law. Abortion is allowed on the following conditions: (i) serious threat to the life or health of the woman (ii) pregnancy is the result of a crime (iii) prenatal tests indicate the foetus to be severely and incurably damaged.	January – Sejm votes to accept the Unborn Child Protection Bill allowing abortion on medical, legal and eugenic grounds but <i>not</i> on social or economic grounds. Referendum proposal again rejected.	November – Social consequences of the law on the conditions under which abortion is permitted	
1994			November – Successful third reading of a UP (Labour Union) sponsored abortion bill allowing abortion in the case of difficult living conditions or a difficult personal situation. The amendment is vetoed by President Wałęsa and the bill therefore does not enter into law.	June – Attitude to the legal permissibility of abortion and eventual changes to the law	

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1995	November – Kwaśniewski elected President (former minister in last communist government and leader of SLD).		Labor Union (UP) attempt to put abortion law to a Referendum. The initiative fails.		
1996			<p>March – First reading of the liberalisation amendment allowing abortion on socio-economic grounds is passed through the Sejm.</p> <p>August – Liberalisation amendment passed at its second reading through the Sejm but rejected by the Senate. The Sejm musters the two-thirds majority needed to overturn the Senate veto and passes the liberalisation amendment.</p> <p>October – President Kwaśniewski signs the amendment.</p>	<p>January – Ideological questions, privatisation, unemployment, abortion, Concordat</p> <p>January – Thematic content of a Referendum</p> <p>April – Attitude towards regulation permitting abortion and the eventual change of the law</p> <p>November – Attitude towards abortion in the light of the liberalisation of regulations</p> <p>November Amendment of the anti-abortion law and its consequences</p>	

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1996			December – A group of senators takes the amendment to the Constitutional Tribunal.		
1997	September – Parliamentary elections show a swing back to the right favouring AWS (Solidarity Elections Alliance) at the expense of the SLD.	January – The amended and liberalised 1993 Act comes into force whereby abortion is additionally allowed on socio-economic grounds (difficult living conditions or difficult personal situation). Access is qualified by certain conditions including a 12-week rule and a compulsory 3 day 'waiting period'.	May – Constitutional Tribunal finds that 5 of the articles of the liberalised law were unconstitutional, including the provisions that allows abortions for material or personal reasons. It rules that the constitution states that life must be protected implicitly from every stage of its development i.e. from conception. December – The Sejm accepts the Tribunal's decision by a margin of 71 votes.		

Date	Political power	Abortion law	Legislative process on abortion law	CBOS opinion polls	Other
1998		The original provisions of the 1993 Act come back into force after the liberalisation amendment is rejected as unconstitutional by the Constitutional Tribunal.			
1999					
2000	August – Kwaśniewski re-elected President.				
2001	September – Parliamentary elections show almost-landslide victory for SLD, just falling short of an overall parliamentary majority.				

Appendix 2

**Chronological table of speakers
in the Sejm debate on the
second reading of the
abortion liberalisation bill**

28th August 1996

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Marek Balicki	SLD	Deputy-Rapporteur Presenting reports of Committees	Theoretically non-partisan as Committees' spokesperson; pro-liberalisation.	Y
Krzysztof Kuszewski	SLD	Under-secretary of State in the Ministry of Health and Social Welfare; representative of Council of Ministers	Not stated. Critical of the effectiveness of the 1993 law.	Y
Krystyna Sienkiewicz	SLD	Deputy Chair of the Social Policy Committee	Supportive of liberalisation amendment.	Y
Adam Strzembosz	None	President of the Supreme Court	Against any change in the law, supportive of the unborn child; against the liberalisation of abortion.	Y
Jan Rulewski	UW	None mentioned	Against liberalisation. He attempts to put forward a formal motion to reject the liberalisation amendment, which is rejected.	N

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Izabella Sierakowska	SLD	Spokesperson for the SLD	Supports the amendment and thus the liberalisation of abortion.	Y
Włodzimierz Puzyna	UW	Speaking as representative of those members of the UW who are against the amendment	Against the liberalisation of abortion, and supportive of the 1993 abortion law.	Y
Izabela Jaruga-Nowacka	UP	Mover of the bill. Spokesperson for the UP.	Supports the liberalisation of abortion amendment.	Y
Stanisław Kowolik	BBWR-KPN	Spokesperson for the BBWR & KPN	Against the liberalisation of abortion amendment.	Y
Grzegorz Cygonik	KPKPN	Spokesperson for the KPKPN	Against the liberalisation of abortion amendment, supportive of the 1993 law.	Y
Jerzy Wutke	BBWR 'Solidarity in Elections'	Spokesperson for BBWR 'Solidarity in Elections'	Supportive of the 1993 law, expresses 'resolute protest' against the liberalisation of abortion amendment.	Y

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Joachim Czernek	MN	Spokesperson for MN	Argues that the 1993 law is a reasonable solution; rejects liberalisation amendment.	Y
Eugeniusz Januła	PKND	Spokesperson for PKND	Supportive of liberalisation amendment, but expresses concern over the difficult living conditions clause as 'too enigmatic'.	Y
Krzysztof Budnik	UD	Spokesperson for UD.	Interjects that Strzembosz has not been treated with courtesy by the left. Rejected by Vice-Marshal.	N
Bernard Szweda	Nowa Polska	Spokesperson for Nowa Polska.	Argues vehemently against the liberalisation of abortion amendment.	Y
Kazimierz Pańtak	SLD	None stated.	Not stated. Pańtak raises two points of order.	N
Maria Walcyńska-Rechmal	PPS	Spokesperson for the PPS.	In favour of the liberalisation amendment, of letting women 'decide for themselves'.	Y

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Aleksander Bentkowski	PSL	Spokesperson for the PSL.	Vehemently against the liberalisation amendment.	Y
Jerzy Wiatr	SLD	Minister of National Education	Wiatr discusses elements of the proposed law for which the Education Ministry will be responsible, specifically sex education in schools.	Y
<i>From this point, the Chamber hears speeches by individual Deputies</i>				
Barbara Labuda	Non-affiliated.	None.	In favour of the liberalisation amendment.	Y
Alicja Murynowicz	SLD	None.	In favour of the liberalisation amendment. Takes issue with the use of 'unborn child' by Bentkowski.	Mentioned as having taken part in discussion.
Aleksander Bentkowski	PSL	None.	Against the liberalisation amendment – responds to Murynowicz's speech.	N

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Jan Komornicki	PSL	None.	Against the liberalisation amendment.	Mentioned as having taken part in discussion.
Andrzej Wielowieyski	UW	None.	Takes issue with the 'difficult living conditions' clause. Broadly supports 1993 abortion law.	Mentioned as having taken part in discussion.
Tadeusz Gasienica-Euszczyk	Non-affiliated	None.	Against the liberalisation amendment.	Y
Wiesław Ciesielski	SLD	None.	In favour of the liberalisation amendment.	Mentioned as having taken part in discussion.
Mirosław Pawlak	PSL	None.	In favour of the liberalisation amendment. Stresses the importance of offering help to pregnant women since Poland is experiencing a demographic decline.	Mentioned as having taken part in discussion.

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Kazimerz Pańtak	SLD	None.	Not stated. Takes issue with Strzembosz's assertion that correct procedure has not been followed.	Mentioned as having taken part in discussion.
<i>At this point, the Vice-Marshall notes that the list of speakers has been exhausted. She asks if there are any questions.</i>				
Jolanta Banach	SLD	None.	Responds to two points made by Bentkowski.	Mentioned as having taken part in discussion.
Krzysztof Dołowy	UW	None.	Asks clarification on the terms of the amendment from Marek Balicki in his capacity as Deputy-Rapporteur.	Mentioned as having taken part in discussion.
Jan Rulewski	UW	None.	Asks questions on terms of the law from representatives of the government.	Mentioned as having taken part in discussion.
Krzysztof Budnik	UW	None.	Poses a question for Marek Balicki in his capacity as Deputy-Rapporteur the terms of the amendment.	Mentioned as having taken part in discussion.

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N? Mentioned as having taken part in discussion.
Marek Mazurkiewicz	SLD	None.	Explains a point of law raised by Krzysztof Budnik.	
Krzysztof Kuszewski	SLD	Under-secretary of State in the Ministry of Health and Social Welfare – speaks on behalf of the government.	Kuszewski answers questions raised by Deputies Sienkiewicz and Kowolik.	Y
Tadeusz Stępień	Not applicable	Deputy Public Prosecutor General	Stępień reports on abortion prosecutions and comments on the incidence of backstreet abortions.	Y
Marek Balicki	SLD	Deputy-Rapporteur	Balicki answers the questions previously posed in debate and corrects errors e.g. that the provisions of the amendment allow for a liberal abortion law in comparison with Western Europe. He offers his own opinion on the amendment, arguing in support of the amendment.	Y

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Jan Rulewski	UW	None.	Rulewski asks about the consequences of the amendment for the budget.	Mentioned as having taken part in discussion.
Włodimierz Puzyna	UW	None.	Puzyna asks how the amendment provides for the regulation of abortion in private medicine.	Mentioned as having taken part in discussion.
Jerzy Wiatr	SLD	Minister of National Education	Wiatr answers Rulewski's question about the budget.	N
Krzysztof Budnik	UW	None.	Budnik asks for clarification from Marek Balicki as Deputy-Rapporteur on the terms of the amendment.	Mentioned as having taken part in discussion.
Marek Balicki	SLD	Deputy-Rapporteur	Balicki answers the questions previously posed by Puzyna and Budnik.	Y

Speaker	Affiliation	Capacity	Position on abortion/substance of speech	Included in Sejm Chronicle - Y/N?
Tadeusz Stepień	Not applicable	Deputy Public Prosecutor General	On the Vice-Marshall's request, Stepień clarifies a point of law raised by the amendment.	Mentioned as having taken part in discussion.
Marek Balicki	SLD	Deputy-Rapporteur	Concludes the discussion.	Y
<i>At this point, the official transcript finishes</i>				

The Sejm Chronicle continues, reporting that at its second reading, the draft bill was directed to the Committees, with 192 votes cast in favour, 191 against, and 12 abstentions. It goes on to report on the proceedings of the third reading on the 30th of August, noting several attempts to throw out the bill on points of procedure. It records the minority motion to reject the draft bill, with 173 cast for, 220 against, and 7 abstentions. It notes amendments made to the bill made by the Committees, recording that at its third reading, the bill passed, with 208 votes for, 61 against, and 15 abstentions. Finally, it notes that 'part of those who were present at the parliamentary session did not take part in the vote' since 'at the time of sitting' and that a group of MPs experienced an irregularity with the voting machine.

Appendix 3

Selected pictures from
Trybuna and *Gość Niedzielny*

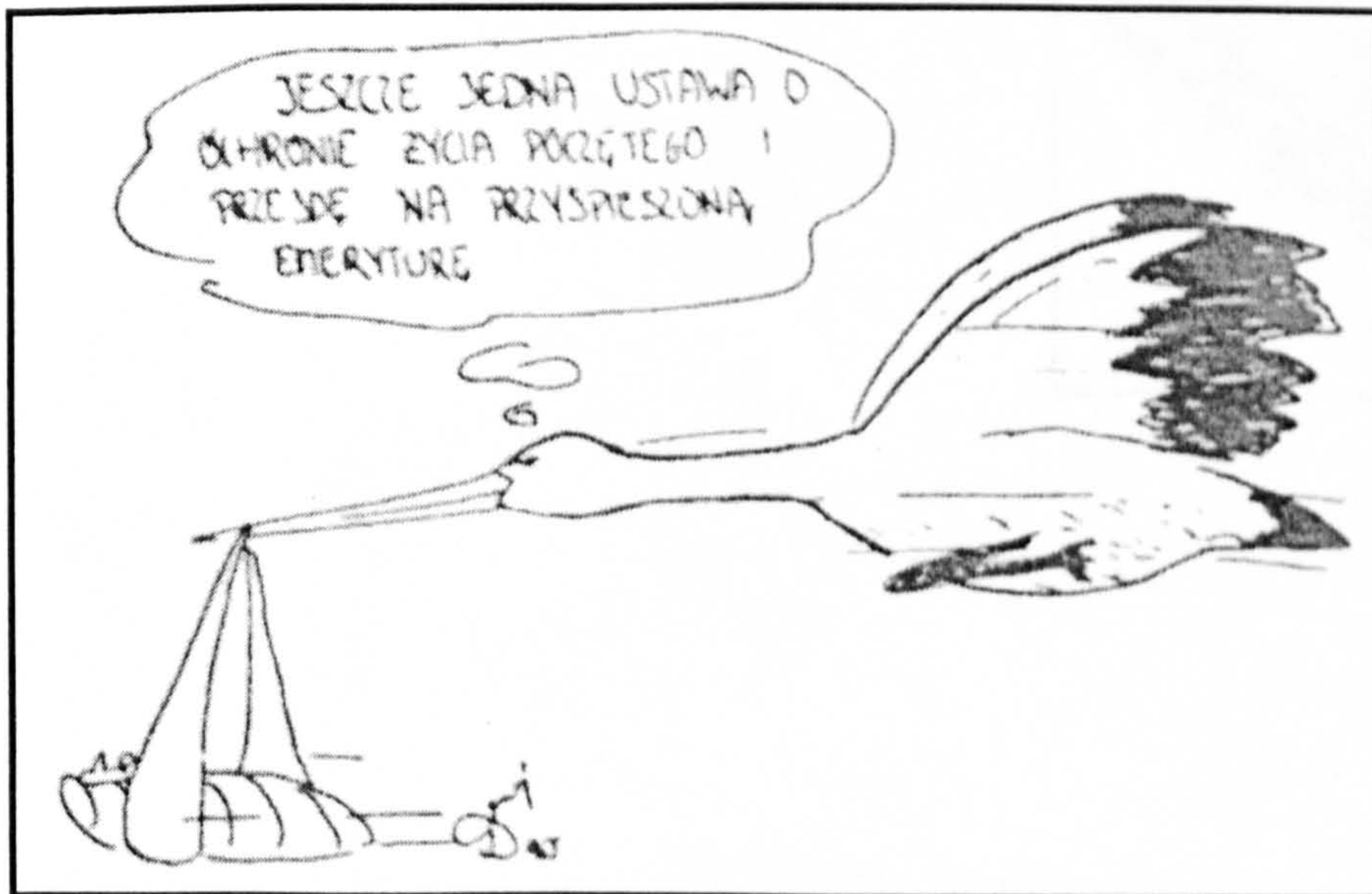
Figure 1

Gość Niedzielny
08/09/1996



Figure 2

Trybuna
30/08/1996b



‘Just one more law on protecting unborn life and I’m taking early retirement’.

Figure 3

Gość Niedzielny

08/09/1996a

559 abortions were performed legally in Poland in 1995

Abortion on the basis of danger to the mother's life [149]

Abortion on the basis of danger to the mother's health [370]

Abortion on the basis of irreparable damage to the foetus [33]

Abortion as a result of rape or incest [7]

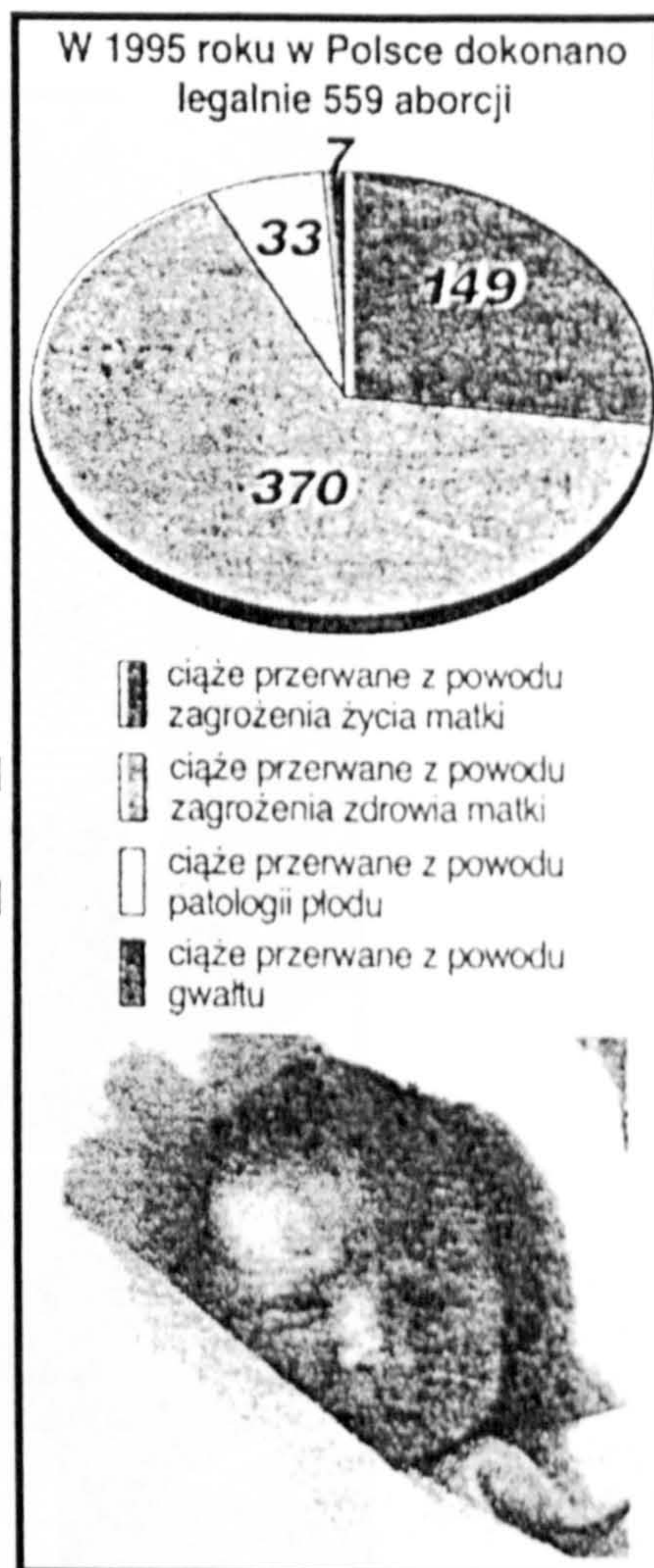


Figure 4

Trybuna

07 – 08/09/1996

4a



4b



Life Yes!

Death no!

Abortion kills

Figure 5

Trybuna

12 - 13/09/1996



Figure 6

Trybuna

24/10/1996b



There is no freedom of
conscience without the
freedom to choose

Fight for the right to
legal abortion