Constructing Polish Exceptionalism: Gender and Reproductive Rights in Poland

Thesis

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Abstract

Originating in response to Polish partitions of the 18th century, the concept of Polish exceptionalism asserts the cultural uniqueness and superiority of the Polish nation. As the 19th century progressed, this belief in a cultural exceptionalism quickly became gendered with the figure of the Matka Polka (Polish Mother). As men went off to battle for national freedom, the Matka Polka became the symbolic protector of the hearth and the reproducer of national culture. Deeply associated with the domestic sphere and essentialized understandings of gender, the Matka Polka proved to be a strong cultural emblem of patriotic motherhood and duty. The deeply entrenched belief in Polish exceptionalism did not end with the partition era, but persevered, from state socialism to membership in the EU. Closely tied to reproduction, the Catholic Church, and cultural conceptions of femininity, exceptionalist appeals to the Matka Polka remain a central component of Polish identity formation. The cultural currency of Polish exceptionalism carried into the abortion debate of the early postsocialist era. Resulting in the revocation of women’s reproductive rights just as the nation gained its independence. The push for restrictive abortion legislation continued in the accession toward EU membership, pulling from nostalgic depictions of the national past in the formulation of a uniquely Polish identity within the shifting political environment. In this thesis, I will argue that appeals to exceptionalism and the political mobilization of the Matka Polka in the postsocialist
abortion debate drew on invented traditions of the past and ultimately resulted in a limited, restrictive definition of what it means to be a woman citizen in Poland.
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Section 1: Introduction

Polish exceptionalism, or the belief in “the ability of Poles to survive and flourish as a nation and to preserve their culture in the face of repression,” originated in the 18th century as a reaction to the partitioning of the country between the Russian, Prussian, and Austrian Empires.¹ Culminating in 1795, the partitions resulted in the elimination of Poland as an independent state for the next 123 years. Polish exceptionalism, in response to the demise of the physical manifestation of the nation, developed as a cultural form of nationalism in order to maintain the unique cultural qualities and superiorities of Polish society. Through Polish exceptionalism, Polish culture and the nation could survive the imposition of foreign rule.

Polish exceptionalism developed during the Romantic period, in which the fight for independence became a prominent theme of artistic works. Adam Mickiewicz, a central figure of this movement and one of the most influential authors of Polish literature, wrote the poem *Do Matki Polki (To a Polish Mother)* in 1830. In this poem, he describes the Matka Polka (Polish Mother) as a maternal ideal focused on the protection of the hearth while her sons and husband fought for independence. This veneration of motherhood reflected the belief in a Polish cultural superiority “manifested in the

As opposed to its occupying forces, Polish society valued women and motherhood and envisioned itself as “a society which is enlightened or civilized rather than Asiatic or barbarian” in its treatment of women. Polish exceptionalism developed further gendered implications in the linking of motherhood to patriotism, namely its valuing of women’s duty to the nation as protector of the home and reproducer of the nation. Through connecting an image of the ideal woman to the fulfillment of patriotic duties, “gender came to occupy a central, privileged position within this national discourse,” in which the romanticized image of the Matka Polka resulted in “a strong association between women’s social roles and Poland’s very survival.”

Understanding the gendered roots of Polish exceptionalism proves crucial to the analysis of the cultural and political operations of exceptionalism. As stated by Susan Gal and Gail Kligman, “ideas about the differences between men and women shape the ways in which states are imagined, constituted, and legitimated.” The continued salience of Polish exceptionalism and its construction of gender roles, comprised of a naturalized division between the masculine public and feminine private spheres, rendered these gendered divisions “natural” in Polish society. As each new “conqueror” occupied the nation, Polish exceptionalism manifested in slightly altered forms in opposition to the dominant force. Yet, the core belief in the cultural uniqueness and superiority of Poland,

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2 Ibid, 255.
3 Ibid.
the objective of asserting a national identity within a larger political context, and the
gendered aspects of exceptionalism remained consistent.

The gendered nature of Polish exceptionalism during the Soviet era manifested in an opposition to policies concerning gender equality, becoming viewed as “alien” impositions onto a society that valued patriotic motherhood and naturalized differences between genders. The Polish socialist government sought to culturally distinguish Polish society and assert a unique national identity within the monolithic Soviet Union in what became known as the Polish Road to Socialism. Relying on exceptionalist notions of gender, the Polish Road to Socialism led to what Małgorzata Fidelis termed a “regendering from above.”6 Through “regendering from above,” the Polish government rhetorically disavowed the Soviet gender equality policies and the 1956 Abortion Law as unnatural to Polish society by enforcing traditional gender roles and asserting gender difference as a source of national identity.

After the end of Soviet rule in Poland in 1989, the central question of democratization arose: “Who are we and what is most important to us?”7 Through this questioning of national identity, Polish exceptionalism again emerged as an essential historical reference point for politicians and citizens seeking to return to a “normal” Polish culture that valued Catholicism, traditional gender norms, and a gendered division between the public and private spheres. Polish exceptionalism, in its emphasis on a romanticized past and celebration of the Matka Polka and the masculine struggle for

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6 Małgorzata Fidelis, Women, Communism, and Industrialization in Postwar Poland (Cambridge, UK: Cambridge University Press, 2010), 49.
independence, became a means through which the newly democratic state could distance itself from its socialist past and assert its unique cultural identity within the larger postsocialist context.

The democratization process in Poland ultimately resulted in the relegation of women to the “‘natural,’ more emotional, domestic, reproductive, and still hierarchical private life.”

Conservative political rhetoric throughout the transition to democracy centered on the preservation of the family, calling for pronatalist policies that would promote population growth and framing the low birthrate as a “metaphor for the extinction of Polishness.”

As part of this pronatalist discourse, the debate over abortion legislation developed into one of the primary aspects of this relegation of women to the domestic sphere. Gaining traction in the early 1990s, the abortion debate essentially divided into two rival worldviews: those who sought a traditional Polish state with explicit ties to the Catholic Church and those who aimed for European integration and a return to Poland’s “rightful place at the heart of Europe.”

Ultimately, the argument for a restrictive abortion legislation passed in 1993, known as the Law on Family Planning, Protection of the Human Fetus, and the Conditions Permitting Pregnancy Termination (referred to as the 1993 Abortion Law from this point). The supporting arguments for this law utilized exceptionalist notions of Polish cultural superiority to reject the legacy of the Soviet Union. In depicting the 1956 Abortion Law as a foreign imposition, anti-abortion

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figures argued that the newly democratic state did not need Soviet policies in order to build a just society, asserting that Polish society already held women in an esteemed societal position.

Concurrent to democratization, the process toward membership in the European Union (EU) began in 1994 with the submission of Poland’s membership application. As Poland progressed toward membership, the abortion debate continued and Polish exceptionalism became important in the depiction of Poland as a moralizing force, especially in the conception of the EU as an ideologically “conquering” presence. In the discussion of EU membership, the crucial question of Poland’s position within the European community emerged: Should Poland act as an outside, moralizing force or return to its rightful place at the center of European politics? The abortion debate played a pivotal in answering this question, with exceptionalist appeals to the protection of cultural sovereignty in the claiming of the 1993 Abortion Law as a “cultural exception” when Poland gained membership in 2004, meaning that Poland maintained the legislation as a condition of its membership.

In my examination of the postsocialist abortion debate, I will argue that Polish exceptionalism, drawing especially on its gendered assertions of cultural superiority, played a pivotal role in the formulation of identity in Polish society during democratization and the EU accession process. The abortion debate, entering into the public discourse during a time of uncertainty, spurred a confrontation between fundamental questions of what an independent Polish nation would value, how it would legislate, and what role the Catholic Church would play. I will further argue that the abortion debate, as stated by Anika Keinz, functioned in postsocialist Poland as “not only
a battle for hegemony over the interpretation of democracy but over what it means to be Polish after 1989.”¹¹ Rooted in the effort to assert an authentic Polish cultural identity, the restrictive abortion legislation constituted a return to what was perceived as the normal state of Polish society. Through the lens of men and women as “differently imagined as citizens” and the legitimization of political authority via debates over reproduction, I will demonstrate how appeals to Polish exceptionalism relied on essentialist conceptions of gender in the assertion of a specific Polish citizenship and placed limitations on female citizenship in democratic Poland.¹²

¹¹ Keinz, “European Desires and National Bedrooms?,” 117.
Section 2: The Origins of Polish Exceptionalism

The relevance of the partition era to the abortion debate lies in, as stated by Gal and Kligman, the postsocialist trend of a “nostalgia for earlier historical periods,” in which a range of social actors have been “reaching into the pre-socialist past, claiming historical models, inspiration, and justification of current political policies and gender arrangements.” In evoking nostalgic images of society, anti-abortion figures found historical legitimacy for their arguments. The origination of the Matka Polka, developed during a time of uncertainty and intense patriotism, illuminates the postsocialist linking of patriotic duty and motherhood. Furthermore, the examination of the cultivation of the Matka Polka will provide insight into how nostalgic references to the nation’s past illuminate how “ideas about gender difference and sexuality are recruited to construct continuities with the past, with nature, with the general good” in order to gain authority in both the socialist and postsocialist eras.

What Makes a Matka?

The declaration of the Virgin Mary as the Queen of Poland in 1656 by King Jan Kazimierz solidified Poland’s status as a Catholic nation. This declaration of the ultimate symbol of maternal sacrifice as a figurative leader melded “gender, faith, and nation into a mutually constitutive troika that lies at the very heart of discourses about Polish

\[13 \text{ Ibid., 4.} \]
\[14 \text{ Ibid., 12.} \]
identity.’’15 It was from the figure of the Virgin Mary and her maternal sacrifice that the Matka Polka figure drew its legitimacy and origins. The political mobilization of women gained greater traction in the late 18th century, with General Tadeusz Kosciuszko urging women to “sacrifice for the homeland.”16 The image of the Matka Polka became crystallized in the popular Mickiewicz poem To a Polish Mother. Mickiewicz described motherhood as a patriotic duty in which women raise their sons for the future of the Polish nation and accept their ultimate mortal sacrifices in battle. Throughout the poem, Mickiewicz utilizes religious imagery, comparing the Matka Polka to the Virgin Mother and her sons to Jesus, with the culminating stanza solidifying her ultimate sacrifice:

The only monument to his defeat
Will be the dried out gallow-wood
The only glory left – a woman’s tears
And the long nightly talks of his countrymen17

In the context of its 19th century origins, the Matka Polka figure embodied many contemporary ideals of femininity and held considerable cultural relevance. One of the most popular and widely consumed works in 19th century Poland was Keepsake of a Good Mother, or Her Last Advice to Her Daughter (Pamiątki po dobrej matce, czyli ostatnie jej rady dla córki), a pedagogical text on women’s education written by Klementyna Tańska Hoffmanowa. First published in 1819, Hoffmanowa advocated a traditional model of femininity and the patriarchal family. Maintaining an anti-emancipatory stance on women’s social position, girls were to be raised as “modest, shy, and obedient,” reflecting Hoffmanowa’s entrenchment in a “culture where girls grew up

16 Penn, Solidarity’s Secret, 241.
17 Translation found in Penn, Solidarity’s Secret, 258.
to be wives and mothers.”¹⁸ Therefore, while an emancipatory discourse indeed existed in the partition era, it fought against deeply entrenched cultural beliefs about the natural position of women.¹⁹

As stated by Polish historian Sławomira Walczewska, during this era heterosexual romantic relationships were based on the “‘lady and knight ideal’.”²⁰ In this ideal, the relationship dynamic is based on men’s responsibility “to fight, protect and defend” and “woman’s task is complimentary: she is expected to support him spiritually, and give him rest and reward after his struggle.”²¹ Through this culturally sanctioned and rewarded practice, the Matka Polka model resonated with Polish women’s understanding and expectations of their natural social roles, becoming “a legend to which Polish women willingly aspired.”²² This aspiration, according to Polish historian Maria Janion, resulted from “Romantic imperatives,” in which “the Polish woman got used to carrying the burden of her family and public lives in the shadow and in silence, just to make a martyr of herself.”²³

**Reproducing the Nation**

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²⁰ Penn, *Solidarity’s Secret*, 245-6.

²¹ Ibid.


²³ Ibid.
The Polish partitions resulted in unprecedented numbers of politically active women. The combination of a politicized domestic realm and essentialist understandings of gender reinforced the social primacy of the family and the identification of independent statehood with family life.\textsuperscript{24} The principle of “Poland will not perish, as long as Poles still live” became a defining component of Polish exceptionalism and the articulation of motherhood as patriotic duty, emphasizing women’s responsibility of physically reproducing the nation.\textsuperscript{25} As the 19\textsuperscript{th} century progressed, the idolization of the martyr mother remained culturally relevant. However, women’s prime civic duty shifted to the reproduction of the nation: “Since maintaining the national identity was dependent on future generations that could preserve the culture, child-rearing became a political imperative.”\textsuperscript{26} The choice of motherhood during this period carried distinct political connotations, with reproduction framed as participation in the struggle for independence.

As the partition period progressed, the Matka Polka evolved, becoming not only the sacrificing mother but also the reproducer of the nation and Polish culture. Motherhood became a political choice and viewed as women’s participation in the nationalist cause. The characteristics of the Matka Polka that developed during this period connected motherhood, patriotism, and political participation. Described by Anna Titkow as the “‘national-family-matriarchal’ model, women embraced several key concepts: a contentment with receiving only symbolic gratitude for her self-sacrifice; the

\textsuperscript{24} Malgorzata Fidelis, “Participation in the Creative Work of the Nation: Polish Women Intellectuals in the Cultural Construction of Female Gender Roles, 1864-1890,” \textit{Journal of Women’s History} 13, no. 1 (Spring 2001): 111.
\textsuperscript{25} Penn, \textit{Solidarity’s Secret}, 247.
\textsuperscript{26} Izabela Kowalczyk, “Visualizing the Mythical Polish Mother,” 213.
preservation of the family as the preservation of the nation; and the belief that women held a venerated social position because of their position of power within the family, also termed by Titkow as the “managerial matriarchat.”27 28 The physical space of the home itself became a refuge from the larger political context. The private sphere became “a source of freedom and independence, in need of defense against state-imposed laws,” while Poles viewed the public realm as alien and hostile.29 The managerial matriarchat, as asserted that women’s power derived from their power over domestic affairs, preventing women from losing self-esteem and providing them with a high social status even when “they found themselves in a ‘no choice’ situation” because, after all, “it was difficult to turn down a call for sacrifices in the name of regaining independence for their country.”30

In the postsocialist context, references to the partition era family model relied on a nostalgic understanding of the bourgeois family as natural and the challenging of this model in the socialist era as “evidence for communism’s violation of natural law.”31 Yet, it is important to keep in mind that the Matka Polka provided a venue of socially accepted political activity for women, allowing them to feel a part of the nationalist struggle while remaining within the exceptionalist construction of gender roles. This allowance of women’s political participation via exceptionalist models of gender was termed a “benign patriarchy” by Bianka Petrow-Ennker, meaning that “as long as women took their place beside men in the freedom fight and raised children in the national spirit” women were

28 Ibid., 382.
29 Fidelis, “Participation in the Creative Work of the Nation,” 111.
allowed to participate in the public sphere “without male opposition.”³² Often “gender transgressors,” or women that violated exceptionalist gender roles, were ostracized for their challenge to the “Polish cultural mythology.”³³ Ultimately, understanding the ways in which the Matka Polka became a rallying cry of the Polish nation during the partition era and the gendered connotations of Polish exceptionalism lays the foundation for understanding how an “invention of tradition” became central in rejecting Soviet policies deemed unnatural.³⁴
Section 3: The Soviet Era and Exceptionalist Backlash

The end of World War I in 1917 signaled a tremendous moment for the Polish nation with the foundation of the first independent Polish state since 1795. With the finalization of its borders in 1922, the multiethnic Republic of Poland flourished as a sight of cultural and economic advancement in Interwar Europe. During the Interwar Era, the discussion of women’s role in society, especially in politics and education, developed as women increasingly entered the public sphere. While public opinion of women’s political mobilization remained ambiguous, women’s participation in the political sphere grew as they gained the right to vote in 1918 and the 1921 Constitution of the Republic of Poland guaranteed men and women equal rights. Furthermore, a vocal emancipatory movement became visible, with prominent figures, such as feminist Irena Krzywicka and the author Tadeusz Boy-Żeleński, advocating for reproductive choice and the availability of modern contraception. Yet, the German invasion of Poland in 1939 signaled an abrupt end to this brief period of independence and feminist activism. As the end of World War I brought with it the establishment of an independent state, the culmination of World War II heralded the reassertion of an imposition of power. The Soviet Union...

35 Anna Żarnowska, “Women’s Political Participation in Inter-war Poland: Opportunities and Limitations,” Women’s History Review 13, no. 1 (2004): 64.
36 For further discussion of women’s political mobilization and the ambiguous public opinion on women’s presence in the public sphere in Interwar Poland, see: Anna Żarnowska, “Women’s Political Participation in Inter-war Poland: Opportunities and Limitations,” Women’s History Review 13, no. 1 (2004): 57-68.
annexed Poland as a satellite state in 1945 and officially deemed it the Polish People’s Republic (\textit{Polska Rzeczpospolita Ludowa}) (hereafter referred to as the PRL) in 1952.

\textit{Stalinism in the PRL}

Poland came under Soviet rule in the middle of the Stalinist era, largely missing the early debates of the Bolshevik movement and its perpetuation of sexual liberation and gender equality. Instead, Stalinism promoted pronatalist policies centered on the bolstering of the population and the adherence to traditional gender roles. The high male casualties of World War II signaled the large-scale entrance of women into the workforce. The propaganda of the time “insisted on the emancipatory potential of women’s work as well as the national duty of \textit{all} citizens to reconstruct the country and build socialism.”\textsuperscript{38} In the implementation of a communist system in Poland, “sheer coercion and repression were not sufficient” and the imposition of “radically new norms involved constant negotiations between the state and society.”\textsuperscript{39} As state socialism evolved in Poland, so did official attitudes toward women. While the official rhetoric emphasized a state policy of gender equality, the gap between the implementation and the legislation proved a persistent problem for women and became compounded with a nationalist rhetoric derived from Polish exceptionalism. It is during this era of state socialism that the “invention of tradition,” or the construction of romanticized links to an idealized past, developed.\textsuperscript{40}


\textsuperscript{39} Fidelis, \textit{Women, Communism, and Industrialization in Postwar Poland}, (5-6).

\textsuperscript{40} Gal and Kligaman, \textit{The Politics of Gender After Socialism}, 114.
By the time Poland came under Soviet dominion, Stalin had already declared the “woman question” solved. Official Soviet ideology and legislation championed women’s emancipation from the patriarchal family and their participation in traditionally male industries. The official stance on women’s roles in society, especially those concerning their position within the private sphere and reproduction, had already shifted to a more traditional stance during Stalinism. Yet, egalitarian policies remained at the core of official discourse and propaganda. Part of this discourse and propaganda was the propagation of women’s political and workforce participation. Many women embraced the new opportunities afforded by the socialist system, becoming members of the state-supported League of Women, acting as political agitators for the communist party, and entering into professions previously denied to them.41

Yet, the assertion of the Soviet system as inherently feminist proved problematic by this point in Soviet history, as argued by Mihaela Mirou: “Communism never had a ‘State Feminism,’ but it definitely had a strong ‘State Patriarchy.’”42 Mirou asserts that from the early stages of the Soviet Union, there was an explicit directive to “‘Cut off feminism: It is deviationist, dangerous and bourgeois’,” with women theoretically emancipated from men but not from traditional family roles and state patriarchy.43 Therefore, instead of realizing equality between the sexes, the “solved” woman question rendered the pervasive gender equalities of Soviet life “unsayable.”44 Ultimately, the

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41 For a discussion of the early period of communism and women’s political participation, see: Basia Nowak, “Constant Conversations: Agitators in the League of Women in Poland during the Stalinist Period,” Feminist Studies 31, no. 3 (Fall 2005): 488-518.
43 Ibid., 199.
44 Gal and Kligman, The Politics of Gender After Socialism, 47.
Soviet state failed to realize a true “state feminism” and portrayed feminism as bourgeois luxury only women in the West had time to worry about. However, the Soviet state’s promotion of gender equality, the emancipation of women from patriarchal social constructs, and the denial of sexual difference formed an unbreakable mental association between socialism and feminism in Poland.

*The Beginnings of Backlash*

Soviet gender construction faced resistance from the outset of Soviet rule in Poland. Soviet gender policy became a site of resistance and the evocation of Polish exceptionalism, both rooted in a partition era formulation of “*us* (the nation) and *them* (state and/or foreign rule)” that fueled a revitalized “‘antistate attitude.’”45 The resurrection of an outside power harkened to the Russian domination of Polish lands. In result, the Soviet Union was viewed as “Poland’s captor, not its savior.”46 After all, Stalin had failed to protect Poland from the destruction of World War II: from the decimation of its people in the Holocaust, to the massacre of Polish officers in Katyn by Soviet troops, to Stalin’s calculated refusal to provide assistance during the Warsaw Uprising.

An aversion to the “unnaturalness” of Stalinist gender construction occurred even during the Soviet occupation of Polish territory between 1939 and 1941. The harshness of the women’s forced labor surprised Poles and awakened exceptionalist constructions of cultural superiority based on the treatment of women. Poles found it “outrageous that the physical difference between male and female bodies – understood as integral to their respective natures and proper roles in society – was not the organizing factor of the labor

45 Keinz, “European Desires and National Bedrooms?,” 100.
46 Penn, *Solidarity’s Secret*, 38.
force in the USSR.” The athletic feminine model idealized by the Soviet state in the postwar period became the “Female Comrade,” immortalized by the propaganda figure of a female laborer on a tractor fulfilling her duty of building socialism and transgressing exceptionalist gender norms in her masculine occupation. Furthermore, the ratification of the 1952 Constitution and its assurance of women’s equality with men in all areas of life, as well as the guarantee of equal pay for equal work in Article 66, promoted this “unnatural” imposition of desexualized Stalinist rule in its ignoring of naturalized gender differences. In this explicit declaration of gender equality, the Stalinist state “demanded that male party officials treat women as ‘equals,’ but it did not tell them to stop subscribing to traditional notions of honor or to cease treating women as mother of the future generation.”

It is through this rhetorical loophole that the constant negotiation between the communist state and the people concerning gender construction and the gendered exceptionalist conception of society emerged, aiding in an understanding of why “the ‘new’ society could never fully eradicate traditional forms of social behavior.”

During the early stage of Polish state socialism, the state encouraged women’s active participation in the political sphere. In 1945 the Polish state established the Women’s League, the first official centralized mass women’s organization in Poland.

47 Fidelis, Women, Communism, and Industrialization in Postwar Poland, 37.
50 Fidelis, Women, Communism, and Industrialization, 97.
During this early era of state socialism, the Women’s League centered on the utilization of female agitators as promoters of the communist state. The implementation of women’s political participation coincided and clashed with traditional, often stereotypical, understandings of feminine characteristics. Therefore, while women functioned as agitators for the communist state, it was within the frame of women needing to be rescued from natural traits detrimental to the building of socialism. In the Soviet cause, women were understood as “inherently less reliable, less devoted to socialism, and more likely to be influenced by and interact with the ‘class enemy’ than men.”

The Women’s League also expressly focused on female agitators working in residential areas and neighborhoods among housewives “because men were expected to work outside the home and thereby to encounter propaganda in public workplaces.”

While the League of Women offered valuable services and information (eventually coming to serve as an important source of socialization for women as state socialist progressed), it still largely addressed women via traditional constructions of gender. Therefore, while this early phase saw negotiations of gender between the Soviet-controlled state and its people, it also revealed how communist rule in Poland viewed male and female citizens differently. The postwar phase did offer women the opportunity to cultivate multifaceted social identities (mother, worker, political actor). However, it

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53 Ibid., 502.
54 For an examination of the evolution of the League of Women and its role in women’s lives, see: Basia Nowak, “‘Where Do You Think I Learned to Style My Own Hair?’: Gender and Everyday Lives of Women in Poland’s League of Women,” in *Gender Politics and Everyday Life in State Socialist Eastern and Central European Europe*, eds. Shana Penn and Jill Massino (Basington, Hampshire, GBR: Palgrave Macmillan, 2009), 45-58.
also developed within a historically resistant context in which “a patriarchal model of family was presumed by both state and society.”

_The Polish Road to Socialism_

Destalinization, the period in the latter half of the 1950s of the revision and denunciation of Stalinist policies following his death, marked a critical shift in the adherence to Stalinist policies of gender equality in Poland. Framed by a heavily referential exceptional rhetoric, a movement began for the rejection of these “unnatural” policies. Largely framed as a criticism of the discounting of sexual difference in labor, Soviet gender equality policies faced harsh criticism as foreign to Poland’s Catholic, traditionally patriarchal society. The criticism of the seemingly uncontrollable female sexuality unleashed by the Stalinist policies concentrated on releasing women from the patriarchal family. The subjection of women to “masculine” labor derived from the gendered understandings of Polish exceptionalism:

> And the clearest evidence of Russian power and primitiveness, Poles alleged, was its barbaric violations of women. Russians were said to treat women like beasts of burden and sex slaves, forcing even their own women to do physically demanding labor and military service.

In other words, what would the Soviets know about gender equality when they ignore the natural roles of and divisions between men and women? As stated by Shana Penn, there is a popular belief that “Polish society has a tradition of being so good to its women that Poles do not need feminism.” Consequently, while Soviet leaders adamantly disassociated official policy from the “bourgeois” feminist movement, in Polish society

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56 Penn, _Solidarity’s Secret_, 186-7.
57 Ibid., 255.
the damage was already done and gender equality policies became firmly linked to the ideas of feminism.

Destalinization became characterized by an increasing resistance to Soviet gender construction and dominated by a rhetoric of the “natural” gender roles in society, relying on the invented tradition of an exceptionalist vision of the Polish past. The Stalinist propaganda image of a woman in a red scarf on a tractor, a traditionally male position, encouraging women to participate in the cultivation of Polish farmland became an example of the ridiculousness of Stalinism: “Matka Polka had been hoisted onto a tractor seat, her Soviet-red necktie flapping in the wind, so that she could rebuild Poland’s devastated postwar economy.”58 Rejections of the Stalinist gender order dominated the Polish media. Relying on scientific and medical language to legitimize sexual difference in the labor market, these rejections portrayed Stalinist labor policy as “an assault on the family and ‘natural’ gender roles.”59 Simultaneously, First Secretary Władysław Gomułka took office in 1956 and sought to carve out a unique Polish identity within the Soviet Union. Deeming it the Polish Road to Socialism, Gomułka’s government advocated a “gradual change of social and political change compatible with ‘national peculiarities’” that would allow Poland to develop its own identity with “strong attachments to national sovereignty and Catholic traditions” – a markedly exceptionalist mission.60

58 Ibid., 26.
59 Fidelis, Women, Communism, and Industrialization in Postwar Poland, 171.
60 Ibid., 10.
In the political rhetoric of the late 1950s, including within the national media, the building of a more “humane” socialism hinged on the acknowledgement of the importance of family life and sexual difference, claiming that Stalinism had “corrupted the system on all levels.”

Evocations of the “invented traditions” of pre-socialist gender construction rendered gender the defining force within the crafting of a unique Polish identity. As stated by Padraic Kenney, the postwar Poland subsumed into the Soviet Union was largely homoethnic and, as a result of there being no sizable ethnic others, relied on the “greatest such division” of gender to cultivate a national identity. In this conception of the communist system, the Stalinist gender order robbed people of their natural, sexual differences. Through referencing the images of the Matka Polka and the Romantic hero (now manifested as the male breadwinner) “gender difference would be at the forefront of their revised understanding of an improved communist system” and used as a tool to legitimize the Gomulka government.

As stated by Maria Janion, the woman is “‘the creator of meaning and at the same time a concrete vessel for that meaning’,” which suggests that “women as creative agents and bearers of symbolic representations of the feminine stand at the center of the debate on national identity.” In the vein of this sentiment, it was during this period that the strict gendered delineation of the workforce became entrenched. While the state continued to encourage women to enter the public sphere, it ushered them into appropriately female occupations. The general relegation of women to auxiliary positions

61 Ibid., 175.
63 Fidelis, “Women, Communism, and Industrialization in Postwar Poland,” 175.
64 Zaborowska, “Global Feminisms and the Polish ‘Woman’,” 17.
demonstrated the belief of Poles that “women in new occupations represented a Soviet imposition on Polish national culture” while simultaneously encouraging women’s return to the domestic sphere. What this ultimately communicated to Polish women was that the opportunities afforded by the Soviet system and the ability to forge an identity outside of the private sphere were unnatural because of biological, immutable characteristics. The state instead heralded women’s identification with a romanticized image of femininity based on the Matka Polka and a gendered division between the heroes and the home, asserting that “a woman performing a man’s job was a threat not only to proper femininity but to Polishness as well.”

Susan Gal and Gail Kligman assert that “discourses about women, family, and reproduction were and continue to be crucial in the legitimation of politics.” The utilization of the rhetoric of unnaturalness extended to the discussion surrounding the supposed promiscuity of young, unmarried female laborers and the liberalization of abortion legislation in 1956. The 1956 Abortion Law was not motivated by feminist principles, aligning with Mirou’s rejection of communism as a state feminism, but by the ongoing process of destalinization and demographic concerns. The large scale entrance of young, single women into the public sphere and “masculine” occupations symbolized an unnatural rejection of motherhood and the embracing of promiscuity. The “unnatural” sexual agency granted to young women resulted in the rejection of their natural, biological duty to produce children and maintain the traditional family structure. This

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65 Fidelis, *Women, Communism, and Industrialization in Postwar Poland*, 204-5.
66 Ibid., 230.
allegedly rampant promiscuity represented a rejection of the Matka Polka and was reminiscent of the partition era proclamation that as long as Poles existed, the nation would persevere.

An August 1955 poem entitled “The Poem for Adults,” submitted by Adam Ważyk to Nowa Kultura, crystallized this sentiment in its equation of the Soviet gender order and the sexual freedom of women with the “unnatural” act of abortion. Ważyk decried the women’s worker hostels as “lay monasteries, with sounds of lust and travail” and described the Wisła River as flowing with their aborted fetuses. These fetuses symbolized the disavowal of their duty of patriotic motherhood in the rejection of “discarded fetuses – the future generation.” Therefore, while the 1956 Abortion Law granted women access to legal abortion in a multitude of situations, it faced cultural resistance in its rejection of the naturalized role of women as mothers. Furthermore, in the Polish context the 1956 Abortion Law associated the necessity of abortion with impoverished mothers of large families. Only those who had already fulfilled their maternal duty were granted “permission” to undergo abortions within the cultural discussion of reproduction. Ultimately, the social hindrances to legal abortion perpetuated the belief that it was unnatural for women without children to reject motherhood, portraying access to abortion as a transgression of the duty of the Matka Polka in the continuance of the nation via reproduction.

Concurrently, Soviet power faced resistance to the officially atheistic stance of the socialist state from its predominately Catholic population. The “equation of ‘Polish =

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68 Fidelis, Women, Communism, and Industrialization, 180.
Catholic” remained a powerful cultural belief dating back to the 17th century proclamation of the Virgin Mother as the Queen of Poland and the prominent role of Catholic identification as resistance during the partitions. During the socialist era, the equating of Polishness to Catholicism continued and played an important role in resistance to the imposition of Soviet policies, bolstering the “us versus them” mindset in many Poles. In a departure from other satellites, Poland became the only country in the Soviet realm in which the Church possessed “a measure of autonomy.” The 1956 Abortion Law immediately faced opposition from the Church as not only a moral crime, but a rejection of the institution of the family. Catholic delegates in the Sejm were vocal opponents during debates in 1956, depicting abortion as “a risky medical procedure that endangered women’s lives and health.” While the law ultimately passed, the Church continued to oppose abortion as a viable means of contraception and resisted the use of modern contraceptives. The Church’s rejection of any contraception aside from the rhythm method, coupled with the social pressure on women to not purchase or inquire about modern contraceptives, proved a further hindrance to access to abortion. The Church’s status as a protector of Polishness functioned in conjunction with its mission of the “maintenance of the prestige of the family,” paralleling the state’s rejecting of Soviet gender roles and encouraging women to return to their “natural” positions as mothers.

The Entrenchment of Late Socialism

69 Heinen and Porter, “Reproductive Rights in Poland,” 1008.
70 Penn, Solidarity’s Secret, 9.
71 Fidelis, Women, Communism, and Industrialization in Postwar Poland, 196.
72 Heinen and Porter, “Reproductive Rights in Poland,” 1009.
The strict delineation between male and female occupations deepened throughout the 1960s and 1970s and furthered the naturalization of traditional gender roles. While the state did not expressly request for women to leave the workforce, especially as the need for more laborers in the workforce increased during the late 1960s, it did direct women into appropriately feminine, often subordinate, positions. The remobilization of female workers asserted the primacy of motherhood in women’s identities – “women workers were rehabilitated, but this time without forgetting their roles as mothers.” 73 The period of late socialism in Poland, under the leadership of First Secretary Edward Gierek, marked the deep entrenchment of the gendered division of labor while simultaneously continuing the state-supported gender equality. 74 Despite the official rhetoric of equality, “glass ceilings existed even in the midst of the socialist gender utopia.” 75 As Stalin’s declaration of the solved woman question silenced women’s inequality, the continuation of an official rhetoric of a realized gender equality silenced women’s issues during late socialism. Mirroring the exceptionalist belief that the Poles’ treatment of women is so superior to that of its neighbors that they did not need feminism, communism’s supposed equalization of genders again rendered the need for feminism moot. Feminism “had no right to exist in Poland at all because women were not discriminated against under communism.” 76

73 Heinen and Wator, “Child Care in Poland,” 193.
74 As state socialism progressed and women gained more access to higher education, they came to dominant certain traditionally masculine professions. By the late 1980s, women dominated the following professions: medicine, architecture, engineering, and higher education. Yet, as ever, this domination was ambiguous. Women gained access to these positions but rarely occupied leadership positions. For more information on women’s employment during socialism, see: Glenn E. Curtis, “Poland: A Country Study” (Washington, DC: Library of Congress, 1994), accessed April 11, 2014, http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+pl0088).
75 Zoborowska, “Global Feminisms and the Polish ‘Woman’,” 28.
76 Ibid.
As the late socialist period progressed, maternity leave continued to expand while parental leave for fathers remained a rare occurrence. As seen during the partition era, in the face of an imposed power, the family became a source of “refuge” and, as the economy continued to decline “took on an even more central role.” The rhetoric of gender equality itself became perceived as a burden, forcing a confrontation between the promise of gender equality and the reality of its realization, with equality often described as a “forced emancipation.” In this understanding of equality, the double burden, in which women were responsible for both wage and domestic labor, resulted from the influence of feminism instead of the inadequacy of the state in providing promised social programs. By the time the opposition movement gained traction in the 1980s, feminism’s association with this burden in the public mind further discredited the need for a vocalization of women’s issues and “women’s liberation was not viewed with favor.”

In what may be called a socialist Matka Polka, the state and public discourse instead celebrated the “brave victim” model of motherhood, in which the overworked mother prides herself on caring for her family “even at the expense of her own health.” The brave victim martyrs her own interests for the members of her household and only works outside of the home for the good of her family. The brave victim offered women of this period a celebrated model of sacrificial motherhood and a source of personal identity. The brave victim of late socialism, instead of protecting the hearth during battle, instead protected it through queuing and giving up coveted items and time to her family.

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77 Heinen and Wator, “Child Care in Poland,” 195.
78 Penn, Solidarity’s Secret, 80.
79 Ibid.
80 Marody and Giza-Poleszczuk, “Changing Female Images in Poland,” 163.
Founded in 1980, the Solidarity labor union (Solidarność) became the prime opposition to the communist state throughout the 1980s. In an examination of women in the Solidarity movement, Shana Penn found “an anti-communism that was cloaked in 19th century romantic images” dependent on exceptionalist conceptions of the gendered duties of an opposition movement.\textsuperscript{81} Penn found that women played a crucial role in the maintenance of Solidarity, especially during the period of martial law. Yet, deeply internalized notions of the natural roles of men and women harkened to the invented traditions of the partition era, while combining with socialist era opposition to the imposition of Soviet rule. Therefore, even though a core group of women ran the underground press during martial law, preserving the Solidarity movement while its male leaders were imprisoned for their oppositionist activities, these women refused to take credit for the heroism of their actions. Penn asserts that this aversion to “trespass on the so-called male territory of politics” results from deeply internalized exceptionalist understandings of natural male and female characteristics.\textsuperscript{82} In the words of Barbara Labuda, one of the key members of the underground press during martial law, women accepted their supporting roles because “they had become so accustomed to that treatment that they took it for granted.”\textsuperscript{83}

Feminism and women’s issues had no place in the Solidarity movement, again reflecting the self-sacrificial nature of the exceptionalist model. The movement for freedom subsumed all others and, as in the previous denunciation of feminism as a bourgeois waste

\textsuperscript{81} Penn, \textit{Solidarity’s Secret}, 6.
\textsuperscript{82} Ibid., 62.
\textsuperscript{83} Ibid., 67.
of time, any other movements were perceived as threats. According to Isabel Marcus, a U.S. law professor, “the male-dominated hierarchy of Solidarity was markedly unsympathetic to any demands for women’s rights beyond such traditional women’s issues as protection of maternity.”

Yet, despite the prevailing rejection of feminism within Solidarity, a feminist movement began to form. In the late 1970s, a group of university students formed a group focused on the discussion of feminist ideas. While smaller pockets of feminist thought existed and resisted the sexism within the opposition movement, “the time for confrontational feminism” would not arise until the late 1980s.

Therefore, the close affiliation of Solidarity with the Catholic Church solidified the movement’s emphasis on a traditional, exceptionalist understanding of gendered social divisions and the preeminence of the patriarchal familial unit. Concurrently, the Church reasserted its adamantly anti-abortion stance throughout the 1980s, drawing on the cultural currency of the election of the first Polish pope, John Paul II (née Karol Wojtyła), in 1978.

The gender dynamic of Solidarity, especially in the 1980s when Lech Wałęsa stood as the Catholic, masculine face of the movement, represented the internalization of gendered Polish exceptionalism. In the words of Agnieszka Graff, the renowned writer and activist, “If communism emasculated the Polish male, Solidarity empowered him to become virile again. O yeah, Solidarity, that was Manly Talk, Manly Business.”

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84 Ibid., 74.
85 Ibid., 77-8.
86 For further discussions of the fledgling feminist movement during late socialism, see: Shana Penn’s Solidarity’s Secret and “Writing Themselves Into History: Two Feminists Recall Their Political Development in the People’s Republic of Poland,” in Gender Politics and Everyday Life in State Socialist Eastern and Central European Europe, eds. Shana Penn and Jill Massino (Basington, Hampshire, GBR: Palgrave Macmillan, 2009), 202-19.
87 Penn, Solidarity’s Secret, 302.
gender dynamic of the Solidarity movement, the affiliation of the opposition movement with the Catholic Church, and the seeming unwillingness of women to claim their own centrality in the toppling of communism all demonstrated the results of the internalization of Polish exceptionalism. These internalizations laid the foundation for the political and gender dynamics in the postsocialist era, namely the masculinization of the political sphere, the utilization of women as symbolic vessels, and the continued evocations of Polish exceptionalism.
Section 4: Democratization, EU Accession, and the Abortion Debate

While Poland had experienced a brief period of independence during the Interwar Era, 1989 proved a watershed moment in the transition to the massive democratization efforts that would continue throughout the 1990s. As seen in the shifting era of destalinization, the postsocialist grasping for a unifying image of the Polish nation quickly relied on conceptions of gender roles and difference rooted in Polish exceptionalism, this time channeling them into the development of the abortion debate. Throughout the Soviet era, the necessity of access to abortion found a general, though not necessarily enthusiastic, understanding due to the government’s inability to adequately provide contraceptives to the population.

Yet, with the growing prominence of Solidarity’s moral and political authority in the 1980s, especially due to its ties with the Catholic Church, the anti-abortion movement “emerged from inside church walls and mounted a public campaign.\(^8\) The fledgling anti-abortion movement, asserting again the alien nature of Soviet law in Catholic Poland, highlighted the ways in which the state understood the duties of male and female citizens differently. The resonance of the partition era belief that “Poland will not perish, as long as Poles still live” aligned with the anti-abortion movement’s belief that abortion deprives Poland of its future citizens. In the postsocialist era, the anti-abortion movement quickly

asserted a rhetoric focused on a return to the natural state of Polish society and quickly narrowed in on this specific aberration of the Soviet era: the supposed imposition of the 1956 Abortion Law and its liberalization of access to abortion. The state’s entanglement in the abortion debate demonstrates both the way in which “democratization comes more clearly into view if one asks how women and men are differently imagined as citizens” and how “political authority is, in part, reconstituted through arguments about reproduction.”

As seen during the socialist era, the Polish state already differentiated its understanding of what it meant to be a male or female citizen, with male citizens naturally associated with political and economic positions of power and female citizens charged with the cultural and physical reproduction of the nation. As will be demonstrated, Polish democratization fits within the criticism of democratization itself, in which women have generally “benefitted less from the change than have men,” often a result of the emphasis on the masculine individual and the tendency to marginalize women in favor of the “common good.”

The democratization era, through the highly divisive abortion debate, demonstrated not only that the democratization process would see a continuation of gendered citizenship but also how reproduction proved a powerful political tool in cultivating the postsocialist national identity. Anti-abortion figures linked themselves to the moral and cultural authority of the Catholic Church, drawing on centuries of equating Polishness with Catholicism in their efforts to define what it meant to be a male or female citizen.

Yet, unlike during the socialist era, a large push against the state’s essentialist conception of citizenship emerged in the abortion debate. While anti-abortion politicians largely drew authority from their connections to the Solidarity movement and the Church, those who opposed the abolition of abortion, especially the growing feminist movement, resisted the overwhelming power of the Church in the government. Instead, they often appealed to international standards on gender equality and abortion legislation. While the opposing voices in the abortion debate ultimately derived their arguments from different legitimizing sources, the debate again boiled down to a basic question: “Who are we and what is most important to us?”91

*The Emergence of the Postsocialist Abortion Debate*

Subsumed by the imposition of martial law in 1981, the abortion debate gained renewed traction around the 1989 elections. From the beginning of the postsocialist abortion debate, a few topics emerged as the central themes of the debate, namely the declining birthrate, a disavowal of the socialist era, and a reliance on exceptionalist gender models. A rhetoric centered on the demographic “crisis” of Poland emerged quickly. The focus on the continuing decline in the birthrate played on the partition era belief that “Poland will not perish, as long as Poles still live.” Furthermore, this exceptionalist concern asserted that the Poles needed to continue the nation would be children born to ethnically Polish parents. The demographic “crisis” emphasized women’s responsibility for the physical continuation of the nation while placing the responsibility for the declining birthrate solely on abortion’s imperiling of the future.

91 Keinz, “European Desires and National Bedrooms?,” 102.
Another prime component of the abortion debate became a desire to distance the new state from its socialist past, marked by vocal rejections of gender equality and the feminist movement. The limiting of access to abortion would be “moving beyond communist values and policies to a properly postcommunist ideals system” and gaining protection for “the (postcommunist) fetus” through the establishment of “human rights purposefully denied or suppressed under socialism.”92 Finally, the evocation of exceptionalist gender models especially that of the Matka Polka, provided conservative politicians with a culturally understood, internalized feminine model equating femininity with motherhood. Women’s delaying of motherhood has also been depicted as a “rejection of motherhood” by conservative politicians and media figures. 93 Any delay in the call to motherhood became viewed as a disavowal of the Polish valuing of family, with women’s rights commonly depicted as discouraging motherhood and “precluding the well-being of the family and ‘normal’ biologically destined gender roles.”94

Anti-abortion politicians within the Polish parliament introduced a bill entitled “On the protection of a conceived child” to the Sejm in 1989. The bill called for the complete abolition of abortion, a ban on all medical procedures that could affect an “unborn child, other than those that serve the protection of its life and health,” and for up to three years of imprisonment for “whoever causes the death of an unborn child.”95 The bill’s language

94 Ibid.
provided much of the moralizing rhetoric in the abortion debate, introducing the terms “unborn child” and “conceived child” in place of the word “fetus.” Relying on a simplistic delineation between good and bad, this moralizing language implemented sought to define who could “‘preach’ real democracy to their rivals and to the citizens” and to instruct the public “as to what is consistent with the values of real democracy and what is not, what politicians do and what they don’t do.”96 This use of moralistic language appealed to the legitimizing capital of the exceptionalist emphasis on the good of the nation as it “deflected the turn to pluralistic politics based on interest articulation in favor of political expressions tied to moral, normative understanding of solidarity, nation, and collective good.”97

A revised version of the bill referred to as the “Senate draft,” minus the provision calling for the punishment of women seeking abortions, entered into debate in August 1990. The Senate debates demonstrated the continued use of moralistic rhetoric and appeals to exceptionalist understandings of gender and the nation, with a particular emphasis on the anxiety over the future of the Polish nation. Designating the fetus as an “unborn child” drew on both of these legitimizing discourses, relying on an exceptionalist belief in patriotic motherhood. Furthermore, it established the anti-abortion argument’s separation of women’s reproductive rights from the rights of the fetus in asserting that the unborn child’s right to life trumped the pregnant woman’s (or the “mother of a conceived child”) claim to bodily autonomy.

Abortion as primarily a women’s issue received little acknowledgement by anti-abortion politicians in the 1990 Senate debate, instead relying on an understanding of women as national vessels and asserting abortion as a national issue. The massive scale and seeming obsession with the issue had an unfortunate effect on the perception of abortion as a personal or autonomous choice: “the public perception of abortion changed and it was no longer perceived as part of [a] woman’s private life.”

This emphasis on access to legal abortion as a national issue also aligned with the moralistic argument of the fetus’s “right to life” and drew heavily on the Church’s assertion of the primacy of human life. In drawing on the understanding of life as beginning at conception, the woman and the fetus became two separate entities. In this line of reasoning, “the human being is autonomous from the moment of conception…it is not part of the mother’s body, and the mother does not have the right to decide on its future.”

Through associating abortion with genocide and the “slaughter of innocent human beings,” the anti-abortion movement portrayed itself as the protector of the nation’s future and “forced emancipation” as an unnatural, even murderous, imposition onto the Polish people. The connections between the emerging political leaders of the Solidarity party and the Church prove essential in understanding how the Church came to hold such an influential role in the restriction of abortion legislation. Throughout the 1980s, the Solidarity movement was identified as a moral authority, legitimated by its close ties to the

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99 Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 245.
100 Ibid.
Church, and a representation to many of the “‘true’ nation.’”\textsuperscript{101} Solidarity, in fighting for independence from Soviet rule, “assumed the mantle of the real Poland against the alien ideology of communism that usurped the nation’s true identity.”\textsuperscript{102} Furthermore, Solidarity’s reliance on the Church as a legitimizing political force entangled the democratization with the Church’s efforts to maintain its influence in the postsocialist context.

As the debate over the legislation continued, anti-abortion figures worked to restrict legal access to abortion “one small step at a time.”\textsuperscript{103} These efforts concentrated on placing restrictions on the performance of abortions in the Code of Medical Ethics, creating a legally murky situation in which physicians were not sure whether to observe the code or the 1956 Abortion Law. Finally, in 1993 the Polish Parliament enacted the Law on Family Planning, Legal Protection of the Fetus and the Conditions for of Permissibility of Abortion, severely restricting women’s access to legal abortion and nullifying the 1956 Abortion Law. The 1993 Abortion Law completely prohibited abortion for social reasons and the performance of abortions in the private practices of physicians, allowing legal abortions in only three situations: when the pregnancy is the result of a crime, such as incest or rape; when pregnancy threatens the health or seriously endangers the life of the mother; and in the case of a serious malformation of the fetus.

The year 1993 also saw the consolidation of the Church’s political power with the Concordat. Arranged between the Polish government and the Holy See, the Concordat

\textsuperscript{101} Bielasiak, “The Paradox of Solidarity’s Legacy,” 44.
\textsuperscript{102} Ibid.
\textsuperscript{103} Zielińska, “Between Ideology, Politics, and Common Sense,” 28.
granted an agreement with the Church “aimed at protecting its position in society and above all among the young generation,” in which the state agreed to let the Church assert the right of every school child to a religious education.\(^{104}\) The legal mandate of religious education, even in public institutions of learning, “reflects the victory of the Church vis-à-vis the secular state in the area of moral education for the young generation, and more specifically in the arena of sexuality and reproductive rights,” granting the Church control over the sexual education of Poland’s young people. With the growing legitimation of Church power, 1993 marked an important moment in the young democracy. As the public spheres of the economy and politics aligned with their own “naturally” masculine designations, the government asserted a distinctly gendered citizenship, in which women were to continue to aspire to their “natural” roles as mothers.

The success of the anti-abortion movement largely resulted from the culturally accepted power of the Church and Solidarity and the relative non-existence of a women’s movement prepared to contest the legislation. In her interview with Shana Penn, Barbara Labuda expressed her own confusion at the growing conservative backlash and the “gratitude syndrome” of the Solidarity leadership to the Church:

> The moment all borders opened and we became exposed to the world, we realized, for the first time, that we are not progressive after all. We are afraid of different views than those held by ourselves, and of differences in race, ethnicity, class, and gender. How to convince people that a new democratic order does not come about simply by introducing the rule of the market economy? How to cultivate a liberal consciousness in a country that prefers free trade to free choice?\(^{105}\)

In the face of the abortion legislation, feminism and the Soviet gender equality policies received immediate and strong backlash from conservative political and religious factions.


\(^{105}\) Penn, *Solidarity’s Secret*, 295-6.
The backlash to perceived feminist or gender egalitarian policies implemented by the Soviet government did not manifest as a negative reaction to achievements of feminism, as in the West. Instead, it focused on the redundancy of feminism in the Polish context and the forced imposition of these principles onto the Polish people. Personifying the fear of displacement and uncertainty and asserting national control over the female body through the restrictive abortion legislation, the backlash “was, and still is a reaction of men to the position occupied after all by women in our society.”

This conservative backlash against socialism mixed with the overwhelming influence of the Church and its advocating of the heterosexual family model. This backlash asserted an anti-feminist message of Polish women as culturally superior in their resistance to abortion: “‘our women’ as different from, and superior to, the ‘un-motherly women of Western Europe,’” who find fulfillment in “giving birth to and transmitting patriotic and religious values to the next generation of Poles.”

In equating women’s social value with their ability to adhere to the model of the Matka Polka, the democratization process saw the continuation of gender difference as a source of national identity.

The linking of democratization to the abortion debate demonstrated how, through utilizing women as national vessels of meaning, reproduction “made” the political sphere of postsocialist Poland. In another invocation of invented tradition, the restriction on abortion proved instrumental in the returning of men to their natural positions as

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breadwinners, masculinizing the public sphere. Women were to fulfill their roles as mothers of the nation, “wombs, vessels that carry the nation’s children and need to be protected against invaders,” with the invaders now framed as feminists, pro-choice groups, and the influence of Western Europe.\(^{109}\) As asserted by Agnieszka Graff, gender continuously operates as a “depository of national pride.”\(^{110}\) Ultimately, the 1993 Abortion Law became a means through which to distance the new democratic government from its Soviet past and assert a return to its “normal” state. Gender difference is understood as “eternal, natural, universal,” in which “men are men and women are women, especially here, in Poland, due to the remarkable commitment of ‘our women’ to femininity.”\(^{111}\)

*A (Very) Brief Reprise*

As democratization progressed and Poland began the process toward EU membership in 1994, the debate continued to occupy the focus of conservative politicians, opponents of the restrictive law, and the media. Efforts to liberalize the law began shortly after its implementation, with President Wałęsa vetoing an amendment allowing abortion for legal reasons submitted by the Parliamentary Women’s Group in 1994. Yet, 1994 also marked the end of Wałęsa’s presidency and a political shift in the 1993 elections of post-communist and leftist groups to the Polish Parliament. Continued efforts to amend the legislation finally succeeded in August 1996, when an amendment by the Democratic-Left

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\(^{110}\) Ibid., 138.

\(^{111}\) Ibid., 140.
Alliance passed the Sejm, allowing abortion for social reasons and the performance of abortion procedures in private practices. President Aleksander Kwaśniewski signed the amendment into law in January 1997. While the 1996 Amendment retained restrictive measures, primarily the twelve-week limit on abortions for social or legal reasons, it also considerably liberalized the legislation and granted women greater reproductive choice.

Yet, this liberalization did not go unchallenged for long, with a group of anti-abortion senators taking the amendment to the Constitutional Tribunal in December 1996. The debate within the Constitutional Tribunal mirrored much of the rhetoric utilized in the debates proceeding the 1993 Abortion Law yet also demonstrated how democratization had progressed. The masculinization of the political and economic spheres, reflected in the specific addressing of women as mothers by the state, became even more evident in this phase of the debate. While male politicians already consistently viewed abortion as a national, demographic, and moral issue, the deliberations of the Constitutional Tribunal demonstrated how engrained this had become in the new democracy. As the traditionally masculine realms of the economy and politics emphasized individualism and the equally combined status of “citizen-worker,” the state primarily addressed women in their reproductive roles, as “collectivism and the national good pervades the areas of motherhood and reproduction.”112 Like the debate around the 1993 Abortion Law, this emphasis on the national good manifested in concerns about the future and the protection of the nation. Even those supporting access for social reasons emphasized abortion as a last

resort. As stated by one Sejm deputy “none of us support abortion, but the possibility [of abortion] must be guaranteed to women.”\textsuperscript{113}

The framing of restricted access to abortion as a move away from socialism proved a predominant focus of the Tribunal, with abortion as a primary form of birth reflecting the Soviet order’s unnatural, negative influenced on Poles’ view of abortion. Izabela Jaruga-Nowacka, a member of the Labor Union, stated that the ubiquitous nature of the abortion debate altered the public’s opinion of abortion, emphasizing that there “has been growth in knowledge of the moral aspects and the endangerment to health in [or consequent to] such decisions.”\textsuperscript{114} The growing emphasis on the morality of abortion, an element largely absent during the socialist era, marked a change in the discussion of abortion. Now that Poland had disavowed the socialist system as a foreign imposition, “reduced numbers of abortions (or even, reducing the wish or need of women to have an abortion at all)” became defined as a “moving beyond communist values and policies to a properly postcommunist ideals system.”\textsuperscript{115} This assertion of a specifically Polish system of values, in which the Church’s belief in the primacy of human life and the beginning of life at conception enfolded itself, aligned with the continued call for a return to a normal Poland. As stated by the President of the Supreme Court Against Abortion, Adam Strzembosz, the restriction of abortion and the hope for a moralizing influence of state decisions on citizens signaled a return to a “normal society and a normal state,” with the rejection of Soviet abortion law as part of the normalizing democratization process.\textsuperscript{116}

\textsuperscript{113} Ibid., 89.
\textsuperscript{114} Ibid., 90.
\textsuperscript{115} Ibid.
\textsuperscript{116} Ibid.
In May 1997, one day before the visit of Pope John Paul II to Poland, the Constitutional Tribunal ruled the 1996 liberalizing law as unconstitutional, asserting that legal protection of the potential citizen of the “conceived child” and stating that “abortion at any stage of pregnancy is a procedure that violates such a person’s right to life.” While the debate around the 1993 Abortion Law already demonstrated a moralized distinction between the autonomy of the fetus and the pregnant woman, the 1997 Constitutional Tribunal made this an official legislative stance. In the revocation of the 1996 law, the Constitutional Tribunal established the “conceived child” as “nothing less than an unborn citizen,” placing the responsibility of its future citizenship on the state. The ruling also proclaimed that this potential citizen “must be protected from legal abortion practices because it is entitled to the constitutional protection not only of its life but also of its civil rights, health, and ‘undi perturbed development’.” Placing pregnant women into the awkward position of veritable incubators of future citizens, the Constitutional Tribunal’s ruling situated women as the “other” to fetal citizenship because “a subject is always imagined in contrast to an ‘other’, and the ‘other’ disavowed by the assertion of a fetal subject is most clearly ‘woman’.”

In 1996, Pope John Paul II reacted to the liberalizing law with the statement “a nation that kills itself is a nation without a future.” Combined with Pope John Paul II’s overwhelming moral authority, the overturning of the 1996 liberalizing law “provoked a

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118 Ibid., 757.
119 Ibid.
120 Ibid., 765.
remobilization of a mutually reinforcing relationship between national moral strength and a ban on abortion."  

This relationship between the Church as moral authority and the state essentially depicts women as undeserving of trust and “claims both ‘(unborn) children’ and the nation are at risk in allowing women reproductive rights.” The enacting of the Polish Constitution in April 1997 further affirmed the “special” positions of the Church and motherhood. The preamble of the Constitution emphasizes “our culture rooted in the Christian heritage of the Nation and in universal human values,” placing Christianity as one of the foundational elements of the nation. Furthermore, Article 18 addresses women explicitly in their role as mothers: “Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.” Ultimately, the ruling of the Constitutional Tribunal and the Constitution of 1997 marked the consolidation of the state’s assertion of power over women’s reproductive rights and marked the last time abortion legislation underwent a transformation.

The Backlash against Restriction

The term “abortion syndrome,” defined by Eleonora Zielińska as a compulsion that “manifests itself as a need to introduce this subject [an abortion ban] into the parliamentary agenda at least once a year,” astutely characterizes the continued nature of the abortion debate. As opposed to the shock experienced by many women in the 1989 debate, the

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121 Ibid.
122 Ibid.
124 Ibid.
abortion debate of the 1990s saw the development of feminism and a women’s movement concentrated on exposing the reality of the 1993 Abortion Law. In the early democratic period, the public perception of feminism as a privileged concern subsumed by larger issues continued to hold a strong influence. As previously discussed, many prominent women in Solidarity avoided identification with feminism. The Solidarity movement itself marginalized the development of feminism within the movement, asserting the primacy of the fight for national liberation. Therefore, as the postsocialist backlash against Soviet gender equality policies manifested in the anti-abortion movement, “many of us [Polish women] internalized its message before discovering feminism,” leading to a perception of the development of Polish feminism as relatively slow.126

The debate surrounding the 1993 Abortion Law spurred the women’s movement in Poland, especially the reaction against the heavy involvement of the Church in the development of the state.127 With the sudden revocation of access to abortion, “feminists were among the first to realize that the Church was not the ‘collective hero unblemished by compromise or weakness’…that most Poles believed it to be.”128 Through cashing in on the feelings of indebtedness held by Solidarity leaders within the new government, the Church revealed its efforts to maintain its cultural power and the patriarchal family model,

126 Graff, “A Different Chronology,” 144.
127 The development of feminism and women’s movements in reaction the exclusionary elements of male-dominated democratization was taking place throughout the former Soviet Union, crystallized in the phrase “Democracy without Women is Not Democracy” (coined by Russian feminist activists). For an examination of Russian women’s activism in the 1990s, see: Linda Racioppi and Katherine O’Sullivan See, Women’s Activism in Contemporary Russia (Philadelphia: Temple University Press, 1997). Furthermore, women’s groups and NGOs proliferated in the region. For a further discussion of these groups and their complicated relationship with Western feminism, see: Yvonne Galligan, Sara Clavero, and Marina Callioni, Gender Politics and Democracy in Post-Socialist Europe (Farmington Hills, MI: Barbara Budrich Publishers, 2007).
128 Penn, Solidarity’s Secret, 320.
especially in its emphasis on motherhood as a national duty. As the state referenced women’s duty to ensure the nation’s future and the Church became vocally anti-feminist, the women’s movement became shaped “by the need to resist the overwhelming presence of Catholicism in all spheres of life.”

In response, the women’s movement built a vocal presence, most notably in the civil sector with women’s groups and non-governmental organizations (NGOs) dedicated to educating the population about the legal right to abortion and the use of modern contraception. Women’s groups, such as the Federation for Women and Family Planning, the KARAT Coalition, and ASTRA began publishing reports on the 1993 Abortion Law. Their reports primarily focused on the barriers to its proper implementation, the growing restrictions on reproductive technology, and the seeming ignorance of the actual provisions of the 1993 Abortion Law and the Medical Code of Ethics’ conscience clause. As the conservative backlash against the unnaturalness of abortion and gender equality became “obsessed with motherhood and fatherhood, flags and fetuses,” the women’s movement largely appealed to a normal, European Poland and international standards. The growing feminist movement placed more emphasis on individual rights and offered images of “the independent, self-determined, and self-investing woman that was mediated by free market ideology.”

129 Graff, “A Different Chronology,” 142.
130 Graff, “Gender, Sexuality, and Nation,” 133.
132 Appealing to the ideals of free-market capitalism often proves problematic for women in its appeals to individualism and strict delineation between the public and private spheres. In Poland, the complications of these appeals became visible in the effects of the large-scale reductions in social programs on women, especially those centered on providing child care and maternal assistance. For a further discussion of the effects of capitalism and the reduction of social programs on women’s social and economic positions, see: Jacqueline Heinen and Stéphane Portet, “Political and Social Citizenship: An Examination of the Case of
The Church continued to emphasize motherhood and rejected the foreign ideology of feminism for its emphasis on individualism, “thereby driving women to reject the self-sacrificing Matka Polka identity in favor of careers.”  

In his 1995 “Letter to Women,” Pope John Paul II emphasized the self-sacrificing model of womanhood. In his concept of “the genius of women,” or “those ordinary women who reveal the gift of their womanhood by placing themselves at the service of others in their everyday lives,” he proclaimed Mary (that highest ideal of motherly sacrifice) “the highest expression of the "feminine genius." In opposition to the feminist critique of the masculinization of the public sphere, in which women were “rendered invisible” and largely excluded from prominent positions, conservatives insisted on the venerated position. Women’s rights were again depicted as already achieved, with an insistence that the exceptionalist model of femininity provided an all-encompassing, celebrated identity for women. Through emphasizing the supposed foreignness of feminism, the conservative backlash sought to discredit feminist arguments and emphasized the redundancy of these claims: “after all, Polish men are so gallant toward women, and, therefore, the topic of gender equality can only be artificially generated in Poland.”

EU Membership and the Abortion Debate

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133 Mishtal, “Irrational Non-Reproduction?,” 164.


EU membership developed concurrently with democratization, with the Polish government submitting its membership application in 1994 and starting accession negotiations in 1998. As negotiations intensified, the gendered dimensions of the arguments became more apparent, mirroring many of the arguments present in the abortion debate and drawing into focus the divide between those who sought a continuation of a traditional, Catholic Poland and those who sought to align Poland with the European community.

The most intense period of debate over EU membership revolved around the 2001 parliamentary elections, in which “Eurosceptics,” or those opposed to membership, promoted the image of Poland as a moral nation with Catholic values. On the other hand, the “Euro-enthusiast” political parties appealed to economic arguments and framed accession as returning Poland to its “rightful place at the heart of Europe.”\textsuperscript{137} The 2001 parliamentary elections also marked the growing criticism of the conditions of EU accession and the nature of the negotiations, with support among the political elite for EU membership prior to this period remaining generally high. However, the growing media coverage as the negotiation process progressed in the early 2000s began to reveal fissures in the support of EU membership as discussions began to focus on the difficult concessions needing to be addressed. The 2001 parliamentary elections marked a turn toward support for political parties identifying as Eurosceptics or even as overtly anti-EU. Yet, as asserted by Aleks Szczerbiak, the argument of the success of these conservative parties as an indication of a large Eurosceptic movement would be misguided and “far too simplistic an

interpretation.” Despite the presence of these parties within the parliament resulted in a more vocal, high profile representation of EU criticism. To the broader Polish public, the EU represented economic opportunity (access to Western European markets, employment, and a higher standard of living) and a further departure from socialism through European re-integration. Therefore, despite the more visible criticism of the EU, by 2001 public opinion on EU membership stabilized. The EU referendum passed with an overwhelming “Yes” vote of 77.45% to 22.55% in 2003 and Poland joined the EU on May 1, 2004.

Divergent understandings of the normal state construction figured centrally in the public discourse, with the Eurosceptic understanding of normality relying on an exclusionary, gendered conception of the nation. While Eurosceptic parties criticized the concessions needed to be made by the Polish government and voiced concerns for the economic implications of membership, they also propagated exceptionalist understandings of nation and gender. Fundamentally, the EU debate, like the abortion debate, became about the defining of “Polishness” and the process of normalization, with the sides generally split between how much Western European influence was normal in Poland:

One side of the argument emphasized that Poland should ‘join’ Europe and become liberal and market-oriented. The other side argued that Poland had always been in Europe and emphasized a particular brand of Europeanness based on a history of Catholicism and family-values orientation.

While those who supported membership and the implementation of EU policies largely understood the EU as a liberalizing force, Eurosceptics resisted the EU as the implementation of foreign ideologies. Much of the backlash to socialist gender legislation:

138 Ibid., 674.
and exceptionalist rhetoric present in the abortion debate was coopted by Eurosceptics in the EU debate and “transformed into opposition to the EU’s gender equality agenda.”

The encouraged implementation of policies aimed at gender equality as part of Poland’s accession easily fell into the familiar construction of the rejection of imposed Soviet gender equality policies, becoming a central component of the criticism of EU standards in the Polish context.

Naturalized conceptions of gender and the exclusionary cultivation of Polish national identity, rejecting immigration as legitimate reproduction of the nation, figured predominately in the arguments against the implementation of EU directives. The equation of Polishness with Catholicism became a point of contention from those who understood the EU and Western Europe as irreligious and therefore unnatural within Poland. Yet, as Agnieszka Graff points out, “Poland is not that different from France or Germany in terms of what we believe about gender. Where we differ is in the way women’s issues function in political discourse.” Therefore, the strict delineation of the EU as progressive and Poland as backward is not constructive in examinations of the accession debate. A focus on the politicization of gender roles and the propagation of these roles illuminates how gender continued to be utilized as a component of normalization and the effort to assert a unique Polish identity within a shifting political environment.

“The Culture of Life”

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The vocal opposition of Pope John Paul II to abortion continued throughout the accession process, portraying Western Europe (and therefore the EU) as irreligious and morally inferior. Drawing a contrast between the “culture of death” (those who support the legalization of abortion) and the “culture of life” (those who oppose this legalization) in his 1995 Evangelium Vitae, the Pope described the dichotomy as “an enormous and dramatic clash between good and evil, death and life.” The Pope placed onto Catholics the responsibility “of choosing to be unconditionally pro-life.” The depiction of the EU as irreligious turned Western European into the symbolic representation of imposed ideology, with “much of the social liberalism implicitly or explicitly required by the EU accession criteria…felt to be in direct conflict with national religious and social traditions.”

The EU came to represent a threat to the naturalized gender order of Polish society, imagined as the “twin evils threatening to invade Poland from the West...namely: homosexuality and abortion.” The relatively liberal stance of the EU on abortion and sexuality lend itself to a depiction of Western Europe as morally degenerate, “aggressive and perverse, aiming to infiltrate the boundaries of that which is innocent and childlike.” The portrayal of legalized abortion as part of a “culture of death” and the anxiety over these perceived threats to the patriarchal family illuminated the exclusionary understanding of Polishness held by conservative and religious figures. The Church’s concern for the preservation of heterosexual marriage demonstrates the

144 Ibid.
146 Graff, “Gender, Sexuality, and Nation,” 133.
147 Ibid., 138.
perseverance of the exceptionalist claim that Poland survives as long as Poles live, showing its exclusionary anxiety about who exactly gets to be Polish. As long as *Poles* remain, Poland will continue, showing that this is a discourse that does not count immigration as a means to bolster population.

*Abortion Legislation as Cultural Exception*

In 1997, the Polish parliament rejected the first draft of the Equality Opportunities Act (EOA), based on a Norwegian law, as “too European” and too similar to the socialist propagation of gender equality.\(^{148}\) The rejection of this act operated on the idea that the introduction of gender equality into Poland could only be a foreign imposition of ideology as Polish women did not need further legislation to ensure what was already achieved. This rejection of the EOA aligned with the argument of conservative politicians that “Poles value different traditions and customs, and therefore some resolutions of the European Council are unacceptable in Poland.”\(^{149}\) Furthering this assertion of a specific Polish cultural mindset, in 2001 the Church and the Polish government reached an agreement: the Church would promote EU accession if the state maintained the 1993 Abortion Law as a cultural exception upon gaining membership. Framed by Polish exceptionalism, the cultural exception provided “a way to balance the EU’s liberalism with Poland’s conservative values” and positioning Poland as a messianic force in Western Europe.\(^{150}\)

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\(^{148}\) Keinz, “European Desires and National Bedrooms?,” 105.

\(^{149}\) Ibid.

The cultural exception reflected the exceptionalist trend of, when undergoing tremendous social change, viewing the family as “the one institution that provides continuity with the past.”¹⁵¹ In striving to move beyond the socialist past, the state continued to reference the social importance of the family. Not conducted publicly, but in closed meetings, this agreement between the Church and the state received harsh criticism from women’s rights activists and feminists, resulting in a 2002 Open Letter to the European Parliament. Signed by one hundred prominent female figures, such as the poet Wisława Szymborska and film director Agnieszka Holland, the Open Letter harshly criticized the agreement and purported that “women’s rights are bought and sold behind the scenes of Poland’s integration with the European Union.”¹⁵²

Despite the criticism of the agreement, the 2004 Polish accession to the EU saw the assertion of the 1993 Abortion Law as a cultural exception. This exception aligned with the EU’s allowance of cultural differences and its inability to explicitly alter the legislation of member countries. Instead, the EU operates through recommendations of legislative change and the implementation of international agreements. The upholding of the 1993 Abortion Law as a cultural exception raised several questions. Above all, why did the state, in the face of the diminishing influence of the Church in the everyday lives of Poles and a growing support for a liberalized abortion law, continue to view the Church as such a vital source of support?

The agreement continued the tendency of Polish politicians to “avoid controversial topics which are considered to be divisive, and express a general

¹⁵² Graff, “A Different Chronology,” 150.
commitment to Catholic dogma."\textsuperscript{153} While an overwhelming majority of Poles continue to identity as Catholic (a 2008 poll found that 93% polled identified as Catholic and only 6% never went to church), the influence of Church doctrine on the everyday decisions of Poles held significantly less sway than numbers would suggest.\textsuperscript{154} Termed “Catholicism \textit{à la carte}” by Jacqueline Heinen and Stèphane Porter, the shift away from a strict observance of Church dogma in everyday decisions to a more cultural identification with Catholicism appears contradictory to the perceived importance of the Church in gaining support for EU membership.\textsuperscript{155} A 2005 poll demonstrated a growing support of the liberalization of abortion legislation, with 57% of those polled supporting the right of women in the early weeks of pregnancy to decide if they wants to give birth.\textsuperscript{156} Furthermore, the 2007 failure of a proposal to completely ban abortion contradicted the only 13% of Poles who supported the measure.\textsuperscript{157}

Although the separation between the everyday and official observance of Church dogma grew, the continued perception of the Church as a vital source of legitimation remained during EU accession. As seen in the initial democratic elections, in which male Solidarity leaders garnered political legitimacy from their Church connections, the continued sense of obligation to the Church during EU accession resulted in the enduring connection between the state and Church. Therefore, “if the Church does not have any legal power, it gains its political power from the fact that society is constructed and

\textsuperscript{153} Heinen and Portet, “Reproductive Rights in Poland,” 1007.
\textsuperscript{154} Ibid.,” 1010.
\textsuperscript{155} Ibid., 1011.
\textsuperscript{156} Graff, “A Different Chronology,” 149.
\textsuperscript{157} Heinen and Portet, “Reproductive Rights in Poland,” 1014.
perceived as Catholic, by voters as well by politicians.” Even though the relationship between the Church and its followers experienced a shift by 2001, politicians’ reluctance to contradict the Church arose from its enduring cultural currency.

The Ambiguity of the Everyday

While the 1993 Abortion Law already limited legal access to abortion, a general lack of physicians’ legislative knowledge social pressure, especially from the Church, further restricted its implementation. Prior to the actualization of the law, the 1992 Code of Medical Ethics laid the legal foundation for the refusal of performing abortions. With the creation of the conscience clause, physicians were allowed to refuse the performance of even legal abortions with the evocation of conscientious objection. While the conscience clause officially applies only to individual physicians, it is often invoked by an entire department or hospital. The ambiguity of Article 38 of the 1997 Polish Constitution, in which “The Republic of Poland shall ensure the legal protection of the life of every human being,” often leads to physicians refusing to perform abortions to avoid legal repercussions. Furthermore, while the Church believes that conception signals the beginning of life, neither the Constitution nor the 1993 Abortion Law clarifies when human life begins. Therefore, the protection of this life guaranteed in the Constitution results in a pervasive fear of legal retribution in performing abortions.

The Church’s cultural currency and advocating of a “culture of life” poses a further hindrance to access to legal abortion. Physicians and members of Parliament have reported experiencing “multiple forms of pressure…such as naming from pulpits,

158 Ibid., 1011.
threatening phone calls or letters or even the painting of houses and cars red” – all with the objective of attaining the “‘correct’ voting or refusal to perform abortions.”

The pressure of Church figures on hospital administrations combines with both the fear of legal repercussions and a general attitude of condescension toward women seeking legal abortions. This often results in the abuse of the conscience clause, referring women to other hospitals until the permissible time limit runs and/or misinforming women about their legal rights in order to avoid having to perform an abortion.

As stated by the KARAT Coalition:

“The practice of questioning women’s entitlement to legal abortion and of denying them access to the relevant medical services is so common that women often do not even try to use the laws and the formal health care system to fulfill their needs.”

In light of the growth of the abortion underground and abortion tourism in response to the difficulty in gaining a legal abortion, one of the major hopes of women’s groups and feminists in joining the EU was the liberalization of the 1993 Abortion Law. These groups largely appealing to the EU’s support of international agreements protecting reproductive rights. The pervasive barriers to legal abortion posed serious threats to women’s health, as well as violated their rights as democratic citizens. Framing reproductive rights as human rights, in line with the EU’s understanding of women’s


161 KARAT Coalition, Women’s Access to Justice in Poland, 9.

162 Ibid., 4.

163 The abortion underground is the providing of abortion services in the private sector (as opposed to public hospital and abortion tourism is the seeking abortions in nations outside of national boundaries.
reproductive agency, women’s groups and feminists soon faced a harsh reality during the negotiations of membership.

While the EU strongly encourages member states to adopt international agreements on gender equality, in the Polish negotiations “gender was marginalized from the beginning.” This marginalization became evident in the failure to include women’s groups and NGOs in the negotiations and the omission of women, gender, and gender equality in the membership application. The EU acknowledged the need for Poland to align its gender equality policies with the EU’s official stance. However, there was no concerted pressure for change and this failure in alignment did not preclude continued negotiations with the government. The lack of motivation from the EU itself combined with a conservative portrayal of gender equality legislation, namely labor laws, as “a recurrence of social engineering as it had been experienced under state socialism.”

Again, outside gender equality policies threatened the very structure of the Polish family in the removal of women from the home, “thus fundamentally challenging what many take to be the heart of Polishness itself.”

It was during this time that the activities of women’s groups and NGOs grew and bolstered the development of Polish civil society. The state’s inability, or lack of desire, to provide information on women’s rights resulted in these groups becoming “alternate sources of knowledge” and emerging as vocal participants in the EU debate in the face of

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166 Ibid.
the state’s “rather ambivalent” stance toward women.\textsuperscript{167} From 2002-04 women’s groups and NGOs developed domestic and international ties and political legitimacy, as demonstrated by the state-mandated development by these groups of a campaign on gender equality in the labor market. Yet, the cultural exception in the 2004 accession revealed the limits of the government’s acceptance of women’s political participation. Furthermore, while EU membership provided women with an avenue through which to challenge domestic policies in a supranational arena, there remains a limitation on EU power in these cases. The Polish state also demonstrated its own limitations in its relationship with the civil sector and its stance on the position of women in the public sphere. Following accession, the rising right-wing government asserted the primacy of domestic institutions in shaping legislation and “reinterpreted the meaning of equality, as it sees women located mostly within the private sphere and supports their traditional roles as mothers.”\textsuperscript{168}

As part of the accession process, Poland signed several international agreements on gender equality, such as the Convention to End All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action.\textsuperscript{169} However, the EU’s linking of gender equality agreements with economic modernization proved problematic, as it was perceived as encouraged “under conditions of potential coercion.”\textsuperscript{170} This perception of

\textsuperscript{167} Regulska and Grabowska, “Will it Make a Difference?,” 146.
\textsuperscript{168} Ibid., 151.
\textsuperscript{169} A broad definition of gender equality, according to EU standards: equal pay in the workplace; the banning of discrimination based on sex, religion or belief, racial or ethnic origin, disability, age, and sexual orientation; equality between men and women in all areas of life. For more information, see the European Commission of Justice, \textit{Gender Equality in the European Union} (Luxembourg: Publications Office of the European Union, 2011), http://ec.europa.eu/justice/gender-equality/files/brochure_equality_en.pdf.
\textsuperscript{170} Gerber, “Cultural Categories of Worth,” 496.
coercion reflects a general suspicion and “rejection of patterns, values, and behavior that have the stigma of foreign origin.”\textsuperscript{171} The linking of international gender equality agreements and EU mandates to socialism justifies the negligence in observing these agreements and demonstrates the gendered implications of the cultural exception, evident in the economic and social positions of women. The insistence on the imposed character of feminism and women’s rights in Poland resulted in a gap between official legislation on equality and the actual implementation of this legislation. Therefore, while Poland formally adheres to several gender equality agreements, the main complication remains the implementation of these agreements.

Built into the 1997 Polish Constitution is the importance of international law to domestic legislation, stated in Article 87: “The sources of universally binding law of the Republic of Poland shall be: the Constitution, statutes, ratified international agreements, and regulations.”\textsuperscript{172} Yet, policies focused on eliminating discrimination, especially in the workplace, continue to face a conflict between “modernization correctness (declared full support for the changing mores and social relations)” and “those that fully accept continued gender inequality.”\textsuperscript{173} Many employers utilize “tricks” to remove pregnant employees and those who take advantage of maternity leave.\textsuperscript{174} This results in many women postponing pregnancy to prevent their effective elimination from the market, with a conservative media commentary often condemning this choice as “a rejection of

\textsuperscript{171} Barbara Gąciarz, "Women in the Workplace in Poland,” 78.
\textsuperscript{172} The Constitution of the Republic of Poland of 2\textsuperscript{nd} of April, 1997.
\textsuperscript{173} Gąciarz, “Women in the Workplace,” 72.
motherhood”. Also built into the Constitution is the special status of motherhood as distinct from parenthood and masculine duties to the family, with Article 18 specifying marriage “being a union of a man and a woman, as well as the family, motherhood and parenthood.” This specification illuminates how women are addressed within the growing capitalist economy in their roles as mothers, with labor legislation largely focused on extending maternity leave. The lack of adherence to the international anti-discrimination agreements and domestic laws demonstrates that “when the government privileges mothers over working women, it in fact creates an incentive framework to promote motherhood rather than labor force participation for women.”

175 Mishtal, “Irrational Non-Reproduction?,” 159.
176 Gerber, “Cultural Categories of Worth, 505.”
Section 5: The Abortion Syndrome and Predictions for the Future

The immediate years following the 2004 EU accession saw the rise of a conservative government under the leadership of the Kaczyński twins. Jarosław Kaczyński served as Prime Minister from 2006 to 2007, then as the leader of the opposition after the 2007 elections Lech Kaczyński, and Lech Kaczyński served as President until his untimely death in a 2010 plane crash in Smolensk, Russia. The years 2005-07 became noted for a sharp turn toward political conservatism, contrasting with the more moderate conservative governments of the 1990s and aligning more with the term “right-wing.”

A prime component of this right-wing turn was the close association between the political party of the Kaczyńskis, Law and Justice, and the Catholic Church. This association resulted in a shift toward an “antimodern an antiliberal orientation expressed in cultural traditionalism, a general suspicion of the European Union, and an emphasis on the Catholic nation.” The emphasis on the need for a moral purification of the nation through a return to its Catholic, exceptionalist roots included the advocating of pro-natalist and pro-family policies, such as the push to establish an anti-abortion clause within the constitution in order to “put the abortion decision under the total control of the state.”

It is during this period, in which the Kaczyński government

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177 Keinz, “European Desires and National Bedrooms?,” 108.
178 Ibid.
179 Ibid.
strove to separate Poland from its (not just socialist, but also more liberal democratic) past and form a state built on the foundation of the Polish family, that the call for the banning of abortion again arose.

In 2007, the Law and Justice Party introduced a proposal to attach to the Constitution a provision ensuring the protection of life “from the moment of conception.” Father Tadeusz Rydzyk, in founding the radio station Radio Maryja, offered a media avenue for this stance to reach a large Catholic constituency, with the Kaczyński government maintaining ties with Rydzyk throughout 2005-07. Therefore, as Law and Justice introduced the anti-abortion provision, Radio Maryja provided Parliament member Urszula Krupa a platform to demonstrate to Europe its protection of the fetus and advocate its pro-natalist rhetoric: “Poles are for the defense of life from conception to natural death, and this is the will of the people. And not a dozen or several dozen women who want to kill their children.” Ultimately, in what would become a pattern of the post-accession period, the proposal did not pass in the Sejm because of a continuous call for the adherence to the compromise reached in the 1993 Abortion Law, with then Civic Platform (PO) chief Donald Tusk stating “the current compromise is good.”

*The Abortion Syndrome*

Eleonora Zielińska’s characterization of the repeated attempts to restrict women’s access to abortion as the “abortion syndrome” astutely describes the ongoing abortion

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181 Ibid.
182 Ibid.
debate. Alternating between a call for the Constitutional protection of the fetus from conception and the proposal of a complete ban on abortion, the “abortion syndrome” continues to draw on essentialized understandings of gender in which motherhood is ultimately a national duty tied to Polishness as inherently Catholic. In 2011, conservative factions within the Sejm called for a complete ban on abortion, which did not pass into law. Again, in 2012, initiated by the anti-abortion organization Fundacja Pro, an “anti-eugenic” bill entered into the Sejm calling for a ban on abortions due to high probability of damage to or congenital disease of the fetus, a title mirroring the description of abortion as genocide and Pope John Paul II’s “culture of death.”

Supporters of the ban referenced the anxiety over the continuation of the nation, characterizing the banning of “eugenic” abortions as “an end to the murder,” “an end to the murder of unborn children,” and asserting that “the greatness of democracy is measured by how we protect the most vulnerable.” The legitimizing power of the Church continued into this proposal and the Polish Episcopate issued a statement in 2012 supporting the banning of abortion:

The Church defends the dignity and right to life of every human being, including all persons with disabilities, as well as the unborn affected by genetic defects. They are valuable for the good of every society, hence the importance is to create for them and for their parents the most favorable social climate. Children with genetic disorders have the right - like all other people - to be born and live among us, to love and be loved.

The call for the maintenance of the 1993 compromise dominated the response to this proposal. The PO chief Rafał Grupiński focused on the near sanctity of the compromise, stating that it was “reached with great difficulty. Its violation may lead to ideological war.” Reflecting his previous statements, Prime Minister Donald Tusk urged the conservative PO members supporting the ban to instead vote against it and maintain the current legislation. Furthermore, President Bronisław Komorowski urged the upholding of the 1993 law, stating that a ban, as opposed to the compromise, is “contrary to the logic needed to defend Poland,” asserting instead that “of fundamental importance is the effective defense of the existing compromise.”

In a reflection of the growing visibility of feminism and the work of women’s groups and NGOs, the “anti-eugenics” bill and the Church’s vocal support of the bill received direct criticism from Sejm members and journalists. Wanda Nowicka, President of the Federation of Women and Family Planning for twenty years, was elected as a Deputy Speaker of the Sejm in 2011. Nowicka described the bill as an example of “bigotry, fanaticism and cruelty,” stressing that this restriction would only lead to the further deprivation of women’s rights in an already restrictive environment. Other members decried the bill as politically motivated, “a false concern,” “a barbaric project,” all of which stressed the importance of women’s reproductive agency and the need for an increased acknowledgement of their reproductive rights.

185 Ibid.
Ultimately, the 2012 “anti-eugenics” bill did not gain enough support to pass into law. However, this again did not mark the end of the abortion debate. In 2013, after gathering over 400,000 supporting signatures, Solidarity Poland (Solidarna Polska) reintroduced the 2012 bill as a committee legislative initiative entitled “Stop Aborcji.” Again calling for the banning of “eugenics” abortions, Fundacja Pro evoked an abortion ban as a source of cultural superiority and deemed the 1993 Abortion Law as “disgraceful for the Polish legislation.” Nowicka criticized the resubmitted bill and voiced her concern that it would open up the legislation to a barrage of repressive anti-abortion policies. Furthermore, in framing the bill as the “protection of life from conception,” the anti-abortion movement failed to understand how their narrow interpretation actually demonstrated a “total indifference, callousness and cruelty to parents who may be forced to give birth to a disabled child, even one that will die soon after birth.” As seen in the 1997 Constitution Tribunal, the separation of the “mother of the conceived child” from the fetus continues into the contemporary abortion debate in failing to offer the protection of life of to the pregnant woman.

Instead of a general support of liberalizing the law, the focus on the maintenance of the compromise again dominated the opposition to the bill. Prime Minister Tusk characterized the debate as a “war of all against all” and stressed the necessity of a

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measured approach to the topic.\textsuperscript{190} Tusk stresses the importance of the maintenance of the current status quo, asserting the importance of ensuring that “the right to abortion in Poland is not abused.”\textsuperscript{191} Tusk laments how the abortion debate draws out supposedly extreme views not focused on compromise: “At times I felt sick when I listened to the most obstinate expressions on the right and the left – because they are unhealthily excited about the subject.”\textsuperscript{192} As in the previous efforts at the overturning of the 1993 Abortion Law, the call for an observance of moderation and compromise prevailed, and the understanding of challenging the law as “war” or too “extreme” continued to delegitimize calls for liberalization, as well.

\textit{Shifting Views on Gender and Feminism}

While the abortion debate of the early 1990s surprised women and met an unprepared opposition, the debate of the EU membership era became characterized by the growing visibility and credibility of feminism. The conception of feminism as foreign, only introduced into Poland by outside powers has been challenged. \textit{Gazeta Wyborcza}, generally perceived as a liberal publication, was the highest selling newspaper in Poland from its foundation in 1989 to about 2010 (it is now the second highest selling newspaper as of 2013). The publication regularly features articles discussing gender, women’s issues, and the abortion debate. The newspaper also features editorials from prominent feminist figures, such as Agnieszka Graff, Magdalena Środa, and Kinga Dunin, in both


\textsuperscript{191} Ibid.

\textsuperscript{192} Ibid.
its main section of the paper and the section dedicated to women’s interests, *Wysokie Obcasy* (High Heels). While it would be an exaggeration to state that the resistance to feminism has been eradicated due to the media presence of these women, feminist figures have become political and cultural commentators in a widely read and credible publication, providing a large audience with a different perspective on the issues of women’s rights.

The topic of gender exploded in 2013 with the criticism of the dangers of “gender ideology,” or *genderyzm*, headed by the Church and a parliamentary assembly (formed by members of Solidarity Poland) called “Stop the ideology of gender.” Both of these groups criticized gender as a foreign, unnatural ideology bent on the destruction of naturalized gender difference. On December 29, 2013 Polish bishops issued a letter decrying the unnaturalness of gender ideology and warning against the “dangers of promoting new types of forms of family life” and the “deeply destructive nature both against the person and interpersonal relations, and therefore the whole of social life.”  

The criticism of gender as an ideology alludes rhetorically to the socialist era and reveals the exclusionary nature of a gendered definition of identity. The letter of the bishops also specifically decried the acceptance of non-heterosexual family models as a result of the acceptance of gender ideology: “society has accepted the right to establish a new type of family, for example, built on homosexual relationships.”


194 Ibid.

195 Poland is not the only postsocialist nation with a vocal conservative rejection of non-heterosexual families and non-heteronormative sexualities. The most notable example of this phenomenon can be seen in Russia, in which the disavowal of non-heteronormativity has become a state project. The passing of a bill
media coverage and a varied political response, as well as rebuttals focused on educating the public about the definition of gender and how it actually functions in society. Beata Kemp, the founder of the “Stop the ideology of gender” assembly, agrees with the Church’s suspicion of gender ideology and criticizes the “creeping in” of this ideology into schools and kindergartens.196

While there has been frustration at the cultural exception, women’s groups and NGOs continued to appeal (and support the appeals of individual women) to the EU and the European Court of Human Rights (EC) in cases of the state’s transgressions of women’s reproductive rights. The successful cases of Tysiąc vs. Poland, R.R. vs. Poland, and P. and S. vs. Poland in the EC, all cases in which women qualified for legal abortions but experienced illegal barriers to this access, demonstrate the validity of the EC as an avenue for justice when domestic institutions fail to operate legally or properly.197 Furthermore, the Tusk government has become more focused on the implementation of gender equality policies and agreements.198 In 2011, Agnieszka Graff wrote an article


198 In 2011, the Polish government expanded its anti-discrimination legislation. While previous legislation primarily focused on preventing sexual discrimination in the workplace, the 2011 law extended to more adequately protect citizens from discrimination based on sex, race, and ethnic origin in the workplace, educational institutions, membership organizations, and in access to goods and services. For more information on the 2011 law and the dismissal of Polish discrimination cases in the EC due to the expanding of anti-discrimination legislation, see: European Commission, “Equality: Commission Drops
entitled “Polish Feminism is No Longer Ridiculed,” in which she describes the shifting perceptions of feminism in Poland and the growing legitimacy of the movement. Graff credits the shift in focus from the “exhausting and fruitless struggle for reproductive rights” to areas in which change is more possible, such as political representation of women and the mobilization of women in the workforce. In 2011, Tusk vowed to closely listen to the recommendations of the Women’s Congress, comprised of prominent female political figures, such as Magdalena Środa and Danuta Wałęsa, clearly signaling the embracing of women’s rights in the dominant political discourse.

However, the rhetorical abandonment of the abortion debate by the Women’s Congress seemed to be a qualifying factor in the government’s observance of their suggestions. Seemingly, as long as liberalizing abortion is off the table, the movement toward women’s mobilization is an acceptable governmental goal. The statement by Tusk on March 3, 2014 seemed to support this avoidance of the abortion debate, when he asserted that “The fight for the position of women in the economy, politics, science, and everyday life is one of the biggest challenges of our civilization.” Tusk appealed to Western standards in depicting the acceptance of feminism as a “test of whether Poland has taken root in Western civilization” and stating that “the most important thing is

equality in the family.” However, Tusk made no reference to abortion legislation or reproductive rights.

Ultimately, the maintenance of the status quo seems to be the primary objective in the current government’s position on abortion legislation. However, the efforts of women’s groups, NGOs, and feminist activists in the civil sector, at universities, in the media, and beyond have resulted in an increased social and political visibility. The past couple of years have seen some of the first positive public statements on the issues of women’s rights and political participation. Yet, the abortion debate continues to be a divisive and ultimately unsolved question for both the anti-abortion and pro-choice sides. The preservation of the cultural currency of the Church and its propagation of an exceptionalist national identity continues to complicate the issue. Topics important to the Church, especially abortion, still prove controversial. Agnieszka Graff’s question of “Can reproductive freedom be strategically placed on a back burner for a time, and then made central again when women have gained political power?” drives home the uncertainty of when, or if, the abortion legislation will be liberalized. After all, “it sounds like a good plan, but the "right time" may never arrive.”

201 Ibid.
202 Graff, “Polish Feminism is No Longer Criticized,” The Guardian.
Section 6: Conclusion

From the partitions of the 18th century to membership in the EU in the 21st, the Polish exceptionalist figure of the Matka Polkaloomed. Created in a time of uncertainty, the Matka Polka allowed women to participate in the nationalist movement in a way that aligned with the cultural beliefs of the partition era. Yet, one must ask, why does this historical, even antiquated, figure of sacrificial femininity persist? Connected with the most intimate of matters, reproduction and the home, the Matka Polka offered a romanticized conception of what it meant to be Polish in the face of overwhelming oppression and uncertainty. Furthermore, the belief that the veneration of this maternal figure granted women a respected, high societal position bolstered the image of a gendered exceptionalism. The Matka Polka is respected, the head of the home, protector of the hearth, and the cultivator of culture. Polish men are exceptional because they place women into a position of prestige in order to assert a cultural superiority based on the veneration of women (mothers): “After all, Polish men are so gallant toward women, and, therefore, the topic of gender equality can only be artificially generated in Poland.”203 In the formula of the Matka Polka, women do not need feminism because they are already important and valued.

As seen in the internalization of the supportive role of women, the strict gendering of labor as natural during destalinization, and the postsocialist retraditionalization of the public sphere – the Matka Polka operates during times of uncertainty in the continual return to a natural conception of Poland.\footnote{The retraditionalization of the public and private spheres occurred throughout the former Soviet Union, focusing on a naturalized, gendered delineation between the spheres. This phenomenon manifested in a multitude of ways but can be generalized as a valuing of traditional gender roles in the building of the state, resulting in a privatization of the domestic realm (and thus significant cuts in social programs) and the assertion of gender difference as a biological fact. For a discussion of images of gender and retraditionalization in media, see: Central and Eastern European Media in Comparative Perspective: Politics, Economy, and Culture, eds. John Downey and Sabina Mihelj (Farnham, Surrey, England: Ashgate Publishing Company, 2012).} In holding on to the cultural exceptionalism of the partition era, the “specter of the Mother Poland, a fundamentally gendered paradigm, has left little cognitive space for the development or valuation of a gender-neutral citizen in Poland.”\footnote{Gerber, “Cultural Categories of Worth,” 492.}

The utilization of the Matka Polka and the gendered cultural superiority in the postsocialist abortion debate encapsulates how these concepts became part of the limiting of women’s democratic citizenship. As stated by Gal and Kligman, nationalistic discourse focused on reproduction became “justified not as an expression of a state’s relationship to its ‘citizens,’ but rather as a government justifying its acts as the protection of the ‘national essence’.”\footnote{Gal and Kligman, The Politics of Gender After Socialism, 27.} The drawing on a conception of womanhood as patriotic motherhood and the abolition of abortion as restoring this natural cultural component is another reflection of how reproduction “makes” politics and differently imagines male and female citizens. The restriction of abortion legislation as a returning of
human rights deprived by state socialism and the rejection of the immoral, irreligious imposition of Soviet society constitutes this protection of the “national essence.”

The Matka Polka figure works in a contradictory manner, as a source of praise and as a scapegoat, leaving women vulnerable to their political use as vessels of meaning, and not as citizens or individuals. While the Matka Polka and Polish exceptionalism offered women a claim in the building of national identity, it ultimately resulted in the repeated political justification of a limitation of women’s participation in the political and economic development of the nation. The contradictory view of Polish women in the EU, as sources of labor and as exceptionalist symbols, illuminates this tug-of-war over the definition of female citizens. The maintenance of the 1993 Abortion Law as a cultural exception and the framing of one of the most restrictive abortion laws in Europe as a “compromise,” demonstrates how the postsocialist state immediately viewed female citizens as a collective through an exceptionalist lens.

Evoking this restrictive act as a cultural exception sent a message to women that reproductive choice was not a natural part of democracy in Poland. Combined with the pronatalist agenda of the state and continued resistance to the implementation of gender equality measures, the cultural exception ultimately perpetuated the political and cultural rhetoric of women as responsible for the reproduction of the nation. The evocation of gender difference as a naturalized foundation of Polish identity, as personified in the Matka Polka’s complete sublimation of identity to her family, has resulted in institutionalized loss for women: the continuation of a wage gap, unequal opportunities in the labor market, lack of reproductive agency, and the feminization of poverty. The restriction of reproductive rights itself already limited women’s choice in the democratic
state, immediately demonstrating the continued view of women’s unchecked sexual agency as a threat to the nation’s future. Ultimately, through primarily addressing women in their role as mothers and caretakers, and not actively protecting their statuses as members of the labor market, the maintenance of the 1993 Abortion Act and the cultural exception relegated women to a limited definition of what it means to be a female citizen of democratic Poland.
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