Poland

The Struggle for Abortion Rights in Poland

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Introduction: Setting the stage[1]

This study examines why it was relatively easy for decision makers in post-communist Poland to abolish a woman's right to abortion after almost 40 years of liberal legislation and access to the procedure. This turn of events is especially noteworthy as it occurred in the first years of democracy when the vast majority of the society did not question the existing approach to abortion and opposed legislative restrictions – as they still do. In light of these facts, what were the reasons for and processes by which sexuality-related issues emerged at the top of the country's political agenda soon after the communist system collapsed in 1989? How is it that reproduction and sexuality have remained the focus of the most controversial public debates? And how did these debates lead to the introduction of one of the most restrictive anti-abortion laws in Europe?

The current position on abortion can be attributed in part to the fact that the almost 40 years of legal abortion under communism was based on instrumentalist and needs-based

[1] I would like to thank Danuta Duch, PhD, Rosalind Petchesky, PhD, and Connie Nathanson, PhD, for their insightful comments, which helped me clarify the overall concept of the paper.

approaches rather than on the concept of rights, let alone women's rights or human rights. Abortion was never a right that women themselves fought for and won as a result of their struggles. This instrumentalist approach to abortion was further entrenched by the attitude that gender equality was established under communism and there was no need, therefore, for a women's movement. Finally, Polish society is bound to powerful cultural traditions that privileges family, community, and society over individuals and celebrates women as self-sacrificing "mothers of the nation" whose primary function is reproduction and serving others.

The political shifts of the past decade have greatly reinforced the vulnerabilities resulting from the passive genesis of abortion under communism, lack of a rights-based approach and traditional values. The country's left wing, never a strong supporter of women's equality or reproductive and sexual rights, has grown weaker over the past decade, while the Catholic Church has grown steadily stronger as a political actor. The Church had its own political agenda, which was guided and supported by Pope John Paul ll, known affectionately by many inside and outside Poland as the "Polish Pope."

The emerging and still relatively small Polish feminist movement has made strenuous efforts to lobby government, shift public opinion, and establish a prominent public presence. Despite these efforts it has, as yet, been unable to develop the coalitions and effective strategies required to change the prevailing discourses and values concerning women's reproduction and sexuality. Consequently, conservative abortion policies remain in place.

The many conflicts, wars, and uprisings that punctuate Polish history are evidence of the country's continuous struggle for national independence. Independence was finally achieved in 1918 at the end of the First World War following more than 200 years of struggle, but was lost again 26 years later when, at the end of the Second World War, a communist regime was established under the control of Soviet Russia. Some 50 years later, the Solidarity Trade Union was founded and pushed for democratic transformations that resulted in parliamentary elections on June 4, 1989, the date recognized as the symbolic end of communism in Poland. That date also symbolizes the beginning of attacks on women's reproductive rights. Abortion legislation has been in flux since democratization and women, key partners in the struggle for independence, have not yet been able to claim their right to legal abortion.

History of abortion legislation in Poland, 1932-2005

Liberalization of abortion (1956)

The first debate regarding abortion took place from 1929 to 1932, before the Second World War and during the work of the Codification Commission to reform the Criminal Code. According to the Criminal Code of 1932, abortion was legal if a pregnancy resulted from a crime and where a woman's health and life was at risk. The more liberal draft provision of abortion on socio-economic grounds failed. The law of 1932 remained in force until 1956.[2]

A liberal abortion law was adopted in 1956 despite protests from Catholic circles. The primary arguments favoring legal liberalization referenced high maternal mortality rates due to unsafe "underground" abortions. The law decriminalized abortion for social reasons but did not actually recognize a woman's *right* to abortion. Women who wished to obtain an abortion had to consult with two doctors, which constituted a significant barrier to the service. Therefore, in 1959 the Ministry of Health issued a special regulation, which, in practice, introduced abortion on request. From that point, abortion was widely practiced in public hospitals and private clinics. This law remained unchanged until the beginning of the 1990s.[3]

Table 1. Abortion Legislation in Poland

1932 – Criminal Code allows abortion on medical and criminal grounds
1956 – Law allowing abortion on social grounds
1959 – Regulation of the Minister of Health introduces, in practice, abortion on request
1993 – Anti-Abortion law (Act on family planning, human embryo protection and conditions of permissibility of abortion) criminalized abortions carried out on social grounds
1996 – Abortion on social grounds liberalized

[2] Kolarzowski, J. (1994). Polski Spór o Aborcję (Polish fight for abortion). In M. Chałubiński (Ed.) *Politics and Abortion*. Warsaw: Agencja Scholar.

[3] Zielińska, E. (1990). *Przerywanie ciąży – warunki legalności w Polsce i świecie (Interruption of pregnancy)*. Warsaw: Wydawnictwo Prawnicze. See also: Heinen, J., & Matuchniak-Krasucka, A. (1995). *Aborcja w Polsce – Kwadratura Koła (Abortion in Poland)*. Warsaw: Polskie Towarzystwo Religioznawcze.

1997 – Constitutional Tribunal states that abortion on social grounds is unconstitutional
Abortion on social grounds de-legalized again

2004-5 – Unsuccessful attempt to liberalize law and pass the draft law on responsible parenthood

Restrictive law of 1993

Under communism there was little public debate on abortion. Once liberalized, abortion was not considered an issue. Few publicly questioned the law and the majority took it for granted. The first visible and ultimately unsuccessful attempt to challenge the 1956 abortion regulations occurred in 1988. It was followed by a second attempt in 1989, shortly before the first democratic elections. Draft legislation on the protection of the unborn child proposed criminalizing women who underwent illegal abortions. Immediately following the democratic changes during the first parliamentary period, (which lasted for only two years, 1989 and 1991), 11 restrictive drafts were proposed, two of which were discussed by the parliament.[4] Many members of the anti-communist opposition became actively involved in the anti-abortion campaign, which was strongly supported by the Roman Catholic Church hierarchy and had the personal backing of Pope John Paul II.

One of the first major public debates took place in 1990, prior to the Pope's scheduled 1991 visit. Ultra-conservative members of parliament were eager to outlaw abortion, to "make a gift" to the "Sainted Father." This bill failed. An even more restrictive bill, suggesting that abortion should only be legal in cases where it would save a woman's life, was tabled in 1992. The draft provoked strong opposition and two MPs initiated a grassroots movement called the Committee for a Referendum on the Criminalization of Abortion.[5] The committee called for a national referendum and thousands of people across the country collected over 1.3 million signatures on a supporting petition. Parliament ignored the petition and rejected a bill proposing a national referendum on abortion. However, it also rejected the most restrictive draft.

A new bill, called the Act on Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion, was finally passed by parliament in January 1993. It made abortion on social grounds illegal. In real terms, this meant that women in difficult socio-eco-

[4] Kolarzowski, op.cit.

[5] Nowicka, W. (2001). *Struggles for and against abortion in Poland. In: Advocating for abortion access*. Johannesburg: Women's Health Project, Witwatersrand University Press.

nomic conditions could no longer obtain legal abortions. Therapeutic abortion and abortion on criminal charges, which had been legal in practice, became almost completely inaccessible. Soon after the law came into force, it became apparent that, in fact, it had not stopped abortions but had pushed them into expensive, and not always safe, "underground" facilities. Legal abortions have become almost unavailable in the public-health system, where, officially, less than 200 abortions are performed annually. It is important to note the active role of the medical community in limiting access to abortion during this period. Simultaneous with the legislative process, anti-choice doctors who had promoted anti-choice positions in medical circles in the 1980s, succeeded in having the Code of Medical Ethics adopted by the General Assembly of Physicians as early as 1991. The code only supports abortion on medical and criminal grounds, a position questioned by the Ombudsman on Human Rights as it contradicted the Polish law of that time. The attitudes of doctors played a significant role in the introduction of legal restrictions to abortion in 1993. In implementing the law, physicians, particularly gynecologists, have played the role of gatekeepers who deny abortion even to women who are entitled to it. At the same time many gynecologists provide so-called "underground abortions" in their private clinics. The hypocrisy and greed of physicians is proverbial, and makes the struggle for legal abortion especially difficult.

Anti-abortion law liberalized (1996) and restricted again (1997)

In 1996 pro-choice parliamentarians made a second attempt to change the law following the election in 1995 of the new pro-choice president, Aleksander Kwaśniewski. The former president, Lech Wałęsa, had vetoed the first attempt in 1994. The anti-abortion law was amended by the Polish parliament in August 1996 to allow abortion on social grounds and was signed by the new President. It came into force on January 4, 1997. The Solidarity Trade Union played a leading role in trying to defeat the bill and challenged the new law in the Constitutional Tribunal,[6] which decided that abortion on social grounds was indeed unconstitutional. Many prominent lawyers criticized the Tribunal's decision and its justification, but the decision was accepted by the new right-wing parliament elected in 1997.

[6] Decision of the Constitutional Tribunal, May 28, 1997: "The constitutional regulations in Poland do not contain a rule of a direct protection of human life. It does not mean, however, that human life is not characterized as a constitutional value… The basic rule from which the protection of human life results is article 1 of the constitutional rules being in force, especially the rule of a democratic country under the rule of law. A democratic country under the rule of law gives priority to a man and the goods must be of value to him. Life is a value that in a democratic country must be constitutionally protected at every stage… Life is a value protected by a constitution and life in a pre-natal stage cannot be differentiated. There are no satisfactorily precise and proved criteria allowing for such differentiation depending on the particular stage of human life. From conception, however, human life is a value constitutionally protected. It concerns the pre-natal stage as well."

Recent attempts to liberalize – debates of the twenty-first century

The most recent attempt to liberalize the anti-abortion law took place from 2003 to 2004. A coalition of left-wing parties (SLD-UP) won the parliamentary elections of 2001 and controlled almost half the seats of the Sejm – the Lower House of the parliament – and the vast majority of the Senate. Although SLD-UP promised to liberalize the restrictive anti-abortion law during the election campaign, soon after the victory the leaders denied having any such plans. They justified their reluctance to address the abortion issue by claiming they had other "more important issues" to deal with, such as accession to the European Union (EU). Nevertheless, women's groups advocated strongly for changes to the law, and as a result the left-wing Women's Parliamentary Group decided to draft a law liberalizing abortion. The drafting committee submitted the draft on responsible parenthood to parliament on April 1, 2004. There it lingered until February 2005 when the parliament decided it would not be discussed.

The next attempt to liberalize the law is not expected any time soon as right-wing parties won the elections on September 25, 2005. Indeed, in the current political climate, there are well-grounded fears that an even more restrictive abortion law will be passed.

Opinion polls – discrepancy in attitudes on anti-abortion law and abortion

Although the results of different opinion polls regarding the position of the society on the anti-abortion law vary significantly, they tend to show that the majority of the society, despite its Catholicism, does not support the ban on abortion. According to a 2003 CBOS (Center for Research on Public Opinion) opinion poll on attitudes towards the anti-abortion law, the prevailing view is that the law needs to be changed (49%). This represents a decrease in the number of supporters of legal change from 1994 when 58 percent of respondents agreed that the law must be changed. By 1996, 52 percent of those polled supported this position. Although those who support the change are on both sides of the debate, the majority (61%) supports liberalization of the anti-abortion law. Twenty percent would like to restrict abortion even further and 19 percent have no opinion. Fifty-six percent support abortion on social grounds, 32 percent are against it, and 13 percent have no opinion.

According to an OBOP (Public Opinion Research Center) opinion poll carried out in 1996, 48 percent of respondents supported abortion on social grounds, compared to 65 percent in 1993. Thirty-nine percent were against abortion.

As Duch[7] argues, there is a significant difference between attitudes towards actual abortions and abortion legislation. According to a number of studies done in the 1980s, more than half of the respondents believed that abortion is murder, a moral evil. At the same time, abortion is broadly justified and practiced. This discrepancy between opinions on abortion as a deed and abortion law may go part way in explaining the reluctance of the society to become more involved in struggles against legal restrictions. Moral ambivalence makes it difficult for some to defend abortion as strongly and openly as is both necessary and justifiable.

The meaning of abortion under communism and soon after

Needs versus rights – rationale for liberalization

In all the debates on reproductive rights, the main pro-choice arguments used can be put in two categories: first, the right of a woman to self-determination, and second, a woman's need for abortion because of socio-economic hardships and to avoid the dangers of unsafe abortion. It may be useful for analytical purposes to adopt the ethical framework proposed by Petchesky,[8] who notes the tension between rights-based and needs-based approaches in the debates around reproductive rights. Although this distinction has been used to describe the major philosophical difference between pro-choice and anti-choice movements operating in the United Nations system, it can be adapted to the Polish context.

In the UN debates, anti-choice groups have criticized the pro-choice focus of human rights-based approaches to health for ignoring the basic needs of women, arguing that the human-rights approach is inferior to the discourse on basic needs, which emphasizes women's very survival.[9] Although I agree with Petchesky that this is a false dichotomy, that both needs and rights are interconnected, this dichotomy is useful for the analysis of different pro-choice strategies used in communist and Western countries.

[7] Duch, D. (2000). Abortion and values: The research report. In W. Nowicka (Ed.) *The anti-abortion law in Poland: The functioning, social effects, attitudes and behaviors*. Warsaw: The Federation for Women and Family Planning.

[8] Petchesky, R. (2003). *Global prescriptions: Gendering health and human rights*. London: Zed Books.

[9] For an analysis and overview of these debates, see also in this publication: Girard, F., Negotiating sexual rights and sexual orientation at the UN.

In the 1950s abortion was legalized in Poland and other countries in the region as part of a needs-based approach to women's health and lives. The fact that many women were dying as a result of illegal and often unsafe abortions convinced decision-makers that a change in the law was necessary to save women's lives. The rights of women to autonomy or self-determination were not part of the reasoning behind this period of abortion liberalization.

Legal abortion – not a product of the women's movement

In spite of the egalitarian propaganda preached by communists, women did not attain equality with men under communism. Women were *granted* certain resources according to their needs and the needs of socialist society. Although the needs-based approach significantly changed the everyday lives of individuals and families, it did not transform the social structure, which remained patriarchal in its foundations maintaining traditional gender roles for men and women. Men occupied the public sphere and were responsible for decision-making and women confined themselves mainly to private and family life, even if working professionally. I emphasize the word "granted" (above) because women did not fight for their rights in the 1960s and 70s, as did Western women. A spontaneous women's movement, just like any other civil groundswell, could not exist under a totalitarian regime and since women's movements did not exist in meaningful numbers anywhere in the world in the 1950s – Western women would win reproductive rights only about 15 years later – there was no precedent for Polish women to emulate.

At first glance it may seem a good thing that women in Poland did not have to fight for abortion in the same way their Western sisters did. It may appear progressive that women were granted access to abortion simply because they needed it to protect their life and health, but this passive genesis of abortion access always left open the possibility that women might lose what they had been granted – and that is exactly what happened. A right that is granted rather than won can be easily taken away especially if the women's movement is weak and unable to organize resistance, as was the case in Poland at the end of the 1980s. The absence of a movement implied a lack of pro-choice discourses.

Interestingly, by the 1990s, the needs-based argument in favor of abortion proved unpersuasive in attempts to liberalize the abortion laws. Memory of the pre-abortion past was not very

strong by the 1990s and few doctors had experienced the old days when women were dying as a result of underground abortions. Moreover, it turned out that maternal mortality due to unsafe abortion did not increase after the restrictions were imposed.

Debates of the 1990s – the needs-based approach continued

During the abortion debates at the beginning of the 1990s, before restrictive legislation had been introduced, few references were made to the concept of a woman's right to self-determination. The core opposition argument, especially in the later debates, was based on socio-economic realities. Referring to previously described models most leftwing MPs used needs-based arguments in their call for liberal abortion laws. They usually raised two points: that the economic hardships women faced led to their (always difficult) decision to have an abortion, and that given past experience the restrictive legislation had the potential for negative consequences. In this approach, women are presented as poor and helpless victims who may die as a result of restrictive legislation, as is evident in this extract from a 1992 parliamentary presentation by Danuta Waniek, a one-term MP: "Past experience shows that poor and helpless women will use drastic means [because of the restrictive law]… No one promoting the [anti-abortion] law mentions that it will kill many women and will bring tragedy to many families. Nobody mentions the easily predictable effect of the law, which will be an increase in infanticide, as was the reality before 1956."

Other pro-choice MPs presented abortion as a difficult social problem: "The abortion issue is one of the most difficult and most important issues of the end of the twentieth-century," said two-term MP, Izabella Juruga Nowacka, in a 1996 parliamentary debate. Still others, like two-term MP Jerzy Wierchowicz arguing in a 1994 debate, presented abortion as a tragic phenomenon always associated with poor economic situations: "The richer the country, the fewer the women in this tragic situation and the fewer the reasons for making such tragic decisions." As these quotes illustrate, the protection of women's health from the negative effects of unsafe abortions was recognized as the main reason to propose the compromised 1992 draft law.[10]

Needs-based approach limits women's autonomy

The arguments used by the pro-choice lobby present women as disempowered victims, and

[10] Parliamentary Proceedings: Marek Balicki, MP, 1 term, 21 sessions. (24.07.1992).

as passive recipients of the law. These arguments conform to the idea that abortion is always the avenue of last resort and the main reason it is adopted is because of economic hardship. Autonomous decisions by women to have abortions for reasons other than economic hardship are not easily justified within this framework. And although many women have been victims of the law and suffered as a result, this argument has proved ineffective and, moreover, strengthened the patriarchal model of society where men are the protectors and women have nothing to say. It is an approach that removes women as actors in the political sphere, and keeps them as passive recipients of state policy, lacking the means to fight back. Women are not treated as equal citizens in the society and are not approached for their opinion, let alone empowered to decide about policies that affect their lives. What these pro-choice arguments tell us is that women don't have certain rights and are incapable of demanding them.

The needs-based approach to abortion also implies that access to abortion is conditional — if a woman's life is not threatened and she has other means of preventing unwanted pregnancy, why should she require this right at all? This argument was frequently used in the Polish debates of the late 1990s and was only slightly modified after the revelation that underground abortions were relatively safe and maternal mortality had decreased (Why, then, should abortion be liberalized if there is no strong necessity?). The same basic argument is also being used – in Poland but also in some international forums – in connection with contraception: if there is full access to contraception why do women need abortions? Such an approach is best illustrated by the slogan, From Abortion to Contraception, which suggests that abortion can be fully eliminated by contraception. The rights-based approach on the other hand, implies unconditional entitlement to abortion – a woman should have the right to terminate an unwanted pregnancy, even if she does not choose to use that right.

Barriers to promoting rights-based approach

Under communism, the absence of a tradition of the rights-based approach to abortion compromised the attempts of the very young feminist movement to introduce such arguments to the public debate. Slogans like those used in the pro-choice demonstrations – Abortion on Demand, My Womb Belongs to Me, or Right to Choose – sound inappropriate in the Polish context. The concept of women's rights did not resonate here. It sounded as if women were demanding something to which they were not entitled or that they wanted more than they deserved.

It took a number of years for women's groups to introduce the concept of rights to the public debate and this could only be achieved because of the support of human rights institutions, especially the United Nations Commission on Human Rights, which recognizes that restrictive anti-abortion laws violate women's rights. The Federation for Women and Family Planning, the main pro-choice NGO in Poland, submitted shadow reports to the UN in 1999 and 2004, which outlined Poland's violations of women's rights in the context of the International Covenant on Civil and Political Rights. This got the Polish media's attention – a headline from *Gazeta Wyborcza Daily* in that period stated, The UN Defends Polish Women. But the publicity did not legitimize the call for women's rights, as had been the case for women elsewhere in the world – the Polish media are still far from recognizing that the right to legal abortion should be granted.

Historical and cultural context: Social constructions of gender and sexuality

Individual versus community

Another useful framework for analyzing the current situation is the relationship between the individual and the community in the society. A major reason why Polish women have found it so difficult to defend and retain their reproductive rights is related to a general lack of acceptance of women's individual rights, which are seen as subordinate to the rights of their families and the society. Women are minimized for many obvious reasons, including the fact that Poland, like most societies, is patriarchal. Women's reproductive functions are not seen as an individual issue but actually constitute the basis for their subordination – since women's reproduction contributes to the growth of the community, the community has assumed the authority to control it. The idea that women need to be controlled by the society, that without control they will take irresponsible decisions, is still very strong (as is apparent in parliamentary debates described later on).

Nineteenth-century heroic motherhood

Historically, the identity of Polish women is closely connected with the struggle for national independence, which elevated them to the position of national heroines while at the same time subordinating them in positions of obedience and sacrifice to social norms. This "cult of womanhood" has been internalized by many women and continues to affect them, disempowering and discouraging them from actively demanding their rights.

Following the loss of national sovereignty and independence in 1794, Poland was divided between Russia, Austria, and Prussia. In the nineteenth-century the Polish people made several unsuccessful attempts to regain freedom, most significantly in the uprisings of 1830 and 1864. Women were actively involved in the national resistance movement and played many key roles following each defeat. While men chose political exile, or died, or were sent to Siberia, women remained at home and kept the society together. This included sustaining the family and preserving national identity. The upbringing of children had become a key political issue as the family was seen as the main guarantee of national and independence values. The family was the place to raise young patriots who would continue the struggle for independence in the future. This role led to the position of women being elevated; procreation was more than a private family act – it was a patriotic act on behalf of the nation.

It is from that period that the Polish people derive the symbolic "Mother Pole," which means that a woman is primarily a mother and her motherhood is a patriotic and heroic act. The strong cult of Saint Mary, emblematic of Polish religiosity, contributed to this construct. The "Mother Pole"[11] model idealized women as saints rather than as human beings, attributing to them high moral standards with important roles to play. But all of this made it very difficult for women to realize their ambitions outside of family. Any attempt by a woman to liberate herself from family roles was treated as betrayal of the nation and the Church.

As Duch observes, "On [the] biological level [a woman] was reproducing children, on the social level she was reproducing the culture" (besides taking on the role of breadwinner as men were killed or imprisoned). This model, of the omnipotent woman who does not have any individual needs or goals, who plays multiple roles and sacrifices herself for the family, the community, and the nation, is deeply rooted in Polish history and Polish women's identities. Such a position, although sometimes painful, gave many women personal satisfaction and fulfillment.

In the twentieth-century this model continued to exist but in different forms – for instance, one of the biggest obstetric-gynecologic hospitals in Poland, built in the 1980s, is called the

[11] See general analysis of the same point also in this publication: Girard, F, Negotiating sexual rights and sexual orientation at the UN, p. 314.

Hospital of the Mother Pole. Interestingly, in 1984 a public debate took place over whether abortions could be performed at all in this particular hospital.[12]

Women's rights versus family rights

Arguments used by right-wing politicians in parliamentary debates of the 1990s confirm that the rights of a woman to self-determination are set against the rights of the family and/or community. The idea that a woman has a right to individual freedoms is seen as imbalanced, and women who espouse this model are thought of as indulgent and excessive, living a materialistic lifestyle and concerned only with their own needs. Women's aspirations for professional and/or scientific careers are secondary to their primary role of having children; their ambitions for self-fulfillment are seen as egoistical.[13] All of this denies women any interests and ambitions outside of the family, and obviously, (taking these arguments further), there is no woman's interest that could ever justify an abortion. Even economic hardship is not seen as sufficient reason for decisions about abortion; in fact, whatever reason a woman might have for considering abortion is minimized, seen as unimportant. As many anti-choice MPs would say, Polish people don't die of hunger so their other difficulties can be dealt with in ways other than abortion.

Sexuality penalized

Others go even further. They elevate women to the prestigious position of child bearer, mother, and priestess of family life, but they "understand" that such elevation is demanding. From this point of view, abortion means easy choices, sex without responsibilities, sex for pleasure, and most alarmingly, it means promiscuity. This perspective was typified by one-term MP, Wanda Sikora, in a 1992 parliamentary debate: "If we oppose solid moral law [for an] easy solution, if we cultivate freedom without duty, if we tolerate promiscuity, tomorrow we will have a generation of egoists." "Freedom" here relates to "sexuality." Expressions of sexuality are conditional, accepted only if a woman is prepared to "take responsibility." A woman is not free to enjoy sex merely for pleasure, and she should always be prepared to bear the consequences of sex, that is, ready to accept pregnancy.

These ideologies, although mainly espoused by conservatives, are prevalent in the society as a whole, deeply rooted as they are in Polish culture. This allows for very strong judgmental

[12] Zielińska Eleonora, op.cit.

[13] Parliamentary Proceedings: Halina Nowina Konopka, MP, 1 term, 21 sessions. (24.07.1992).

attitudes towards women in all aspects of their sexuality and relationships. For example, women are judged on the basis of whether they have partners and how many; women who have more than one partner are criticized for promiscuity, but those without a partner are devalued and viewed as incomplete. According to a 1989 survey 79 percent of the society believed that a woman should have children in order to feel whole and worthy.[14] Among rural women, who are even more conservative due to the particularly strong influence of the Church outside urban centers, one third believed that it is a wife's duty to have sex with her husband and nearly 50 percent were of the view that wives are obliged to have children. Many feel guilty for using contraception as it prevents pregnancy.[15]

Quite often pregnancy and childbirth are used as a means of punishing women for having had sex. It is a common experience for pregnant women in Poland's delivery wards, including the author, to be chided by assisting midwives with admonitions like, "Be patient; first you had the pleasure now you need to suffer." Even when abortions were legal, similar comments from midwives and doctors in public hospitals were common during abortion procedures in public hospitals. In many cases abortions were carried out without anesthetic; women were made to suffer for their "pleasure." It is not surprising that the majority of women chose to have abortions in paid private clinics in order to avoid such treatment. Women's sexuality had to be punished somehow. They have to be made to feel guilty for sex; they have to be put in their place. By suffering, the woman can be absolved: "Since she had sex with many partners, now she should [pay for it and] have a baby." In this scenario the child becomes an instrument of punishment without regard for its future well being.

"To whom does a woman belong?"

A woman should be ready to sacrifice her interests and to continue with her pregnancy even if it was the result of having been raped. A raped woman should be "magnanimous; she should host the fetus until delivery then she may give it up for adoption," according to MP, Anna Knysok, in a 1992 parliamentary debate. This attitude shows clearly that a woman's

[14] Siemieńska, R., & Marody, M. (1996). Miejsce i rola kobiet w nowym ładzie ekonomicznym (Women's place in the new economic order). In M. Marody (Ed.) *Oswajanie rzeczywistości. Między realnym socjalizmem a realną demokracją (Taming reality: Between real Socialism and real Democracy)*, Warsaw.

[15] Nowicka, W., & Grabowska, M. (2000). Attitudes of rural women towards issues of reproduction: Report on the survey conducted by the RUN. In W. Nowicka (Ed.) The anti-abortion law in Poland: The functioning, social effects, attitudes and behaviors. The Federation for Women and Family Planning: Warsaw.

body does not belong to her but to the society. The right wing does not see a woman as an individual, autonomous being. Bożena Umińska and Jarosław Mikos in an article headlined, To whom does a woman belong?[16] observed that a woman is treated as a "controlled reproductive machine" and that "a pregnant woman does not belong to herself, she belongs to the fetus." The authors also point out that a woman does not lose her rights in favor of the fetus but, rather, in favor of the society – that is, the state, the nation, and the Church. So it is more about control over women than the protection of the fetus.[17] Umińska and Mikos predict, "The consequences will be borne not only by women. Sexuality, feelings, family will be suppressed by legal restrictions and obligations."

It is not surprising that the slogan, My Womb Belongs to Me, outraged the majority, even some pro-choice advocates, because it was considered extremely radical. It is about symbolic ownership of a woman's body and while no one explicitly said that the womb belongs to the society not to the woman, this is what is assumed.

Women's mission

In Poland, a woman is not seen as a single, independent, and equal person. She is always perceived in relation to other people who have the right to limit her autonomy by forcing on her responsibilities towards the society as a whole, the family, and the child in particular. Umińska and Mikos note that, "In the awareness of the average person, a woman is not as equal or autonomous as a man. She is in her place if she has a husband and children. That does not provoke suspicions, pity, or mercy. In the awareness of the average person (also her own), she is not independent. She is colonized."

Such an approach is deeply rooted in the stereotype of the Mother Pole. According to MP Kazimerz Pękata, in a 1992 parliamentary debate, "Motherhood is a woman's mission; it gives her more value, dignity, and majesty. Motherhood is a gift." In a 1994 debate MP Andrzej Gąsienica Makowski was even more vociferous: "Polish mothers are fulfilling a public service of the highest value. This is another lesson of Polish patriotism, because the youngest Poles living beneath the mother's heart are future fathers, mothers, wives." Note too that

[16] Bożena, U., & Jarosław, M. (1989, August 4). Do kogo należy kobieta? (To whom does a woman belong?). *Polityka*.

[17] For further examples of fetal politics, see also in this publication: Vianna, A. R. B. & Carrara, S., Sexual politics and sexual rights in Brazil: A case study, p. 33; Cáceres, C., Cueto, M., & Palomino, N., Sexual and reproductive-rights policies in Peru: Unveiling false paradoxes, pp. 136-137.

in the 1970s the leader of the communist party handed out medals to mothers of miners, acknowledging these women as "exemplary patriots."

So women are simultaneously elevated and restrained; being a mother means being a patriot. That is, the mission they fulfill is obligatory and since they cannot escape their fate they might as well enjoy it.

Poland needs more children

A woman's mission is to deliver children because the society needs more children. The fertility rate in Poland — similar to the pattern in Central and Eastern European countries and in Europe — has never been high. The highest fertility rate, in 1983, was 2.4 falling to 1.8 in 1993 and 1.22 in 2005. The introduction of the anti-abortion law in Poland has not reversed this trend at all but this fact has apparently made no impression on right-wing policymakers who, ignoring the reality, continue to tout demographic arguments in the abortion debate. Most right-wing politicians maintain that restricting abortion will increase the birth rate: "A liberal abortion law is against the interest of the nation… Why, being a free country, are we are proposing a law liberalizing abortion? Why now since Poland, for the last 13 years, is facing a systematic decrease in the birth rate; when we have reached the edge threatening our development; when more people are dying than being born," proclaimed MP Aleksander Bentkowski, in a 1996 parliamentary debate.

Women's rights v. fetus rights

Małgorzata Fuszara, a well-known feminist and professor at the Social Sciences Institute, noted that "the creation of the third subject (the fetus)" took away women's rights. The more the personhood of the fetus is asserted, the less autonomy and rights for the woman. It is important to see the position of the fetus in relation to women. The fetus is becoming more and more alienated from women to the point where it has almost absolute rights, while women's rights are being more and more limited. Pregnancy deprives women of rights, bringing only the obligation to continue the pregnancy till term. Fetal politics, as Petchesky refers to it, creates "fetus identity" as separate and autonomous from the mother.[18]

Similar arguments are used in the already mentioned decision of the Constitutional Tribunal, which stated that the protection of motherhood cannot be considered only from the

[18] Petchesky, R. (1990). *Abortion and Woman's Choice*. Boston: Northeastern University Press.

woman's point of view, and that the child and its development is an equal subject of this protection. Equalizing fetus rights with women's rights confirms the instrumentalization of women's bodies — once pregnant women have no right to decide about pregnancy. The Tribunal recognizes reproductive functions as the foundation of the family and equates "born children" with the fetus: "The relationship between parents and their born children should be protected in the same way as the relationship between parents and children in their prenatal stage." "Unborn children" must be protected by the state even against the will of the prospective parents.

Actors and non-actors

A. Church and state

The Church under communism

The Catholic Church has traditionally played a strong political role,[19] which it has never given up even in the worst phase of the Stalinist period. Under Communism the position of the Church went through different phases. In the Stalinist period of the late 1940s and 1950s the relationship between the Church and the Communist Party was very bad. In the 1970s communist leaders sought to improve these relations and the Church took advantage of this shift to build its power. Many new churches were constructed during this period; large pilgrimages to sacred sites, a typical Polish Catholic ritual, become increasingly visible; tens of thousands turned out for the first visit of Pope John Paul II in 1979.

The concessions made by the Communist Party to the Church implied the withdrawal of the state from certain social spheres, especially from so-called family issues and issues related to morality. The Church intensified its moral teaching and its anti-choice position on abortion constituted a significant part of it. Many national religious movements sprung up, especially among young people and Catholic professional associations of doctors, pharmacists, and lawyers. These movements constituted a base for anti-choice activists who were quite often

[19] For analysis of the role played by religious authorities, especially the Vatican, in global debates on sexuality, see also in this publication: Girard, F., Negotiating sexual rights and sexual orientation at the UN; for local examples see: Bahgat, H., & Afifi, W., Sexuality politics in Egypt, pp. 59-69; Cáceres, C., Cueto, M., & Palomino, N., Sexual and reproductive rights policies in Peru: Unveiling false paradoxes, p. 135.

political opposition leaders.[20] Every parish ran premarital courses, which included classes on "natural" family planning. These courses were obligatory for those who wanted a Catholic wedding (which was almost everyone) and over time they have become stricter and more demanding of young couples.

The Church – the major beneficiary of transformation

When communism collapsed, the Church took full advantage and gained real political power. Church officials entered the mainstream of public life, becoming very visible and influential. In terms of political gains, the Church secured its economic position by claiming the private property confiscated under communism and regular funding from public resources for multiple Church initiatives and institutions. The state built religion into the entire operational system. No public ceremony could proceed without religious symbols and rituals. The major legal changes stabilizing the position of the Church versus the state included establishing religious instruction in schools (1990) and kindergartens, chaplains in the army and religious services in the health-care system. Church officials have influenced the education curricula of public schools, especially "pro-family" education (that is, sex education). The Concordat, a special agreement between the state and the Vatican introduced in 1996, institutionalized relations between the Church and the state. It obliged the state to finance religious schools at all levels, including universities. In 1999 separation as an alternative to divorce was introduced into the Polish legal system.

The Church – the key political actor

The Roman Catholic Church was the main driving force behind the criminalization of abortion. It used the political and economic transformation of the state in 1989 to carry out a moral transformation of the society. The collapse of communism brought about the devaluation of its egalitarian and materialistic ideology, which has been replaced by the cult of neoliberalism and Democracy. It is not by accident that the push for restricting abortion took place during this period of huge political, economic, and social transformation of the state. At that time many people questioned why it was important to discuss abortion given that there were so many more important political and economic reforms to be undertaken by policymakers. But, in retrospect, it was a positive strategic move to address it at a time when everything was in transition since anti-abortion activists could use the enthusiasm for change — including the thrill of overturning the past communist regime — to achieve their own ends.

[20] Heinen, J., & Matuchniak-Krasucka, A. op.cit.

For its part the Church took advantage of these changes to promote new moral values as a sign of progress and a break with the past. The Church was significantly supported and guided by John Paul II, who was adored by Poles and who visited the country eight times between 1979 and 2002.[21] During these visits, at least three of which coincided with debates regarding reproductive and sexual rights, the Pope made a number of strong statements on these issues, which had a significant impact on policymakers. Poland was charged with the mission of obeying moral values and promoting them in the world, especially in the European Union. The "protection of life" was at the top of the list. The concept of a "civilization of life," invented by Pope John Paul II, was advanced as a means to eliminate the "civilization of death" symbolized by the Communist regime. These concepts of "life" and "death" have become entwined with the public discourse on abortion ever since. And although the majority in Polish society were not prepared to absorb this teaching or to practice it in everyday life, they appeared unable or unwilling to oppose it.

No war with the Church

Bringing abortion back to public debate was seen by some politicians as a direct confrontation with the Church, given that the restrictive legislation of 1993 seemed to end the whole discussion. Politicians wanted to avoid such a conflict and often stated that they did not wish to provoke the Church, a position that confirms that women's rights were sacrificed for political gain. In 2002, an informal agreement was reached between the government and the Church hierarchy just before the National Referendum on European Accession when the left-wing government postponed debate on the abortion issue in order to have the Church's support on accession. A letter from 100 well-known Polish women, including the Polish Nobel Prize winning poet, Wisława Szymborska, film-maker Agnieszka Holland, and artist Magdalena Abakanowicz, criticized the left for selling out women's rights, especially their right to abortion, and for making a deal with the Church behind women's backs. The accusations rang true, especially in light of earlier statements by the right-wing MP, Włodzimierz Puzyna, who, in a 1996 parliamentary debate declared, "The attempt to liberalize abortion starts a dangerous game, which may lead to abolishing social peace, breach the dialogue with the Church, and instigate unnecessary antagonisms." Years later, left-wing politicians continue to sidestep controversial issues by insisting that they wished to avoid a conflict with the Church, and

[21] Pope's visits to Poland: 1979, 1983, 1987, 1991, 1995, 1997, 1999, 2002.

instigate unnecessary antagonisms." Years later, left-wing politicians continue to sidestep controversial issues by insisting that they wished to avoid a conflict with the Church.

B. Women as political actors

The contemporary women's movement began developing toward the end of the 1980s. The women's movement had been relatively strong before the Second World War but had completely disappeared under communism — literally and from popular memory. It is important to realize that under communism there were no grassroots social movements pushing for social change. Any form of civil-society organizing was controlled by the state system. The first spontaneous and independent social movement was Solidarity, which was linked with trade unions in big factories and therefore had ample logistic resources and a concrete social base. Many women were involved in Solidarity and played important roles but it is important to note that they never developed a women's agenda within Solidarity and never got involved in the nascent women's movement.

The early women's movement was quite weak but it quickly got involved in the abortion debate. But lacking experience, human and financial resources, and strong leadership, the movement was forced to face one of the most difficult women's issues while at the same time striving for survival. Many of the earliest groups operated on a voluntary basis and were active for some time, but eventually disappeared due to sheer exhaustion. Few groups from the early 1990s survived into the present period.

Barriers to the early women's movement

As Fuszara observed, the issue of abortion was instrumental in the creation of the Polish feminist movement. But although the abortion debate helped in the establishment of the new women's movement and the development of a women's agenda, the movement itself was too weak to play a stronger role in the abortion debate due to the lack of strong leadership, which at that political moment should have come from the Solidarity women. Those women connected with the former communist system, even if they held politically correct views, had insufficient authority to seriously impact the debate; when speaking in favor of legal abortion, they were neutralized by opponents because of their affiliation with communists. In the beginning of the 1990s these political divisions between women activists,

whether coming from Solidarity or the left, were profound, weakening the movement and making collaborations more difficult.

With the exception of Barbara Labuda and Zofia Kuratowska, both with Solidarity backgrounds, it is hard to name other female public figures who had enough power and respect to get involved in the abortion debate and risk conflicts with their former comrades from the anti-communist underground of the 1980s.

Women of Solidarity – human first, women second

To better understand the attitudes of women who were active in civic movements for independence but who showed little interest in the abortion debate, it is interesting to look at the lives of some of the women who were active in the Solidarity underground and who had the potential to play important roles in the pro-choice movement. Studying their stories tells us a lot about the priorities and choices of Polish women in terms of their involvement in social movements.

Shana Penn, an American writer and researcher, studied the history of the women of Solidarity for more than 10 years. Her findings were published in her book, *Solidarity's Secret*, which focuses on the women who created the Solidarity Press Agency during the period of martial law, and established the underground *Regional Weekly*, before starting *Gazeta Wyborcza*, the most popular Polish daily newspaper, after the collapse of communism.[22]

Although they played a key role in the Polish underground after martial law was declared in 1981, these women have remained anonymous, not only because of their illegal work but also because they wished to remain members of the independence movement rather than become leaders. Many of the male opposition leaders who were confined by the totalitarian regime retained their leadership roles, while many women, who did not want or expect to be recognized, carried on doing a large amount of underground work. When Solidarity won power in 1989, very few women took part in the formal negotiations with the communists on the future of the country.

[22] Penn, S. (2005). *Solidarity's Secret: The women who defeated Communism in Poland*. Michigan: University of Michigan Press.

It is ironic that it was an American researcher who started to ask basic questions about the Solidarity movement and its leadership. At a time when the whole world knew of Lech Wałęsa, as well as some other male leaders, Penn asked, "Where are the women? Were they active in the Solidarity movement? If so what role did they play?" These questions were obvious ones for an American feminist who saw the world through a gender lens. They were not so obvious in post-communist, patriarchal, Poland where male dominance in public life was never questioned, where there was no feminist movement and a women's political agenda did not exist, and where the issues at stake were about family roles, certainly not abortion.

The perspective of the outsider enabled Penn to see more clearly than many insiders that the Solidarity women were dedicated to the cause as a cause of the nation and not the least interested in power for themselves or even in fighting for their own interests. Penn rightly attributes such an attitude to the historical icon of the Mother Pole, who never fights for herself but always for others.

A number of these women held powerful positions in the new legalized media, which would have allowed them to play important roles in the abortion debate if they chose to. Many of these women were against restrictive legislation, but they did not get involved. In fact, when Penn's book was published in Poland in 1999 some of them were offended that their role had been made public, which they neither expected nor wanted.

Why did these women remain silent when abortion became one of the hottest political issues? Most of them were pro-choice and critical of the draft anti-abortion law as well as influential enough to have had a real impact on the debate. There are certainly many reasons for this passive attitude towards the abortion question, but the main one is the internalized hierarchy of values they shared. After so many years of struggle for the freedom and independence of the nation, engaging in the abortion debate seemed so much less important to them; while democratic values concerned every citizen, abortion was seen as important to only half of the society, and even then not all of that half. Without a clear feminist political agenda they were not able to see abortion as an equality or human rights issue. Moreover, as Barbara Labuda told the U.S. feminist magazine, *Ms.*, in the summer of 1990, "Women were promised that their concerns would be addressed as soon as the 'more important' political and economic problems are solved. At least, women themselves shouldn't say, 'Let's wait,

there are more important things now.'" As Penn observes: "Influential opposition women did not seize the moment to protest the draft bill because they weren't looking for an opportunity to seize. They have accepted and internalized their role as a support team for the men and carried it over into the new democracy."

Interestingly, at the grassroots level, ordinary Solidarity members in the Women's Section opposed the organization's official stand on abortion. In May 1990, during the National Congress of Solidarity, in which women constituted only 10 percent of the delegates, a resolution in favor of the legal protection of the "unborn" was adopted. The Women's Section protested against it on the basis that women should be the ones to make such decisions. As Małgorzata Tarasiewicz, a leader of the Women's Section, stated, "The male leadership was shocked by our position. They never expected women to contradict them." As a direct result, the Solidarity Women's Section was dissolved in spring 1991.

The simple truth is that Solidarity betrayed women. As Maria Janion, a well-known professor of literature and a feminist, said in a 1999 article in *Gazeta Wyborcza*, "In Poland, the woman is not an individual, but a family creature who should turn away from politics and take care of the home. The moment when I realized this was during the 1990 meeting of the National Congress of Solidarity, which took up the bill to protect unborn children. It was the beginning of our male democracy."

Elżbieta Matynia[23] says that the re-establishment of patriarchy by Poland's new leadership was best symbolized in a Solidarity poster for the 1989 election campaign. The poster shows an image of Gary Cooper in the Hollywood western, *High Noon*, wearing a Solidarity badge on his chest. It was meant to encourage people to vote for Solidarity candidates but in a deeper sense this macho image represents a new state dominated by male values. "In opposition to a gendered image of the nation, which has been always female, the gendered image of the newly institutionalized, democratic state of Poland, the source of societal hope at the end of the twentieth-century, emerged as unquestionably male. And at that time nobody, not even Polish women, seemed either alarmed or even aware of being excluded," Matynia wrote.

[23] Matynia, E. (2003, Summer). Provincializing Global Feminism. *Social Research* (without the High Noon story). Chapter in Matynia, E. *Performative Democracy,* (forthcoming).

The women's movement of the 1990s

In spite of these difficulties, the women's movement gradually became more influential. Although it was never very strong it was visible enough so that politicians started to take its demands into consideration. But a significant section of the movement did not take a position on abortion. In fact, apart from openly pro-choice groups, very few worked on this subject. The Federation for Women and Family Planning was the key group working for reproductive rights in this period.

Women's groups worked with parliamentarians in 1996 and 2004 to liberalize the anti-abortion law. The Federation played an active role in this change launching two reports on the effects of the anti-abortion regulations that were publicized widely in the media, and participating in the Parliamentary Commission mentioned above that formulated the draft law on "responsible" parenthood.

In 2002 and 2003, NGOs undertook a number of advocacy actions in order to raise awareness about the need to change the law. Bringing "Women on Waves," a Dutch abortion service run from a ship, to Poland in June 2003 was the most spectacular of these initiatives. For two weeks the ship *The Langenort* was on show in the Polish shipyard Wladyslawowo. It was the biggest advocacy project undertaken by Polish pro-choice NGOs and it attracted huge media coverage in Poland and internationally.

C. Women's private attitudes towards public debates on women

The common cultural background, experience, memory, and identity of Polish women at certain points in history allows for assumptions about the attitudes of ordinary women towards abortion and the legal process leading to restrictive legislation. Recognition of this cultural and historical heritage gives us a better understanding of the absence of any mass movement of women or mass mobilization in defense of reproductive rights.

Morality v. reality

Some insights can be gleaned from a 2000 focus study on the right to abortion. Duch Danuta and Zielińska Agata conducted the study for the Market and Social Research Agency (RUN), which had been commissioned by the Federation for Women and Family Planning. Two groups of women took part – a group of younger women (18-25) and a group of older women

(30-45). Participants were asked their opinion on abortion, their awareness about the process leading to legal change, and whether they had ever been involved in any action or taken a public stand in this debate. The results of the study confirmed that while abortion in itself is seen as morally wrong, liberal legislation is perceived as justified and is tolerated.

Significant differences of opinion were observed. Young women see abortion as a moral issue and not as a rights issue. They believe that abortion is wrong and that the law limiting access to abortion is necessary, with rational foundations, although they do think it is too restrictive. Interestingly, they are not fully aware of the legal grounds for abortion, but they do put forward reasons they believe justify abortion. These reasons vary but most agreed that abortion should be legal on medical and criminal grounds and in cases of difficult life conditions. They felt that pregnant teenagers should be allowed to have abortions but not women in a good economic situation who want to build a career. They believe women should try to avoid abortion by using contraception. They also believe that women should have the right to express their opinion about the law, but they themselves are not eager to undertake any such initiative although they might support an action proposed by others, like sign a petition. They were too young to join the abortion debates of the early 1990s, and were only vaguely aware of social protests mounted in the mid-90s. The study also found that the attitudes of young women are affected by the teachings of the Catholic Church. For example, some of them reported seeing *Silent Scream*, a misleading documentary film directed by Bernard Nathanson, which surmises that the fetus suffers during the abortion procedure.

Older women in the study were very critical of restrictive legislation. They saw abortion not as a moral issue but as a human right to which they are entitled: "I respect life but I need to have the right to choose as a free person in a free country." For them the anti-abortion law violated their dignity and personhood. The right to abortion is closely connected with their responsibility for children they already have and for whom they want to provide the best conditions for development. They emphasized child rearing over childbearing and felt the anti-abortion law threatened good child rearing by forcing them into childbearing they cannot afford. These women certainly do not agree with the popular Polish saying, "If God gives children he will also give (support) for the children." They noted that the restrictive laws had been introduced by men and were adamant that men should not decide such things when it is women who

bear the full responsibility of childbearing and child rearing. They felt lonely in the everyday care of children without support from men or the state, and hurt that legislators forced them into motherhood. They were aware of the numerous campaigns and protests from both perspectives and some of them had even signed petitions supporting abortion, although they had never considered any serious involvement in activism around this issue.

A comparison of these two groups shows stark generational differences. Older women have more life experience and are more consistent in their views. They remember times when liberal laws were in force and see the restrictive legislation as a violation of their fundamental rights. Younger women brought up under the new legislation are more prone to accept and justify it, largely due to strong and consistent propaganda from the Church, which has succeeded to some degree in shaping the perception of the issue from the perspective of the fetus rather than that of the woman.

Women do not see themselves as political actors – private v. public

In the study, even older women who seem quite motivated and committed did not see themselves as actors in this conflict. They complained that no one had taken their opinions seriously but they never considered expressing their opinions publicly. They do not believe they might have any impact on political decisions, even those that concern them. They also complained that politicians, mainly men, make decisions about their lives but in principle they accept this system — it has simply never occurred to them that they could demand something from politicians, who are completely alienated from their lives, or that they themselves might become politicians. They see themselves as private persons acting mainly in their private lives, coping with everyday routines while men operate in the public sphere. This traditional perception seems to be accepted by many Polish women without question and may be one of the reasons why most women remained silent and passive in the abortion debates.

These attitudes highlight the weaknesses inherent in Polish democracy, whereby half the society does not feel sufficiently empowered to have an impact on policies that affect their lives. It is a vicious cycle in which the political sphere is inaccessible to women by virtue of the fact that they do not have a critical mass in decision-making bodies and cannot, therefore, make their voices heard.

Taboos on sexuality limit involvement in public debate

Speaking about sex and sexuality is neither natural nor accepted in Polish society. A popular language to describe sexual relations and sex organs, and that is neither medical nor vulgar, has not yet developed given that discussing sexuality is not a socially accepted norm. Polish women did not develop awareness-raising groups in the 1960s and 1970s, as did women in the U.S. and elsewhere. They did not learn how to break taboos regarding their bodies and they rarely discussed such matters as menstruation, abortion, or sex in public. Part of the reason is that women do not feel themselves to be the full owners of their bodies. As Bożena Chołuj, professor at Viadrina University, says, "The lower part of the body belongs to a priest, politician, doctor, and husband." When American feminist Ann Snitow came to Poland in the beginning of 1990s to meet with the few existing feminist groups, she expressed her solidarity with their struggle for legal abortion by offering them Manual Vacuum Aspiration equipment, which American women had been using for self-induced abortions since the 1960s. Polish feminists were shocked by the idea of self-inducing abortion; none would dare to do it to herself or to another woman, and none even believed herself capable of doing such a thing. This example illustrates the significant cultural differences between Poland and other settings.

Abortion without a public face

As has already been stated few women participated in the abortion debates, and there were none who would give a human face to the issue in public; the society only heard about anonymous, unidentified, and unknown women who suffered as a result of the restrictions. No woman would put her name to a statement that she had had an abortion, what it meant for her, and why she wanted to have this right preserved. Silence around abortion as a personal experience is one of the most significant barriers in the struggle for legal abortion. In 2001 the Federation for Women and Family Planning organized an exhibition in which one of the posters asked the key question: "When will Polish women break the silence surrounding abortion?" Other campaigns were planned to convince well-known women to speak out about their experiences with abortion, which is what women from many countries did in the 1970s. When famous women, including Catherine Deneuve and Simone de Beauvoir in France and Romy Schneider and Alice Schweitzer in Germany, said in public, "I had an abortion," it shifted the whole discussion towards liberalization. However, no well-known

Polish woman has yet been convinced to do the same, although one did imply she would if others would join her.

When Polish women speak about abortion, they never speak about themselves, only others. They don't dare admit to the experience because of the shame and guilt associated with it. Having an abortion has been seen as a failure, loss, or final resort for women who are out of control, and is never associated with women who are successful, well off, and in control of their lives. Janet Hadley, British activist, writer, and health journalist, refers to this phenomenon as the "awfulization" of abortion: by alienating abortion from women's life, and by making it always the extreme and tragic experience of "others not myself," women indirectly collude with the view that the legal right to choose is a bad thing. Again we can see that once abortion is defined in moral terms, as a bad deed, it becomes much harder to assertively and successfully argue against anti-choice campaigns referring to the right to life. Ignoring the fact that abortion is a common experience of many women of the world — that our grandmothers, mothers, ourselves, our colleagues had abortions and many more will have them in the future — distorts the reality of women's lives. It turned out to be impossible to defend the right to abortion based only on the experience of a few unidentified and marginalized women.

In other words, Polish women do not speak about the right to abortion because they do not know how to convince others or themselves that abortion is a common and legitimate experience, an important social and political issue, and that the right to decide is a fundamental women's right. They also do not acknowledge that politicians have the responsibility to guarantee women the rights they need. Given that they have not convinced themselves, how can they convince others?

Conclusion

There are a number of reasons why the anti-abortion law was introduced in Poland. Radical conservatives used a historical moment of political transformation of the state to introduce abortion debates into the political agenda. This atmosphere of political change and transition from the communist regime to Democracy enabled the Church to present liberal abortion laws as a remnant of "godless" Communism. The engagement of the powerful Roman

Catholic Church and the personal involvement of the Pope played a key role in pressuring politicians to criminalize abortion, and in disarming the opposition. The society was completely unprepared to confront anti-choice rhetoric.

Cultural factors also played an important role in this process. While the society was against restricting abortion, the fact that the majority also view abortion as morally evil was a paradox that inhibited greater and open involvement in the struggle against restrictions. The authority of the Church and the Pope strengthened such attitudes. Silent disobedience to Church doctrine meant that abortions were driven underground.

The historic stereotype of the Mother Pole, which makes women responsible for preserving the society by sacrificing their personal interests for others, is characteristic of the Polish patriarchy. A very weak women's movement, unable to effectively oppose powerful anti-choice actors, impeded more effective resistance.

The overwhelming victory of right-wing forces in Poland in 2005 raises serious concerns that the situation regarding reproductive rights might deteriorate even more in coming years. In the long run, the growing secularism and individualism in the society as the result of modernization and integration with the European Union may change the political climate around these issues and eventually lead to legal changes.

APPENDIX 1. Demographic data on Poland

Population	38.2 mln.
Women in reproductive age (15-49)	9.98 mln.
Women (men) with high education	11% (6%)
Population living in urban (rural) area	61.6% (38,4%)
Maternal Mortality	13 per 100,000 live births*
Child Mortality	7 per 1,000 live births*
Fertility Rate	1.22
Religion	89.8% Roman Catholic

Sources:
Unpublished Government Report on Family Planning, Warsaw 2005, General Statistical Office data (2003)
**UN Human Development Report (2006). Retrieved May 28, 2007, from http://hdr.undp.org/hdr2006/*