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## **Religion, Politics and Gender Equality in Poland**

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## Introduction

The prestige and the influence of the Polish Church is closely linked to the role it played historically when Poland was occupied by foreign countries throughout the 19th century. It then appeared as the only centre of stability and resistance against the invaders, giving force to the equation: 'Polish = Catholic'. The family was another symbol of Polish resistance to foreign occupation coupled with the powerful symbol of the 'Polish Mother' (mother of God and of the nation). Under the communist regime, far from succeeding, the attempts of the government to discredit the Church and to play down its authority, on the contrary, enhanced its popularity. This became evident in the mass following of the independent trade union *Solidarnosc*, which also had links with the Church in the 1970s and 1980s. Both held very traditional views of women's roles (as mother and wife) and took strongly conservative positions on moral values and on reproductive rights more specifically.

The post-communist era reinforced the power of the Church, among other things with the introduction of courses on religion in schools which institutionalized its presence within the educational system and gave priests the status of ordinary teachers. Such changes went along with the deterioration of the status of women in the labour market and within society more broadly, as is evident in women's labour force participation and unemployment rates, their confinement to domestic duties, and their very weak presence within political bodies elected after the implosion of the communist system. One major illustration of the reactionary trend towards women's rights was the adoption in 1993 of an act often named "Anti-abortion law" which followed broadly the bill issued in 1988 at the initiative of the Catholic Church (still under the communist rule) and which entailed a quasi ban on abortion.

In 2007, the debate on abortion was re-opened with a new proposal put forth by the ultra-conservative parties to implement a total ban on abortion. Even if the Church took part in the discussion, its voice was not the most prominent one. Much of the discussion took place among politicians and their parties. The Church officially defended the status-quo. But towards the end of 2007, it intervened again more directly in the public discussion by sending a letter to the Members of Parliament (the *Sejm*) defending a ban on in vitro fertilization (IVF) procedures. Not only did the Church appear again at the centre of public debate on reproductive rights but it also put this question again at the centre of the battlefield on moral values. One can see in this an attempt by the Church (weakened after the death of Pope John Paul II and also by accusations that some of its key members had collaborated with the secret service during the socialist period) to defend its public role in defining the limits of policy.

Interestingly, this reassertion by the Church of its power happens at a time when the relation of Poles to the catholic dogma is weakening, above all in what concerns sexuality and reproductive rights. But simultaneously the ability of the Church to turn around the political debate remains strong. To garner electoral and public support politicians tend to avoid controversial topics which are considered to be divisive in society, and express a general commitment to the catholic dogma.

Hence even if religion plays a more limited role today in the everyday life of Polish people, religious arguments remain strong, particularly on reproductive and sexual rights which take a central place in the public debate on moral values. This explains in part why women's groups, submitted to the pressure of public debate, have focused much of their energy on reproductive rights for the past two decades and why their criticism of persistent forms of gender discrimination has been less audible within society.

Given the centrality of reproductive rights in the battle waged by the Church to assert its authority on Polish society over the past two decades, we have chosen to broadly focus our analysis on this question, which is at the same time also central to women's autonomy.<sup>1</sup>

Following this introduction, the first section will analyse the role and power of the Church from a historical perspective. We then turn to women's economic and political status in Poland today. Section three provides a more detailed analysis of the debates on reproductive rights and abortion, and the positions taken by various political actors. In the final section we look at women's groups and the role they have played in this debate.

The paper is based on document analysis embracing diverse aspects of the issue and has been completed by interviews conducted in January 2008 with a diverse set of actors, including deputies, journalists, and feminist activists and scholars.<sup>2</sup>

## I THE POWER OF THE CHURCH IN POLAND

### 1.1 *The Church as the mother of the Polish nation and the role of the family*

In the history of Poland, at least in the narration of the Polish martyrdom, the Catholic Church appears as a refuge against invaders, a defender of freedom and a symbol of the stability of the Polish nation. The equation "Polish = Catholic" which appeared in the second half of the 17th century took on new significance during the occupation of the country in the 19th century, when the repressive methods used against the catholic religion (specifically in the Prussian and tsarist zones) had a counter effect: they brought most Poles to consider that being a catholic meant a strong adhesion to the national community. The Catholic Church appeared then as the only national institution symbolizing the free Poland prior to the partition (Heinen and Matuchniak-Krasuska 1992; Heinen 2007).

The family was another symbol of Polish resistance to the occupants as it played a specific role in the transmission of the customs and of the language in those parts of the divided country where it was forbidden to speak Polish. Another very important symbol was the figure of the *Matka Polka* (the Polish Mother): at the same time mother of God (*Matka Boska*) and mother of the nation, queen of Poland (*Mater Polonia*), she personified opposition to the invaders. Along with the devotion to the Catholic Church, the decades of oppression reinforced consequently the 'ethos of maternity' often evoked in the Polish literature which has fuelled the Marian Cult – the cult of the Virgin – centred around this triple figure.

After the First World War when Poland became a Republic, the Church occupied a privileged place within the Pilsduski regime. Women were granted the right to vote as early as 1918. But this decision was taken in the name of their active role as

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<sup>1</sup> Other topics, in particular, homosexuality, also illustrate the general trend of the debate around moral values in Poland that we are showing. But for reasons of space we have limited ourselves to reproductive rights in this paper.

<sup>2</sup> The opinions quoted in the report have no pretension of being representative in so far as we have not made a quantitative investigation. But they do illustrate major points of view in the ongoing debate on moral values and on reproductive rights, and they all stem from known, visible and credible actors in the political scene. Our efforts to conduct interviews with representatives of the Catholic Church unfortunately did not bear fruit.

mothers defending the nation during the occupation and the war (capturing *Matka Polka*). Moreover, the progressive laws adopted with respect to work and maternity at that time remained mostly formal, with little impact on women's actual lives. Despite the active campaigning of women's groups in favour of gender equality in education and in politics, women never represented more than 5% of the members of Parliament in the 1930s<sup>3</sup>, and the traditional social norms with respect to women's duties propagated by the Church continued to receive a massive audience, especially in the countryside, but not only there.

After World War II, under the communist regime, a number of progressive measures – among them the right to abortion – were passed to encourage female professional activity and alleviate women's domestic tasks. But inconsistencies in governmental policy prevented any real change in gender relations and in representations of women's roles. At the same time, the forms of resistance against communist rule meant very often proclaiming oneself to be a catholic. During the 1970s the defence of civil liberties by the catholic hierarchy, in particular the position taken by Cardinal Wyszyński (when he echoed popular preoccupations during the upheavals of that period), gave greater prestige and legitimacy to the Catholic Church. Its popularity was illustrated by the huge youth marches to the Virgin of Czestochowa and by the popularity of the numerous cultural initiatives organized by the priests long before the opposition to the communist system solidified in the 1980s under the banner of *Solidarnosc*.

Thus, in the most common representations of Polish people, the Church was not only considered as a part of the Polish nation, but as *the* Polish nation. It was and still is regarded as “us” in opposition to “them” – the occupants, the communists. This went along with the maintenance of the prestige of the family, considered to be a refuge against the powerful communist state. The influence of the clergy prompted most Polish women to accept the role of mother to which the catholic doctrine tended to confine them. During the 1970s and 1980s, the aura of the Church was magnified by the links established between the catholic priests and the activists who were to establish *Solidarnosc*, the first independent trade union in Eastern Europe. In 1980-81, this organization had a mass membership and could pride itself on representing the quasi-totality of the nation. It conveyed a very traditional image of the “woman-mother”—powerfully symbolised by its president, Lech Walesa, wearing a picture of the black Virgin of Czestochowa in his buttonhole—lauded by the Catholic Church. Women never constituted more than a very small fraction of the *Solidarnosc's* leading bodies.

This historical context gives the Church a strong legitimacy in the political discussion as well as in civil society, specifically on subjects related to the private sphere, even if its prestige has been partially undermined by the latest research showing its ambiguous role during the 1930s as well as during the communist period.

## **1.2 A formal link between the Republic and the Church**

The authority of the Church is illustrated by the signature, in 1993, of a Concordat between the Holy See and The Republic of Poland which was ratified in 1998.

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<sup>3</sup> The highest percentage in the Sejm (low Assembly) was 3.4% (term 1930-1935) and 5.2% in the Senate (term 1935-1938).

### **Box 1: The Concordat between the Holy See and the Republic of Poland**

Signed 28 July 1993

[Text revealed to Polish parliament and people 15 April 1997 / Ratified 23 February 1998]

The Holy See and the Republic of Poland

- with a view to establishing lasting and harmonious mutual relations;
- mindful of the fact that the Catholic religion is professed by the majority of citizens of the Polish Nation;
- cognizant of the mission of the Catholic Church, the role played by the Church in the history of the Polish State for over a thousand years, as well as the importance of the Pontificate of His Holiness Pope John Paul II in the contemporary history of Poland; (...)
- recognizing the considerable contribution of the Church to the development of humanity and to the strengthening of morality;

#### **Article 1**

The Republic of Poland and the Holy See reaffirm that the State and the Catholic church are, each in its own domain, independent and autonomous, and that they are fully committed to respecting this principle in all their mutual relations and in co-operating for the promotion of the benefit of humanity and the good of the community.

#### **Article 10**

1. From the moment of solemnization, matrimony according to Canon Law shall be subject to such effects as a marriage contracted according to Polish law (...)

#### **Article 11**

The Contracting Parties declare their will to co-operate for the purposes of protecting and respecting the institution of marriage and the family, which are the foundation of society. They stress the value of the family and the Holy See, for its part, reaffirms Catholic doctrine of the dignity and indissolubility of marriage.

#### **Article 12**

1. Recognizing parental rights with regard to the religious education of their children, as well as the principles of tolerance, the State shall guarantee that public elementary and secondary schools, and also nursery schools, shall be managed by civil administrative organizations or independent bodies, shall arrange, in conformity with the desire of interested parties, the teaching of religion within the framework of an appropriate school or pre-school curriculum.
2. The curriculum for teaching the Catholic religion, as well as the textbooks used, shall be determined by ecclesiastical authority and shall be made known to the relevant civil authorities.
3. Teachers of religion must have authorization (*missio canonica*) from their diocesan bishop. Withdrawal of this authorization signifies the loss of the right to teach religion.

#### **Article 13**

For Catholic children and young people who take part in summer holiday camps, young people's camps and other forms of collective vacationing, religious practice shall be guaranteed and, in particular, participating in Holy Mass on Sundays and other holy days. (...)

As can be seen in Box 1, the Concordat is not an empty concession to marginalised clerics. Instead, Catholicism is the *de facto* religion of the State, even if Poland remains a secular state according to the Constitution. The content of the Concordat also explains why the Church retains privileges which go far beyond preferential tax treatment for its representatives<sup>4</sup>.

The Concordat provides the Church with a set of regulations aimed at protecting its position in society and above all among the young generation. Thus, according to the

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<sup>4</sup> The Church benefits from tax exemptions and public subsidies, e.g. for religious teaching in public schools. This is an aspect of its inroads into the state and contributes to the influence it has on political parties.

Concordat the state commits to give every school child in Poland the right to religious education at school as well as religious activities through youth camps and other such events. The Concordat, on which discussion started before the fall of socialism, reflects the victory of the Church vis-à-vis the secular state in what concerns the area of moral education for the young generation. The Church maintains a highly influential role in the area of sexuality and reproductive rights, in part through the control it can exercise over the content of sex education at school. The heavy weight of the Church in the political debate explains that a number of right-wing parties adopt positions even more extremist than the Church itself concerning reproductive rights.

Poland is without doubt the last fortified place of the Catholic Church. It plays a major role in recruiting seminarians at European level and represents an essential bridging for the Vatican within the European diplomacy. Priests have the status of ordinary teachers since religion became again an obligatory matter in schools. This appeared clearly during the debate on the preamble of the European Constitution. In fact, Polish representatives wanted a European Constitution similar to the Polish Constitution.

### **Box 2: The Polish Constitution 1997**

#### **Preamble**

Having regard for the existence and future of our Homeland,  
Which recovered, in 1989, the possibility of a sovereign and democratic determination of its fate,  
We, the Polish Nation - all citizens of the Republic,  
Both those who believe in God as the source of truth, justice, good and beauty,  
As well as those not sharing such faith but respecting those universal values as arising from other sources  
Equal in rights and obligations towards the common good - Poland,  
Beholden to our ancestors for their labours, their struggle for independence achieved at great sacrifice, for  
our culture rooted in the Christian heritage of the Nation and in universal human values,  
(...)  
Recognizing our responsibility before God or our own consciences,  
Hereby establish this Constitution of the Republic of Poland as the basic law for the State.

#### **Article 25**

1. Churches and other religious organizations shall have equal rights.
2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.
3. The relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.
4. The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.
5. The relations between the Republic of Poland and other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

#### **Article 53**

1. Freedom of conscience and religion shall be ensured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 48, para. 1 shall apply as appropriate.
4. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.
5. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others.

6. No one shall be compelled to participate or not participate in religious practices.
7. No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief.

The Polish Constitution recognizes “freedom of conscience” but at the same time it mentions God twice in the preamble and defines society as “*those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources*”. According to the Constitution the “*Relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good*”.

Yet, despite the “mutual respect” that is specified in the Constitution, the Concordat to which reference has already been made, provides the basis for a more active role by the Church in politics, as we shall see below.

### **1.3 In front of the Church: an unstable political landscape**

It is important to emphasize at the outset the fluidity in the political party scene. Also important to underline is the fact that the Polish political scene does not fit neatly into the basic left-right dichotomy that may be found elsewhere. In terms of economic orientation, those who may be more interventionist on the question of welfare, for example, can also hold traditionalist positions with respect to women’s rights or more values more broadly. To make matters even more complicated, in Poland some parties that are part of the Left coalition can actually uphold economic policies that are far more liberal than those promoted by conservative parties of the Right. This description is even more complex if one adds the agrarian parties (PSL and Samoobrona) which are considered to be in Poland at the centre of the spectrum, yet they maintain highly traditionalist views with respect to women’s rights and moral values.

The biggest political parties in Poland are the Citizens' Platform (PO), the Law and Justice Party (PiS), the Polish Peasants' Party (PSL), all three located on the right of the political spectrum, and on the left the Democratic Left Alliance (SLD), which are the descendents of the Communist Party, and the Democratic Party (DP).<sup>5</sup> Most of these organizations are themselves a constellation of different smaller groups and clashes between them are frequent, leading to a constant reshaping of the party political scene. The two right wing parties, PO and PiS, are the only ones which really count today, after the collapse of the left (SLD) in 2005 worn out by corruption and nepotism when in power between 2001 and 2005. PiS and PO are two right wing parties rooted in the *Solidarnosc* movement.

PO, in power since 2007, in coalition with the PSL, could be regarded as liberal on economic policy. Officially, PO does not have a unique view on moral issues and so this organization gathers very liberal members as well as people openly linked to the Opus Dei. Such a situation is source of division within the party, and the Church has played with these divisions on several occasions, as for example during the public discussion on IVF (on which see below).

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<sup>5</sup> The Democratic Party emerged from the Union of Liberty (UW); UW occupied a central place as ruling party in the early 1990s, having emerged out of *Solidarnosc* after 1989.

In what concerns economic issues, PiS is more interventionist than other organizations. But ideologically PiS is a traditional conservative catholic party for which the doctrine of the Church forms an integral part of the ideological background. PiS considers itself an heir of the traditional conservative and independent movements of the 19th and early 20th century, as well as the first *Solidarnosc* period and the fight against communism. PiS leaders are in favour of a total “decommunization” of the country’s elite and regard the agreement reached between the communist regime and the opposition in 1989 as treason going against the spirit of the strike of the Gdansk shipyards. In 2007, during the debate on abortion and in conflict with what they regarded as the soft position of President Kaczynski, a few very religious politicians left PiS to create a new organization, The Right, but their attempt did not succeed and they rapidly disappeared. But PiS keeps a strong relationship with the “redemptionist” groups of Radio Marya<sup>6</sup>, even if this movement is in permanent conflict with the Polish Episcopate.

The Polish Peasants' Party (PSL) is a rural-interest party; it sees itself as a centre party. It has been a member of the government coalition with the Democratic Left Alliance and the Labour Union. PSL represents the interests of farmers and agricultural employees, residents of rural areas and small towns. The PSL looks back to the political traditions of the large agrarian communities in Poland. It is rather conservative on moral issues and a strong defender of the Church.

The parties located on the left are the only ones expressing a desire to confine the Church to its religious role, and condemning its intrusion into politics. The Left is a group of organizations (mainly the Social Democracy, SLD) rooted in the socialist period but is nowadays led by a generation who did not directly participate to the power before 1989.<sup>7</sup> This new generation tends to use the opposition to the Church and the promotion of a secular state as a way to distinguish itself from other parties such as PO with which they share opinions on numerous points as for example the European Union from an economic perspective. But, a lot of key representatives of the left, fearing a political defeat, often tend to avoid any direct conflict with the Church and numerous publicly criticize their more liberal colleagues.

It is striking that most of the women political actors whom we interviewed, specifically those critical of the right-oriented governments (but not only them), were broadly of the same opinion on this matter. “Political men in Poland are more papist than the Pope” said Joanna Senyszyn, member of the LiD (left and democrats – social democrats) and member of the *Sejm*. “They are frightened by the Church. All of them want to prove that they are good Catholics [...]. Even the presidents of the Parliament belonging to the Left did not remove the cross from the Parliament room. And the case of Miller signing a pact with the bishops about the EU is a clear example of that attitude. This agreement was totally unnecessary in my view as John Paul II was in favour of the entrance of Poland into the EU. The bishops would never have contradicted their Pope.”

Hence, the influence of the Church on the political debate is reinforced by the political competition and the fear of most of the politicians to lose the support of what they consider to be the most numerous social group, the Catholics. “Politicians are

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<sup>6</sup> This is a radio station not directly linked to any political party of the right. According to recent surveys it has a massive audience, especially among the older population, and its messages are highly conservative even within the Catholic spectrum.

<sup>7</sup> Lewica (The Left) appeared after the collapse in 2008 of the coalition Lefts and Democrats (LiD) with the Democrats (Centre post *Solidarnosc* mainly from the Union for Freedom who ruled the country just after the fall of the former regime).

afraid of the Church and those of the Left as much as the others” stresses Magdalena Sroda who was herself minister under the last social-democrat government. Eleonora Zielinska, a known feminist and expert in the field of law who closely follows these debates, is of the view that in this respect there is not much ideological difference between the liberal government of Donald Tusk and the former PiS government of Kaczynski. “The Right struggles in order to get the support of the Church and the Left for not being condemned by the Church” says Agnieszka Graff, a feminist intellectual and author of a number of studies on the question. Katarzyna Bratkowska, a well-known feminist member of “Pro Choice” (a civil society organization), fears that in the face of attacks from the right, the Civic Platform (PO) will concede and not move an inch in order to change the present situation: “The more there are attacks from the right, the more the status quo appears as a very liberal position”. Anna Grzywacz, an activist of Ponton, a group of volunteer peer educators affiliated with the Federation for Women and Family Planning, who is also a member of “Catholics for Free Choice” (an international network) – one of the very few catholic groups in Poland in favour of sexual education – is of the same opinion: “The PO deputies are very worried not to provoke the anger of the Catholic Church”.

However, it is important to note that in taking such a position the politicians forget that the influence of the Church on the day to day lives of polish citizens tends to be more limited today than it was in the past, as we shall see below, and hence minimize the contradictions at stake and under-estimate their own room for manoeuvre.

#### **1.4 A powerful institution despite contradictory religious practices**

The specificity of Polish Catholicism has no equivalence in Europe given the depth of beliefs, the magnitude of the power of the Church and its habit to directly intervene in political life. For Joanna Senyszyn, “Poland is a country of catholic fundamentalism. Bishops interfere in all life arenas. And politicians give in most of the times under the pressure of the Church”.

The figure of John Paul II had a dramatic influence, as is underlined by Piotr Pacewicz, chief editor of *Gazeta Wyborcza* – the first opinion newspaper in Poland – who wrote a paper calling for a referendum on abortion in 2008. He declares: “The pope was perceived as the heir of the tradition of independence against communism and as a personality of tolerance and of opening to other religions. Although his ideas on abortion were a matter of controversy, his authority in the other fields tended to block any open dispute on that” (14.1.2008).

As mentioned above, after having played a central role in the debate on abortion and religious education, the Church was for some time more careful with its interventions in the public debate. Until recently, it limited them mainly to moral questions. Nevertheless, it remains one of the major actors in the public sphere: in 2008, 93% of the Poles declared themselves to be Catholics and believers. Only 6% of Poles never go to Church; 52% attend Church services at least once a week; 64% declare that the Church plays an essential role in the definition of their own values. Pope John Paul II exercised a direct influence on the life of 80% of the Poles (CBOS 2005a; CBOS 2005b; CBOS 2008). The importance that religion holds in the life of Poles is much higher than in other countries, as shown in Table 1.

Table 1

**Question :** For each of the following sentences, tell me if they are very much, a little, not really or not at all in line with what you think:

**– Religion holds an important place in my life –**

	Czech Republic	Finland	France	Germany	Italy	OVERALL
Very much	16	23	18	26	39	29
A little	18	30	28	30	35	29
<b>Total yes</b>	<b>34</b>	<b>53</b>	<b>46</b>	<b>56</b>	<b>74</b>	<b>58</b>
Not really	21	20	18	13	14	15
Not at all	45	26	36	31	11	27
<b>Total no</b>	<b>66</b>	<b>46</b>	<b>54</b>	<b>44</b>	<b>25</b>	<b>42</b>
Don't know	0	1	0	0	1	0
	100%	100%	100%	100%	100%	100%

Source : TNS Sofres, 2005

	Netherlands	Poland	Portugal	Spain	United Kingdom	OVERALL
Very much	26	53	42	25	23	29
A little	20	33	30	35	17	29
<b>Total yes</b>	<b>46</b>	<b>86</b>	<b>72</b>	<b>60</b>	<b>40</b>	<b>58</b>
Not really	16	10	12	11	20	15
Not at all	38	3	13	28	40	27
<b>Total no</b>	<b>54</b>	<b>13</b>	<b>25</b>	<b>39</b>	<b>60</b>	<b>42</b>
Don't know	0	1	3	1	0	0
	100%	100%	100%	100%	100%	100%

Despite these figures, one observes significant contradictions between the influence of the Catholic Church in what people say in their responses to pollsters on general questions about the role of the church, and the actual practices in their private lives. Polish Catholicism often appears as a Catholicism “à la carte”, specifically in the field of reproductive rights. Opinion polls show that the majority of Poles does not agree or does not follow religious rules in relation to sex: 80% of young people think that Catholic priests should not dictate their sexual behaviour (Szlendak 2004), and there is obviously an individualization of the practices in the private sphere. Nearly two thirds of the Poles, contrary to Church rules, think that modern contraceptives should be available (CBOS 2007a: 9). Such figures are not that far away from those at the beginning of the 1990s when public opinion was more open to the possibility for a woman to get an abortion (Heinen, Matuchniak 1992: 165 and 186-7). And in the field of abortion as well, the gap between the catholic rules and the practices is quite significant, as is illustrated by the huge number of underground abortions (tens of thousands). This fact “*is not even questioned by the most vociferous opponents of women’s right to abortion, who just a few years ago claimed that the scale of the underground is insignificant*” (Nowicka 2008: 27). Whatever the exact scale of this phenomenon is, it says a lot about the distortion existing between the rules and their observation.<sup>8</sup>

<sup>8</sup> The number of underground abortions was estimated at between 80,000 and 190,000 in 2000 by the Federation for Women and Family Planning (Federacja 2000).

As a matter of fact, only 38% of Poles declare that they follow the dogmatic principles as taught by the Church without discussion. The overwhelming majority of them are in favour of the separation of the Church and the State, even among members of conservative organizations.<sup>9</sup> “Most Poles feel that the Church gets too much involved in politics, even if male politicians do not say so” says Agnieszka Graff.

But being a supporter of such a separation does not mean that the Catholic doctrine is not given a specific place in public debate. If the Church does not have any legal power and if just a few Poles would want the Church to be in charge of the destiny of the State, the Church gains its political power from the fact that the society is constructed and perceived as catholic, by voters as well as by politicians. According to Mirosława Grabowska, a sociologist: *“The catholic Church in Poland does not have any political power but has a huge influence on power. This results from a very simple reason. As 90% of Poles define themselves as Catholic, and about half of them are regularly attending mass, politicians would have a short view if they did not reckon with the Church, as an institution, and the numerous believers. The problem is that there are different ways to reckon with the Church, and the Concordat is so general that different models of cooperation can be built on its basis”* (Grabowska, 2008).

Although Poland is constitutionally a secular State, the Concordat de facto acknowledges the Catholic Church as an essential entity of Polish society and history. Grabowska names it an “endorsed church”, i.e. a situation where *“the fact that the Church represents the majority of society is acknowledged and the role played by the Church historically is credited by society. The catholic church is symbolically honoured, for example, with the Concordat”* (Grabowska 2008).

The Church therefore remains the dominant moral authority. As such, it continues to formulate norms of acceptable behaviour in the political arena. In this respect, the Church assumes a clear political role. It is quite evident on the question of sexuality, which is one of the main fields of conflict in contemporary Polish society and which symbolizes the quarrel about values. On this topic, a negative judgment issued by the Church generally suffices to annihilate any sexual health policy initiative. Abortion is de facto forbidden (Heinen and Matuchniak-Krasuska 1992; Nowicka 2004). Sexual education in schools is often just an injunction to abstain. Homosexuality is usually seen as sexual deviance or even as illness; and gay prides have been forbidden for several times (Chetaille 2006).

## II THE STATUS OF WOMEN TODAY

Under the communist regime, the Polish Constitution of 1952 asserted the principle of respect for the equality of men and women in society and Poland ratified a number of international conventions in this field. But there was a huge gap, not only between principle and practice, but also between the Constitution itself and other legal provisions (women were excluded from a number of professions for example). And although the adhesion of Poland to the European Union meant the incorporation of the *acquis communautaire*, discrimination against women in the labour market and in society has remained significant. The renewal of politicized religious discourse focusing on motherhood, heterosexual family and morality, masks, and often negates, the dark side of the Polish reality concerning gender and sexual inequalities: the figures are far from being

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<sup>9</sup> Within the two right wing parties, 73% of Law and Justice Party (PiS) supporters and 89% of those who vote for the Citizens' Platform (PO) back up the separation of the Church and the State, while 95% of the supporters of the parties on the left share the same view.

satisfactory with a Human Development Index of 0,862 (rank 37), a Gender Development Index of 0,859 (rank 35) and Gender Empowerment Index of 0,610 in 2006 (rank 39). As a matter of fact, there is a lack of real public discussion on the issue of gender discrimination.

## **2.1 Women in the labour market and the Church**

Women are more affected by unemployment than men<sup>10</sup>, even if the female rate of unemployment decreased dramatically between 2005 (19.1%) and 2008 (7.6% in Q1 2008).<sup>11</sup> The present situation may be regarded as a turning point: the massive emigration as well as the economic growth after 2004 have led to a shortage of workers and a tight labour market situation in all the big cities. Women, especially younger and better educated ones, have become more attractive for employers. This helped reverse the former schema whereby women experienced higher and more stable rates of unemployment compared to men.<sup>12</sup> Nevertheless, the gender gap is still visible even if it has narrowed in recent years.

Much the same can be said about the gender wage gap: it is somewhat narrowing (12% in 2006 compared to 19.9% in 1995), but women continue to be over represented in low skilled and unprotected jobs. These gender based segmentations in the labour market, along with the prevalence of women as heads of single-parent families, creates the conditions for the “feminization of poverty”.

The tight labour market situation noted above, and the concomitant demand for women as employees, prompted a new discussion on “work-life balance” with national newspapers organising one after the other campaigns in favour of mother’s professional activities. At the same time, the drop in fertility rates has also been raised as a concern by politicians, and a number of voices are now addressing this question.

In a very flexible labour relationship, where employers are still expecting very long hours of work and complete devotion, women who have children (and partners who do not contribute to the care work involved in raising their children) start with a real handicap (Portet and Sztandar-Sztanderska 2006). For a woman to get a job, to keep it, and to pursue a career is very often incompatible with raising children (with little help from their partners and a weak pre-school care and education infrastructure). In a situation where men are reluctant to contribute to childcare and housekeeping, women often have to choose between work and children.<sup>13</sup> Admittedly, Poland is not alone in this situation, but because of employers’ demands and the precariousness of the labour relationship the situation of women with young children is among the most difficult. Many women decide to postpone maternity.

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<sup>10</sup> The female rate of unemployment (8.9%) in 2009 (1st quarter) was higher than the male rate of unemployment (7.7%); the gender gap was of a smaller magnitude in 2005-2007 (GUS 2008c, 2009).

<sup>11</sup> Women’s share among the unemployed was for the first time since 1990 below 50% in 2007 (GUS 2008). Women’s share among the long-term unemployed has also decreased: from 64% in 2000 to 58% in 2005. See Portet (2007) and Heinen and Portet (2001).

<sup>12</sup> Previously, when the market was improving, women’s share of unemployed increased, whereas it was relatively lower during periods of generally increasing unemployment.

<sup>13</sup> 62% of Poles declare that the principal reason for the falling birth rate is the fear of women of losing their jobs; 19% of workers report a refusal to re-employ women at their company after parental leave; 12% report cases of dismissal of women because of absences related to child care; and 6% report cases of dismissal of pregnant women (CBOS 2006).

Employers, with few exceptions – mainly managers in high-tech companies, do not provide specific working time arrangements aimed at improving the work-life balance (Portet 2007). In the public debate there have been many calls for the development of part-time work. In fact, this could not be regarded as a satisfactory solution, not only because part-time work entails very low wages and limited career prospects but also because it is not being demanded by workers, even women workers themselves.

Family policy, which is mainly based on parental leave provisions, encourages career interruptions for child care. Even though women on maternity leave, extended in 2006 from 16 to 18 weeks (with a maximum of 28 weeks in case of multiples births), are to be paid 100% of their wage, this is not the case with parental leave. Parental leave can be extended to a maximum of three years of which two years can be paid (only 100 euros per month) but only in the case of families with very low incomes. In fact few women and even fewer men use the parental leave provisions. Yet in 2006, only 2% of children younger than 3 years of age went to nurseries and only 41.6% of children aged 3 attended pre-school, reflecting the fact that public funding of collective institutions for child care is far from generous. Hence, parents often resort to informal care arrangements for their pre-school children while maintaining their full-time jobs.

The position of the Church with respect to women's professional activities has in fact evolved, even though it still favours women's roles as mothers, particularly when children are young. After long-standing opposition to women's participation in paid work and its critical stand vis-à-vis policies of the communist regime in this field, the Polish Church had its *aggiornamento* and recognized the women's right to paid work outside the home, but mainly for economic reasons: in the 1960's and 1970's, wage levels were such that it was inconceivable for a family to live on a single salary. The Church therefore accepted women's professional roles, especially favouring part-time work. In 1977, the Church declared that "*it is not allowed to prohibit the employment of professional women*", but everything should be done to: "*a) assist women in the reconciliation of their duties as mothers and workers, in case they could not leave their work, b) create the conditions that would enable them to devote themselves to their domestic duties. We must in the first place develop the system of part-time work for women. Only 3% of working women benefit from such an opportunity whereas in many countries, 25 to 50% of working women work part-time. Mothers working half-time should be better paid (for example, a salary equivalent to a three-quarter time) to take into account the social value of the service they provide that is the education of children*" (Konferencja plenarna Episkopatu Polski, 1996).

The economic concern persists to this day and the Polish Catholic Church accepts women's paid work, but it remains highly reserved with regard to *mothers* who take on paid work. Thus, in the Dictionary of marriage and the family, directed by Bishop Edward Ozorowski, director of the Institute of Family Studies at the Catholic University Cardinal Wyszyński in Warsaw, under the topic "Women's work" one will find the article "Women's work (mothers) at home?" with the following conclusion: "*The shape of the family and marriage, like that of the whole society, changes depending on whether we give or do not give priority to the presence of women-mothers at home.*" The social status of women is generally understood by the Church in terms of their roles in the family, as wife and as mother, and it is always in relation to these two roles that women's professional activity is assessed (Habowski 2002).

To this day, the main reference remains the famous homily given by John Paul II to the workers of the textile factory Uniontex in June 13, 1987, in Lodz: "*The social doctrine of the Church fully values as work what women are doing at home, all the activity of mother and educator. It is a highly valuable work. And that great work must not be socially undervalued; it must be continuously enhanced if society does not want to*

*contribute to its own ruin. Consequently, women's professional work must be everywhere and always understood by taking into account women's prime vocation as wives and mothers in the family domain. This natural vocation of women-mothers is often challenged from positions underlying the social rights of women. It is not uncommon to see women's professional activity as an indicator of social progress and that the total devotion to the affairs of the family and the education of children is sometimes regarded to be in conflict with their personal development, as a demotion*" (Jan Pawel II 1987). The assignment of mothers primarily to the sphere of the family is legitimized in the name of "moral values", but also as a means of combating unemployment (Abp. Damian Zimon 2001) or as a necessity with regard to the falling fertility rates. The latter rationale tends to be increasingly used by the Church in making its claim for the need of a family policy in Poland. The main demand from the Church is the extension of parental leave and financial support for families with children. These two issues are also at the centre of the policies supported by the former and the current governments. There is an ongoing debate on a legislation envisaging the extension of parental leave, in fact maternal leave, to 26 weeks. A fiscal reform package providing for lower taxes for families with children has also been recently implemented.

The new government (like its predecessor) is totally in line with the Church doctrine which states that mothers must above all take care of their children, despite the concern expressed by Kluzik-Rostkowska, the former vice-minister of Family affairs in the PiS government, concerning the necessity of bringing fathers to take care of daily family duties. As a matter of fact, some representatives of the Parliament in charge of the "woman question" are in favour of measures to help young mothers cope with their family duties and their professional work. But the dominant discourse is centred on their specific tasks as young mothers. As Magdalena Kochan, deputy of the civic platform PO and vice-president of the Commission of social affairs and the family, puts it: "A woman must take care of her child when it is very young, not so much crèches are needed, and she should feed him or her as long as possible".

On the other hand, some actors judge that there is nowadays more receptivity to the issue of gender discrimination in the economic field. Eleonora Zielinska, a university professor, observes such a shift within the young generation (contrary to what can be seen concerning reproductive rights): "These are two different questions. Women's rights as a whole and reproductive rights are treated quite differently. The changes brought in the Labour Code under the pressure of the European Union have had an influence on the mentalities, but there is a clear distortion among both matters."

One must mention a new trend in what concerns collective child care facilities. First of all, the real boom in the demand from families which is reflected in the dramatic shortage of places in crèches and pre-school centres has already been noted. Secondly, there is a new orientation in public policies. They are more favourable to collective child care arrangements. Joanna Kluzik-Rostowska, when Minister of Labour and Social Policy under a right government in 2005-7, passed a bill aimed at the development of high quality collective childcare facilities, both public and private<sup>14</sup>. The main impetus behind this new policy interest comes from the impact of the EU model and the shortage of suitable labour. In addition, the idea that pre-school education has positive impacts on human capital is also developing (again under the EU impact). Lately, the mayor of Warsaw, Hanna Gronkiewicz-Waltz, proposed to reduce family allowances

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<sup>14</sup> The bill, which is part of a larger text on health, encourages enterprises to open childcare facilities. It has been adopted by the Parliament but the President opposed it through a veto for reasons which are not linked to the dispositions on childcare. Thus, it was not yet in force in 2009.

for families which do not send their children to pre-school. But this argument remains quite rarely used.

Hence, even if there is nowadays a more favourable public discourse toward the idea of collective childcare, with some legal measures, mainly at the local level, to facilitate the development of crèches and kindergartens, this remains a marginal phenomenon and mostly noticeable in big cities.

The overall picture therefore illustrates the difficult position of those women who want to invest more in their professional activity. And it echoes, as we shall see below, women's discriminated position in the political system.

## **2.2 Women in Politics**

The entrance into the democratic era generated a totally new situation where groups and political parties coming from various horizons were competing with each other. All had in common an absence of thinking on women's specific situation, and the small feminist groups born during this period were not in a position to impose such a reflection. Thus, the first elections brought about a considerable reduction in women's presence in the elected bodies. During the 1990s, women constituted at best 13% of the members of the Lower Chamber, the *Sejm*, and of the Senate.<sup>15</sup> During the communist era their share had been up to 26.5% of the *Sejm*<sup>16</sup>, but the latter had a purely formal role while real power was in the hands of the Political Bureau of the Party and in some governmental bodies where women were nearly absent.<sup>17</sup>

Thus, there was not a significant change in women's real political position as a result of the changes in the political landscape. Nevertheless, the reduction in political visibility had a symbolic value at the very moment when the *Sejm* and the Senate were at the forefront of the political scene and about to take significant decisions in different arenas. However, women barely reacted against their eviction from the decision-making fora. This can be explained by the way in which the idea of quotas and of gender equality had been discredited due to the lofty proclamations of the communist regime which never fulfilled, as well as by the material difficulties that women encountered in the new market economy, and the weight of "their" domestic tasks. In addition, large scale corruption generated much disillusionment towards politics and politicians. This could only blunt any desire to be involved in public affairs – and this despite the fact that over the past decade the position of the Church has become more open to women's participation in public life.

In 1999, after lengthy debates the *Sejm* rejected a bill in favour of parity submitted by feminist groups and members of Parliament which proposed that 40% of the places on candidate lists be reserved for women. In 2001, the Parliament finally amended, nearly without any discussion, the Labour Code according to the EU's *aquis communautaire*. The amendments prohibit direct and indirect discrimination based on several grounds including sex and confirm the principle of equal pay for work of equal value along the same lines as the one that was defeated two years earlier, but without

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<sup>15</sup> In the elections of 1991, 1993 and 1997 the figures were respectively 9.6%, 13% and 13% in the *Sejm*, and 8%, 13% and 11% in the Senate.

<sup>16</sup> Women formed between 4% (1956–1961) to 26,5% (1980-85) of the members of the *Sejm* during the communist era ([http://www.ipu.org/parline/reports/2255\\_arc.htm](http://www.ipu.org/parline/reports/2255_arc.htm)).

<sup>17</sup> On the "decorative" function of the Parliament, see Siemienska 2000.

the key proposal of a quota.<sup>18</sup> This shift can be explained by the pressure coming from the prospect of adhesion of Poland to the European Union and the necessity to integrate the *acquis communautaire*. As such it expresses the formal character of the shift in positions rather than expressing a real change of convictions among elected deputies.

Nevertheless, the bill of 1999 prompted a discussion on women's role in politics and in society, and the improvement in women's representation after 2001 can be read as the outcome of the joint efforts of feminists in that direction. It also reflects a certain change of mood among the young generation, although this should not be exaggerated. After 2001, the number of female MPs increased from 13% to 20% in the *Sejm* and from 13% to 23% in the Upper House (Senate). However, while the number of women in the *Sejm* did not change, it dropped in the Senate to 13% in 2005 and to only 8% in 2007 – a significant regression.

A women's party was initiated for the 2007 elections and the Parliamentarian Group of Female MPs has recently become more active again. Women's access to political decision-making seems to have improved. But at the same time, the issue of equal political representation, which had been a key point in the public debate at the beginning of the decade, is no longer being discussed and for those who are candidates, the difficulty of surmounting the filter of the selection imposed by the parties when they constitute the electoral lists remains significant, even if certain parties have adopted the principle of quotas (Siemienska 2000). The structuring of Polish political life tends to reinforce these constraints: the existence of big coalitions goes along with the concern to offer seats to well-known male politicians who are likely to win the seat. This diminishes the possibilities for women, without mentioning here the usual sexism within Polish political assemblies where certain male parliamentarians do not hesitate to interrupt their women colleagues and shout: "Speak less and make more children!" (Graham and Regulska 1997). It is not surprising then that a number of female members of parliament express an ambiguous position on the issue of quotas. This is illustrated by the position of Magdalena Kochan, member of the Civic Platform (PO). While complaining about the machismo of her male colleagues and the difficulties she had to assert herself in political assemblies, first at local, and then at national level, she is against any system of quotas or other preferential measures to help women overcome such obstacles. She is in favour of a plenipotentiary of the government concerning women's rights but against specific policies which, according to her, "would treat women as minors".

This contradictory position echoes the complexity of the Polish landscape and the intertwining of gender, politics and religion, as illustrated in the next section.

### **III REPRODUCTIVE RIGHTS: A BATTLEFIELD ON MORAL VALUES**

#### **3.1 Abortion**

##### **3.1.1 History of the Abortion ban**

The Communist regime legalized abortion in 1956. Women could easily obtain an abortion on both medical and social grounds until the early 1990s, but abortion remained a taboo (most women preferred to get an abortion through private doctors at a relatively high cost but with discretion assured, rather than going to a public hospital). In practice,

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<sup>18</sup> The same year party quotas were introduced by some parties. Party quotas helped to increase the percentage of women in Parliament.

access to abortion was made difficult notably in small towns and rural areas. The legality of abortion for forty years under communism was based on an instrumentalist and needs-based materialist approach concerning women's health problems, related to unwanted pregnancies affecting poor women in particular, and not in recognition of women's autonomy and right to sexual and reproductive self-determination. That legal abortion was "handed over" in a top-down manner and did not have to be fought for by women, made it easy for Catholic fundamentalist groups to contest this right in later years.

Evidence of a reactionary backlash appeared in the late 1980s as the Church and "pro-life" organizations initiated a series of vocal campaigns against abortion (Zielinska 2008).<sup>19</sup> In the period opened by the changes that occurred in 1989, the Catholic Church made direct interventions in the political debate, notably on the issue of abortion. In March 1993, under the liberal government of the Democratic Union led by Hanna Suchocka<sup>20</sup>, soon after the implosion of the communist system, after over three years of discussions and after a number of projects of legal regulations, the Polish *Sejm* finally passed the "Family Planning, Protection of Human Embryo and Conditions of Termination of Pregnancy Act", often named the "Anti-abortion law". This project had been pushed forward by the catholic hierarchy as early as 1988 (Zielinska 1993). It put an end to a situation which, during nearly forty years, permitted women in practice to terminate a pregnancy. Although the majority of Poles and specifically women when questioned anonymously declared their opposition to this project, the very fact that the law was passed in the Parliament with nearly no opposition gives evidence of the central role played by the Church in the political landscape and of its moral authority. Today, even the few possibilities of getting an abortion are constrained by doctors' refusal to perform them as they are under pressure from the Church. In 1992, the National Assembly of Doctors adopted a Medical Code of Ethics stating that abortion for social or criminal reasons (incest, rape) was impossible.

The legal situation of abortion changed two more times after that. In 1996, when the social democrats returned to power, the *Sejm* liberalized the Act, allowing for abortion on social grounds. Nevertheless, after the decision of the Constitutional Tribunal in 1997 declaring this clause unconstitutional, the *Sejm* restricted the conditions once again, withdrawing the possibility of termination of pregnancy on social grounds. This is the situation to date.

Since 1993, the termination of pregnancy is allowed in only three situations: if the pregnancy constitutes a threat to the life and health of the mother; if the pre-natal examination or other medical diagnostics point to the high probability of severe and irreversible damage to the embryo; and if the pregnancy is the result of a criminal act (such as rape or incest).

The integration of Poland into the European Union (EU) has not altered the picture up to this point, given the fact that the EU accepted the government's claim to preserve the Polish "cultural exception" – first of all in the sphere of reproductive rights.

The negation of the right of abortion offers a good example of the fact that Polish democracy does not treat women as full citizens insofar as the control of their own bodies constitutes a central element for women's autonomy, relating as well to civic,

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<sup>19</sup> The Catholic church and Catholic circles criticized the 1956 law long before 1980, from the very beginning, and appealed to the *Sejm* in 1958 (Fuszara 1991).

<sup>20</sup> The Democratic Union was the party founded in 1990 by Tadeusz Mazowiecki; it had a social liberal profile with Christian influence.

political and social rights. The prohibition of abortion illuminates the liberal conception along which the divide between the public and private sphere is understood differently for men and women. A woman is conceived first of all as a mother (real or potential) whose body should serve the national aims of procreation. In a parallel direction, contraception methods are de facto restricted and very little is done to improve knowledge among doctors in this field.

### 3.1.2 The drastic decrease in the number of legal abortions

In direct connection with this repressive framework, the right to a legal abortion is *de facto* almost nonexistent and the number of legal terminations has sharply decreased: in 2007, the official figure was 322. Even when the pregnancy poses severe risks to a women's health, most doctors refuse to perform the termination on ethical grounds. In 1990, the number of terminations in public hospitals was 59,417, in 1994 it was 782. In 1997, after the liberalization only 3,047 abortions were performed in public hospitals. In 1998, once access to abortion became again severely restricted, the official number of legal abortions dropped to 310 and since then the number has remained between 150 and 340 a year.

Year	General number of abortions	Number of abortions conducted on social grounds	Number of abortions while pregnancy was threatening life or health	Number of abortions conducted because of heavy and irreversible damage of the fetus	Number of abortions conducted when a pregnancy resulted from rape
1994	782	-	689	74	19
1995	559	-	519	33	7
1996	505	-	457	40	8
<b>1997</b>	<b>3047</b>	<b>2524</b>	<b>409</b>	<b>107</b>	<b>7</b>
1998	310	-	211	46	53
2002	159		71	82	6
2003	174		59	112	3
2004	193		62	128	3
2005	225		54	168	3
2006	340		82	246	12
2007	322		37	282	3

Source: Ministerstwo Zdrowia, 2008.

This prohibition has encouraged a rise in backstreet abortions. “Doctors refuse to make abortions in hospitals, but many of them do agree to perform them in private and for high prices”, stresses the lawyer Eleonora Zielinska. Complacent gynaecologists willing to perform terminations take out thinly veiled advertisements proposing “all kinds of services”, or “the return of menstruations”. The problem is that such terminations carry a heavy health risk as the quality of the procedure depends on the cost.

The question of the price is a main one. “Abortion is considered mainly as a moral problem. But this does not take into consideration the fact that it is an economic matter as well, and often first of all. Wealthy women can afford an underground abor-

tion or go abroad. But 60% of Polish women cannot afford it as 60% of people in this country live around the threshold of poverty”, says Katarzyna Bratkowska from Pro Choice. Piotr Pacewicz, the head of *Gazeta Wyborcza*, insists on the same point, emphasizing that women from the poorest social layers are the first ones to be hit by the interdiction of abortion: “The use of contraception is less developed in their milieu and as they are often confronted with dramatic situations with an alcoholic husband threatening to abandon them if they have another child”. As a matter of fact, the price can be four to eight times the net minimum wage. As a result, the majority of women have an abortion without anaesthesia because this involves an additional person (the anaesthetist) and adds an additional cost of about 1000 PLN (about 250 euros).<sup>21</sup>

In addition, teenagers need to obtain parental consent at the doctors’ request in order to protect themselves against being taken to court by the family. Indeed, if a woman cannot be sent to jail for having a termination, her accomplices are liable to imprisonment. Lidia Ostalowska, a journalist of *Gazeta Wyborcza*, who published an article on backstreet abortions some years ago – one of the very few such papers which have appeared in the daily press – got a large number of letters from women who had aborted under such conditions. She was impressed by the fact that most women wrote that she was the very first person in whom they were confiding. Beyond the health risks illustrated by their testimonies, she was struck by the weight of the moral disarray expressed in the letters.

### 3.1.3 Discussion on the total abortion ban

As already mentioned, Catholicism is not a state religion. Nevertheless, religious arguments tend to be central in the public debate as shown by the discussion which took place in 2007 on abortion and in vitro fertilization.

The last decade is characterized by a process where little by little the direct intervention of the Church has been overlapped by catholic political parties not only supporting the Church voice but also developing an autonomous intervention in the field of morality. At the same time, left wing parties remained most frequently silent on questions having an impact on gender inequality. While becoming a member of the European Union might have offered Poland the possibility of changing such a situation, this has not yet been the case. Due to the historical and cultural context, political elites, even those on the left, do not want to confront the Catholic Church. The left wing coalition (2001-2005) never fulfilled its electoral promise to liberalize access to abortion. *De facto*, the social democratic left had abandoned this demand a long time ago. But its silence on this question was reinforced when it entered into a compromise with the Church on the question of Poland’s accession to the European Union: the Church agreed to support Poland’s accession to the EU on the condition that the government would not modify the legislation on abortion (Portet 2003). “What is terrifying is the attitude of the Left”, underlines Joanna Senyszyn, herself a Left MP. “When it came to power in 2001, Leszek Miller, then First Minister, signed a pact with the Church in order to obtain its support for the referendum on EU accession”. Magdalena Sroda, who became Government Plenipotentiary for Equal Status of Women and Men under the left government of Marek Belka, who succeeded Leszek Miller, puts it in the following way: “For Miller, it was EU first and women later”. Thus, the efforts of women’s groups to pressure the political authorities to change the law broadly failed.

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<sup>21</sup> The minimum wage in 2008 was 1126 PLN, and 1276 PLN in 2009, the average wage in Q1 2009 3185 PLN (4 PLN = 1 €).

As already mentioned in the introduction to this paper, the Church was less present in the political arena in the early part of the new millennium, as it tended to focus on the reorganization of a weakened institution after the death of John-Paul II and a series of scandals concerning the collaboration of numerous priests with the secret police during the communist period. Forced to defend its own position and legitimacy in society, and to settle internal conflicts (notably with the powerful and numerous “redemptionist” groups organized around the ultra-conservative Radio Maryja), the Church was less audible in public debates. But in politics a vacuum is to be filled.

The nomination of the government resulting from the 2005 presidential and parliamentary elections must be regarded as a turning point where political parties not only echoed the Church’s expectation but also used the religious doctrine as one of the main arguments in the political debate in the name of the defence of the Polish nation and the Nature created by God.

The discussion which took place at the beginning of 2007 on the total ban on abortion showed a new landscape in the politics of morality. The forces that again put forward the issue of abortion on the political agenda were political and not religious ones. In the name of the defence of the Church doctrine and of the defence of “the civilization”, a group of right-wing members of the Parliament tried to enforce a new amendment of the Constitution providing for the “right to life from conception”. Even if some religious voices supported this political initiative, the Church officially opposed this new regulation and defended the status-quo as the safest way to avoid a “new abortion civil war” which could divide the Polish society and undermine the already very restrictive law on abortion.

The constitution of 1997 (art. 38) guarantees that “*The Republic of Poland (shall) ensure the legal protection of the life of every human being*”. This article was included after the rejection of a proposal to provide for the legal protection of life “from conception”. Instead of reviving the conflict directly on the anti-abortion law, a group of MPs proposed in September 2006 a bill aimed at changing the wording of art. 38, in a sense enforcing the legal protection of the embryo. This proposal came from the League of Polish Families, which was then a member of the governing coalition, supported by members of all the parties involved in the coalition – Law and Justice (PiS) and Samoobrona (Self-defence). After a very intense discussion the proposal was rejected by the Parliament. If the left was united against the project, the right wing parties were divided. The President, Lech Kaczyński, and his brother, the Prime Minister, Jaroslaw Kaczynski, defended the so called “status-quo”, i.e. the law of 1993. But at the same time numerous members of the Law and Justice party (PiS) were in favour of the amendment to the Constitution. “There has been a break in the coalition of the Kaczynski brothers and the PiS was put in difficulty by its allies” underlines Eleonora Zielinska. This led to the scission of the governing party and the defection of top representatives of PiS who argued that their membership in the party was no longer compatible with their religious beliefs.

In fact, the proposal of these right wing catholic deputies divided the whole political scene. In order to avoid the implosion of his own party, the President of the Republic tried to work out a “compromise” in the form of an amendment to art 38 of the Constitution, enforcing the right to life from conception to natural death, coming along with a second amendment according to which the first amendment did not apply to the laws already in place. Hence, the right to life would have been included in the Constitution, yet without changing the law on abortion of 1993, which did allow abortion under certain limited conditions. This proposal was rejected by the Parliament. The original proposal was also rejected. Nevertheless, the latter received 60% of the votes but needed a majority of 66% to be accepted. 100% of the members of the governing parties

Law and Justice and League of Polish Families, 76% of Self-defence (also members of the coalition) voted in favour of the amendment. But also 19% of the “liberal” civic platform (PO) and 87% of the PSL (agrarian), the two main parties of the coalition which came to power after the 2007 parliamentary elections, supported the proposal.

### Vote of the amendment to the Constitution

Club	Members	Took part to the vote	Yes	%	No	%
PIS	153	151	151	100%	0	0
PO	131	126	24	19%	66	52%
SLD	55	55	0	0%	54	98%
Samoobrona	46	41	31	76%	1	2%
LPR	29	29	29	100%	0	0%
PSL	25	23	20	87%	0	0%
Non registered	10	9	6	67%	0	0%
RLCh	8	7	7	100%	0	0%
RLN	3	2	1	50%	0	0%

The strong support which the MPs gave to a very controversial proposal, which did not even receive a full and very active support from the Church, raises a serious question about the gap between society and its political representation. A survey conducted in May 2007 showed that only 13% were in favour of a total ban.<sup>22</sup> Hence, the deputies appeared to be more conservative than the rest of society. The discrepancy can be explained in terms of the “fear” that many deputies have of being criticized by the Church, given the fierce opposition of local priests to abortion – a message they convey week after week in their homilies.

During the discussion on the amendment to the Constitution, the political scene appeared mainly structured by religious beliefs, or at least their public expression for tactical reasons by politicians. Religious arguments occupied the forefront even if the Church itself remained distant and tried to avoid a new “abortion war”. Despite this relative silence, religion was everywhere. Hence, the reasons put forward for the amendment referred directly to the teachings of John Paul II but also to the catechism of the Catholic Church. And according to the authors of the proposal, the fact that the catholic catechism teaches that “*the right to life of every innocent human being is an constituting element of the society and its legal order*” implies the “*evident necessity to implement in the Constitution of the Republic of Poland stipulations providing for the total protection of life of the unborn children.*”<sup>23</sup> The religious dimension of the proposal was underlined by the Supreme Court which, when asked to give its opinion on the proposal, refused to do so arguing that an opinion would be based on moral, philosophical and religious beliefs and would go far beyond the competences of the tribunal.

The Church was not the main driving force in this attempt to change the Constitution and make the access to abortion totally impossible. The discussion took place above all among politicians. To a certain extent the Church seemed embarrassed with this political action and presented itself as trying to minimize the conflict and to set the unity of the society above everything else, even its own convictions. But at the same time, the Episcopate published a letter of thanks to the persons involved in the battle aiming to enforce within the constitution the “*right to life from conception to natural*

<sup>22</sup> CBOS, 2007b: 3, Opinia o aborcji, Warszawa.

<sup>23</sup> Bill n° 993.

*death*” (14.03.2007). And of course, the Church expressed her regrets after the rejection of the amendment (13.04.2007).

### **3.1.4 The Church’s influence on political processes and public opinion concerning abortion**

The episode of the debate on a total abortion ban shows not only that religion impacts the political debate but also that the constraints of a given political situation define the opportunities for the realization of the catholic dogma. During this debate on the abortion ban, although the Church appeared as a rather moderate actor, it reinforced *de facto* with a very subtle strategy the legitimacy of the “current social compromise”, which in fact is nothing else but a quasi ban of abortion. “The word ‘compromise’ is a scandal as it is a way of depriving women of the right on their own body” says Joanna Senyszyn. The defence of the current regulation became even more crucial after the condemnation of Poland by the European Court of Human Rights in a case involving a Polish woman against the State for not having been given the right to abort even though the law entitled her to do so (see below).

But at the same time the Church has won influence on such topics over the past twenty years, specifically among the young generation. As Eleonora Zielinska, who is attentive to this question, underlines on the basis of observations concerning the behaviour of her students: “The campaign organized by the Church which presents a fertilized cell as a human being begins to bear fruit. I can see this among my students. Twenty years ago, abortion was an acceptable fact. Today, many of them condemn it. The Church has obtained that, in the best case, one does not speak of it. In my view, this means a real change in mentalities and it lessens women’s rights in the hierarchy of values. The worth of some human cells is placed higher than women’s health”. Magdalena Sroda, a professor of Philosophy at Warsaw University who was minister under the last social-democrat government, is of the same opinion. She underlines that words act as a trap: “The ‘conceived child’ to designate an embryo has invaded the mainstream language. Some women deputies from the right-wing parties like Sobecka<sup>24</sup> even say that one should not speak of a pregnant woman but of the future mother, and priests speak of children carried under the heart (they cannot pronounce the word womb).” Agnieszka Graff, who has carefully studied the question and published several papers on this topic, specifies that in their titles, newspapers have stopped speaking of pregnancy or of embryo: “The question is no more women’s rights, but of children’s rights. While the expression ‘conceived life’ would have provoked laughter at the beginning of the 1990s, nowadays everybody is using this term.”

Compared to other states, Poland is at the antipodes of most European countries on the question of abortion. The gap is even increasing each year given the growing liberalization of the most conservative European societies, such as Spain, Portugal, Ireland and Italy, and given the fact that Polish conservatism is growing in certain respects. This is particularly the case for abortion. The following table shows that the acceptance of the principle of abortion is today the lowest, compared to other European countries.

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<sup>24</sup> Anna Sobecka was elected as a deputy of the League of Polish Families (far right) from 2005 to 2007.

**Question :** For each of the following sentences, tell me if they are very much, a little, not really or not at all in line with what you think:

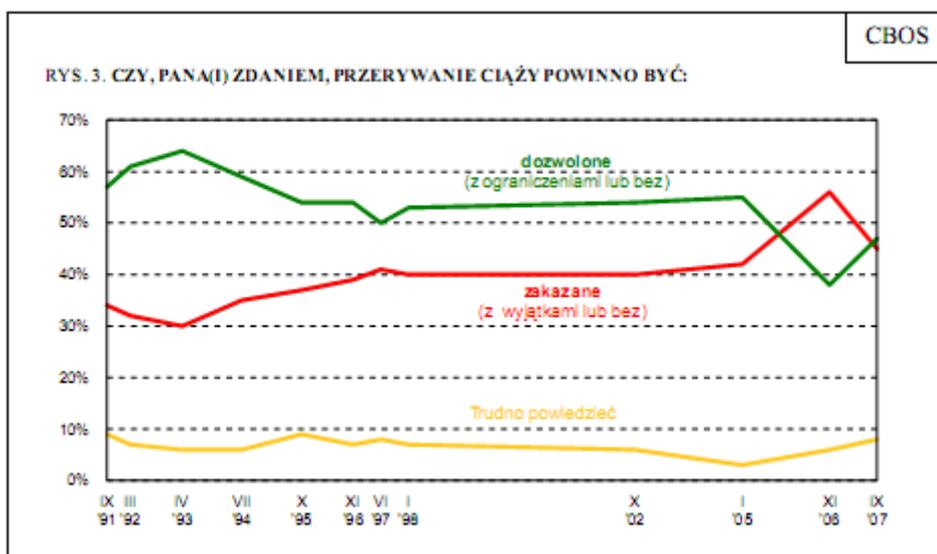
**- If a woman doesn't want children, she should be able to have an abortion -**

	Czech Republic	Finland	France	Germany	Italy	OVERALL
Very much	66	54	55	40	29	40
A little	15	20	23	24	24	22
<b>Total yes</b>	<b>81</b>	<b>74</b>	<b>78</b>	<b>64</b>	<b>53</b>	<b>62</b>
Not really	8	9	8	10	16	11
Not at all	10	13	13	24	25	23
<b>Total no</b>	<b>18</b>	<b>22</b>	<b>21</b>	<b>34</b>	<b>41</b>	<b>34</b>
Don't know	1	4	1	2	6	4
	100%	100%	100%	100%	100%	100%

Source: TNS Sofres, 2005

	Netherlands	Poland	Portugal	Spain	United Kingdom	OVERALL
Very much	37	23	32	41	43	40
A little	22	24	20	18	23	22
<b>Total yes</b>	<b>59</b>	<b>47</b>	<b>52</b>	<b>59</b>	<b>66</b>	<b>62</b>
Not really	11	19	12	8	10	11
Not at all	26	29	30	27	19	23
<b>Total no</b>	<b>37</b>	<b>48</b>	<b>42</b>	<b>35</b>	<b>29</b>	<b>34</b>
Don't know	4	5	6	6	5	4
	100%	100%	100%	100%	100%	100%

The reluctance to admit the right to abortion is specifically strong among the young people who are influenced by the priests at school. “My students have been educated with films as the ‘Silent Scream’ showing pictures of embryos during abortion operations. In Warsaw, this film was shown to children 11 years old”, says Agnieszka Graff. But this trend is significant among adults as well, as indicated in the following figure, which shows the decline in positive opinions vis-à-vis abortion over the years.



In your opinion, should abortion be:

- authorized (with or without limitations): green line
- forbidden (with or without exceptions): red line
- difficult to say: yellow line

Source: CBOS (2007b: 4)<sup>25</sup>

The influence of the Church remains very strong among the population as shown in the above table and figure, and the approval of the right to abortion appears weaker in public opinion today than it did at the beginning of the 1990's (despite contradictory practices). This can be explained in part by the political context. The relief created by the disappearance of the former political system has been accompanied by the uncertainties and distresses about the future, with a tendency on the part of many individuals to look for "secure" values which find an echo in the rhetoric of the Catholic Church. This explains in big part the present status of women within the family and within society as a whole and tells a lot about the present restrictions in the field of contraception, which do contribute to the limitation of women's autonomy.

### 3.2 The difficulty of access to contraception

Access to contraception is difficult (except for condoms) specifically in small towns. This has much to do with the Catholic dogma, even though contraception remains legal in Poland. "The social pressure is very strong in small towns", says Joanna Kluzik-Roskowska, former minister of Family affairs under the PiS government, who felt concerned by this difficulty but did not have much influence in changing this state of affairs. Many doctors refuse to prescribe the pill for moral and cultural reasons. In addition, it is very expensive: a monthly pill costs 6-10% of a minimum wage and no third generation pill is refunded (Kancelaria Prezesa Rady Ministrów 2004). There is a strong

<sup>25</sup> It should be noted that opinions on abortion in Poland are not consistent: the same public opinion research shows that 50% of the population is of the opinion that women should have the right to perform an abortion on demand during the first weeks of pregnancy while 40% are opposed. Public opinion research (CBOS 2008) shows also that 66% of Poles are of the opinion that the state should not restrict abortion.

moral stigma attached to contraception for unmarried young women (Nowicka, 2004). Despite a broad acceptance of modern contraception shown in polls<sup>26</sup>, only 19% of women use a medical or mechanic (spiral) contraception method. “*Such results can be explained by limited access to information and advice about modern methods of contraception in the public health service, as well as lack of refunding, which results in high costs of contraception*” (Nowicka 2008: 34).

Nevertheless, the fertility rate (1.23) is one of the lowest in Europe in 2006. Despite the obstacles to contraception and to legal abortion (and the wishes expressed by most Poles to have at least two children), this low birthrate can be explained by the material framework in which families live. “The economic and specially housing difficulties as a whole as well as the lack of family support explain this collapse”, says Lidia Ostalowska who, as a journalist of *Gazeta Wyborcza* investigating the question of underground abortion, gathered testimonies on this dimension of the problem. Joanna Kluzik-Roskowska is of the same opinion: “Women want to have children but they will do so only if they have access to the labour market without restrictions. The French case is a good example of possible solutions to encourage women to have more babies through family measures which help them face the difficulties of daily life.”

Hence the discussion on the abortion ban took place in the broader debate on the demographic crisis. This situation added to worries about massive emigration, and encouraged a more pro-birth policy which stimulated public debates on women’s role within the family.

### **3.3 Sex education at school**

The issue of sex education is very controversial. Indeed, although the large majority of Poles is in favour of the inclusion of sex education in the curriculum<sup>27</sup>, the Catholic Church constantly obstructs its development on the grounds that sexual intercourse should only take place within the context of marriage.

Sex education appeared in 1973 with the introduction in secondary schools of an optional class for the “preparation for life in the socialist family”. In 1975, the epithet “socialist” was removed. In 1986, compulsory courses for pupils of 11-14 years were set up in primary and secondary schools (two hours per month). In 1987, the first sex education handbook was published. The Church strongly criticized its contents. Facing criticism from the Church, the Ministry of Education felt obliged to declare that the use of the handbook was non-compulsory and was at teachers’ discretion, which became the rule between 1990 and 1992. With the conservative backlash gaining momentum, in 1993 the anti-abortion law included an article on sex education for teenage pupils (12 years and older). The program aimed at teaching children the principles of “*a conscious and responsible motherhood and fatherhood, the values of the family, the life at the prenatal phase and the methods and means of conscious procreation*”. In many schools sex education was not even included in the curriculum. When a curriculum was indeed in place, it conveyed traditional and conservative views such as the sanctity of family life and marriage, in accordance with the ministerial directives.

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<sup>26</sup> Nearly 80% of people accept the use of contraceptive methods, 80% in the case of the condom, 64% concerning the pill and 60% concerning the intrauterine device /IUD (CBOS 2007a, p. 10).

<sup>27</sup> According to a survey conducted in July 2007, 90% of Poles are in favor of sexual education at school (CBOS 2007a, p. 3).

The political mood shifted in the opposite direction with the liberalization of the anti-abortion law in 1996. A programme entitled “Knowledge about the sexual life of the individual” was set up. It provided basic courses for teenagers. In secondary education, the possibility of providing ten hours of instruction each year was on the agenda. The pendulum shifted again with the victory of the right-wing coalition in the 1998 parliamentary elections. A group of senators argued that the course was unconstitutional as the Constitution referred explicitly to the need to protect the family. These senators argued that sex education at school undermines the right of parents to raise their children according to their religious principles. In 1998, sex education was removed and replaced by classes on “the life in family” for pupils over 12 years. This teaching remains optional and parents can remove their children from the classes if they wish to do so. Some female political actors, even while belonging to right parties, like Joanna Kluzik-Rostkowska, have a severe judgment on the content of these courses: “The level of these courses is very low and my daughter asked me not to be obliged to follow them”.

The role of the family is at the heart of the political debate surrounding sex education. The Church defines parental rights as sacrosanct. As Father Józef Augustyn (Augustyn, 2003: 37) points out: “*The attempt of the distortion by the State of the rights of the parents to educate their children is – according to the Church – an abuse of power.*” The advocates of public sex education underline the lack of open discussion about sexual matters in the family. They stress the need for enlightened teaching based on contemporary science. Even the Church recognizes the need for school sex education organised by the school: “*We are delighted by the help of the School*”, say Bishops while underlining, “*but only help*” (Anonymous, 1997: 3 6). “*Education by the family always comes first. Education in school can only help the parents [...] For the Church, the best place for sex education will always be the family*” (Augustyn, 2003: 37). The Vatican encourages families to monitor sex education at school.

The Pope John Paul II recommended “*to withdraw the children if sex education goes against the principles defined by the family*” (Jan Pawel II, 1994: 13). The Catholic Church strongly supports full parental control of state education, especially in the field of sex education in order to safeguard parental rights, especially families’ rights to teach their children religious and moral values. Public education is thus perceived as a potential threat to the Catholic dogma. This suspicion is not entirely ungrounded in the light of the enduring conflict between public schools and religious authorities. Indeed, under the Communist regime, schools played a key role in the attempt to marginalise the Church. However, the influence of the Catholic Church remains extremely significant. Religious education is part of the curriculum. A large majority of young Poles attends the classes even when they are optional, and they get a better mark if they go regularly to church stresses Kluzik-Rostkowska. Like the Polish Parliament, many classrooms are decorated with a cross. The Church is regularly consulted on the content of educational programmes.

Religious condemnations are permanent, especially in relation to the contents of the handbooks. Adequacy with the social doctrine of the Church is vigorously monitored. Handbooks must respect certain principles to obtain the agreement of the Church: “*Sex education must be integrated in a global perception of the human being, it cannot be only reduced to information on the physical dimension of human sexuality [...]. Sexual intercourse must be evoked with reference to ethics and spirituality. The fundamental principle of sex education must be the preparation for marriage and the family [...]. In sex education it must be stressed that the goal of the union of bodies in marriage must be reproduction*” (Augustyn, 2003: 40-41). The Church does not condemn sexual activity itself: “*Sex education and the forming of the consciences cannot consist in repressing the needs and the sexual desires of young people.*” But these desires must be

controlled: *"In sex education it should be stressed that the gift of love does not only exist through sexual activity but also by renouncing sex"* (ibid: 45). This spiritual base sets a series of principles which must be respected by sex education. Father Władysław Skrzydlewski (Skrzydlewski, 2003: 27) states that *"even if sexual intercourse before marriage is in fact accepted by most young people, it should be stressed that this behaviour is morally wrong. The partners in this case have sexual intercourse which does take into consideration the possible result of this act, that is, the possibility of a child."* This priest also declares that *"the use of contraceptives is morally bad because it removes from the sexual act its first dimension: procreation"* (ibid: 28). These principles go along with a very traditional perception of the role of "the" woman, who is presented mainly if not exclusively as a mother whose duty is first of all to bear children and to take care of her husband.

Such principles are widely respected by sex education handbooks. For primary schools, the only handbook authorised by the Ministry of Education follows the doctrine of the Church to the letter (Król 1999). For secondary schools the Ministry of Education authorises two handbooks which are both sympathetic to Catholic principles (Król 2001; Ryś 1999). In high schools, seven handbooks are authorised (Długolecka-Lach and Tworkiewicz Bieniaś 2000; Garstka et al. 2003; Izdebski and Jaczewski 2004; Kalinowska 2001; Kósinska 2001; Król 1999; Szczerba 2001). Only two handbooks present the various methods of contraception, comparing their respective reliability and underlining the risks incurred by the use of "natural" methods. In the others, the pupils are taught that *"the natural methods are particularly adapted for women having rather irregular cycles"* (Król, 2001: 124). Breast feeding is presented as *"a means of contraception used since prehistory, although it is necessary to have some reserves on its effectiveness"* (Król, 2001: 126). Textbooks often stress the risk posed by the use of the contraceptive pill in particular for young women (Król 2001: 144-145). Contraception is even sometimes presented as an absolute evil which *"means more than the destruction of health, destroying social ties"* (Ryś 1999: 277). The books also question the reliability of condoms, notably their capacity to protect from the HIV virus. The majority of handbooks do not condone sexual intercourse outside of marriage and preach abstinence. With some exceptions (Izdebski and Jaczewski 2004), the handbooks, preparing for family life, closely follow Catholic dogma. The choice of the handbook is at teachers' discretion but teachers choose the most conservative volumes as shown by a survey carried out in the Łódz area (Kuratorium łódzkie 2003).

These handbooks are subject to criticism, in particular from the feminist movement (Skłodowska, 2004b), but not only. Female deputies belonging to right parties, like Kluzik-Rostkowska, express as well their concern on this question and do not hide that they are in favour of sexual education and of developing contraception. In 2003, the Ministry of Education decided to remove the accreditation for a handbook for presenting unreliable and biased information. And the analysis by the accredited Ministry shed some considerable doubt on the handbooks as pedagogical support for neutral scientific teaching.

In addition, access to sex education is very unequal. In 2000, 47 per cent of head teachers stated that they experience difficulties in organizing classes (Federacja na rzecz kobiet i planowania rodziny 2003b). These courses are not often treated seriously and are rarely allocated concrete slots in the timetable. Yet pupils continue to ask for reliable information, in particular regarding contraception and protection against sexual diseases. The majority obtain information from the media (Izdebski and Ostrowska 2004). Whether the solution lies simply in offering sex education in schools remains doubtful, however. Indeed, the results of a 2000 study on the effects of sex education courses are puzzling. After completing the sex education courses, the proportion of pupils who

thought that condoms protect from HIV decreased from 9 per cent to 3 per cent whereas the majority thought that condoms protect from the disease but not all the time (Federacja na rzecz kobiet i planowania rodziny 2003b: 3).

Once more, the weight of the Church as an institution appears quite strong in the field of sexual education despite the so-called secular character of the state. And at the same time, the passivity of the politicians is quite obvious – a phenomenon which can be observed in many other countries where religious influences are much less significant than in Poland – whether it is because of their conservatism or their reluctance to confront the Church on such “private” questions.

### **3.4 The discussion on In-vitro Fertilization**

As already mentioned, the Church intervened once more openly in the political field after the defeat of the Kaczynski government and the coming to power of the liberals (PO) in November 2007. A clear example of this interventionist role of the Church was during the recent debate on the method in vitro (December 2007). Via a “Letter of the bishops”, addressed in December 2007 to all deputies, the Church called for the interdiction of In-vitro Fertilization (IVF). It claims that this method, which freezes a number of cells, amounts to the assassination of an equivalent number of babies. Various actors that we met thought that most politicians disagreed with this direct intervention by the Church, like Joanna Kluzik-Rostkowska. Though being a member of the former PiS government, she is critical of the interventionism of the Church and sees this letter as an attempt to preserve its political influence at any rate. She underlines that there is a real gap between the Church and most of the Poles: “In this very case, 60% of them are in favour of the in vitro method (while nearly all of them are in favour of contraception).” As far as she is concerned, the lawyer Eleonora Zielinska judges this intervention as very worrying: “It goes along with the reservations of the Church concerning the ratification of the European convention on bio-ethic (this convention has been signed by Poland, but was not ratified) and one might fear that the project of law prepared by the PO government will be restrictive, specifically concerning the congealing of embryos.” As a journalist eager to give the readers of *Gazeta Wyborcza* an account of the evolutions in the political arena, Piotr Pacewicz has closely followed the debate on IVF and thinks that the Church has opened an explosive debate: “The people concerned by the IVF are people who want to have children and the Church is in favour of procreation. Thus it encourages believers to commit sin. In addition, such an interdiction would touch poorer people first of all as the others go abroad, as in the case of abortion.”

Nevertheless, many liberal deputies agreed with the content, if not with the form of the intervention of the bishops, contrary to Magdalena Kochan, deputy of the civic platform PO. The vice-president of the Commission of social affairs and the family feels rather isolated on her positions among her political colleagues: “I agree with the proposal of the Ministry of Health which proposed to reimburse in vitro interventions for the poorest families, and I disagree with the bishops. But I am alone to think so in my party.” As a matter of fact, the proposal of the Church gave birth to a bill which is still being debated in January 2009.<sup>28</sup>

In vitro fertilization methods are often used, as numerous researches have shown, without considering their gender dimension and the heaviness of the procedure for women – i.e the price that they have to pay physically and mentally for such an in-

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<sup>28</sup> Called the “Gowin bill” (name of its author), this bill repeats the main arguments included in the “Letter of the Bishops”.

tervention (*Cahiers du Genre* 1999; Oudshoorn 2003; Van der Ploeg 2001). But this concern was for sure not the reason behind the proposal of the Church, which tried once more to impose its views on the question of the right to life of the “unborn child” from its very “conception”.

## IV RESISTANCE TO THE CHURCH

The picture stemming from former pages gives an idea of the salience of reproductive rights in the Polish political arena. It also testifies to the difficult task of those who object to the moral values imposed by the Catholic Church and who struggle for women’s equal rights. These difficulties are particularly acute for women’s groups which claim to be feminist, which insist on the unequal power relations between the sexes and on the necessity to focus action and discourse on this dimension.<sup>29</sup>

### 4.1 *The women’s movement: a focus on reproductive rights*

There is an inventory of more than 365 women’s organizations in Poland, but this includes the many local sub-branches of national organizations. The real count corresponds thus to 150-200 structures, from the small local ones to the “big” organizations (Family Planning, documentation centres, self-help centres on women’s employment and rights and against violence plus Gender Studies centres, electoral platforms) (Siemieńska 2005).

All these groups militate for women’s rights – first of all for political and reproductive rights. A number of them intervene as well on other topics<sup>30</sup>, among them social and employment rights, although these topics are more often at the core of the work of NGOs funded by international bodies which do not necessarily define themselves as feminist.<sup>31</sup> The predominance of reproductive rights in the mobilization is explained by the fact that the Polish feminist movement has built itself, after the collapse of state socialism, upon the conflict with the Church and its conservative thinking, and because the attacks on reproductive rights have played such a central role in the political arena over the past twenty years (Heinen and Matuchniak-Krasuska 1992; Gal and Kligman 2000a; Gal and Kligman 2000b; Graff 2003; Szczuka 2004; Grabowska, Regulska 2009).

Obviously, the relation of the Polish feminist movement to the legal issue is all in all ambivalent. The dual character of the official institutions which can at the same

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<sup>29</sup> There are various definitions of the term “feminist” which are filled differently by various segments of women’s movements all over the world. One basic distinction between those who claim to be feminist and those who do not is the importance given to the question of unequal power relations between men and women. But this is of course a matter of debate as the action on social matters by groups which do not claim to be feminist or are not perceived as such but which help to improve women’s daily situation often unveils sex inequalities and thus contributes to more balanced gender relations.

<sup>30</sup> Such as violence against women, cultural discrimination, salaries in the feminized sectors of employment, etc.

<sup>31</sup> The debate concerning the action of NGOs on women’s demands has been quite vivid in many regions of the world, mainly in Latin America and in Asia where a number of NGOs has been criticized for abandoning feminist perspectives in order to get the financial support of national governments or of international institutions (Falquet 1998). As in other countries, certain Polish NGOs do have a feminist approach while others do not. But the huge financial impact of the European Social Fund devoted mainly to labour market and antidiscrimination policies has deepened the gap between political feminism and those women’s oriented actions of Polish NGOs which do not define themselves as feminist.

time be vectors of freedom as well as sources of oppression is, in Poland, of a great acuity (Delphy 1984). Polish women, during the communist period, experienced daily the permanent hiatus between formal and real rights. As stressed by Małgorzata Fuszara: *“Polish women are quite conscious that the constitutional rights as regards gender equality can actually be accompanied by inequality in terms of rights in social life, and they often show a certain skepticism with respect to the legal rules as a means of fighting against the inequalities”* (Fuszara 2002).

Despite scepticism about the gap between formal and real rights (strongly experienced under communism), Polish feminism is actively engaged in changing laws. The Polish feminist movement contrary to other European feminist movements at their inception, including the French feminist movement (Delphy 1984; Picq 1993), was not built on the refusal to work with the rules of parliamentary democracy. Thus, beyond the radicalism of the March 8 demonstration, Polish feminism is basically anchored in the institutional game, as are other European movements like the Nordic ones, for example. This institutional dimension materializes at various levels, from the forms of militancy based on lobbying and expertise to the individual careers of some “state feminists” coming from NGOs who obtain top positions in the administration or in government bodies.

Referring themselves to the situation in Nordic countries, Polish feminists are convinced of the necessity of better representation of women in decision-making bodies. This approach is theoretically based on the paradigm of the women’s common interests, beyond differences of social class. Polish feminism mixes politics from the second wave and topics and tactics from the third wave of feminism (Graff 2003). Contemporary Polish feminism, called “new feminism” by Anna Titkow (2002) is in many respects an intellectual and political feminism which includes various approaches (from essentialist to queer theories) and where academic groups play a decisive role, specifically among the younger generation.

On the issue of reproductive rights, as we have seen, the public conflict is mainly between the Church and catholic politicians, on the one hand, and feminists, on the other (Fuszara 2005). As the arguments in favour of the abortion ban are mainly religious, the main opponent of the feminist movement has been the Church. But when the Church as an institution faces the criticisms from the feminist movement, religion itself is rarely criticized. In fact many feminists, even among the main activists on reproductive rights, define themselves as Catholic (Skłodowska, 2004a).

The Church is seen by many feminists as a male organization whereas religion is often perceived to be based on the Marian Cult. On the issue of abortion, women activists often claim free-choice for women arguing that motherhood is above all a female choice and that the Church should not interfere in their private choice as human beings but also as women. The pervasive female presence in religious symbolisms can be seen in the figure of Mary as the queen of Poland, and of the Virgin as the main symbol of the catholic religion from the Black Virgin of Czestochowa to the centrality of the Marian cult in the teaching of the Pope John-Paul II. The Church, however, has always been sceptical of the Marian Cult, which it regards to be not as pure as the traditional dogma and more related to heart impulses than to the mind.<sup>32</sup> Yet, the Marian cult is often regarded by catholic women as a means to circumvent the Church, a male organization, and to claim a direct connection in faith with Mary, a female relationship reconciling religious beliefs and political activities. This duality of Catholicism, a male organi-

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<sup>32</sup> Even though John Paul II was the first Pope to recognize the Marian cult as a part of the cult of the Christ himself.

zation and a female cult, is often stressed by women who favour abortion but define themselves as Catholic.

Some feminist efforts are directed to changing the Church from within as in the case of the small organization Catholic Women for Free Choice, a group linked to the international organization “Catholics for Free Choice” based in the US: “Our group is affiliated to the Federation for Women and Family Planning and our intention is to change the mentalities of the catholic community from inside”, says Anna Grzywacz in the name of her group. “That is why we do give courses on contraception and on AIDS addressed to school directors and to parents when we get the authorization to do so (sometimes, school directors refuse our presence). As Catholics, it is very important that we do this voluntary work as polls show that conservative representations are stronger today than they were fifteen years ago. Abortion is thought to be an evil (at best, it is accepted in extreme cases) and certain handbooks even say that contraception provokes AIDS! [...] The low fertility rate encourages discourses on patriarchal families and as far as I am concerned, as a practicing Catholic, I feel that it is very important to struggle against such ideas.”

Facing a permanent criticism from women’s organization, the Church tries to undermine their position by promoting what it calls – and what is often called in the media – ‘catholic feminism’. Hence, the Church claims to defend women’s rights. For example, the constraints on divorce are presented as a protection for women against irresponsible husbands. The Church promotes many catholic organizations supporting women victims of violence. This Catholic “feminism” aims at underlining the importance of women to the Church, in line with the 1995 Letter to Women of John Paul II, while also reminding women that they could benefit from being part of the catholic community. The aim of this so-called “catholic feminism” is to empower the traditional dogma of the Church, challenged by women’s organizations but also by the more composite Marian cult. Hence “catholic feminism” is mainly based on devotion to Jesus Christ. The emergence of “catholic feminism” represents an attempt by the Church to respond to its feminist critics.

The difficulties that women’s groups encounter in opposing the discourse on “catholic feminism” and in mobilizing large groups of women through demonstrations, for example, have to do of course with the conservatism of Polish society already mentioned – a conservatism which has been fuelled by the stance taken by the elite and among them the leaders of *Solidarnosc* when the anti-abortion bill was launched at the end of the 1980s. But social conservatism is also a legacy of the past – the rejection of the communist rhetoric on “women’s emancipation” (which was often equated with “feminism”). Nor can the public rely on an anti-clerical movement insofar as such a grouping or movement does not exist – at least not in a constituted way.

In this difficult social context feminist groups have actively struggled for the right to abortion through organizations such as the Federation for Women and Family Planning, as well as through smaller groups. Katarzyna Bratkowska, from the Pro-Choice group, feels that their voice is better heard today than two decades ago, but she admits that it is very often manipulated: “When we organize a march in favour of free choice and democracy, the media calls it ‘the march for abortion’. We are described not as those who struggle for the *right* to abortion, but as those who want a lot of abortions. A paper in *Gazeta Wyborcza* presented a picture of two feminists as ‘the stars prompting abortions’. The idea that we consider abortion as an ordinary contraceptive method (which it often was under Communism) is repeated again and again.” While the feminist movement in Poland is relatively vibrant, it cannot demonstrate a mass following: “When we call for a demonstration, we can hardly gather 8,000 persons.” Although the evidence is mixed, Piotr Pacewicz, the chief editor of *Gazeta Wyborcza*, argues that

their opinion polls suggest that women are often more conservative and less pro-feminist in their declarations than men.

Hence the disarray of certain well-known feminists, as Magdalena Sroda who was in charge of gender equality in the last left government of Marek Belka, is understandable.

#### **4.2 The impact of EU accession on women's empowerment**

The intense political debate on women's political participation and empowerment, that characterized the period between 1997 and 2004 when Poland finally adhered to the EU, turned into total silence, as if the problem of women's rights had been resolved. Hence, the impression one gets is that formal adhesion to the EU effectively puts an end to the efforts that are made to meet more equal standards (Heinen and Portet, 2001).

In a country characterized by the downsizing of the welfare state, the European Social Model is regarded by many people within civil society as a safeguard against radical economic liberalism. It is also a model that one can legitimately refer to without being named an "archaic" or worse a "socialist". In the absence of a unified European social model, apart from the mainstream policy such as the Lisbon Strategy, social activists (trade unionists, feminists, human rights activists) often refer in the public debate to a set of best practices implemented in different European countries as being the European Social Model. In this sense, Europeanization provides a powerful leverage for those who struggle for a more equal, or at least less discriminatory, society. Beyond the impact of other European countries' experiences or the European Commission recommendations, one must mention the role played by the European funds and above all the European Social Funds in funding action to promote equal opportunities policies and to develop capacity building programmes for women. For instance, the monitoring of reproductive rights in Poland, run by the Federation for Women and Family Planning, is financed by the EU.

Access to European Funds, however, has not been so easy for traditional women's organizations which had to face competition from NGOs who often employ more professional staff (and for whom the amount of funding secured for a project is sometimes more important than the goal of the project itself). The impact of European funds is also constrained by the guidelines issued by Polish authorities, which mainly focus on issues related to the labour market.

Yet at the same time, the statements of the European Union, above all of the European Court of justice, as well as the impact of international bodies such as the UN can be very important in the arena of reproductive rights by legitimizing women's organizations in Poland who work in this area (Fuszara *et al.* 2008). For example, the resolution of the Council of Europe (17.04.2008) on "access to safe and legal abortion in Europe", which is not even discussed in most European countries, was one of the main titles in the press in Poland. With this resolution: "*The Assembly takes the view that abortion should not be banned within reasonable gestational limits. A ban on abortions does not result in fewer abortions, but mainly leads to clandestine abortions, which are more traumatic and increase maternal mortality and/or lead to abortion 'tourism' which is costly and delays the timing of an abortion and results in social inequities. The lawfulness of abortion does not have an effect on a woman's need for an abortion, but only on her access to a safe abortion.*"<sup>33</sup> This statement, being exactly in

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<sup>33</sup> <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/ERES1607.htm>

line with the free choice organizations in Poland, will for sure become a major argument in the public discussion. In the eyes of Agnieszka Graff, it is all the more the case as “the nationalists and the most radical wing of the Church accuse the EU of having the intention of assassinating the Polish children. It is not by chance that they resisted so fiercely against Poland’s entry into the EU”.

Women’s organizations often use the strategy of Europeanization, presenting Poland as a peculiar country and challenging its real “European-ness”. Hence, after the vote of the resolution of the Council of Europe, Wanda Nowicka, the head of the Polish Federation for Women and Family Planning declared: “*Although Polish women are European they do not yet have in fact this right [to abortion]. We believe that the decision of such an important European organization will lead to the rapid access of Polish women to this right. We hope that politicians in Poland will show the same sensitivity as politicians in Europe towards this female discrimination which provokes a tragedy for thousands women in Poland.*”<sup>34</sup>

The role of Europe was even more determinant in the famous “Alicja Tysiac case”. On 20<sup>th</sup> March 2007 the European Court of Human Rights condemned Poland and stated that Poland has violated Article 8 (Right to respect for private and family life) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Grabowska, Regulska 2009). The winning applicant – Alicja Tysiac – is a mother of three children, who has been suffering from very serious vision impairment and degeneration of the retina from early childhood. She was classified as having a second-degree disability and had difficulties with finding appropriate jobs. Another pregnancy was very risky for her health, but she was denied the right to undergo legal abortion. Childbirth resulted in the further deterioration of her eyesight, and classification into first degree disability. This decision of the European court had a dramatic impact on public discussions in Poland, and the condemnation was often presented by pro-choice organizations as the marginalization of Poland in Europe. The importance of this decision is underlined by Eleonora Zielinska, expert in this matter: “It had a clear impact on the Ombudsman insofar as it hampered his intention to submit a project for changing the Constitution, more precisely the article concerning the protection of woman’s health. His proposal was to cancel the right to abortion in the case of a threat to the life of the mother. By deciding that the Polish government is obliged to allow women to abort in the framework of the existing law, the European court has opened the possibility for women to appeal to an independent body in case of the doctor’s refusal to perform the abortion. [...] For the time being, the debate on abortion is frozen but it will soon be reopened.”

This being said, one should stress that the influence of the European bodies on the orientation of the Polish political parties has been quite limited so far. After the condemnation of the European Court of Human Rights (ECHR) linked to the Council of Europe concerning the Tysiac case, the main political response was first to challenge the decision and secondly to change Polish law in order to make this kind of legal claim based on non-compliance with Polish law impossible. Just a few voices, from the left, referred to the decision of the ECHR as a clear sign that if Poland wants to be a European state it has to comply with European rules and values. The Church condemned the intrusion of a European body in something that, in its view, must be regarded as a national issue. This reminds us that while the decisions of the European Union are seen by the supporters of the right to abortion as a lever for waging their fight, there are also serious limits to what the EU can do: the EU has neither the competence to intervene on

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<sup>34</sup> <http://www.federa.org.pl/?page=news&newsid=393&lang=1>

moral values and in the field of abortion, nor any concrete instruments (like sanctions) to enforce its views.

This might also explain why Polish feminists are not so confident about the future. “I thought that EU would change the situation” says Magdalena Sroda who had hopes when she came to government in 2004. “But I do not think so anymore. Maybe young feminists are still confident. But we have been struggling for twenty years along the Federation for Women and Family Planning, headed by Wanda Nowicka. And I feel that we are veterans of a lost cause.” Wanda Nowicka herself, in the framework of an international conference of the Family Planning movement which took place in Paris in September 2008, did not hide her opinion that it would be illusory, if not foolish, to wait for changes in the field of reproductive rights during the coming years in Poland.

Europeanization, however, is not only a legal or institutional process. It also entails greater international mobility of people and of ideas. The fact that many Poles, both women and men, migrate to countries where the legal situation is different concerning abortion and where gender relations are based on more equality might open new avenues for social change. In the case of abortion and in vitro reproduction the opening of borders also offers new opportunities for women and for couples to exercise their reproductive rights – at least for those who have the economic means to seek these options. Such openings may either reinforce the status quo (as it did in Ireland for example), or alternatively, legitimize other paths and lead to the redefinition of the social pact concerning reproductive rights.

## **CONCLUSION**

As we have argued, various factors have combined to enable the political influence of the Catholic Church in Poland. A significant factor has been the weight of the past on people’s representations of the Catholic Church as a legitimate national institution, given the role it has played in the resistance against “them” (the occupants, the communists). Another factor is the degree to which the Catholic Church has been institutionalized, especially since 1989, and its ability to influence social norms and social practices reinforced through its official presence within schools, as well as through cultural channels and more or less formalized networks of contacts with politicians. A third factor is the ideological orientation of the government: conservative governments have obviously taken a more regressive standpoint on abortion and sex education in schools than more liberal ones. A fourth factor is the very weak presence (often the quasi absence) of a strong left and secular political opposition and the fact that political parties have shied away from confronting the Church head-on for historical and electoral reasons. A last factor is the weakness of the women’s movement itself which has not yet cultivated a large constituency of women and thereby faces difficulties in contesting and containing conservative anti-egalitarian moves by the Church.

Furthermore, the fears and anxieties that people have about the future, given the rapid pace of socio-economic change experienced since the fall of socialism along with the disillusionment that has accompanied the process of change, sustain the need for the mythical unification of society through religion, nation, polish national identity and heroism in history.

For all these reasons, it is surely unfair to assume that Poland is on the road to the secularization of the public sphere and moving towards a model based on more liberal cultural values. However, the European accession has put Poland in an awkward position on a range of topics, in particular those concerning equal rights and discrimina-

tion (women, homosexuals, migrants). The case of abortion is in this sense highly revealing.

At stake in the moral conflict in Poland are primarily the legitimacy of diversity, and the coexistence of different value systems. The conflict between the liberal model and the conservative one is largely public and its outcome is far from evident.

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