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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.[1]

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.[2]

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

[1] 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.

[2] 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[3], 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 Wyszińki (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.

[3] 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 sate 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[4].

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

[4] 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).[5] 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