

Human Rights and Democracy in the Polish Abortion Debates: Concepts, Discourses, Subversions

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Abstract

This article analyzes debates about restrictive abortion legislation in Poland introduced in 1993. It studies these debates from the perspective of human rights and democratic conceptualizations constructed within three main abortion discourses in Poland: the pro-life national-Catholic discourse; the pro-choice liberal individual discourse; and the pro-choice feminist discourse. The point of departure of this article is the observation that while all these positions have invoked human rights and democratic rhetoric with strong positive implications, they have also pursued radically different interpretations of human rights and democracy. This article argues that, in the Polish post-communist abortion context, universal notions of human rights and democracy have become extremely powerful political instruments for the articulation of particular interests and identities. This article analyzes these notions as contingent, relational, and contextual. It also argues that the deficiencies and defects of the Polish abortion debate were not induced primarily by the great polarization, antagonism and radicalization of the pro-life and pro-choice discourses, but by attempts to align the concepts of human rights and democracy with one particular political-moral option, and consequently to lock these concepts outside the political.

1. Introduction

Controversies about the legal status of the act of deliberate termination of pregnancy (abortion) are common in all countries in the process of democratization, but tend to be particularly intense in states which undergo transition from authoritarian forms of government. Authoritarian regimes have displayed an inclination to approach abortion through the prism of a dominant ideology, and to impose radical solutions which are either overtly restrictive or overtly permissive. In many cases the subsequent political transition has brought about a 'democratization of abortion law', meaning that abortion law, its re-drafting, and the alteration of its status have become issues of public debate. Accordingly, in the context of the regime changes of 1989, abortion issues were 'among the first [ones] raised by virtually all of the post-socialist governments of Eastern Central Europe'.¹ Particularly in the early transition period, the politics of reproduction became interwoven with 'new and old elites' negotiat[ions] ... over state forms'.²

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¹ G. Kligman and S. Gal, 'Gendering Postsocialism: Reproduction as Politics in East Central Europe' in S. Antohi and V. Tismaneanu (eds.), *Between Past and Future. The Revolutions of 1989 and their Aftermath*, (Budapest: Central European University Press, 2000) 198-215 at 198.

² Kligman and Gal, n. 1 above, 201.

Even though communist abortion legislation was problematized and altered in the whole of East Central Europe, nowhere did that process generate such controversy as in Poland.³ In Poland the abortion debates became ‘a permanent feature of the parliamentary agenda’⁴ and were a decisive factor in the formation of the post-communist political scene, where newly-fledged interests and identities were manifested in an idiosyncratically polarized mode.⁵ Characteristically, Polish abortion debates centred on questions of ethical consensus in democratic communities, human dignity and social justice, gender issues and the alleged dichotomy of the private and the public, and, last but not least, the role of the Catholic Church in the process of democratic consolidation.⁶ Alstop and Hockey argued that abortion in Poland was almost never discussed as ‘an issue in its own right but became instead a symbolic resource to be deployed, variously, by the Communist state, the Catholic Church and post-Communist governments’.⁷ It is indicative that both pro-life and pro-choice positions incorporated in their argumentation persuasive human rights and democratic rhetoric, and have hence become illustrative of the distinctively post-communist conflicts between different political narratives of human rights. Whereas proponents of restrictive abortion legislation employed the concept of the *erga omnes* right to life, physical integrity, and the human dignity of unborn life and the rights of the child, their liberal adversaries adopted a negative discourse on rights (e.g. the right to privacy), which problematized not only the medico-ethical act of abortion, but also the act of violation of principles of state neutrality and non-interference. Pro-choice feminist discourses developed the language of women’s rights (in particular the right to reproductive self-determination) and tended to interpret restrictive abortion politics in terms of the oppressive gender regime and ‘bio-politics’.

This article holds that the tensions occurring between these different human rights discourses on abortion need not be approached merely as the result of deliberate tactical strategies, i.e. the application of human rights as ‘trump cards’ for the appropriation of their authoritative locutions and cataclysmic potential.⁸ Rather, this article argues that the accommodation of human rights concepts by the pro-life and pro-choice positions demonstrates paradigmatic incompatibilities embedded in competing post-communist visions of democracy. The main contention is that the Polish abortion disputes demonstrate, on the one hand, the prevalent political-intellectual agreement in the post-communist region about the desirability and compatibility of democracy and human rights and, on the other hand, radically different democratic and rights conceptualizations and conflicting interpretations of the nature of their relationship.

This article aims to *map* these conflicting democratic and rights conceptualizations and to *interpret* them through the prism of human rights theorisation in different traditions of democratic thinking. Its objective is hence to demonstrate the idiosyncratic equivocality of concepts and the flexibility of discourses on human rights in post-communism (partly rooted in their widespread acceptance and prevailing positive implications), which makes human rights language accommodative of strikingly different political statements (both descriptive and prescriptive). While such developments might have negative implications (e.g. the question of boundaries beyond which human rights cease to be politically assimilative and adaptable), this article pursues the view that broad room for interpretative manoeuvre is a potential guarantee of plurality and diversity of human rights locutions. It should

³ N. Funk, ‘Introduction: Women and Post-Communism’ in N. Funk and M. Mueller (eds.), *Gender Politics and Post-Communism. Reflections from Eastern Europe and the Former Soviet Union*, (New York: Routledge, 1993) 1-14 at 11.

⁴ Kligman and Gal, n. 1 above, 198.

⁵ P. Watson, ‘The Rise of Masculinism in Eastern Europe’ (1993) 198 *New Left Review* 71-82 at 75.

⁶ T. A. Byrnes, ‘The Catholic Church and Poland’s Return to Europe’ (1996) 30 *East European Quarterly* 433- 448 at 446.

⁷ R. Alstop and J. Hockey, ‘Women’s Reproductive Lives as a Symbolic Resource in Central and Eastern Europe’ (2001) 8 *The European Journal of Women’s Studies* 454-71 at 460.

⁸ R. Dworkin, ‘Taking Rights Seriously’ in R. E. Goodin and P. Pettit (eds.), *Contemporary Political Philosophy. An Anthology*, (Oxford: Blackwell, 1997) 328-40 at 328 *passim*.

therefore be regarded as an interesting and promising occurrence in itself, as long as it does not bring about hegemonic endeavours to impose a *unitary* and *fixed* interpretation of human rights, which would mean their expulsion beyond the political domain. This article strives to answer the following questions: in the confrontation of different attitudes to the abortion issue, what different democratic and human rights understandings are brought into play; how do they interact with each other on a conceptual and discursive level; and with what political effect?

This article subscribes to the contextualist approach in that it assumes that the interpretation of human rights and democratic conceptualisation in Polish abortion debates has depended on their political-discursive location. It therefore closely links the abortion debates, and specifically their conceptual configurations and the authorial identification and intentionality in the texts, to the post-communist context in which they occur. This article does not attach to the context any determinative status, nor does it aspire to make any causal claims about the relationship between post-communism and abortion politics as such (suffice to recollect that other Central East European states adopted relatively liberal abortion legislation after 1989 - 1991 and that examples of the most restrictive abortion regimes in Europe are to be found outside the former communist region). Rather, post-communism is defined in this article as a larger discursive political and socio-cultural ambiance, which becomes constitutive of the diverse conceptual patterns and configurations in which human rights function politically. In the Polish case in particular, post-communism has three important aspects which make up the analytical framework of this article. First, its very *raison d'être* is the deracination of communism. Hence, it conditions discourses that have developed antithetically to communist ideology in general, and to its hegemonic abortion politics in particular, i.e. those of the Catholic Church. Secondly, the notion of post-communism has included strong liberal inferences in that it subscribes to Fukuyama's enthusiastic profession of liberalism's unrivalled political and economic ascendancy⁹ and to Ash's interpretation of the events of 1989 as an indication of 'the vital importance of individuals in history'.¹⁰ This installed a liberal hegemonic position within Polish political thinking and practice in the 1990s, which, in the context of abortion, has been challenged by both pro-life and pro-choice positions as overtly permissive and insufficiently considerate respectively. Thirdly, according to Laclau, post-communism entails the proliferation and empowerment of political 'particularisms', which have evolved around such issues as gender and ethnicity, and have employed the 'universalist' language of human rights and democracy to articulate their 'particular' interests and identities.¹¹ It has hence conditioned both robust and thoughtful feminist responses to what has been defined as the oppressive ascendancy of the pro-life position. Put otherwise, the analytical framework of this article includes three main Polish 'abortion narratives' (conservative-Catholic, liberal individual, and feminist), which are accommodated within the post-communist context and juxtaposed with each other so as to bring out the dialectics between the hegemonic and the subverted, and between individual autonomy and collective (democratic) intervention.

The articles, essays, interviews and commentaries analyzed here include publications from the period 1989 to 1997 and come from the Catholic-intellectual and Catholic-national newspapers and weeklies *Więź*, *Tygodnik Powszechny*, *Niedziela*, *Znak*, the liberal newspapers *Gazeta Wyborcza* and *Przegląd*, and from the feminist newspapers, magazines and bulletins *Zadra*, *Pełnym Głosem*, *Mam Prawo*, *Biuletyn OŚKI*, as well as a weekly supplement to *Gazeta Wyborcza*, *Wysokie Obcasy*. In order to make the affiliation of particular authors and their positioning in the Polish abortion debates clearer for an international readership, this article includes an appendix with short bibliographical notes on the

⁹ F. Fukuyama, 'The End of History?' (1989) 16 *National Interest* 3-18.

¹⁰ T. G. Ash quoted in U. Jakobsen, 'Demokratisering – begreber, teorier og processer' in U. Jakobsen and M. Kelstrup (eds.), *Demokrati og demokratisering: begreber og teorier*, (Copenhagen: Forlaget Politiske Studier, 1999) 138-218 at 142.

¹¹ E. Laclau, *Emancipation(s)* (London: Verso, 1996), at 20-35.

authors of primary sources. Also, the references to primary sources in the footnotes include not only the Polish titles of the analyzed texts, but also English translations of these titles.

The method of analysis, as explained above, is discursive-theoretical and discursive-analytical. It has been largely influenced by Fairclough's methods for critical discourse analysis,¹² as well as by the ideas of Cambridge contextualism (in particular as practised by Quentin Skinner) which problematize authorial intentions in the process of textual composition and the larger socio-political and discursive context within which these texts emerge.¹³

Section 2 provides a historical outline of abortion politics in Poland in the 1990s, i.e. the pro-life initiatives accompanying the transition; establishment of the restrictive abortion law in 1993; its radicalization by the ruling of the Polish Constitutional Tribunal in 1997; and the subsequent reaction of women's movements. Sections 3, 4 and 5 conduct analyses of human rights and democratic conceptualizations in conservative-Church, liberal and feminist abortion discourses respectively. Section 6 offers final interpretations, inferences and conclusions.

2. Polish Post-Communist Politics and the Abortion Issue

In 1989 abortion controversies re-materialized in Poland in an idiosyncratic political context of post-communism, but as such were not unprecedented.¹⁴ Whereas a relatively restrictive legal discourse on abortion was developed in Poland in the interwar period and prevailed unaltered throughout the first post-war decade, in 1956 the law was liberalized virtually overnight to become 'one of Europe's most permissive'.¹⁵ The intense and acrimonious abortion disputes in Poland in the 1990s need to be seen as a backlash against this prolonged imposition of a foreign value system and the lack of any public space for its deliberation.¹⁶ Fuszara noted that even though 'the fall of Communist governments in the countries of Central and Eastern Europe has generally been followed by more tolerant, less punitive approaches to social issues', post-communist abortion legislation in Poland demonstrated the possibility of reverse leanings.¹⁷ One of the reasons for this was that restrictive abortion politics emphasized the legislative discontinuity between the communist and post-communist state:

A contrast between the morality of democracy and the immorality of communism was ... highlighted... through debates about their contrasting approaches to abortion legislation. ... In Poland... it was through the restriction of abortion ... that politicians attempted to signal the new Solidarity-dominated government's morality, opposition to communism, and alliance with the Catholic Church.¹⁸

Communist governments' permissive approach to abortion was induced by 'Marxist values of materialism and atheism'¹⁹ and was officially presented as a realization of communist equitable gender politics.²⁰ Contrary to Western European democracies, the 'communist regimes approached the

¹² N. Fairclough, *Discourse and Social Change* (Cambridge: Polity Press, 1992); N. Fairclough, *Critical Discourse Analysis* (London: Longman, 1995); L. Chouliaraki and N. Fairclough, *Discourse in Contemporary Society: Renewing Critical Discourse Analysis* (Edinburgh: Edinburgh University Press, 1999).

¹³ Q. Skinner, *Visions of Politics. Volume I Regarding Method* (Cambridge: Cambridge University Press, 2002).

¹⁴ Brian J. Leslie, 'Poland, Abortion, and the Roman Catholic Church' (1994) 17 *Boston College International and Comparative Law Review* 453-84 at 457.

¹⁵ Andrzej Kulczycki, 'Abortion Policy in Postcommunist Europe: the Conflict in Poland' (1995) 21 *Population and Development Review* 471-505 at 471.

¹⁶ Patrick J. Flood, 'Abortion and the Right to Life in Post-Communist Eastern Europe and Russia' (2002) 36 *East European Quarterly* 191-226 at 191-5.

¹⁷ Malgorzata Fuszara, 'Legal Regulation of Abortion in Poland' (1991) 17 *Signs: Journal of Women in Culture and Society* 117-128 at 117.

¹⁸ Kligman and Gal, n. 1 above, 203-204.

¹⁹ Flood, n. 16 above, 191.

²⁰ C. Corrin, 'The Politics of Gender' in S. White, J. Batt and P. G. Lewis (eds.), *Developments in Central and East European Politics 2*, (Houndmills: Macmillan Press, 1998) 234-54 at 240.

abortion issue merely as a component of a larger political strategy, arbitrarily imposed and resolutely carried out by various governmental agencies[,] ... often in direct conflict with the sentiments of large masses of the population'.²¹

In 1956 the Polish Parliament passed the 'Law on Termination of Pregnancy', which decriminalized abortion and permitted it on various grounds and at any stage of pregnancy.²² This was followed by massive remonstrances from the Catholic Church: in 1958 the PAX Catholic Association urged parliamentarians to overturn the law, and overtly appealed to the medical establishment to sabotage its execution.²³ Throughout the entire communist period, the Church's position on abortion remained unaltered and uncompromised, and became particularly exigent in the years of relative political liberalization following the establishment of the independent trade union *Solidarność* (Solidarity) in 1980, which challenged the communist power monopoly in Poland.²⁴ The fact that, shortly after the 'Round Table' negotiations, parliamentarians from the (peasant) United People's Party drafted a proposal for a more restrictive abortion law is indicative of how closely the anti-abortion position had become embedded in transition politics in Poland. Even though this proposal was temporarily removed from parliamentary consideration, other initiatives, such as the Second Congress of *Solidarność* in 1990 and its statement on the protection of 'unborn life',²⁵ restrictions introduced by the Minister of Health and Social Welfare in April 1990, or the 'Code of Medical Ethics' adopted at the Second National Congress of Polish Physicians in 1991, signified a 'sustained attack' on communist abortion legislation.²⁶

In this context it was by no means surprising that in June 1989 the newly elected parliament regarded abortion law reform as a priority. The first bill submitted for discussion in the Upper House was drafted by Catholic representatives. It proposed the prohibition of abortion under any circumstances, penalization of all sides involved, and the extension of the rights of the child to foetuses.²⁷ On this basis the Upper House prepared the so-called 'Senate draft', which nevertheless 'ran into unyielding opposition from the pre-fixed communist majority in [the Lower House], despite the defection to the pro-life side of many members of the regime-allied United People's...Party'.²⁸ Opposition to this restrictive abortion bill came also from the Democratic Union, formerly associated with the *Solidarność* movement. This exacerbated tensions between the liberal faction of the former opposition and the Church.

Although the Catholic deputies were desperate to introduce new abortion legislation before the Pope's visit in June 1991, parliamentary discussions stalled until the elections in October 1991. The subsequent formation of a Catholic-national and agrarian coalition government broke the impasse and it moved in the direction of finalising a restrictive abortion reform. In March 1992 two abortion bills were submitted for parliamentary discussion: the first by the Christian-National Union

²¹ Reviewed by Stanisław Frankowski, 'Termination of Pregnancy. Legal Responses in Poland and in the World' (1992) 40 *The American Journal of Comparative Law* 264-72 at 264-5.

²² Fuszara, n. 17 above, 117-6.

²³ Leslie, n. 14 above, 458.

²⁴ J. Anderson, 'Catholicism and Democratic Consolidation in Spain and Poland' in J. T. S. Madeley and Z. Enyedi (eds) *Church and State in Contemporary Europe. The Chimera of Neutrality*, (London: Frank Cass, 2003) 137-56 at 144. The Church interpreted the official politics of 'stabilization' and 'restitution' in the 1980s as a 'moral and societal renewal of the nation[,] [and hence] adopted a firmer stand against abortion and "artificial" contraception, and fostered the growth of legalized lay antiabortion groups'. Cf. Kulczycki, n.15 above, 481.

²⁵ The Second Congress of *Solidarność* in 1990 was a general meeting of the *Solidarność* members. It was focused on the changed Polish political reality after 1989 and on post-communist transformations, hence the statement on the protection of 'unborn life' was indicative of the degree of politicization of the abortion issue in Poland in early 1990s.

²⁶ Kulczycki, n. 15 above, 483.

²⁷ Watson, n. 5 above, 76.

²⁸ Flood, n. 16 above, 196.

and the second by the Polish Women's League.²⁹ The latter proposal was rejected by the Lower House, whereas the former was taken as a basis for further discussion, but with substantial revision. A parallel controversy also arose over whether the abortion issue should be settled by a national referendum.³⁰ Eventually, on 7 January 1993, parliament adopted the 'Law on Family Planning, Protection of the Human Foetus and Conditions of Permissibility of Interruption of Pregnancy', which prohibited abortion on socio-economic grounds and sanctioned it under three strictly controlled conditions: threat to life or health of the woman; serious damage to the foetus; or judicial confirmation that the pregnancy had been a result of a criminal act.³¹

The Church expressed moderate satisfaction, and Primate Glemp called the law 'a step in the right direction'.³² The legislation was nevertheless 'portrayed by the Christian-National Union and the Church as a compromise because it fell short of a categorical ban by permitting amniocentesis when there are grounds to suspect problems with a pregnancy and dropping criminal sanctions against women who self-induce abortion'.³³ It is symptomatic that there was no political will to achieve a consensus on the issue and the 1993 law was perceived as an attempt to find a middle ground, which was unsatisfactory for both parties.³⁴ In this sense, and to the extent that it created a legal-discursive reference framework for further deliberations, the law was an opening rather than a closing of the abortion dispute. In this context Kulczycki concluded that '[t]he new law ... satisfied almost no one because it was poorly written and did not fully meet the demands of any one group[,] [thus] [t]he issue seem[ed] set to resurface in the future'.³⁵ Critics of the restrictive legislation pointed out its exclusion of socio-economic considerations, whereas its supporters aspired to further restrictions of the law along the lines of 'the Irish model'.³⁶

The Democratic Left Alliance that emerged in the 1993 parliamentary elections promised to liberalise abortion legislation.³⁷ Nevertheless, its actual room for manoeuvre in revising the law was largely limited owing to, *inter alia*, its parliamentary coalition with the agrarian Polish Peasant Party (ambivalent on the abortion issue) and the strong position of President Wałęsa, a conservative and devout Catholic.³⁸ Kwaśniewski's success in the 1995 presidential election created a more open and liberal political environment and in August 1996 a liberalising bill was passed in the Lower House.³⁹ This was subsequently rejected in the Upper House. In rather dramatic circumstances, with both pro- and anti-abortion demonstrations taking place in front of the parliament building, the Upper House's

²⁹ Joanna Podgórska, 'Co począć?' ('What to do?') (2002) 4 *Polityka*.

³⁰ Public support for the plebiscite and lobbying by the women's movement was countered by both the Church's strong pressure against democratic resolution on the issue and by the governing parties' resistance towards a referendum on the grounds that it was 'unnecessarily divisive and destabilizing'. See Flood, n. 16 above, 197.

³¹ Krystyna Daniel, 'The Church-State Situation in Poland after the Collapse of Communism' (1995) 2 *Brigham Young University Law Review* 401-20, see n. 51 at 409.

³² Glemp quoted in Mirella W. Eberts, 'The Roman Catholic Church and Democracy in Poland' (1998) 50 *Europe-Asia Studies* 817-42 at 824.

³³ Kulczycki, n. 15 above, 485.

³⁴ F. Millard, *Polish Politics and Society* (London and New York: Routledge, 1999), at 133-4.

³⁵ Kulczycki, n. 15 above, 485.

³⁶ Henry P. David and Anna Titkow, 'Abortion and Women's Rights in Poland, 1994' (1994) 25 *Studies in Family Planning* 239-42 at 241. The 'Irish model' of abortion legislation makes abortion illegal under the Irish Offences Against the Persons Act (1861), and unconstitutional (public referendum, 1983). Until recently, the 'Irish model' also included denial of the right to information on abortion and to travel to obtain abortion abroad (defeated in a public referendum, 1992).

³⁷ J. L. Curry, 'Poland's Ex-Communists: From Pariahs to Establishment Players' in J. L. Curry and J. B. Urban (eds.), *The Left Transformed in Post-communist Societies*, (Lanham: Rowman & Littlefield Publishers, 2003) 19-60 at 31.

³⁸ K. Enstad, 'Poland' in F. Aarebrot and T. Knudsen (eds.), *Politics and Citizenship on the Eastern Baltic Seaboard. The Structuring of Democratic Politics from North-West Russia to Poland*, (Kristiansand: Høyskoleforlaget, 2000) 136-58 at 151-2.

³⁹ Kwaśniewski was a leader of the (post-communist) social-democratic party SLD, which declared its interests in the protection of women rights and in particular in the liberalization of the Abortion Law.

veto was eventually overruled in the Lower House, and the bill was signed by President Kwaśniewski on 20 November 1996.⁴⁰ The additional provisions were enforced in 1997, but were shortly afterwards contested on constitutional grounds. Consequently, ‘the Polish Constitutional Tribunal rejected national legislation enacted in 1996 to deal with family planning, human embryo protection, and legal conditions for abortion, holding that constitutional provisions protect human rights in every phase of development’.⁴¹ The Tribunal ‘accepted rights of abortion when women’s lives are endangered, but considered the 1996 permission of economic and social grounds for abortion, such as difficult life conditions or personal situations, too vague to justify sacrifice of prenatal life’.⁴² Following the victory of the post-*Solidarność* parties in the 1997 elections, the verdict of the Constitutional Court remained unchallenged.⁴³

In the 2001 election campaign abortion was again high on the agenda of the social-democratic parties. The victorious Democratic Left Alliance and its ally, the Workers’ Union, undertook to liberalise abortion law, and in their electoral programmes defined the broader abortion opportunity as a necessary condition for achieving gender equality in societal relations. Nevertheless, hardly any initiatives followed the declarations owing to, *inter alia*, particularly painstaking relations between the governing parties and the Catholic Church due to the widespread support for European enlargement. The ‘Hundred Women’s Letter’, submitted to the European Parliament in February 2002 and signed by prominent figures, pointed out the following:

on the basis of various public statements it should be inferred that there has been a particular agreement between the Roman Catholic Church and the government, ... namely that the Church would support the European integration project at the expense of the government’s withdrawal from the debate on liberalisation of the abortion law.⁴⁴

Two recent occurrences demonstrate that the abortion issue has remained unsettled and deeply divisive in Polish politics and society. First, radical pro-life rhetoric was employed by the so-called ‘euro-sceptic’ forces (most spectacularly by the nationalist ultraconservative party Polish Families’ League) in their argument that Polish idiosyncratic cultural and ethical values would come under pressure in the process of European integration. This explains, for example, the vehement protests of Polish conservative groups against the resolution on ‘Sexual and Reproductive Health and Rights’ in the European Parliament,⁴⁵ as well as the demand by the Polish government in January 2003 for European Union guarantees that it would not interfere in or press for change of Polish abortion law. Secondly, a vibrant abortion dispute followed the visit of a ship from the Dutch organization *Women on Waves* to the Polish port of Władysławowo in July 2003.⁴⁶ The aim of the visit was to mount a ‘pro-choice campaign’, which included sexual health education workshops, distribution of contraceptives and, controversially, short excursions into international waters for the purpose of termination of pregnancies. The visit caused a great deal of contention in society, which included, on the one hand, supportive initiatives from

⁴⁰ Byrnes, n. 6 above, 439. [No relevant fact was found on the page 439. Page 443 may be the right page]

⁴¹ The Polish Constitutional Tribunal, Ruling K 26/96 (1997). See also Rebecca J. Cook and Bernard M. Dickens, ‘Human Rights Dynamics of Abortion Law Reform’ (2003) 25 *Human Rights Quarterly* 1-59 at 13.

⁴² Cook and Dickens, n. 41 above, 27.

⁴³ Eberts, n. 32 above, 826.

⁴⁴ ‘List stu kobiet’ (‘The Letter of a Hundred Women’) (2 Feb. 2002) <http://www.oska.org.pl/infopage.php?id=20>.

⁴⁵ ‘EP Resolution on Sexual and Reproductive Health and Rights’ (5 July 2002) *InfoBASE: EUROPE: European database* <http://www.ibeuropa.com/Database/5800/5830.htm>.

⁴⁶ *Women on Waves* is a Dutch non-profit organization that is concerned with abortion legislation and abortion possibilities in European countries. Its work includes information, counselling, pregnancy testing, and, most controversially, termination of pregnancy in its mobile ship clinic provided on the international waters (i.e. outside the territory of a country where abortion is illegal). The organization has organized trips of its abortion clinic to Ireland (2001), Poland (2003) and Portugal (2004). See <http://www.womenonwaves.org>

women's movements and, on the other, violent protests organized by a youth branch of the Polish Families' League.⁴⁷

3. The Concept of the Right to Life and Ethical Democracy in Pro-life Discourses

The pro-life approach to the abortion issue has been represented in Polish contexts by conservative and national-Catholic positions. It defines abortion as the act of extermination of an innocent and defenceless person, which could not be justified under any circumstances, and is considered a violation of the human right to life and personal integrity, and one of the 'heaviest and most dangerous crimes'.⁴⁸ In pro-life texts abortion was conceptualized as a violation of the 'most fundamental human right [because] if a human being is denied the right to be born, consequently he/she is denied access to any other [human] rights'.⁴⁹ Analogously, Ślodka has argued that it is impossible to defend any other human rights, either in relation to women or to children, if one concurrently permits contravention of the right to life, which is indispensable for any other human rights guarantees.⁵⁰ The conceptualization of human rights (to life) in pro-life texts was hence based on the recognition of a normative hierarchy within the category of rights, the classification of the right to life as a 'fundamental right' (i.e. relational to obligations *erga omnes*); and, most importantly, on the alleged synonymity between the dispute against abortion and the protection of the right to life. The intention of the authors was to close up any discursive spaces designated as 'pro-choice' through an exclusive interpretative appropriation of the concept of human rights, and hence to de-politicize the abortion issue.

An important element of human rights conceptualization in pro-life texts is the inclusion of the rights of the 'unborn life' within the category of human rights, i.e. the designation of the foetus as a recipient of human rights. Consequently, these texts identify the foetus as a 'semi-citizen'. Ślodka, for instance, advocated the inclusion of the foetus in the category of 'subjects of human rights' on the basis of inferences that can be drawn from the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human rights (ECHR), and the Convention on the Rights of the Child.⁵¹ Similarly, Terlikowski argued that liberalization of the 1993 law would mean the withdrawal of state protection from a given category of members of society (foetuses), and the negation of the democratic principle that all citizens are equal before the law.⁵² The pro-life texts constructed the foetus as a 'human rights recipient' and a 'democratic subject', whose interests they claimed to have recognized and represented while the foetus temporarily remained 'the silent citizen whose preferences were to be actualized in the future'.⁵³

In their vision of democracy, pro-life authors emphasized its 'moral dimension'.⁵⁴ This moral-democratic discourse was rooted in the assertion that post-communist democracy needed to

⁴⁷Report Poland 2003' (Aug. 2003) *Women On Waves* <http://www.womenonwaves.org/poland2003/report.html>. See also Karen Birchard, 'Dutch Ship Plans to provide Abortion' (24 June 2000) *The Lancet*.

⁴⁸ Piotr Jaroszyński, 'Przewrotność demokracji' ('Democratic Fraudulence') (13 Mar. 1994) *Ład*.

⁴⁹ Pieronek in Adam Michnik, 'Z urzędu nie święci, z natury grzeszni. Rozmowa z biskupem Tadeuszem Pieronkiem' ('Not Blameless in Their Function, Sinful in Their Nature. An Interview with bishop Tadeusz Pieronek') (10-11 July 1993) *Gazeta Wyborcza*.

⁵⁰ Inka Ślodka, 'Prawa nie narodzonego człowieka' ('The Rights of an Unborn Man') (1997) 3 *Więź*.

⁵¹ Ślodka, n. 50 above.

⁵² Tomasz P. Terlikowski, 'Aborcja, Ekumenizm, Chrześcijaństwo, Religia' ('Abortion, Ecumenism, Christianity, Religion') (23 Oct. 2003) *Ekumeniczny Serwis Inormacyjny*.

⁵³ Janine P. Holc, 'Liberalism and the Construction of the Democratic Subject in Postcommunism: the Case of Poland' (1997) 56 *Slavic Review* 401-427 at 420.

⁵⁴ Zbigniew Stawrowski, 'Moralność a demokracja' ('Morality and Democracy') (1998) *Ośrodek Myśli Politycznej* <http://www.omp.org.pl/staworski.htm>.

encompass to the same degree ‘the affirmation of freedom and the understanding of [its boundaries]’.⁵⁵ While pro-life authors admitted that the abortion dilemma revealed ‘an inherent democratic flaw’, namely the inevitable ‘tension between [individual] freedom and law’,⁵⁶ they also explicitly described post-communist democratisation as a fastidious process aimed to equilibrate the liberty of the individual and the normative constraints of the collective. Hence, in Sobański’s words, democracy entails ‘a constant concern that the balance [between freedom and law] is evenly struck’.⁵⁷ The problem with a concept of democracy which rejects a moral constituent (as in the liberal narrative) is that it disturbs the aforesaid balance between freedom and law because *ex definitione* it attaches equal value to different ethical positions:

Can we agree on equalization of pro- and anti-abortion opinions? [Our] axiom is the protection of human life from the moment of conception. This is an ethical axiom, and in the realm of ethics there cannot be a compromise. In this case compromise would indicate conformity with an innocent death. During the times of totalitarian opposition, lack of compromise gained a status of a [civic] virtue among both the church and the lay dissidence. Why do we now have to advocate compromise after the democratic [revolution]?⁵⁸

In Tischner’s text the concept of democracy functions in close relation to the goal of unremitting ethical perfection of a given political community.⁵⁹ Tischner here makes an important reservation, namely that democratic choice is not constitutive of what is morally upright, virtuous, conscientious, etc., but that it provides possibilities for disclosing and pursuing these qualities. He suggests that the procedural consolidation of the democratic mak-eup should be combined with the moral axioms and values derived from the dissident ethos of the 1970s. Finally, Tischner’s categorization of the abortion issue as extra-democratic is characteristic of ‘natural rights’ and ‘natural law’ traditions. His argument is that while the ethical ‘truth’ is linked to the premises of natural law and remains outside the reach of democratic prerogatives, there is a strong point of convergence between democracy and ethics in ‘the respect of human dignity and inviolable [human] rights’.⁶⁰ In other words, Tischner’s conceptualization of post-communist democratisation is a conjecture of a pluralist society which allows for diverse opinions within its forums (and thus assumes its members are responsible, rational and mature) and for the existence of an axiological consensus within that society, which should include the abortion question.

This conceptualization of ‘moral democracy’ combined the ethos of individual freedom, founded on the principles of personal autonomy and responsibility, with the idea of ‘the ethical minimum’, phrased in terms of basic human rights:

⁵⁵ Michał Okoński, ‘Tajemnice niewiary’ (‘The Secrets of Un-Faith’) (25 Apr. 2001) *Tygodnik Powszechny*.

⁵⁶ Remigiusz Sobański, ‘Wolność a prawo demokratycznego państwa’ (‘Freedom and Law in Democratic State’) (1995) 1 *Więź*.

⁵⁷ Sobański, n. 56 above.

⁵⁸ Józef Tischner, ‘Dziedzictwo chrześcijańskiej Europy i jego przyszłość’ (‘The Christian heritage of Europe and Its Future’) (9 Feb. 2003) *Tygodnik Powszechny*.

⁵⁹ Both Graczyk and Szczuka argue against the interpretation of Tischner’s writings as supportive of ‘ethical democracy’. See: Roman Graczyk, ‘Demokracja realna’ (‘Real Democracy’) (3-4 Apr. 2004) *Gazeta Wyborcza* and K.Szczuka, *Milczenie owieczek. Rzecz o aborcji* (Silence of the Lambs. On Abortion) (Warsaw: W.A.B., 2004), at 248-9. Szczuka’s argumentation is based on a quotation from Tischner that emphasizes the danger of subjecting democracy to the idea of ‘absolute truth’ (and of the related totalitarian inclinations). The conceptualization of ‘ethical democracy’ that is presented in this section includes a much ‘weaker’ claim than the assertion of democracy being subordinate to any domineering or overbearing ideological judgement. The claim is therefore that Tischner indeed endorsed the concept of ‘ethical democracy’ and that its meaning centred around democracy as a process of growing ethical maturity and responsibility of its citizens (but not lack of pluralism in ethical opinions as such), as well as his emphasis on the inevitable imperfection of liberal-democratic mechanisms. Cf. Józef Tischner, ‘Nieszczęsny dar wolności’ (1992) 46 *Tygodnik Powszechny*.

⁶⁰ M. Barański, ‘Prawo naturalne a etos nowoczesnej demokracji’ (‘Natural Law and the Ethos of Modern Democracy’) in M. Szyzkowska and T. Kozłowski (eds.), *Polityka a moralność*, (Warsaw: LIBER, 2001) 141-4 at 142.

The indispensable minimum includes the elementary rights that protect life, personal integrity, and property (i.e. all that is necessary for individual security in a communal life), as well as the right to act autonomously (i.e. the freedom of conscience, expression, and action) within the public space. ... The ethical democratic state respects elementary human rights and the principle of justice.⁶¹

The notion of 'moral democracy' functioned in pro-life texts in the context of the discussion of political community and of the societal 'common good'.⁶² The idea pursued here was that 'moral democracy' constituted a 'political community of ethically rooted people'.⁶³ Stawrowski made a distinction between human rights understood either in a liberal vein, as instruments for individual protection, or as derivative of, and deeply embedded in, one's ethical identity:

[In liberal democracy] the ethical perspective is substituted by a perspective of an individual who regards one's autonomy, and one's independence of the external authority as an absolute fundament. Such a democracy cannot be a state of minimal ethics. In ethically committed communities the elementary human rights ... constitute an element of much richer systems of values. From the perspective of an autonomous individual [in liberal democracy] human rights are an axiologic maximum, because beyond the code of human rights there is no rule that the individual would need to accept as supreme.⁶⁴

In Stawrowski's text the abortion ban functions as a corollary of its classification as a violation of the fundamental human right to life and to personal integrity. The implication for the pro-life conceptualization of democracy is the inference that a democratic community is founded on an ethical and national community. From this perspective, pro-choice discourses are regarded as supportive of excessive individual liberty and as indicative of the frail equilibrium between freedom and law:

Whether its liberal character should be expressed in the promotion of liberty ... or in the promotion of the idea of autonomy understood as independence from any external (also ethical) limitations; whether it should be a state of minimal ethics or a state of minimal restrictions; whether it should be a state equipped with a solid [legal] framework within which different democratic institutions would operate or an 'overly-democratic' state, which sooner or later will consider the rules of law as gratuitous limitation.⁶⁵

These anti-abortion discourses conceptualized the category of human rights in connection with natural law premises, or, in other words, as natural law's reflection in positive law.⁶⁶ Lempa hence characterised the Church's involvement in the legal and democratic transformations in Poland in the early 1990s as 'a battle for the respect of natural law in the [Polish] jurisdiction'.⁶⁷ The implications of his observation are that the post-communist legal framework should not be developed in the course of arbitrary majoritarian decision-making, but must adhere to the natural law paradigm. More specifically, on the abortion issue the claim was that the legalization of abortion would not only invoke a gross violation of human rights, but would also be 'contrary to the whole natural law order'.⁶⁸ The prohibition of abortion reflected certain natural law tenets in that it 'place[d] obligation on a human being regardless of his/her [political] stance and religious orientation'.⁶⁹

The implication of these natural law utterances for pro-life democratic conceptualizations was that strict ('moral') confines on the process of democratisation, which were defined not as individual liberty premises or as a result of public deliberation, but as the 'basic political humanitas', should be

⁶¹ Stawrowski, n. 54 above.

⁶² Józef Tischner, 'Wiara na wietrze' ('Faith in the Wind') (26 Mar. 1995) *Tygodnik Powszechny*.

⁶³ Stawrowski, n. 54 above.

⁶⁴ Stawrowski, n. 54 above.

⁶⁵ Stawrowski, n. 54 above.

⁶⁶ Alicja Grześkowiak, 'Integracja Europy a problem zagrożenia wartości chrześcijańskich' ('European integration and the Problem of Threatened Christian Values') (15 Aug. 1993) *Niedziela*.

⁶⁷ F. Lempa, 'Kościół Katolicki a polityka' ('The Catholic Church and Politics') in M. Szyszkowska and T. Kozłowski (eds.), *Polityka a moralność*, (Warsaw: LIBER, 2001) 95-102 at 100-1.

⁶⁸ Lempa, n. 67 above, 100.

⁶⁹ Stefan Świeżawski, 'Jak uniknąć Wieży Babel?' ('How to Avoid the Babel Tower?') (1991) 3 *Znak*.

acknowledged.⁷⁰ In this context Szlachta argued that human rights should precede democracy in that they were not subject to the democratic paradigm of pluralism and tolerance, but instead constituted the deontological point of reference necessary for a justification of democracy beyond its own principles.⁷¹ This ascendant status of human rights meant, first, their transcendence in relation to positive law, and second, their constitution of boundaries to the ‘democratic power to create law’.⁷² The claim was that democratic legal developments did not grant (and had no power to negate) fundamental human rights (here, to life), but only recognised and acknowledged them.⁷³ In these texts human rights were conceptualized as antecedent to democracy in the aspect of their universality (i.e. their alleged cross-boundary validity).⁷⁴

4. ‘If They Don’t Want to Abort, Nobody Makes Them’: Abortion and Liberal Silence

The pro-life discourse in Poland that positioned itself within the liberal niche remained conspicuously laconic in contrast with Catholic and feminist polemics. This is because liberal texts tended to regard abortion as a marginal problem in post-communist politics and tended to diminish its importance as the public issue that both the national-Catholic and the feminist texts professed it to be. The liberal approach to abortion has hence developed ‘in parentheses’ within debates on state neutrality, inviolability of individual rights and the place for religion in a liberal democratic state. Individual liberalism manifested its disavowal of the public significance of the focal abortion debate precisely through its withdrawal from that issue.⁷⁵

In this context it seems symptomatic that liberal interpretations of abortion politics linked it with ‘growing theocratic inclinations’ in post-communist Poland.⁷⁶ Kolakowski described these inclinations in terms of attempts to establish a jurisprudential correspondence between the national-Catholic transgression discourse on the one hand, and classification of criminal acts and violations of the public order on the other.⁷⁷ He argued that official recognition of Catholic values and principles as fundamental for the formation of the Polish post-communist political community might result in ‘increasing demands for penalization of what trespasses against Christian [ethics]’.⁷⁸ This post-communist theocratic proclivity was found to be irreconcilable with the liberal ‘aversion to fixed moral values’, as well as its commitment to cultural and moral pluralism and to individual volition.⁷⁹ Liberal thinking *ex definitione* opposed the proposition to base, and thus to justify, post-communist democracy on what it described as the pre-democratic order of Catholic teaching and morality.⁸⁰ As specifically regards reproductive politics, Kulo argued that the legal ban on abortion equalled the ‘imposition of particular opinions, world views, and actions on the society as a whole and [was] a leaning to

⁷⁰ O. Höffe, ‘Interesy transcendentalne. O antropologii praw człowieka’ (‘Transcendental Interests. On the Anthropology of Human Rights’) in O. Höffe (ed.), *Etyka państwa i prawa*, (Cracow: Znak, 1992) 96-117 at 96.

⁷¹ Bogdan Szlachta, ‘Demokracja a rządy prawa’ (‘Democracy and the Rule of Law’) (1998) *Ośrodek Myśli Politycznej* <http://www.omp.org.pl/szlachta4.htm>

⁷² Jaroszyński, n. 48 above.

⁷³ Sobański, n. 56 above.

⁷⁴ Szlachta, n. 71 above.

⁷⁵ Byrnes, n. 6 above, 439.

⁷⁶ Osiatyński in Paweł Smolewski, ‘O czym nie mówią politycy. Rozmowa z prof. Wiktorem Osiatyńskim’ (‘What Politicians Do not Talk About. An Interview with Professor Wiktor Osiatyński’) (6-7 Mar. 2004) *Gazeta Wyborcza*.

⁷⁷ Leszek Kolakowski, ‘Krótka rozprawa o teokracji’ (‘A Short Treatise on Theocracy’) (24 Aug. 1991) *Gazeta Wyborcza*.

⁷⁸ Kolakowski, n. 77 above.

⁷⁹ Hughes quoted in J. Szacki, *Liberalism after Communism* (Budapest: Central European University Press, 1995), at 199.

⁸⁰ Zbigniew Mikolejko, ‘Zakaz aborcji – dla katolików czy dla wszystkich’ (‘The Prohibition of Abortion – for the Catholics or for Everybody’) (18 May 1994) *Gazeta Wyborcza*.

institutionalize [certain forms of moral] despotism'.⁸¹ Restrictive abortion claims were translated into the liberal language of suspended state neutrality and infringements of citizens' equality before the law.⁸²

The liberal authors entered into a critical dialogue over the concept of 'ethical democracy', with the intention of defending the notion of state neutrality and re-interpreting the definition attached to it in pro-life texts (i.e. not the 'non-moral state', but the 'state of no specific moral/religious foundations').⁸³ The contention of the liberal authors was hence that state neutrality entailed that the state should remain 'permanently incompetent in matters of the religious beliefs of its citizens'.⁸⁴ In the specific context of abortion this meant that:

In religiously plural societies it is not possible to implant the [abortion] ban into the legal system. ... To realize a claim for such a ban it is necessary to 'exclude' the whole issue from the realm of democratic debate and to impose it as a legal rule from above, ... and that would require mechanisms employed from the model of a religious state.⁸⁵

For Michnik the abortion debate demonstrated problems that the Catholic Church faced in adapting to the on-going democratic process at the point when democracy ceased to be an oppositional instrument against the communist regime and became 'the rule of the game' in everyday politics:

The Church called for a constitution and criminal code that would be in accordance with the moral norms of religion. The debate over the penalization of abortion was a classic illustration of the argument about the axiological foundation of the state. Does the admissibility of abortion imply approval of the murder of unborn children? Does the criminalization of abortion constitute an attack on the fundamental right of a woman to decide about her own maternity? Each of those arguments was accompanied by extreme emotional tension: there was a constant appeal to moral arguments [and] two opposing worlds of values confronted one another. ... The [formerly heroic Church], resistant to repression, showed its second face: intolerant, fanatical, and resistant to new, modernizing ideas. This is a natural turn in the world of post-communist democracies.

Michnik also warned that law 'becomes dangerous when it wants to realize certain moral goals, and at the same time there exists a significant societal conflict around those goals'.⁸⁶ For that reason in the hotly debated case of abortion, the liberal solution was for the state to remain unobtrusive to the greatest possible extent:

As long as all the Church does is say to Catholics: 'You cannot divorce, or abort', and so on, there is no problem. ... It would be different if it wanted to start lawsuits for all transgressions against Catholic commandments. ... If somebody doesn't want to divorce [or abort], no one makes them. The right to divorce [or abort] doesn't mean the obligation to divorce [or abort]. Saying that everything that is not forbidden is obligatory is a totalitarian philosophy'.⁸⁷

In these texts Michnik conceptualized a 'political democracy', which ideally should remain unconcerned with such issues as abortion, yet should permit a diversity of moral interpretations and practices within its broad legal framework. His authorial intention here was manifestly defensive and counter-argumentative in that he asserted that the pro-life reasoning confronted practices and achievements of post-communist liberal democracy.

Within this defensive liberal argument for the de-criminalization of abortion, the most important thing for the liberal democratic and human rights conceptualization was the value it attached to individual choice as a premise of individual freedom.⁸⁸ From the liberal perspective, the restrictive

⁸¹ Marcin Kulo, 'Niepokoje jakie odczuwam' ('My Fears') (1991) 3 *Znak*.

⁸² Zieliński quoted in Andrzej Dryszel, 'Uczciwość przegrała z polityką' ('Honesty Lost Against Politics') (14 July 2003) *Przegląd*.

⁸³ Graczyk, n. 59 above.

⁸⁴ Roman Graczyk, 'Po prostu wolność' ('Just Freedom') (14-15 Feb 2004) *Gazeta Wyborcza*.

⁸⁵ Graczyk, n. 84 above.

⁸⁶ Michnik in Jarosław Gowin et al., 'Polityka polska i (nie)moralność. Dyskusja Redakcyjna' ('Polish Politics and (Im)Morality. Editorial Discussion') (1998) 6 *Znak*.

⁸⁷ A. Michnik, 'Anti-authoritarian Revolt. A Conversation with Daniel Cohn-Bendit' in I. Grudzińska Gross (ed.), *Adam Michnik: Letters from Freedom. Post-Cold War Realities and Perspectives*, (Berkeley: University of California Press, 1998) 29-67 at 51.

⁸⁸ Władysław Frasyniuk, 'Aborcja - temat poważny' ('Abortion - A Serious Topic') (30 June 2003) *Gazeta Wyborcza*.

abortion law was grounded in unacceptable assumptions about a person being free only in the case where he or she had made ‘the right choice’. Accordingly, making ‘the wrong choice’ could legitimately be denied on the grounds of some higher socio-moral considerations.⁸⁹ The liberal conceptualizations of rights and democracy were based on the assumption that the act of individual choice had an unqualified value in itself, regardless of the results and consequences of that choice. Graczyk argued that ‘both good and evil can be indicative of individual freedom; ... if one assumes that only the good act signifies freedom of choice, and the bad one – its lack, then one arrives at such a model of public life in which people become restricted in their choices on the grounds of the assurances about outcomes of those choices’.⁹⁰

In contrast to both the national-Catholic pro-life and the feminist pro-choice discourses, the liberal texts recognized that in all democratizing societies the abortion issue constituted an irresolvable dilemma, which boiled down to the ‘choice between life and death, between “the lesser” and “the greater” evil, between one’s conscience and the law, and between “the natural and constituted law”’.⁹¹ It is indicative that the liberal authors spoke from an ideologically more distant position, which allowed them to define abortion polemics in terms of a conflict between two human rights discourses and hence allowed them to account for this very conflict within their democratic conceptualizations, rather than argue for a specific and unilateral human rights narrative. Consequently Mikolejko condensed the abortion conflict into the unremitting tension between the value of human life on the one hand, and the right to self-determination about one’s life on the other. In this perplexing equation the value of individual autonomy prevailed, due to the constitutional and democratic necessity for the state to ‘remain silent’ on the issues that were subject to societal plurality of convictions and moral positions.

5. ‘Hands off my Belly’: Abortion Issues through the Prism of Gender

The pro-choice texts produced by Polish feminist authors have taken as their point of departure liberal pronouncements about the human right to choice and self-determination, but have furthermore rephrased the liberal argument in terms of gender. As a result, notwithstanding their common ‘pro-choice’ starting-point and their tactical alliance against the ‘repressive’ national-Catholic stance, the liberal and feminist discourses on abortion diverged markedly in respect of their democratic and human rights conceptualizations. Whereas the former argued that Polish abortion law contradicted liberal democratic precepts because it allowed public interference with an individual’s private and moral realm, the latter claimed that the 1993 legislation enforced discriminatory control mechanisms by one gender group over another.

The feminist pro-choice texts accentuated the gender of the architects of the restrictive legislation (men) and of its ‘subjects’ (women). Graff, in her acclaimed essay on Polish reproductive politics, maintained that the problem of abortion needed to be seen both as *moral*, in that it deprived autonomous individuals (women) of the opportunity for self-determination and as *political*, in that it constituted an attempt to inflict an oppressive lifestyle upon a particular social (gender) minority.⁹² The 1993 law was thus presented simultaneously as *indicative* of the current nexus of gender and power in Polish post-communist politics, and as *constitutive* of the socio-political mechanisms of gender inequality. Quite bluntly, the feminist authors labelled the law as ‘a reminder of who was in charge’, ‘a token of male arrogance, aggression and cruelty’, and ‘a sign that this country was governed by men who wanted

⁸⁹ Graczyk, n. 84 above.

⁹⁰ Graczyk, n. 84 above.

⁹¹ Mikolejko, n. 80 above.

⁹² A. Graff, *Świat bez kobiet. Płeć w polskim życiu publicznym (A World Without Women. Gender in Polish Public Life)* (Warsaw: W.A.B., 2001), at 118.

to decide about women's lives; ... evidence of domination of one social group by another'.⁹³ The authorial intention in these utterances was to interpret the true purport of the law, not as the alleged desire to protect 'unborn children' but to uphold female subordination in society.⁹⁴

These feminist narratives were structured upon the Foucauldian concept of the 'politicized life', in particular the ideas of bio-politics and the collective ('democratic') re-definition of the boundaries of individual sovereignty. Bio-politics signified the 'growing inclusion of man's natural life in the mechanisms and calculations of power', and as such indicated the 'intimate symbiosis [between] modern politics and *bare life* [*homo sacer*, 'the life unworthy of living' or 'totally de-politicized' life]'.⁹⁵ In the context of abortion polemics this meant that medicine was unable to offer a categorical definition of the beginning of 'life' and that the issue could therefore only be resolved politically.⁹⁶ Feminist authors upbraided the national-Catholic discourses for construing certain facts of life (such as pregnancy, birth, etc.) as being located in the interstices of 'the natural' and 'the moral',⁹⁷ and thus denying that their status could be settled democratically.⁹⁸ However, the argument was that the very employment of human rights language in pro-life texts (the right to life, children's rights, etc.) performed a political function in the process of the discursive transformation of the subject in contention (the foetus) into its dominant object (the citizen). In this process of politicization of the foetus' life, the life of the woman was 'diminished', 'dissipated', and gained aspects of the *homo sacer*. This antithetical construction of 'foetus' rights' versus 'women's rights' was strikingly symmetrical: the more the foetus was perceived as part of humanity, endowed with human nature and thus a beneficiary of human rights, the more the woman was excluded from the category of humans and denied her human rights.⁹⁹ The feminist solution was hence not to diminish the value of unborn life, but rather to question the construction of the 'inversely proportional' relationship between the woman and the foetus. In Graff's parlance,¹⁰⁰ 'the mythology of the humanity of the foetus gradually obliterated the humanity [of woman]'. And further:

To ignore the fact that [the woman] is the subject of the issue ... is an [ideological] decision to define the foetus as human, because the sentence 'the foetus is a human being' is not a descriptive, but an evaluative statement. ... The core of the conflict is therefore to decide whether a foetus' right to life should weigh against the right of a woman to self-determination about her own body, and consequently, about her own life.¹⁰¹

At the heart of these feminist utterances was an intention to re-define the political so as to ensure the public 'visibility of gender' and the empowerment of the 'subaltern counter-publics'.¹⁰² Analogous to the liberal discourse, the feminists emphasized that restrictive abortion legislation constituted state interference into the private (in feminist parlance: 'intimate') sphere of human existence. However, it also added that the liberal projection of an abstract 'human existence' was misleading in the abortion

⁹³ Kinga Dunin, Wojciech Eichelberger and Magdalena Środa, 'O prawie kobiet do aborcji i polskim prawie antyaborcyjnym' ('On Women's Right to Abortion and Polish Anti-Abortion Law') <http://www.nowaaurora.prv.pl>.

⁹⁴ Agnieszka Graff, 'Po co nam Kobiety na Falach' ('Why Do We Need Women on Waves') (16 July 2003) *Gazeta Wyborcza*.

⁹⁵ G. Agamben, [translated by Daniel Heller-Roazen], *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), at 119 and 120.

⁹⁶ G. Agamben, *Means without Ends. Notes on Politics* (Minneapolis: University of Minnesota Press, 2000), at 7.

⁹⁷ Iza Desperak, 'Antykoncepcja, aborcja i... eutanazja. O upolitycznieniu praw reprodukcyjnych w Polsce' ('Contraceptives, Abortion and... Euthanasia. On the Politicization of the reproductive Rights in Poland') (2003) 1 *Kwartalnik Łódź Gender*.

⁹⁸ Hence the national-Catholic objections against deciding on the abortion law through national referendum. Cf. Jacqueline Heinen and Anna Matchuniak-Krasuska, 'Abortion in Poland: a Vicious Circle or a Good Use of Rhetoric? A Sociological Study of the Political Discourse of Abortion in Poland' (1995) 18 *Women's Studies International Forum* 27-33.

⁹⁹ Ewa Dąbrowska-Szulc, 'SLD-owskie obietanki' ('The Promises of SLD') (2003) 4 *Zadra*.

¹⁰⁰ Graff, n. 92 above, 117.

¹⁰¹ Graff, n. 92 above, 117-8.

¹⁰² J. Regulska, 'The Political' and its Meaning for Women: Transition Politics in Poland' in J. Pickles and A. Smith (eds.), *Theorising Transition. The Political Economy of Post-communist Transformations*, (London: Routledge, 1998) 309-329.

context because it distorted the fact that in this situation gender defined the victim. From the feminist perspective, the national-Catholic authors assumed the 'right to interfere in [women's] privacy' and 'used the legal apparatus to impose their [ideology] on those who did not share it'.¹⁰³ Consequently, the 1993 law was designated as 'crime-generative'¹⁰⁴ and 'a product of an ill system'.¹⁰⁵

Moreover, the restrictive approach to abortion was construed as subversive for the processes of democratic consolidation in Poland because it augmented the disparity between the letter of the law and its actual practice.¹⁰⁶ The imperative of the abortion law located women outside juridical protection and made them vulnerable to financial, physical and psychological maltreatment in the 'grey zone'. More importantly, the feminist inference was that it generated further gender inequalities in post-communist society; and it intensified democratic tensions and intra-mural divisions within the discriminated group of women, in that it made their factual right to choose their reproductive patterns dependent on their financial resources.¹⁰⁷ These utterances highlighted the discriminatory effect of the restrictive abortion law in respect of less affluent and less educated women from rural areas.¹⁰⁸ As Dunin bluntly put it, in this situation 'the possession of 2,000 PLN ... became the entitlement to moral self-rule'.¹⁰⁹ The consequences were not only the marginalization and alienation of that societal fraction at large and the undermining of the liberal democratic egalitarian ideal, but also the destruction of a shared female experience and of intra-mural empathy and solidarity.¹¹⁰

The intention in the feminist texts was hence to disavow the punitive approach to abortion and not, as in the liberal line of reasoning, to argue against the jurisprudential regulation of the issues of reproductive health. Rather, the feminist authors emphasized their critical stance towards the juridical extraterritoriality of private and family life advocated by liberalism, in particular in relation to the categories of domestic work and domestic violence. This authorial position in the feminist texts coincided with their conviction that the 'distinction between private and public is less a straightforward description of social domains than an *ideologized dichotomy* that produces the appearance of separation between activities that are nonetheless closely linked'.¹¹¹ Even though the feminist argument was that abortion was a matter of personal choice for women (and their partners), it was also regarded as indicative of the 'important relations between...private ... and public activities'¹¹² and needed to be regulated by permissive legislation.¹¹³

More explicitly, with regard to the human rights and democratic conceptualizations, the feminist and liberal pro-choice discourses shared the conviction that restrictive abortion legislation divested an individual of his or her autonomous qualities. The feminist locutions, however, strayed from liberal assertions about the negative liberty to accentuate the vision of 'ethically handicapped women' coded in pro-life discourses.¹¹⁴ Janion's statement is indicative of that reasoning:

The legal prohibition of deliberate termination of pregnancy is rooted in the conviction that woman is a morally dependent being and as such unable to make decisions. In the situation when these decisions relate to social and ethical

¹⁰³ Graff, n. 92 above, 119.

¹⁰⁴ Iwona Konarska, 'Niechciana nowelizacja?' ('The Unwanted Amendment?') (14 Jan. 2002) *Przegląd*.

¹⁰⁵ Kinga Dunin, 'Syndrom postantaborcyjny' ('The Post-Anti-Abortion Syndrome') (21 Feb. 2004) *Wysokie Obcasy*.

¹⁰⁶ Szczuka, n. 59, 24-27.

¹⁰⁷ Izabela Jaruga-Nowacka in Iwona Konarska, 'Skończmy z obłudą' ('End the Hypocrisy') (11 Feb. 2002) *Przegląd*.

¹⁰⁸ Jaruga-Nowacka in Konarska, n. 107 above.

¹⁰⁹ Kinga Dunin, 'Dwa tysiące na skrobankę' ('Two Thousand for Abortion') (23 June 2001) *Wysokie Obcasy*.

¹¹⁰ Piotr Gadzinowski, 'Obrońcy życia mafii' ('The Defendants of the Mafia's Life') (8 April 2002) *Przegląd*.

¹¹¹ Kligman and Gal, n. 1 above, 199 (*emphasis added*)

¹¹² Kligman and Gal, n. 1 above, 199.

¹¹³ Małgorzata Ciszek, 'Dziennik z czasów obowiązywania ustawy aborcyjnej' ('Diary from the Times of the Abortion Law') (1994) 2 *Pełnym Głosem*.

¹¹⁴ Agnieszka Graff in 'O prawie kobiet do aborcji i polskim prawie antyaborcyjnym' ('On Women's Right to Abortion and the Polish Anti-Abortion Law') <http://www.nowaaurora.prv.pl>.

issues, woman needs to be taken care of by the state [and] lectured by the moral authority of the Church. This is deeply humiliating. Female persons are not regarded as legally recognized ethical 'subjects' that are equipped with conscience, rationality and will, but as irresponsible and immature children. ... Their lives need to be decided about by prudent adults, in this case primarily men: priests, senators, deputies, doctors and lawyers.¹¹⁵

Janion's argument was that the pro-life human rights rhetoric and its alleged concern with women and family issues constituted ideological camouflage for a discriminatory and obnoxious female projection. This projection undermined the most fundamental democratic assumption about the moral and rational equality of its participants, and was hence seen as highly consequential for the practice of post-communist democracy in human rights. It resulted namely in the denial of women's rights to (reproductive) self-determination, and consequently to their equal status as citizens. Walczewska raised a similar contention, that under the disguise of a 'pro-family policy' the conservative factions 'drastically limited human rights in relation to women [and consequently] pregnant women lost the right to determine their own bodies'.¹¹⁶ Additionally, the far-reaching influence that the Catholic Church exerted in the process of drafting and restricting abortion legislation was discussed in the feminist texts as being deeply disquieting and detrimental for democratic processes in post-communist Poland. The authorial assertion was that this influence demonstrated the fictitious nature of declarations of religious neutrality by the Polish state. This was considered potentially harmful for democratization because it signified the extensive political authority of a religious 'institution whose actions were not verified by any democratic procedures'.¹¹⁷

The argument here is that the use of human rights language in the pro-choice texts was politically powerful, to the extent that it managed to combine mainstream human rights thinking with the feminist perspective, rather than emphasizing their tensions and incompatibilities. This is because the restrictiveness of pro-life utterances and of the abortion law and the limitations of the women's movement vis-à-vis the powerful national-Catholic position made the human rights vocabulary of 'the victims of state oppression' and 'socially discriminated groups' easily accessible to them. Nowicka offered a characteristic narrative of human rights development that combined the feminist and post-communist perspectives:

Human rights development does not mean the creation of completely new rights, but *a consequent interpretation of the basic catalogue of human rights*. Even the reproductive rights identified and accepted in the 1990s are a simple consequence of the right to self-determination, and its subsequent extension to the sphere of human sexuality and reproduction. Analogously, the acceptance that women's and children's rights are human rights does not result from the fact that previously women and children had not been included in this concept, but stems from the recognition that general statements about human rights turned out to be insufficient in those areas of life where rights are constantly violated (in particular as regards family violence).¹¹⁸

The human rights vocabulary empowered the feminist pro-choice locution in that it allowed it to avail itself of the right to (reproductive) self-determination, the right (and not duty!) to maternity, and, finally, the right to terminate pregnancy: '[In our country] it is still incomprehensible that the right to terminate an unwanted pregnancy is not a basic human right. It is equally as fundamental as the right to determine about one's own body and one's own life. To violate that elementary right is to enforce an unwanted pregnancy and unaccepted maternity'.¹¹⁹

¹¹⁵ Maria Janion in 'O prawie kobiet do aborcji i polskim prawie antyaborcyjnym' ('On Women's Right to Abortion and the Polish Anti-Abortion Law') <http://www.nowaaurora.prv.pl>.

¹¹⁶ Sławomira Walczewska, 'Feminizm i polityka' ('Feminism and Politics') (2000) 2 *Zadra*.

¹¹⁷ Aleksandra Solik, 'Deklaracja i demokracja' ('Declaration and Democracy') (2003) 1 *Mam Prawo*.

¹¹⁸ Wanda Nowicka, "Życie' przeciw prawom człowieka' 'The Weekly 'Życie' against Human Rights' (2000) 2 *Biuletyn* (*emphasis added*).

¹¹⁹ Sławomira Walczewska 'O prawie kobiet do aborcji i polskim prawie antyaborcyjnym' ('On Women's Right to Abortion and the Polish Anti-Abortion Law') <http://www.nowaaurora.prv.pl> (*emphasis added*).

In the feminist pro-choice discourses the abortion issue gained the status of a ‘litmus paper’ for assessing the quality of Polish democracy and human rights practice.¹²⁰ From the feminist standpoint, the degree of fulfilment of the ‘democratic value of broad public participation and equal access to the structures of power’¹²¹ was measured by the attention paid to women-related issues such as the restrictive abortion legislation. Being deprived of choice in regard to one’s reproductive life was indicative of serious democratic flaws, in that it proved that the value of individual liberty did not function as superior to other political considerations *per se*, but tended to depend on *whose* liberty was at stake.¹²² In this context Dąbrowska-Szulc pictured a grotesque example of the abortion issue being successfully discounted by the governing coalition on the grounds of a ‘currently inconvenient political environment’, while the debate on adopting EU petroleum standards was dressed up in the rhetoric of ‘personal liberty’ and ‘rights to self-determination’.¹²³ The political impasse around the 1993 abortion law revealed that the value of individual liberty was not automatically asserted within democratic logic, but rather needed to be ensured through gender-sensitive mechanisms of inclusion and the recognition of ‘women as politically equal participants in public life, and not ‘cards’ in the political power game’.¹²⁴

This feminist democratic conceptualization cannot be interpreted as *supplementary* to the liberal tradition of individual rights and political democracy (as if the gender component conditioned realization of that tradition), but rather as indicative of a critique of the liberal doctrine. This critique centred on the liberal tenet of ‘gender neutrality’ and the ‘absence of women’ in the public sphere. The feminist texts presented the definition of the gender of citizens and human rights holders as fundamental because it determined their ‘interests, needs, world visions, values hierarchies, goals, understandings of politics and family, different concepts of upbringing, economic priorities, and different authorities’.¹²⁵ The feminist texts included both parliamentary and extra-parliamentary activity in their definition of politics. Walczewska argued that ‘politics happens there where we women, in solidarity, loudly, clearly and consequently urge for justice’.¹²⁶ These authors also remained deeply sceptical about the liberal belief in self-corrective mechanisms of democracy and the progressive vision of post-communist democratic consolidation:

After the revolution of Solidarity, in which my generation took active part ..., we [women] expected much more. So far the struggle for basic human rights and freedoms has been halted halfway, with the introduction not of democracy, but of ‘androcracy’. Even though women were its active participants, we landed at the margins of history. ... The revolution of the *Solidarność* movement has paradoxically become *simultaneously* pro-democratic and anti-women. ... Democracy without women is half of democracy.¹²⁷

Walczewska’s text is indicative of the feminist attempt to renegotiate the liberal principle that one person’s freedom is limited by the boundaries of another person’s freedom, because the author problematized the very process of ‘drawing a line’ as political, ideological, and gender-sensitive. Dunin discussed the political process of ‘drawing a line’ in the Polish abortion disputes: ‘My belly belongs to me, just as my [whole] body and my life does. I belong to a given community, and every community limits our freedom in very many issues. But the border of my freedom is not necessarily directed by the life of a foetus’¹²⁸

¹²⁰ Dąbrowska-Szulc, n. 99 above.

¹²¹ Sławomira Walczewska, ‘Czy demokrację można zmierzyć?’ (‘Can Democracy Be Measured?’) (1999) 1 *Zadra*.

¹²² Joanna Tańska, ‘Antyaborcyjna obluda’ (‘The Hypocrisy of Abortion’) (6 July 2003) *Przegląd*.

¹²³ Dąbrowska-Szulc, n. 99 above.

¹²⁴ Walczewska, n. 116 above.

¹²⁵ Magdalena Środa, ‘Król jest nagi! Niech żyje królowa!’ (‘The King is Naked! Long Live the Queen!’) (2000) 2 *Biuletyn OŚKI*.

¹²⁶ Walczewska, n. 116 above.

¹²⁷ Walczewska, n. 119 above.

¹²⁸ Kinga Dunin, ‘Mój brzuch – moja sprawa’ (‘My Belly – My Business’) (27 Apr. 2002) *Wysokie Obcasy*.

6. Conclusion

This article has scrutinized the Polish abortion debates of the 1990s with a particular focus on democratic and human rights conceptualizations in the conservative-Catholic, liberal and feminist discourses on abortion. It has positioned these discourses in close relation to each other so as to show that their democratic and rights narratives have developed contrastingly and in opposition to each other. It has also contextualized them within post-communist politics so as to emphasise the fact that their idiosyncratic discourse-building and concept-configuration was conditioned by the end of the communist hegemony and by the subsequent re-formation of the relationship between the universal (human rights, democracy) and the particular (different abortion narratives). Hence this article has shown that the meanings of ‘democracy’ and ‘human rights’ within the abortion debate were not fixed or presupposed by the actors but were evidently inconstant, relational, and context-dependent.

More specifically, this article has shown that the Polish pro-life discourse invoked the Catholic vision of ‘moral politics’ and ‘natural rights’. It constructed human rights as extra-democratic inherent human qualities with a strong positive dimension, meaning that rights were conceptualized as instrumental for individual realization in different collective forms of ‘traditional’ organization (such as family, nation, etc.). The pro-life discourses formed a close link between rights and obligations, and defined rights as constitutive of not only vertical (state-citizen) but also horizontal (intra-societal) relations (hence the foetus’ right to life corresponded to the mother’s duty to give birth). Human rights interpreted as ‘natural rights’ coalesced with the notion of ‘moral democracy’, which necessitated societal consensus on the ‘ethical minimum’ in the process of post-communist democratization (such as constitutional ‘condemnation’ of abortion). In Polish political and legal practice this narrative was immensely influential in the 1990s, and has hence gained certain ‘hegemonic qualities’ (meaning the discursive ascendancy) in relation to the pro-choice positions.

In the liberal pro-choice discourse, human rights and democracy were conceptualized in negative terms, which means that they guaranteed collective non-interference in the individual realm, and centred upon the values of human dignity, freedom, and equality. The protection of individual rights was constructed as constitutive of the shape of democratic order in the sense that democratic majority rule was constrained by the rights regime, and for its realization needed a tolerant, neutral, and inclusive state. The category of ‘liberal rights’ and ‘political democracy’ corresponded to vertical state obligations, the creation of a system of equal ‘opportunities’ and ‘potentialities’ for individual performance in the public sphere, the minimalization of restrictions for individual political-economic ‘manoeuvrability’, and the withdrawal of the state from the area of individual morality.

Some liberal elements (i.e. protection from collective oppressive interventionism and the value of individual choice) were also perceptible in the post-communist feminist conceptualization of rights and democracy, which emphasized the value of individual autonomy. It endorsed an idiosyncratic articulation of positive rights in that it blurred the private-public distinction as hegemonic and detrimental for particular social minorities. In this way it claimed to have ‘radicalized’ the notions of democracy and rights and to have ‘empowered’ them within the post-communist context of structural gender inequalities.

This analysis has shown the great polarization (and radicalization) of the pro-life and pro-choice positions in Poland in the 1990s. However, it has also suggested that the politicization of abortion and such a sharp diversification of views is not necessarily a detrimental development *per se*. Rather, it needs to be regarded as characteristic of a transitional society where ‘tradition’ and ‘public morality’ had been suppressed for a long time by a homogenizing (communist) ideology. Hypothetically, such a diversification has the positive political potential of bringing about a spacious, plural and vibrant public forum for the abortion debate. Unfortunately, with regard to the current state

of affairs, there is little indication that such a forum might materialize. The current deficiencies and flaws in the debates are not primarily due to the sharp polarization and antagonism (or even radicalization) of the pro-life and pro-choice positions. Rather, they are due to the hegemonic aspirations of the national-conservative and national-Catholic actors, evident in their increasingly strong opinions, to produce an exclusivist and unitary human rights discourse, to appropriate the concept of human rights, and, hence, to deny the possibility of debate and of political recognition of opposing views.

Appendix

Short bibliographical notes on the authors of primary sources:

- CISZEK, MAŁGORZATA, feminist and social activist; involved in the feminist pro-choice abortion debate; articles in *Pełnym Głosem*.
- DĄBROWSKA-SZULC, EWA, feminist and social activist; chairman of feminist organization 'Pro-femina'; educated at Gender Studies in Warsaw.
- DESPERAK, IZA, involved in the feminist pro-choice abortion debate; studied sociology; academic lecturer.
- DRYSZEL, ANDRZEJ, journalist for *Przegląd*; engaged in the liberal pro-choice abortion debate.
- DUNIN, KINGA, literary critic and cultural sociologist; articles in *Gazeta Wyborcza*; author of feminist books and academic publications.
- FRASYNIUK, WŁADYSŁAW, member of the leadership of NSZZ *Solidarność*; political prisoner (1982-1986); participant in the Round Table (1989); member of the Democratic Union (1991-1994); of the Freedom Union (1994-2005); one of the founders of the Democratic Party (2005).
- GADZINOWSKI, PIOTR, journalist for *Przegląd*; engaged in the liberal pro-choice abortion debate.
- GOWIN, JAROSŁAW, historian of ideas and chief editor of Catholic magazine *Znak*; member of the Polish Episcopal Commission for a Dialogue with Non-believers.
- GRACZYK, ROMAN, journalist, secretary for *Tygodnik Powszechny* (1988-1990), co-director of Radio Cracow; articles in *Res Publica*, *Res Publica Nowa*, *Gazeta Wyborcza*.
- GRAFF, AGNIESZKA, feminist; journalist; academic lecturer at Centre for American Studies and Gender Studies in Warsaw; articles in *Gazeta Wyborcza*.
- GRZEŚKOWIAK, ALICJA, lawyer; politician; Professor at Mikołaj Kopernik University in Toruń and the Catholic University in Lublin; member of NSZZ *Solidarność*; member of the Senate.
- JANION, MARIA, historian of Polish literature and culture; literary critic; professor at the Institute of Literary Research at the Polish Academy of Science.
- JARUGA-NOWACKA, IZABELA, politician; feminist; studied ethnography; active in the Women's League; supporter of popular referendum about abortion legislation (1991); active in the women's movement; parliamentarian (2001-date); Minister of Social Policy (2004).
- KOŁAKOWSKI, LESZEK, professor of philosophy, historian of philosophy; and essayist; member of the Polish Socialist Party (1947-1966) and Marxist-revisionist until 1966; articles in *Po Prostu* (1956); dismissed from work for his unorthodoxy; emigrated to United Kingdom, Senior Research Fellow at Oxford University (1972-1991); a member of the Polish Academy of Science (since 1991); publications on philosophy, philosophy of religion, history of philosophy and Marxism.
- KONARSKA, IWONA, involved in the feminist pro-choice abortion debate; articles in *Przegląd*.
- KULA, MARCIN, historian; Professor of Warsaw University; engaged in the liberal pro-choice abortion debate.
- MICHNIK, ADAM, studied history; anti-communist oppositionist; advisor to NSZZ *Solidarność*; participant in Round Table (1989); organizer and chief editor of *Gazeta Wyborcza*; parliamentarian (1989-1991); publications on socio-political issues of communism and post-communism; member of the Council on Foreign Relations; recipient of Prix de la Liberté and Robert F. Kennedy Human Rights Award.
- MIKOŁEJKO, ZBIGNIEW, essayist; philosopher; historian of religion.
- NOWICKA, WANDA, educated in classic philology; chairman of Polish Federation for Women and Family Planning dyrektorka Federacji; expert for World Health Organisation.

- OKOŃSKI, MICHAŁ, involved in the Catholic pro-life abortion debate; articles in *Tygodnik Powszechny*.
- PIERONEK, TADEUSZ, REVD, Professor of Catholic Law; dean at the Papal Theological Academy in Cracow; chairman of the concordat commission responsible for state-Church relations; numerous academic and popular publications.
- SŁODKOWSKA, INKA, studied political science; member of the Institute of Political Studies PAS; engaged in the Catholic pro-life abortion debate; one of the editors of *Więź*.
- SMOLEWSKI, PAWEŁ, journalist for *Gazeta Wyborcza*; engaged in the liberal pro-choice abortion debate.
- SOBAŃSKI, REMIGIUSZ, REVD, studied law and theology; Professor at the Catholic Theological Academy, dean (1981-1987).
- SOLIK, ALEKSANDRA, director of the Polish Federation for Women and Family Planning; one of the organizers of Women's Association for Equal Gender Status; involved in the pro-choice abortion debate; articles in *Mam Prawo* and *Biuletyn*.
- ŚRODA, MAGDALENA, studied philosophy and ethics (Ph.D.); academic researcher at Warsaw University; chief editor of *Przegląd Filozoficzny*; Minister of Equal Status of Men and Women (2004-2005); engaged in the abortion debate and feminist activities; academic and popular publications on philosophy, ethics and feminism.
- STAWORSKI, ZBIGNIEW, associate of the Centre for Political Thought; conservative political commentator.
- ŚWIEŻAWSKI, STEFAN, historian of philosophy; Professor at the Catholic University in Lublin.
- SZCZUKA, KAZIMIERA, literary historian; literary critic; publicist; feminist; studied Polish philology; academic lecturer in Warsaw; articles on abortion and other women related issues in *Gazeta Wyborcza*, *Res Publica Nova*, *Zadra*, *Biuletyn OŚKi*.
- SZLACHTA, BOGDAN, associate of the Centre for Political Thought; conservative political theorist.
- TAŃSKA, JOANNA, involved in the feminist pro-choice debate; articles in *Przegląd*.
- TERLIKOWSKI, TOMASZ P., studied philosophy; chief editor of Ecumenical Information Agency; engaged in the Catholic pro-life abortion debate; articles in *Fronda* and *Nowe Państwo*.
- TISCHNER, JÓZEF, REVD, philosopher; Professor of the Institute of Human Philosophy at the Papal Theological Academy in Cracow; involved in the *Solidarność* movement; religious, philosophical and social publications.
- WALCZEWSKA, SŁAWOMIRA, studied philosophy; feminist, social activist, literary critic; articles in *Zadra*, *Pełnym Glosem*.
- ZIELIŃSKI, MICHAŁ, journalist for *Res Publica Nova*; engaged in the liberal pro-choice abortion debate.