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My Body, My Choice: Abortion Rights and the Influence of the Catholic Church in
Postcommunist Poland

I. Introduction

During the 1996 Christmas holiday, St. Joseph's Church in the town of Torun, Poland set up its annual crèche depicting the night of Jesus Christ's birth. Observing the scene, one child asked his mother, "What is that?" As the mother looked into the cradle expecting to see the baby Jesus swaddled in his blanket, she saw instead the glimmer of gynecological tools.¹ St. Joseph's Church had set up its Christmas display as an anti-abortion protest. This shocking crèche symbolized the controversial and hostile nature of the abortion discourse in postcommunist Poland. Abortion and reproductive rights were a source of heated debate in Poland throughout the twentieth century. After the fall of Communism in 1989, the debate only intensified as the Catholic Church gained influence. The collapse of the Communist system left the Church as the only "viable national institution and as an unquestioned source of moral strength."² The question of abortion was the catalyst of hostility among the Church, the State, and Polish society.

Under communism, the State saw the Church as a threat to its power. A lack of trust existed between the Church and the State, and the regime refused to include the Church in their discussions on social policy.³ In 1956, a law was passed that allowed "unfettered abortion in

¹ Mirella W. Eberts, "The Roman Catholic Church and Democracy in Poland," *Europe-Asia Studies* 50, no. 5 (1998): 825.

² Andrzej Kulczycki, "Abortion Policy in Postcommunist Europe: The Conflict in Poland," *Population and Development Review* 21, no. 3 (1995): 472.

³ Kulczycki, "Abortion Policy in Postcommunist Europe: The Conflict in Poland," 479.

Poland,” in the cases of personal or economic hardships.⁴ Though this law only resulted in 20 percent of all pregnancies being terminated, the Church still opposed the 1956 law.⁵ However, they could do nothing to stop it. In 1959, the Minister of Health determined that a woman’s application for an abortion was considered enough to qualify for the procedure, and abortions “were to be provided free in state health centers and... on a fee basis in ambulatory facilities.”⁶ During the passage of these laws the Church continued to express its disapproval, but it made no difference. Directly after the fall of Communism in 1989 and the rise of Solidarity, the Polish opposition movement, the Church submitted a draft of an anti-abortion law to the Sejm, Poland’s lower Parliamentary house, which proposed an unconditional and complete ban of abortion.⁷ After years of debate over this draft bill, a law was passed in 1993 that outlawed abortion completely with only a few exceptions. This law was a drastic violation of women’s reproductive rights, but women had no effective way to oppose it. Despite numerous attempts to amend the 1993 law, it is still in place in Poland today and continues to ignite debate and outrage. It seemed as if the rest of Eastern Europe was moving forward and liberalizing their laws on reproductive rights, but Poland was moving back in time. What purpose did outlawing abortion serve in the newly democratic Poland? What did the Catholic Church and the Polish government hope to accomplish with these new laws? How did Western media cover the Polish abortion issue? What effects did this law have on women, and how did they respond?

⁴ Stephen Engelberg, “Poland Acts to Curb Abortion; Church Seeks Band,” *New York Times* (1923-Current File), Jan 8, 1993, A7.

⁵ Elżbieta Pakszys and Dorota Mazurczak, “From Totalitarianism to Democracy in Poland: Women’s Issues in the Sociopolitical Transition of 1989-1993,” *Journal of Women’s History* 5, no. 3 (1994): 147.

⁶ Kulczycki, “Abortion Policy in Postcommunist Europe: The Conflict in Poland,” 474.

⁷ Eberts. “The Roman Catholic Church and Democracy in Poland.” 823.

The historiography on reproductive rights in postcommunist Poland reveals a general consensus among historians. Most scholars agree that the Catholic Church's influence was the direct cause of the 1993 anti-abortion law. In "The Roman Catholic Church and Democracy in Poland," Mirella W. Eberts attributes the oppressive abortion laws in Poland solely to the Catholic Church's involvement in political life after the fall of communism. Eberts argues that the Church's threats to ensure the abortion law was maximally restrictive ultimately succeeded. In some cases, the Church even threatened, "to refuse the sacrament to anyone not opposing abortion."⁸ In a country where the majority considered themselves Catholic, this method was guaranteed to work. Eberts says that the Catholic Church, "supports democracy and democratic decision-making processes only as long as the results achieved are in agreement with its position or serve its interests."⁹ Other scholars agree that the Catholic Church was a major driving force in the anti-abortion campaign. In "Matters of 'Conscience': The Politics of Reproductive Healthcare in Poland," Joanna Z. Mishtal discusses the Conscience Clause law of 1991 which allows doctors to perform health services based on whether or not they go against their conscience. Mishtal argues that this law, "paved the way for restrictions on reproductive healthcare on a systemic scale."¹⁰ She credits this to the Catholic Church's idea that reproduction and sexuality should be judged solely on morality instead on health.

The Catholic Church was a major force in the anti-abortion campaign, but it was not the only force. In "Abortion and the Formation of the Public Sphere in Poland," Malgorzata Fuszara argues that the Catholic Church was not solely to blame for the restrictions on abortion.

⁸ Mirella W. Eberts, "The Roman Catholic Church and Democracy in Poland," *Europe-Asia Studies* 50, no. 5 (1998): 824.

⁹ Eberts, "The Roman Catholic Church and Democracy in Poland," 836.

¹⁰ Joanna Z. Mishtal, "Matters of 'Conscience': The Politics of Reproductive Healthcare in Poland," *Medical Anthropology Quarterly, New Series*, vol. 23, no. 2, (June, 2009): 161.

Although 95 percent of Polish people consider themselves Catholic, sociological investigations showed that many people did not believe in all church doctrines. In a survey taken in February 1992, “only 11 percent supported the absolute ban on abortion.”¹¹ Fuszara believes that the lack of sufficient evidence presented by the Senate debaters contributed to the law being restrictive. These debaters, “stated that they were against abortion, but differed fundamentally on the appropriate legal regulations.”¹² Fuszara is correct to point out that the unclear stances of these participants helped lead to the abortion law being so repressive. In “Reproductive Rights in Poland: When Politicians Fear the Wrath of the Church,” Jaqueline Heinen and Stéphane Portet argue that the reason that reproductive laws went as far as they did was because, “most [Polish] politicians avoid controversial topics and express their commitment to Catholic dogma.”¹³ They maintain that government officials in Poland were too frightened to take a firm stance on abortion, but rather just supported the Church as an institution.

All of these sources present valid arguments as to why and how the abortion law in Poland came to be so restrictive. However, they overlook the impact that the Communist system had on Polish society, and especially on the Polish church. In this paper, I will argue that another reason that the Catholic Church and the Polish government placed such oppressive regulations on abortion and reproductive rights was to distance Poland from its Communist past. The new abortion law was used in an attempt to create a new Polish national identity from the ashes of the failed Communist system and determine what it meant to be Polish after emerging from this

¹¹ Malgorzata Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” in *Gender-Politics and Post-Communism: Reflections from Eastern Europe and the Former Soviet Union*, ed. Nanette Funk and Madga Mueller, (Great Britain: Library of Congress, 1993), 243.

¹² Fuszara, ““Abortion and the Formation of the Public Sphere in Poland,” 244.

¹³ Jaqueline Heinen and Stéphane Portet, “Reproductive Rights in Poland: When Politicians Fear the Wrath of the Church,” *Third World Quarterly* (6), vol. 31 (2010): 1007.

complicated history. As the Catholic Church reasserted itself as a symbol of Polish identity and enjoyed renewed influence in public and political life, women bore the brunt of this rising theocracy.

II. Postcommunist Abortion Law

The history of postcommunist abortion law begins with the 1989 draft bill. Entitled the “Unborn Child Protection Law,” it “called for a ban on all abortions and provided for prison sentences of up to three years for both doctors performing an abortion and women seeking them.”¹⁴ The bill stated that the legal status of a fetus begins at the moment it was conceived, and therefore a woman has no legal right to end its life. This draft had major consequences for the 1989 parliamentary elections. The topic of abortion split Solidarity between those who opposed abortion and those who supported it. This split caused members of Solidarity to run against each other during the elections, and some believed that this bill was purposely introduced at this time to split Solidarity’s ranks.¹⁵

In September 1990, after two months of debate, the Senate approved the 1989 draft by a vote of 50 to 17.¹⁶ However, the lower Sejm put off their decision until the November 1990 presidential elections had concluded. That same year the government placed restrictions on women who now needed at least “three medical opinions and a consultation with a state-approved psychologist” to be able to receive an abortion.¹⁷ In a 1991 Medical Ethics Code, a “Conscience Clause” was inserted that allowed doctors, “to refuse health services because of

¹⁴ Marianne Githens and Dorothy McBride Stetson. *Abortion Politics: Public Policy in Cross-Cultural Perspective*. (Great Britain: Library of Congress, 1996), 58.

¹⁵ John Tagliabue, “Abortion Issue in Poland Splits the Opposition in Polish Election,” *New York Times* (1923-Current File), May 29, 1989.

¹⁶ Stephen Engelberg, “Anti-Abortion Bill Prompts Poles To Debate the Church’s Influence,” *New York Times* (1923-Current File), Nov 06, 1990, A1.

¹⁷ Kulczycki, “Abortion Policy in Postcommunist Europe: The Conflict in Poland,” 474.

conscience-based objections.”¹⁸ This meant that doctors could refuse to give a woman an abortion because they personally felt it was wrong, even if a woman needed one to survive. In May 1992, a new medical code was introduced that stated that a women could receive an abortion only if it was a result of a criminal act, or if her life was in danger. The cost of an abortion also “tripled to between \$250 and \$800, the latter figure several times the average monthly salary.”¹⁹

Finally, in 1993 a law was passed that enforced the complete ban of abortion with the exception of three cases: “when there is a serious threat to the life or health of the woman, if her pregnancy is the result of a crime, or if prenatal tests show the fetus to be severely and incurably damaged.”²⁰ However, the severity of the threat to a woman’s life had to be confirmed by three different doctors, the crime of rape or incest had to have already been reported and confirmed, and there had to be a legitimate reason to suspect a birth defect before prenatal testing could even be done.²¹ The Act also provides that whoever performs an abortion before it is known if the fetus can survive will face up to three years in prison.²² This version of the Unborn Child Protection Act was considered a softened approach to the abortion legislation proposed by the Church in 1989.²³ In 1994, the Sejm made an attempt to pass an amendment to the 1993 law that would allow women to terminate pregnancies before 12 weeks due to harsh living conditions or personal problems. The amendment also included a “provision to improve the knowledge and

¹⁸ Joanna Z. Mishtal, “Matters of “Conscience”: The Politics of Reproductive Healthcare in Poland,” *Medical Anthropology Quarterly* 23, no. 2 (2009): 161.

¹⁹ Kulczycki, “Abortion Policy in Postcommunist Europe: The Conflict in Poland,” 474.

²⁰ Kulczycki, “Abortion Policy in Postcommunist Europe: The Conflict in Poland,” 474.

²¹ Kulczycki, “Abortion Policy in Postcommunist Europe: The Conflict in Poland,” 474.

²² Françoise Girard and Wanda Nowicka, “Clear and Compelling Evidence: The Polish Tribunal on Abortion Rights,” *Reproductive Health Matters* 10, no. 19 (2002): 23.

²³ Githens and Stetson, *Abortion Politics: Public Policy in Cross-Cultural Persepctive*, 60.

affordability of contraceptives.”²⁴ Though this amendment was passed by the Sejm, it was vetoed by President Lech Walesa on the grounds that, “No economic barriers can legalize assassination of a human life, especially personal conditions of a woman, which cannot be objectively verified.”²⁵ This amendment was not forgotten about, however, and in 1996 the Sejm once again passed the same amendment.²⁶ In December 1996, senators who disapproved of the amendment argued that it was unconstitutional and brought it to the Constitutional Tribunal. In 1997, the Tribunal ruled that five articles of this liberalized law contradicted the Constitution, and the ruling was accepted by the Sejm. Therefore, the 1993 abortion restrictions were reintroduced. In addition to this, “most contraceptive methods were withdrawn.”²⁷ Also, sex education was removed from schools and replaced with family life education, which teaches solely abstinence in regards to safe sex.²⁸ The Church was pleased with these decisions, especially regarding abortion. Bishop Tadeusz Pieronek stated that he now “felt safer in Poland.”²⁹ Poland still functions under the 1993 abortion law today, which continues to ignite debate among Polish citizens.

III. The Abortion Debate

The Catholic Church’s 1989 draft bill sparked debate and controversy just as Poland formed its new system of government after communism. In addition to outlining the penalties doctors and women could face for an abortion, it also detailed the care that a pregnant woman was to receive. However, people argued that these instructions were, “general homilies,

²⁴ Eberts, “The Roman Catholic Church and Democracy in Poland,” 825.

²⁵ Eberts, “The Roman Catholic Church and Democracy in Poland,” 825.

²⁶ Eberts, “The Roman Catholic Church and Democracy in Poland,” 825.

²⁷ Girard and Nowicka, “Clear and Compelling Evidence,” 23.

²⁸ Girard and Nowicka, “Clear and Compelling Evidence,” 23.

²⁹ Eberts. “The Roman Catholic Church and Democracy in Poland.” 826.

unrealistic in the present economic situation.”³⁰ In August 1990, the Senate determined that the draft would no longer call for the punishment of the woman who received the abortion.

However, this point was reexamined during the Senate debates of August and September 1990.

In these debates, Senate and Church officials made an array of arguments concerning the abortion law. The analysis of these arguments calls attention to the emphasis on morality and forming a new Polish identity in the postcommunist period.

The first debate on August 3, 1990 consisted of only ten people willing to take the floor and express their opinion, only three of which were women.³¹ Every man supported the bill, and one female delegate expressed her support for the punishment of the woman as well as the doctor. All the participants of this debate agreed that abortion was wrong, but their opinions of how it should be regulated caused confusion.³² The arguments made by these participants were vague yet consistent, with most of them citing their anti-abortion attitude and their belief that the fetus attains legal status at conception. Many people argued that abortion must be outlawed to guarantee the future. However, the future under discussion was never defined, and it was unclear whether this made abortion a demographic or moral issue. Others argued that the fetus, “is not part of the mother’s body, and that the mother thus does not have the right to decide on its future,” and that abortion is, “comparable to killing old or disabled people.”³³ The severity of these arguments highlights the controversial nature of abortion in Poland. This confusion and controversy was due to the newly democratic form of government, which allowed people to finally be able to speak freely about what they believe. However vigorously these debate

³⁰ Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 243.

³¹ Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 244.

³² Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 244.

³³ Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 245.

participants defended their arguments, they constantly reiterated the statements of Church officials.

Under the Communist regime, the Church's stance on abortion held no sway with the government. Since a majority of Polish people considered themselves Catholic, the Church maintained a large amount of support from people fed up with the Communist state. The Church became symbolic of Polish national identity and, "synonymous with resistance to the regime."³⁴ Therefore, in the eyes of the Church, "liberal abortion policy became equated with support for the Communist state."³⁵ When Communism fell, the Church saw the chance to express their opinions on abortion freely without the intervention of the State, thus submitting the 1989 draft. With their new influence, Catholic bishops argued that anti-abortion laws would free Poland, "from the tragic legacy of intolerance and cruelty towards those completely defenceless."³⁶ These bishops attributed the root of the campaign to ban abortion to the offenses of the Communist regime in Poland, which grew from the repression they felt by the state. Reverend Jerzy Bajda said, "the law legalizing abortion is the work of totalitarian ruling of the Stalinist type."³⁷ Reverend Bajda equated legal abortion and women's reproductive rights to Joseph Stalin's reign of terror and the oppression he brought to his people. Linking legal abortion to a system in which people must show complete subservience to the state was a way to represent abortion in an immoral light while combating the former Communist regime. These direct attacks on the Communist government symbolized the birth of democracy in Poland while formulating the

³⁴ Githens and Stetson, *Abortion Politics: Public Policy in Cross-Cultural Perspective*, 58.

³⁵ Githens and Stetson, *Abortion Politics: Public Policy in Cross-Cultural Perspective*, 58.

³⁶ Michele Dillon, "Cultural Differences in the Abortion Discourse of the Catholic Church: Evidence from Four Countries," *Sociology of Religion* 57, no. 1 (1996): 32.

³⁷ Drusilla Menaker, "After 33 Years of Legal Abortion, Some in Poland Want It Outlawed," *The Associated Press*, May 08, 1989, Monday, AM Cycle.

abortion discourse that would shape the formative years of Poland's democratic state. During the debates on abortion in the Senate, Church officials consistently vouched for the restrictions they proposed, often making drastic statements regarding abortion. For example, in 1991 Polish bishops compared abortion to, "the most radical countering of the right to life in the concentration camps."³⁸ Comparing the killing of innocent people in the Holocaust and taking away their right to life was a powerful argument in the country where the Nazi regime located the death camps during World War II. Invoking the memory of the Holocaust and Poland's involuntary participation was a popular method of pro-life Church officials. Many of these officials felt that abortion should be outlawed to amend, "the tragic experiences of Poland's disastrous losses under Nazism and Stalinism, and its selection as the main site for executing Hitler's design for the Holocaust."³⁹ The term "Stalinism" was often used in the anti-abortion argument as a way to emphasize that this abortion ban would be a crucial effort in moving away from communist repression. Church officials felt that this law was, "needed to eliminate all vestiges of Stalinism,"⁴⁰ and ensuring that morality and religion was restored in Poland was the only method to accomplish this. Equating abortion to genocide and totalitarian rule was a bold way to capture the hearts of Poland's citizens and sway their opinions towards that of the Church. These methods were effective because they called upon the lives lost due to totalitarianism and played on Poland's tragic history of the 20th century.

The method of referring to the past was not used only by those affiliated with the Church. In the Senate debates, one participant argued, "that Poland would not have conquered the Red

³⁸ Dillon, "Cultural Differences in the Abortion Discourse of the Catholic Church: Evidence from Four Countries," 32.

³⁹ Kulczycki, "Abortion Policy in Postcommunist Europe: The Conflict in Poland," 486.

⁴⁰ Peggy Simpson, "Poland's 'Morality Lesson'...; Abortion, Divorce Are Harder to Obtain in the New Regime," *The Washington Post*, September 2, 1990, B1.

Army in the famous battle of 1920 had the Polish women aborted.”⁴¹ What this participant referred to was the Polish-Soviet War of 1919 to 1920 in which Polish forces defeated the Soviet Red Army after their invasion of Poland and prevented them from spreading communism further west. Through this victory, “Poland won her independence for twenty years by her own efforts.”

⁴² This statement emphasizes the connection many Poles made between abortion and Polish national identity. Like Church officials, Senate delegates used Communism to strengthen their cases. They made the statement that, “the 1980 revolution would not have occurred had there been no demographic explosion in the 1950s.”⁴³ Attributing the fall of Communism to a spark in birth rates in the 1950s made the case that abortion would affect the success of Poland in the future, and therefore needed to be outlawed. People formed their anti-abortion arguments through the complicated history of Poland and used the memory of communism to convince Poles that abortion was wrong. Through this legislation, they argued that the Communist past would be rectified, and Poland would emerge as a nation founded on moral principle. Since a liberal abortion law was reminiscent of the Communist regime, it had to be banned. Many politicians agreed with Church doctrines regarding abortion because they knew that if they opposed them they would lose popular support and influence. In Poland, “politicians tend to avoid controversial topics which are considered to be divisive, and express a general commitment to Catholic dogma.”⁴⁴ When the official abortion law was passed in 1993, surveys revealed that many Poles, especially women, were against the ban and harbored a great deal of

⁴¹ Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 245.

⁴² Norman Davies, *White Eagle, Red Star: The Polish-Soviet War, 1919-1920*, (New York: St. Martin's Press, 1972), ix.

⁴³ Fuszara, “Abortion and the Formation of the Public Sphere in Poland,” 245.

⁴⁴ Jacqueline Heinen and Stéphane Portet, “Reproductive Rights in Poland: When Politicians Fear the Wrath of the Church,” *Third World Quarterly* 31, no. 6 (2010): 1007.

opposition towards it. However, the simple fact that the law was easily passed by parliament, “testifies the central role played by the Church in the political landscape.”⁴⁵ If politicians argued that abortion should remain legal, that would be an act of defiance against Church doctrine while simultaneously expressing the view that the Communist government had done something right. Therefore, any doubts that government officials felt about the abortion ban paled in comparison to the influence of the Church and the attempt being made to erase Communist memory.

IV. Church and State Separation and Involvement in Polish Life

The postcommunist period presented an opportunity for the Church to become heavily involved in the everyday lives of Polish citizens. Prior to the fall of Communism, the Church had served as a beacon of hope to many people desperate for change to the system. The moral backbone of the Church inspired people to resist the Communist regime, and the Church played a large role in helping to attain the freedom of democracy in 1989. The relationship between the Church and the communist State was tense. They each recognized the power that the other held, but they wanted that power all to themselves. Rather than work together, they coexisted and constantly spoke against whatever rules each institution implemented. Though the communist State repressed the views of the Church during this time, the Church’s fundamental morals still managed to become ingrained in the minds of Polish citizens.

The Church and the State had continuous disagreements throughout the Communist period. For example, when the Communist party took over power in 1945, they downplayed the importance of the Catholic religion in Poland and angered Church officials. That same year, the Communists discontinued the religious oath for civic employees. In addition, “mandatory

⁴⁵ Heinen and Portet, “Reproductive Rights in Poland: When Politicians Fear the Wrath of the Church,” 1012.

religious education in schools was partially eliminated, allowing atheist and non-Catholic students to be exempt from religion courses.”⁴⁶ Furthermore, the regime legalized abortion and “began to subsidize contraceptives.”⁴⁷ In response, Pope Pius XII released a statement saying that all Catholics who were also members of the Polish United Workers’ Party (PZPR), the Polish Communist party, were excommunicated from the Catholic Church. This statement, “had little effect as PZPR membership continued to grow.”⁴⁸ However, the Church did threaten to withhold the sacrament from supporters of the Communist state. This practice was popular among Church officials; they also employed this tactic during the abortion debates in the early 1990s. This threat did not frighten the Communist regime, which saw it as an opportunity to fight back. The State, “instituted jail sentences for clergy who refused to provide sacraments to citizens based on political objections.”⁴⁹ This back and forth between the Church and the State shows how strained the relations were between Catholics and Communists. The disrespect that the regime expressed towards the Catholic Church fueled the Church’s involvement in the resistance towards Communism. The memory of this disrespect is why it was so shocking when the Church obtained power after the fall of Communism and immediately started to restrict the rights of Polish women. It seemed as if the Church was employing the same tactics as the former regime.

The fall of the Communist regime was a great moment for the Catholic Church after facing years of hostility from the State. This victory was shared by Solidarity and others who had contributed to the resistance, who all recognized the large part the Church played in

⁴⁶ Joanna Mishtal, *The Politics of Morality: The Church, the State, and Reproductive Rights in Postsocialist Poland*, (Athens: Ohio University Press, 2015), 21-22.

⁴⁷ Mishtal, *The Politics of Morality*, 22.

⁴⁸ Mishtal, *The Politics of Morality*, 22.

⁴⁹ Mishtal, *The Politics of Morality*, 22.

accomplishing a democracy. Hanka Lipowska-Teutsch, an activist and member of the Left party, explained that, “the church provided that space to build resistance and national identity,” under communism. She said that the Church was, “an institution in which as a participant you felt that it was a stabilizing mechanism, a sort of alternative system.”⁵⁰ However, many women came to feel betrayed by the restrictive laws that the Church introduced once they came to power. Jolanta Plakwicz, a member of the Polish Feminist Association, expressed this betrayal when she said, “So many women were in the underground, were part of the fight for freedom in Poland. And now it seems that freedom, that victory, is not for women.”⁵¹ Prior to the fall of Communism, the Church was a safe space from the oppression of the regime and many women contributed to the work against the regime. When communism fell and the Church immediately started making restrictions, it was quite shocking to the majority of Polish women. Many Poles felt that it was not the place of the Church to demand new legislation and involve themselves in the government.

In 1991, the Catholic Church officially called for the end of Church and State separation, even though this separation was part of Poland’s Constitution. President Lech Walesa, a devout Catholic, was one of the biggest supporters of this idea. Poland’s bishops issued a communiqué that said the separation of Church and State, “contains negative association from the period of the totalitarian system, when it was used for the domination of the church by the state.”⁵² The Church again invoked Communist history to persuade people that the joining of the Church and the State would be a way to combat the negative effects of Communism and further distance the

⁵⁰ Mishtal, *The Politics of Morality*, 29.

⁵¹ Engelberg, “Anti-Abortion Bill Prompts Poles to Debate the Church’s Influence,” A1.

⁵² Stephen Engelberg, “Poles Face Issue of State Religion: Move to Blur Line Separating Church and Government Gets Walesa’s Support,” *New York Times* (1923-Current File), Apr 28, 1991: 9.

nation from that bleak past. This breakdown of the separation between Church and State meant that the Church would have the ability to become involved in political issues within the government. Church officials would be able to influence government officials into passing certain laws that correlate with their Catholic morals. Poland has no official state religion. In fact, there are a multitude of religious populations that exist in Poland. However, “Poles continue to identify overwhelmingly with Catholicism,” making it the most favored religion in the country.⁵³ Therefore, no matter the opposition that the Church received in response to Church and State separation, their success was guaranteed due to the popularity of the religion.

In 1991, Pope John Paul II traveled across Poland, his home country, to outline the evangelical vision he saw for the nation. He called for, “a new crusade to reclaim territory lost to the Communism of the Soviet Union.”⁵⁴ Pope John Paul meant that it was time for Poland to reclaim the Catholic morals that were wiped out by the Communist regime. Including the Church in the decisions of the government and the everyday lives of Polish citizens was the way to do that. Once this goal became clear to Poles, the approval ratings of the Church dropped significantly, “for only the second time since World War II.”⁵⁵ Just before the Pope’s arrival in 1991, a poll was conducted to see just how much support the Church had. People were asked to answer whether or not they believed the Church had a right to involve itself in people’s personal lives. “Eighty-one percent of Poles answered ‘decidedly no’ or ‘probably no’ when asked about contraceptives; 71 percent replied similarly about abortion; 61 percent about extramarital

⁵³ Sabrina Ramet and Irena Borowik, *Religion, Politics, and Values in Poland: Continuity and Change Since 1989*, (New York: Palgrave Macmillan, 2017), 2.

⁵⁴ Stephen Engelberg, “Which Way Poland?: Pope Sounds a Call to Reclaim Lands From Both Communism and the West,” *New York Times* (1923-Current File), June 11, 1991: A12.

⁵⁵ Engelberg, “Anti-Abortion Bill Prompts Poles to Debate the Church’s Influence,” A1.

relations, and 63 percent on divorces.”⁵⁶ Sixty-two percent of people who lived in small villages answered no about abortion, and this figure rose to 81 percent in major cities. The evidence gathered confirmed that although Poland was a religious country that harbored many practicing Catholics, the majority of Poles did not want the Church to interfere in their personal lives, especially decisions about family and reproduction.

Despite this widespread dissatisfaction, the Church infiltrated every aspect of Polish life, often times contradicting democratic principles. For example, opponents of the abortion ban organized a petition to decide the fate of the abortion law in a national referendum. This petition got 1.3 million signatures, demonstrating a large opposition to this ban.⁵⁷ When Polish citizens presented this petition in support of a referendum, the Catholic Church refused and said that abortion, “was a matter of life and death.”⁵⁸ They went on to say that the only place a referendum on abortion can be carried out is, “in the domain of laws constituted by men.”⁵⁹ This blatantly sexist statement shows that the Church did not care about the women that this law would affect. Men would decide the law on abortion, even though this law had nothing to do with men. The Church opposed a referendum because they knew that, “opinion polls conducted at the time indicated overwhelming support for abortion.”⁶⁰ The Church did not want to leave the measure up to public opinion. They were intimidated. But, this did not stop them from stretching their influence into every public hospital in Poland, ensuring that abortions would be as limited as possible.

⁵⁶ Engelberg, “Which Way Poland?,” A12.

⁵⁷ “Walesa Signs Law Sharply Restricting Abortion,” *New York Times*, Feb 16, 1993, 6.

⁵⁸ Kulczycki, “Abortion Policy in Postcommunist Europe: The Conflict in Poland,” 484.

⁵⁹ Dillon, “Cultural Differences in the Abortion Discourse of the Catholic Church,” 31.

⁶⁰ Eberts, “The Roman Catholic Church and Democracy in Poland,” 824.

The separation of Church and State was doomed from the second Communism fell in Poland. Politicians and members of Solidarity felt that they owed the Church for their help in aiding the resistance, and the Church in turn used this debt to rise in the ranks of the Polish government. Multiple politicians expressed their views that the Church and the State should remain separated, and some even, “endorsed constitutional clauses guaranteeing division between church and state.”⁶¹ However, these actions failed because of the alliance between Solidarity and the Church and their combined effort to distance themselves from Communist associations. Nothing could be done to stop this alliance from progressing in the years following 1989. The Church and the newly democratic state failed to predict the devastating effects that their attempt to push away Communism would have on Polish women.

V. Representations in Western Media

Throughout the course of the abortion debate in Poland, Western newspapers and media outlets reported on the controversy for their audiences. These publications offered quotes from different Polish figures and engaged in the debate in their own way. Newspapers portrayed the abortion topic differently depending on their political leaning and country of origin. Right-wing newspapers portrayed the Catholic Church as the key player in the abortion debate and expressed their views that Communism was the root of all moral deviation. Left-wing newspapers focused more on the Polish population and how these laws would affect Polish society. These newspaper articles offer a depiction of how Catholicism and religious beliefs influenced peoples’ opinions on abortion.

⁶¹ Engelberg, “Poles Face Issue of State Religion,” 9.

During this time, it was typical for countries with a large Catholic population to publish articles that defended the Polish Church's involvement in abortion politics. *The London Times* often published articles that discussed the abortion debate in Poland in terms of how the Catholic Church handled each issue as they arose. In this conservative, right-wing publication, authors commentary aligned themselves with the ideas of the Catholic Church, and favored the stricter abortion laws. In a 1991 article titled, "Can the Pope Rally the Faithless?," the author wrote that "communism has been gnawing away at their souls. That is why half a million Polish women a year have abortions."⁶² Since Polish bishops, and the Pope himself, had stated multiple times that Communism and abortion were linked, *The London Times* pushed this idea as a form of support for the Catholic Church. This article in particular glorifies the Church for stepping up to fill the ideological void that was left behind when Communism fell. In turn, it makes no effort to defend a woman's right to an abortion, or explain why a complete ban may have negative effects. A 1994 *London Times* article titled, "Women and the Pope," contained the headline, "Feminist issues and birth-control will cause headaches in Rome next century."⁶³ This article presented women's issues and their role in postcommunist society as a burden to the next generation of Church leaders and Vatican officials. It is clear that the Church hierarchy agreed that women's issues came in last compared to other problems that society faced, and the obstacles that women faced were an annoyance to the Church. Also in this article, the author attributed the fall of Communism in Poland directly to the Pope. The article stated, "If he had been less courageous, the communist forces might have been able to maintain themselves."⁶⁴ This idea completely

⁶² Roger, Boyes, "Can the Pope Rally the Faithless?," *London Times*, June 1, 1991.

⁶³ William Rees-Mogg, "Women and the Pope," *London Times*, August 25, 1994, 14.

⁶⁴ Rees-Mogg, "Women and the Pope," 14.

erases the Solidarity movement and the contributions that Polish citizens made to the establishment of a democracy.

There is a major bias present within the right wing newspapers. In an article titled, “Poles March Against Church Power,” the author discussed how some Poles were against the influence that the Church was having on Polish society. The author added details about religious education being implemented in schools, but nothing about the backlash that this received. This article only included the Church’s point of view and made no effort to include statements from critics of the Church.⁶⁵ In another article titled, “At the Heart of a Nation,” the author discussed the first female prime minister in Poland, Hanna Suchocka. Suchocka was an anti-abortionist who said many times that she would vote in favor of the abortion ban. The article glorified Suchocka by detailing how qualified she was for her job, but failed to mention that her stance on the abortion issue weakened the fight for women’s rights. Suchocka was presented as making progress for her country and stood as a, “role model for her sex.”⁶⁶ This article highlights that not all women were opposed to the abortion ban, but instead of criticizing Suchocka for her ignoring the plight of women, the article praises her for adherence to church doctrine and devotion to the future of her country. What all of these articles have in common is that they ignore the fact that the Catholic Church’s influence went against the essence of democracy, and that Poland’s new form of government was being represented as something it was not.

In contrast to these right wing *London Times* articles, *The New York Times*, a more liberal, left-wing newspaper, had different points to make in regards to the Polish abortion laws. In a 1993 article titled, “Tough Abortion Law Provokes Dismay in Poland,” the author included

⁶⁵ Roger Boyes, “Poles March Against Church Power,” April 18, 1992, 10.

⁶⁶ Patricia Koza, “At the Heart of a Nation,” *London Times*, July 15, 1992, 5.

aspects of the abortion debate that were overlooked by the authors of the *London Times* articles. The article included quotes from members of the Federation of Women and Planned Parenthood, as well a member of the Polish Parliament that opposed to abortion ban, Barbara Labuda. Labuda said that an increasing amount of people are arguing that Poland should become a theocracy and that, “democracy did not count as much as religion.”⁶⁷ This article also outlined the effects that this law would have on women, including the dangers of the underground abortion industry. The author even included stories of individual women who had already been affected by the law. Wanda Nowicka of the Federation of Women and Planned Parenthood said, “Certainly there will be many tragedies and many women will suffer.”⁶⁸ This article presents a clear comparison to the several articles from *The London Times* and shows how the presentation of the abortion debate differed depending on the media platform that was reporting on it.

Other left-leaning newspapers express similar ideas and arguments as those of *The New York Times*. A 1997 publication by *The Atlanta Journal-Constitution*, a newspaper based in Georgia, included a statement from Jerzy Ciemniowski, a member of the Polish Parliament, in which he said that the Church, “has the mentality of a combatant rather than a participant in Polish life.”⁶⁹ Ciemniowski went on to say that the Church believed it won the fight against Communism, “and it overlooks the fact that winning does not mean taking everything over.”⁷⁰ By using these quotes, this article exposed the Church for its dominant mentality over Polish society and its unwillingness to engage in compromise with Polish citizens. In 1992, *The*

⁶⁷ John Darnton, “Tough Abortion Law Provokes Dismay in Poland,” *New York Times* (1923-Current File), March 11, 1993, A3.

⁶⁸ Darnton, “Tough Abortion Law Provokes Dismay in Poland,” A3.

⁶⁹ Louis J. Salome, “Pope Returns to a Poland in Tumult; New Democracy Split Over Several Church Doctrines,” *The Atlanta Journal-Constitution*, May 29, 1997, 09A.

⁷⁰ Salome, “Pope Returns to a Poland in Tumult,” 09A.

Washington Post, which at this time was run by a female CEO, published an article that similarly denounced the Church and the abortion law in Poland. In response to the part of the abortion law that does not allow prenatal testing unless there is reason for it, the article included a statement from Polish doctor and professor of genetics, Jacek Zareba. Dr. Zareba explained that twenty percent of prenatal tests indicate severe enough deformities where an abortion must be performed. Dr. Zareba went on to say that, “even in these few cases when a newborn will die within a few days, the new rules will not provide the possibility to terminate. This is nonsense, this is absurd.”⁷¹ This article shows that this law had significant opposition from doctors as well as women, and offers medical opinions on the abortion restrictions to argue against the abortion law.

The Western representations of the abortion issue in Poland are telling of how religion, women’s issues, and medical details created a significant divide between anti-abortionists and pro-choice advocates. The way the Church’s point of view and actions were represented revealed the opinions of people watching the Polish abortion debate from Western areas of the world. These articles demonstrate how divisive the debate was and how it stretches to multiple countries throughout the East and West. Reproductive rights are issues that each country deals with and so the different ways that countries handle them are constantly analyzed.

VI. Effects on Women and Polish Society

No one could have predicted the extent of the devastating effects that the abortion restrictions would have on Polish women. The effects on women’s lives cannot be overlooked. Women were humiliated, traumatized, disabled, and killed because of Poland’s need to reverse

⁷¹ Blaine Harden, “Poland to Limit Access to Abortions; Church-Backed Restrictions Begin May 3 Despite Opposition from Women and Doctors,” *Washington Post*, February 18, 1992, Z8.

Communist abortion policies and assert its moral dominance. Under this new law, tragedies took place and they continue to occur in Poland today. The effects of these restrictions and the stories of women serve as evidence that the Catholic Church and the Polish government valued the rejection of the communist past over the health and lives of their female citizens.

Social and Demographic Effects

The abortion law affected the population of Poland. Since Communism fell in Poland, the total fertility rate declined from 2.1 percent in 1989 to 1.27 percent in 2007, which resulted in a decline in population growth and an increase in emigration from Poland.⁷² Women who went on sex strikes in opposition to the abortion ban could have contributed to this decline in fertility.⁷³ By doing this, women ensured that the effects of the abortion ban would be felt by the Polish government and the Catholic Church to combat the restrictive law. In addition to this, in 1993 Poland experienced an increase in recorded miscarriages and 153 cases of mothers abandoning their babies in hospitals.⁷⁴ Also, doctors reported a rise in the amount of cases termed, “spontaneous abortions.”⁷⁵ These cases were presumably women who had no other option but to perform an abortion on themselves. Outlawing abortion did not end abortions once and for all. Women found ways around the laws, which contributed to this decline in fertility and total population in Poland. The reproductive laws in Poland did more than just ban abortion and limit

⁷² Joanna Z. Mishtal, “Understanding Low Fertility in Poland: Demographic Consequences of Gendered Discrimination in Employment and Postsocialist Neoliberal Restructuring,” *Demographic Research* 21 (2009): 606.

⁷³ Madelaine Drohan, “Women Advance in Battle of Sexes Poland’s Hearth and Home/Female Population Tackles Policies of Roman Catholic Church and Lech Walesa,” *The Globe and Mail (Canada)*, December 5, 1995.

⁷⁴ Kulczycki, “Abortion Policy in Postcommunist Europe,” 475.

⁷⁵ Wanda Nowicka, “Two Steps Back: Poland’s New Abortion Law,” *Journal of Women’s History* 5, no. 3 (1994): 152.

contraceptives. Poland cut maternity leave from almost two years to less than four months and, “closed or privatized most of the childcare facilities and reduced family cash benefits in almost every category.”⁷⁶ This meant that women no longer had access to resources that would allow them to have a career and a family at the same time. The problem that arose was that women would return to their jobs from maternity leave to find that a new permanent replacement had already been hired while they were gone. This fact helps explain why Polish women are twice as likely to fall below the poverty line than men are and make up a majority of the unemployed in Poland due to gender discrimination.⁷⁷

The replacement of sex education in schools with religious education had significant effects as well. In 1980, the percentage of adolescent pregnancies was 6.4 percent which increased to 7.8 percent in 1995.⁷⁸ There is no data on what percentage of these adolescent pregnancies resulted in abortion, probably because abortions became illegal. However, there is conclusive evidence to suggest that this spike in adolescent pregnancies was due to the lack of sex education in schools. In fact, a survey conducted by the Ministry of Health in 1993 showed that, “95 per cent of Polish women rely on personal experience for their sex education.”⁷⁹ Another reason for this is the lack of contraceptives. Poland had always had a severe lack of contraceptive methods, which is why under Communism, “abortion was the chief form of birth control.”⁸⁰ During the 1980s, a couple of birth control pill options were available but one

⁷⁶ Mishtal, “Understanding Low Fertility in Poland,” 605.

⁷⁷ Mishtal, “Understanding Low Fertility in Poland,” 605.

⁷⁸ Susheela Singh and Jacqueline E. Darroch, “Adolescent Pregnancy and Childbearing: Levels and Trends in Developed Countries,” *Family Planning Perspectives* 32, no. 1 (2000): 20.

⁷⁹ Gary Younge and Jo Epsicopo, “EUROPE: SEX DRIVES POLES APART; The Catholic Church forbids contraception and abortion. But it is Polish women, not priests, who suffer the consequences,” *The Guardian* (London), September 14, 1993.

⁸⁰ “Walesa Signs Law Sharply Restricting Abortion,” 6.

gynecologist described them as, “horrible, repulsive and on top of that, uncertain.”⁸¹ In 1999, the government removed five types of birth control pills from the list of refunded medications, making it harder for women to find birth control pills available to them. In 2002, the government, “eliminated all health insurance coverage of hormonal contraceptives.”⁸² This lack of birth control methods and sex education contributed to the rise in adolescent pregnancy.

Doctor's Experiences

Although most botched abortions were blamed on the doctors, their roles are less significant than the role of the abortion law. Doctors who performed abortions were forced to endure hatred and pressure just as much as the women who received them. In 1990, Dr. Waclaw Dec, the head of the Obstetrics and Gynecology Department at the Medical Academy in Łódź, “publicized the deaths of three women from self-induced abortions,” and also, “attributed these deaths to the new restrictive abortion regulations.”⁸³ Authorities from the Ministry of Health pressured him to change the cause of these cases. Doctors were often forced to lie about the details of women’s health and the circumstances of their deaths in this controversial time in Poland.

As most Poles during this time considered themselves Catholic, many doctors did as well. However, this proved complicated when it came to the abortion issue since most doctors predicted what the consequences of the abortion law would be. For example, a church in Łódź refused to allow a Catholic funeral for a gynecologist who had recently passed away because he

⁸¹ Special to the New York Times, “Poland’s Hard Life Finds More Women Choosing Abortion,” *New York Times* (1923-Current File), May 23, 1983.

⁸² Mishtal, “Understanding Low Fertility in Poland,” 606.

⁸³ Nowicka, “Two Steps Back,” 152.

once commented on his opposition to the abortion ban in a television interview.⁸⁴ The idea that this doctor was not afforded a proper Catholic mass after his death simply because he did not share the Catholic Church's views on abortion is highly disturbing. This case demonstrates how adamant the Church was about abortion.

Although the doctors are portrayed as the villains in stories of failed abortions, they were often scared of losing their jobs or going to prison. In one case, a woman went to a Dr. Wincenty Kroemeke to get an abortion. When Dr. Kroemeke declined initially, the woman begged and pleaded and he finally agreed. However, the woman later admitted to her abortion and pointed out Dr. Kroemeke as the one who performed it.⁸⁵ Under prosecution, he was in danger of at least two years of imprisonment and the loss of his medical license, a steep price to pay for helping a woman in need. He denied ever seeing the woman or performing the abortion, but since the woman carried no penalty for receiving the abortion, the odds were against him. Gynecologists faced harsh punishments for getting caught carrying out these procedures, so it was understandable that many of them declined abortions for women.

Gynecologists were often the victims of hateful acts as well. Many of them reported that they avoid telling people what they do for a living so as not to be shamed for their work.⁸⁶ It was reported that some gynecologists had red paint coated on their cars to represent the blood they spill by performing abortions. One gynecologist said, "We're called Hitlerites, Nazis. Our doors are painted red with the slogan, 'Here lives a murderer.'"⁸⁷ The hatred that anti-abortionists

⁸⁴ Salome, "Pope Returns to a Poland in Tumult," 09A.

⁸⁵ Jane Perlez, "A Painful Case Tests Poland's Abortion Ban," *New York Times* (1923-Current File), April 2, 1995, 3.

⁸⁶ Darnton, "Tough Abortion Law Provokes Dismay in Poland," *New York Times*.

⁸⁷ John Darnton, "Tough Abortion Law Provokes Dismay in Poland," *New York Times* (1923-Current File), March 11, 1993, A3.

showed to these doctors represents the extent of the hostility that was present in the abortion debate. Although many doctors agreed with the abortion ban, those who did not walked around with targets on their backs.

Women's Stories

Multiple women who underwent illegal abortions endured dangerous situations because of doctors trying to protect their careers. In March of 2005, Karina Kozik had an illegal abortion in the private apartment of a gynecologist in the town of Swarzedz. The procedure initially went smoothly, but shortly after it was over Karina began haemorrhaging. She was rushed to the hospital but it was too late. Karina Kozik died at 21 years old.⁸⁸ Karina's death could have been avoided had abortion been legal. The procedure could have been carried out in a safer, more sanitary environment where the likelihood of her survival would have been much higher. A woman named Kasia became pregnant very shortly after the birth of her first child. Kasia and her husband agreed that they were not quite ready for another child, and they decided to seek an abortion. A physician agreed to perform the procedure in her office to protect herself and Kasia. During the procedure complications occurred, and it became clear that Kasia needed immediate help. Even with an emergency ward right next door, the physician decided to take Kasia to a hospital 12 miles away to protect her own career. The physician left Kasia's husband in the waiting room, unaware of what was happening to his wife. Kasia died at the hospital due to a perforated uterus and intestine, leaving behind a newborn child and husband. She was 20 years

⁸⁸ Wanda Nowicka, "Contemporary Women's Hell: Polish Women's Stories," *Reproductive Health Matters* 13, no. 26 (2005): 161.

old.⁸⁹ To make matters worse, the physician that performed the abortion on Kasia was prosecuted for performing an illegal abortion, not malpractice. This proves that the government did not care that a 20 year old woman died such a horrifying and gruesome death.

Many women suffered at the hands of the Conscience Clause, which was invoked by many doctors when women who needed an abortion to live requested the procedure. Agata Michatowicz became pregnant and intended to keep the baby. However, she began to grow sicker and sicker and she knew that something was wrong. Agata was taken to a doctor by her mother and the doctor determined that she had an abscess and fistula which requires an endoscopy. An endoscopy carries the risk of miscarriage, and the doctor refused Agata the procedure, saying, “My conscience won’t let me do it.”⁹⁰ Despite Agata’s mother begging the doctor to abort the baby to save her daughter, Agata was forced to deliver the baby, which was already dead. Doctors performed numerous surgeries on Agata after her delivery but they all failed. Agata died at the age of 25. She could have been saved had the doctor obeyed the law and performed an endoscopy, but since the Conscience Clause existed the doctor was permitted to refuse. It is difficult to understand how letting Agata die was morally justified.

The 1993 law allowed for women whose pregnancies were the result of rape to qualify for an abortion before 12 weeks. However, even though a rape qualified the woman for an abortion, many doctors would still refuse to perform the procedure. The worst of these cases was that of a 14-year-old girl, who was also named Agata. In 2008, Agata was raped by a classmate and became pregnant. Her mother, Anna, took her to a doctor to obtain an abortion, which she was legally entitled to. They had already gotten documentation from a prosecutor proving that

⁸⁹ Françoise Girard and Wanda Nowicka, “Clear and Compelling Evidence: The Polish Tribunal on Abortion Rights.” *Reproductive Health Matters* 10, no. 19 (2002): 25.

⁹⁰ Nowicka, “Contemporary Women’s Hell,” 161.

the crime had occurred. They had taken all the necessary steps to ensure that an abortion could be done. Agata was refused by all of the doctors at one hospital, and when her mother asked them for a referral to another hospital the doctor said no and proclaimed that, “ethics is above the law.”⁹¹ Agata was required to see a consultant who expressed his opposition to Agata’s abortion, and she was forced to stay in another hospital for several days. During her stay, her confidentiality was breached by the employees when they sent for a priest to come visit. Father Krzysztof Podstawka came to Agata’s room and pressured her against an abortion and threatened her mother with legal action to remove Agata from her custody. Agata was removed from her mother and put into Child Protection Services for a short period of time, but Anna fought to get her daughter back with the help of members of the Federation of Women. Anna finally got Agata back and Agata received her abortion. However, to avoid further embarrassment, the abortion was done clandestinely and does not show up on the records for that year’s abortions.⁹² Agata’s name and story was published all throughout Polish newspapers and she became the topic of national debate.

Agata was 14 years old, raped, and humiliated. She was harassed by Father Podstawka and the employees of the hospital where she stayed, and taken away from her mother on top of that. This devastating story is further evidence that the Polish government and the Church did not care what happened to victims of rape. Agata’s innocence was lost and she was physically and mentally scarred, but all anyone cared about was that her abortion would make Poland look morally corrupt. Agata’s mother expressed how, “it was her fault to have trusted in the law.”⁹³

⁹¹ Mishtal, *The Politics of Morality*, 96.

⁹² Mishtal, *The Politics of Morality*, 97.

⁹³ Agata Chelstowska, “Stigmatisation and Commercialisation of Abortion Service in Poland: Turning Sin Into Gold,” *Reproductive Health Matters* 19, no. 37 (2011): 102.

The trauma that Agata and her mother were forced to endure is horrifying and unimaginable. To go through something as disturbing as rape at the age of 14 and to face so many hurdles to get an abortion is proof enough that this law served no purpose and only made the experience of abortion even more upsetting and dangerous. The idea that these women were debased and killed because the Church and government felt the need to separate themselves from Communist ideas is repulsive and appalling. This disregard for the safety of women continues in Poland today as the Church continues to enforce other areas of their Catholic doctrine. For example, in 2012, the Polish government signed a Council of Europe Convention for the prevention of violence against women. The Polish Episcopate scorned Polish lawmakers for allowing this and argued that reducing violence against women would encourage atypical gender roles, namely homosexuality and transsexuality.⁹⁴ The Catholic Church made clear their value of stereotypical gender roles and Catholic morals over the safety of women. This fact, along with the multitude of stories of women who suffered from the abortion law, demonstrates the apathetic feelings of the Catholic Church towards Polish women during this period.

The Polish Tribunal

On July 25, 2001, the Polish Federation for Women and Family Planning held a Tribunal to discuss the effects of the abortion law. Doctors, professors, lawyers, journalists, and activists were invited to stand as “judges” and listen to the facts and cases that were presented. At the Tribunal, facts and women’s stories were presented to these judges to prove that the 1993 abortion law had negative consequences on Polish women. This event proved that the abortion

⁹⁴ Ramet and Borowik, *Religion, Politics, and Values in Poland: Continuity and Change Since 1989*, 29.

law did little but make the procedure more dangerous, less affordable, and more traumatic for the women who needed it.

The Polish Federation for Women and Family Planning showed the judges that the abortion law did not eliminate abortions. Instead, it led to the rise of an abortion underground where the procedure was less safe and costed more than the average monthly salary in Poland. The Tribunal revealed that many healthcare providers did not know exactly what the law entailed and harbored much confusion over what legally justified an abortion, and that the law had resulted in trauma and health problems for thousands of Polish women.⁹⁵ The Tribunal also found that, “Polish abortion law and practice violate standards set by international treaties and treaty bodies.”⁹⁶ These treaties, for example the Convention on the Elimination of All Forms of Discrimination against Women, guaranteed, “the right to life, liberty, and security of the person, privacy, the highest attainable standard of health, and access to healthcare services without discrimination on the basis of sex.”⁹⁷ Overall, the 1993 abortion law was a major infraction on basic human rights. Though this Tribunal proved all the facts presented by the Polish Federation for Women and Family Planning, no further action was taken to improve these conditions. The Tribunal called attention to the abortion issue and was reported on by television, newspapers, and other forms of media, and also showed that if this law was to be changed more activism would be needed in the future.

⁹⁵ Girard and Nowicka, “Clear and Compelling Evidence,” 23-24.

⁹⁶ Girard and Nowicka, “Clear and Compelling Evidence,” 27.

⁹⁷ Girard and Nowicka, “Clear and Compelling Evidence,” 27.

VII. Conclusion and Abortion in Poland Today

In 2016, the Catholic Church and Polish politicians pushed the abortion debate even further by calling for a complete ban on abortion with no exceptions. When the Law and Justice party (PiS) came into power a year earlier, Polish women feared for how the abortion law would change since PiS is known to have extreme Catholic values. Their fears came true when the “prenatal life protection law” was submitted to the Polish Parliament. This law would, “protect the life of an unborn child at all costs, including the distress – or the death – of its mother.”⁹⁸ The new law would not allow women to abort ectopic pregnancies, a pregnancy in which the fertilized egg is outside of the uterus leaving little chance for the fetus to survive. They also would not be able to abort even if the fetus is deformed or ill, and even in cases of rape an abortion would not be allowed. The justification for this was that although rape is a harmful and illegal act, an abortion punished the child for the sins of the father.⁹⁹

During the time this law was up for debate, the Conference of the Polish Episcopate, “the central organ of the Polish Catholic Church,” wrote a letter addressed to the entirety of Poland.¹⁰⁰ The letter backed the new proposed anti-abortion law, and it was ordered to be read out loud at Sunday services across Poland. When the letter was read, a video was posted entitled, “Exit from St. Mary’s Basilica,” that showed dozens of men and women leaving the Church in the middle of mass in opposition to this new law.¹⁰¹ Multiple demonstrations like this took place across Poland that same day. This was only the beginning of the protests and opposition. Women organized

⁹⁸ Zofia Reych, “A Polish Abortion Ban Would Turn Women Back Into Childbearing Instruments,” *The Guardian*, April 8, 2016.

⁹⁹ Reych, “A Polish Abortion Ban Would Turn Women Back Into Childbearing Instruments,” 2016.

¹⁰⁰ Alexandra Ma, “Women In Poland Storm Out Of Church Over Proposed Abortion Ban,” *The Huffington Post*, April 5, 2016.

¹⁰¹ Ma, “Women In Poland Storm Out Of Church Over Proposed Abortion Ban,” 2016.

quickly to combat the law and protests sprung up in multiple Polish cities. Women marched throughout cities, “chanting slogans like, “My body, my business” and waving around coat hangers, a gruesome symbol of illegal abortions.”¹⁰² The bluntness of these protest methods show just how fed up Polish women were with their rights being infringed upon by the Catholic Church and the Polish government.

On October 3, 2016, in the pouring rain, women in Warsaw came together to stage a protest of the abortion law, which they called Black Monday. On this day, both women and men skipped work and attended the protest wearing all black and waving black flags. This protest was denounced by Foreign Minister Witold Waszczykowski when he said, “There is no such problem as a threat to women’s rights.”¹⁰³ This statement showed how little Polish Church officials and politicians cared about the abortion issue. The protest was a success. That Wednesday, the law was rejected. Ewa Kopacz, the former prime minister of Poland, said that the government, “backtracked because it was scared by all the women who hit the streets in protest.”¹⁰⁴ This success demonstrated that Polish women have learned to use their voices to defend their rights. Although they still have a long way to go, the progress they have made deserves recognition and praise around the world.

The culmination of the abortion debates in the 1993 law and the 2016 protests demonstrates how controversial and important this topic is. It also shows that dealing with the Communist past still affects Poland today. The methods used by the Catholic Church in alliance with the Polish government ignited debate about the proper way to overcome Communism while

¹⁰² Ma, “Women In Poland Storm Out Of Church Over Proposed Abortion Ban,” 2016.

¹⁰³ Joanna Berendt, “Protesters in Poland Rally Against Proposal for Total Abortion Ban,” *The New York Times*, October 3, 2016.

¹⁰⁴ Emma Dajska, “Inside Poland’s Huge, Inspiring, and Effective “Black Monday” Strike,” *Elle Magazine*, October 10, 2016.

complicating the formation of democracy in Poland. The Polish state was meant to be a democracy that held Catholic values, but the Church consistently contradicted the essence of democracy with its attempts to rectify the moral crisis that it believed Communism left behind in Poland. The problem that the Church overlooked is that, “the nature of a pluralist and democratic system is that the content cannot be firmly predetermined in advance.”¹⁰⁵ The Church and the government went into the postcommunist period with firm goals to eliminate Communist memory by enforcing the morals of Catholicism, but they did not place the value of their citizens before the redeeming of Polish society.

For decades now, women have been suffering at the hands of postcommunist Catholic morals and values. Women have been killed and scarred by the effects of this law and their lives have been changed forever. The fight to save the lives of future women who this law will touch has not stopped since the fall of Communism. It is important for other countries to look at Poland as an example of how outlawing abortion and combining the Church and the State can negatively impact society. Hopefully one day the Church will recognize the harm that its influence has had on these women and it can once again become an institution of acceptance and love. But for now we must invoke the names of every woman who has been harmed by these laws in an attempt to correct the wrong doings of the Church and government during the postcommunist period.

¹⁰⁵ Eberts, “The Roman Catholic Church and Democracy in Poland,” 836.

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