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European vs. national in Polish gender equality debates and policy documents

Analysis of Polish gender equality documents and debates conducted for QUING project reveals very ambivalent approach to EU and the idea of Europeanisation. There is significant tension between voices arguing to adopt “European standards” of gender equality and those calling for defending “national values”. Gender equality policy is an important axis of the debates. The article will use approach of cultural studies, trying to show culture-based relationships between nation, Europe and gender order. The aim of the article is to analyse tension between “European” and “national” in gender equality debates. This will show how nationalism influences quality of gender equality policy. It will also reveal tension between secularisation and notion of Christian values and its impact on gender equality policy.

It seems that gender equality policy is strongly associated with notion of Europeanisation, while traditional gender order (gender inequality) is considered to be a part of national culture. Left and liberal voices should be much more enthusiastic to adopt gender equality policies than right-wing voices. However, this division does not always work. As important as political affiliation of the voice in debate is an issue being discussed. In general, policies relating to gender equality in public sphere (employment, sexual harassment in workplace, trafficking) were introduced due to EU pressure without major debates. Policies referring to private sphere (reproductive rights, intimate relationships, domestic violence) commenced vivid debates between defenders of national values and advocates of Europeanisation. The notions of “Europeanisation” or “European values” are given different meanings depending of the actors, so it is worth to define those concepts in context of gender equality. The most controversial in European/national debates are policies on general gender equality and intimacy, so they will be the main material for analysis.

The most vivid discussions, with frequent reference to notion of “Europe” are associated with debates on gender equality (Law on equal status of women and men), abortion (starting from 1992 abortion law, to recent attempts to introduce full ban on abortion) and rights of same- sex couples (attempts to legally regulate rights of same- sex couples). Those issues not only frequently evoke Europeanisation, but in symbolic way are associated with process of Europeanisation. In debates on abortion and gender equality gendered definition of citizenship and inequity of rights and duties of women and men is evident (Holc 2004; Gal, Kligman 2000). Debates on rights of same- sex couples adds to it heteronormative aspect. Discourse explicitly define meaning of femininity and masculinity, and in symbolic way are milestones of democratisation and Europeanisation. Process of democratisation and “return” to Europe was commenced by abortion

debates. Women's reproductive rights were filtered through new system of values based on Christianity and moral rebirth. Europe was referred to as an enemy and threat to “our” (national) way of life or as a potential- a space for Christianisation (“we” will give “them” true morality). Debates on gender equality are related to accession to EU and acceptance of its cultural and legal norms. Discourse aims to modernise cultural norms of femininity and masculinity and create “new gender contract” (Fuszara 2002). Rights of same- sex couples were strongly allied with democracy, tolerance and European values, especially in civil society discourse. This process was visible not as much in Parliamentary debates on Law on same- sex registered partnerships, but more in the public discourse between 2005- 2007, when conservative governmental coalition run by Right and Justice was at power. Governmental reluctance to gender equality and homosexuality in particular was reflected by political decisions such as ban on Equality Marches (for tolerance, equality and rights of same- sex couples) and homophobic discourse. Political decisions of Kaczynski brothers were widely discussed in Europe as violating “European values” (resolution of EU Parliament).

Gender equality and “Europe”

Process of Europeanisation is not limited to accepting EU laws and mechanisms. It should go deeper, re-form values and lifestyles. In our approach Europe is considered to be “a way of life” (Judt 2006). Gender equality is one of marks of Europeanisation.

Acceptation of legal provisions on gender equality on the labour market did not involve much discussions. Legal changes were probably treated as a kind of “tax” the country was obliged to pay to access EU and receive its funds. However, acceptance of standards of gender equality included not in EU hard law, but in recommendations caused much more trouble. Debates on abortion, gender equality and rights of same sex couples often used notion of Europeanisation and European values. Debates on those issues had more serious meaning than introduction of some legal provisions. They were also the debates on meaning of national culture, and inevitable changes it has to undergo after joining EU. This paper will analyse cultural meaning of Europeanisation and possible directions of transformation of national culture, with most of the attention paid to gender relations. The debates have at least three levels of meanings concentrated around different values: gender equality vs. gender inequality (traditional gender order); European vs. national and secular vs. religious.

Tony Judt defines Europe as “a way of life”. In this approach Europe is a matter of lifestyle, which include specific definition of leisure, state's sponsoring of high culture and welfare state (free education, health insurance, pension scheme etc.). Attention paid to social inclusion and gender

equality definitely is a part of European “way of life”. Politics of gender equality has a long tradition in Europe. Roma Treaty signed in 1957 paid attention to gender equality in employment and included a statement, that women and men should receive equal payment for work of the same value. This notion was further developed in numerous EU directives regulating rights of women and men on the labour market (Walby 2004). In the 70's several EU directives referred to issues of employment and direct discrimination of women. They guaranteed equal payment for work of the same value, equal access to training, promotions and equal work conditions. Further directives in 80's and 90's included rights of self-employed persons and persons employed part- time. EU directives not only approached labour market form perspective of gender equality, but also considered problems with reconciliation of work and family life. Public sphere, as well as family life was investigated through gender equality lenses. Amsterdam Treaty (1999) emphasised, that one of the aims of the European Union is counteracting discrimination and promotion of gender equality. EU countries were obliged to respect gender equality in all legal acts and actions. Even is some authors are critical towards mechanisms and implementation of gender equality policy in EU (Walby 2005) it should be emphasise that having gender equality as one of the European principles is an achievement.

The collapse of communist system in the Soviet block started the process of European integration. Eastern part of Europe “amputated” after WWII have been incorporated into European body. European integration had to solve not only economic problems of Eastern European countries, but also offer new ideas of political system (democracy) and citizenship. As some authors argue, analysing Polish gender politics under socialism, the issue of gender equality was treated instrumentally by the government. “Women's issue” were rather a matter of propaganda, than real actions undertaken by the state (Walczywska 1993). Gender equality was a part of the European “package”. In Poland it included development of feminist movement (in early 90's) and revision of law from perspective of gender equality (in process of accession).

In Eastern Europe the issue of gender equality was associated with political and social transition. In almost all countries some laws on gender equality were adopted before accession. Europeanisation, understood as adaptation of national legal system to EU norms and institution, was an important aspect of those legal reforms. According to Ulrich Sedelmeier and Frank Schimmelfennig, Europeanisation is a process of discursive appropriation of norms, values and rules of behaviour in Member states of EU (Sedelmeier, Schimmelfennig 2005). Process of accession was a process of Europeanisation, because it proved influence of liberal and democratic values of the EU. However, process of Europeanisation was based not only on economic or geographic conditions, but a notion of culture and shared norms and values were frequently recalled. An abstract idea of “European identity” was present in discourse of EU and candidate

countries.

In accession discourses gender equality and gender mainstreaming were presented and approached as strictly European solutions. Krizsan and Popa, when analysing political debates on laws counteracting domestic violence argue, that the norm of „being European” was also interpreted from gender perspective (Krizsan, Popa, 2009). In this understanding “being European” included necessity to act against domestic violence.

Europeanisation cannot be defined only in legal and institutional terms. In its cultural meaning it is a process of accepting values that define group identity of the EU. As it was already claimed, gender equality is one of those founding values. Gender mainstreaming is not only legal and policy frame, but a frame to define European culture. Analysis of Polish political discourse shows, that gender equality is often treated as specifically European. As an “European project” it is seen both- as a chance to reform Polish law and culture and as a thread to national identity and “our” way of life. This approach is especially visible in political debates on abortion, gender equality and rights of same- sex couples. Debates over those issues were not only political debates on legal documents, but also discussions on cultural identity and place of Poland inside/ outside “Europe”.

Polish debates: to be or not to be “European”

Debates on abortion, gender equality and rights of the same- sex couples often referred to “Europe” and “European values”. Analysis of fragments of Parliamentary debates will show the main contexts in which the notion of “Europe” is used and how is defined. Fragments reveal also process of geography of national identity- should “we” be in “Europe” (accept norms and values), outside it (reject “European norms and preserve “our” national tradition) or maybe EU should “join us” (accept way of life based on Christian tradition and values). Political debates reveal not only various understanding of gender equality, but also complex process of creating national identity in context of Europeanisation.

Notion of “Europe” is especially visible in early abortion debates (1992). Those debates create frames to interpret reality that are used until now (Verloo 2005, Goffman 1986). During the debate social reality and values are critically investigated. Accessibility of abortion is one of the markers of quality of culture. Western Europe is negatively evaluated not only for “killing unborn children”, but also for materialism, euthanasia and “moral barbarism” (Nowina- Konopka, 1992). Prohibition of abortion will be the first step on a way of moral rebirth- first in Poland and gradually in the whole Europe. It is claimed that decision about access to abortion may be an impulse “to moral rebirth in our country and in Europe”, while existence of abortion means “abandoning values

that allowed creation during last ten centuries of what we call today 'Europe'." (Dziubek, 1992). Often responsibility of the Polish nation in liberating Europe from moral crisis is stressed. Law protection unborn life is as important for European moral sphere, as "Solidarity" was in political sphere (Pastuszewski 1992).

Debates on availability of abortion were in the background of accession negotiation. In later debates on abortion prevails negative attitude to "Europe". It is expressed in fears that "united European forces" are against protection of unborn life and that European norms contradict Polish norms of "protection of life". In 2003 right-wing parties, supported by the Catholic Church, demanded to add a provision to the Accession Treaty, stating that Polish legislation concerning protection of life, marriage and family is more important than EU legislation. The demand caused numerous reactions of parliamentarians, gay and lesbian organizations, women's organizations and catholic organizations. While women's and gay& lesbians organizations were concern about sexual rights and human rights, catholic organizations requested about possibility of 'child-killing' (abortion) under EU legislation. In March 2002 „List 100 kobiet" (Letter of 100 Women) signed by the most prominent women protested against neglecting women's reproductive rights by the government in accession process and against agreement with Catholic Church that effected in terminating works on liberalization of abortion law. According to NGO's this was a bribe paid to Catholic Church for its acceptance of Polish accession.

In 1997 debate on equal status of women and men took place for the first time in democratic Poland. In symbolic way it was another step in process of democratic transformation and associated social changes on a way from state-socialism to EU. Political parties, opinion-makers and women's NGOs took place in the public debate around proposal of the Law on equal status of women and men. Public debate revealed understanding of cultural patterns of femininity and masculinity, gender system and ideas on gender (in)equality. It disclosed strong opposition against gender equality, but also presence of feminist ideas in public discourse. It gave an opportunity for an analysis of relationship between democracy, Europeanisation and gender equality.

Debates on gender equality appeared in certain discursive nonentity. There was no already existing frames to refer to in Political debates. Reference to gender equality policy (however imperfect and ideological it was) did not sound well in democratic state. Achievements of Western feminist movement and frames of citizenship created within it were not known outside of strictly academic circles. In consequence, there was no discourse based on ideas of female citizenship or women's rights. This emptiness was already visible in the abortion debates, but debates on gender equality again discovered this lack. Creation of equality discourse, its frames and references has started from zero. Knowledge of this starting point is important when investigating usage of notion of "Europe" in political discourse.

Idea of “strategic framing” was developed by feminist researchers such as Mieke Verloo or Myra Marx Ferree (Verloo 2001, Marx Ferree 2003). The strategy is based on conscious formulation of political demands in the way that allows to achieve concrete political aims. Fundamental is the concern, what kind of language and arguments should be used in order to achieve feminist aims. “Strategic framing” is based on frame analysis (investigation of already existing frames and discourses) and utilitarianism (to reform reality, improve social reality and introduce cultural change). Researchers of social movements notice a relationship between cultural context and demands of the movement (Della Porta, Dianini 1999). Based on this relationship the notion of “cultural resonance” was created (Snow, Benford 1988). The notion refers to a relationship between aims and postulates of particular social movements and values and rules dominating in the society. Culture and values it embodies have important impact on formulation of political postulates of social change. Culture is important. Meaning of culture (and its values) is striking when analysing Polish gender equality policy. Despite several attempts, it was impossible to create gender equality law. Cultural context made some frames difficult to articulate or having weak cultural resonance.

International standards of gender equality were the only reference available for equality discourse. Human rights and UN declaration were important references. Even more often equality discourse referred to European Union and its policy on gender equality. It is argued that the draft law is demanded by society, “in agreement with EU legislation and with international conventions signed by Poland” (Śledzińska- Katarasińska 1997), thus it should not arise any controversies. It is argued that gender equality is a standard in European and international institutions. Moreover, gender equality machinery is EU requirement. It is claimed that gender equality is fundamental value of “member states of European Union, to which we would like to join”. (Śledzińska-Katarasińska, 1999). It is stressed that gender equality is in the very core of European social policy: “Changes in Amsterdam Treaty, changes of Roma Treaty clearly stress necessity of promoting equality of women and men. In all its action European Union aims elimination of discrimination and promotion of gender equality” (Śledzińska- Katarasińska, 1999). Many voices directly refer to EU obligations and claim that to have gender equality machinery is required. From this perspective the main aim of process of Europeanisation is to change cultural norms of (in)equality. Europeanisation is directly linked to cultural change. This relationship is clearly visible on example of interpretation of gender mainstreaming. It is considered to be not only an institutional mechanism, but also a way of changing social mentality and culture.

According to Council of Europe, gender mainstreaming is re-organisation, improvement, development and monitoring of decision making process, so that perspective of gender equality is included in all processes, on all levels and stages of decision making process. Achieving aims of

gender equality demands cooperation between various actors and attention paid to all spheres of social life. In Polish political discourse reference to gender mainstreaming sometimes appears. However, in most of interpretation idea of gender mainstreaming reaches beyond laws and administration. The major aim is transformation of culture. Political discourse propose many small steps, such as equality education, elimination of gender stereotypes from media and schools, consciousness raising, increasing knowledge on women's rights. Public discussion and women's rights and gender based discrimination is necessary in changing social consciousness and in process of creation of appropriate social policy. Proposed actions attempt to transform symbolic sphere and by this really change social and economic situation of women. Transformation of culture reaches beyond public sphere and transforms the bastion of traditional gender norms: family.

Europeanisation is sometimes associated with improving quality of democracy and is a part of frame “efficient governance”. Necessity of creating anti- discrimination law is sometimes justified by reference to “pluralistic democracy” or “fundamental principles of democracy”. It was argued that implementation of the law will be “an important step on a way of adjusting Polish democracy to standards of mature democracies” (Sosnowska, 1999). Genuine democracy demands equal participation of women and men in decision making process. Quality of democracy and economic development are recalled when referring to speech of Anna Diamantopoulou: „Democracy in which voice of half of the society is not heard cannot be called real democracy. And when discussing efficiency- no successful company can afford to waste talents and skills of employed women or undermine their chances when recruiting for public positions as our political institutions do” (Winiarczyk- Kossakowska 2005). Frames based on quality of governance and economy seem to be perfectly matching neo- liberal vision of state.

In equality debates reference to European values appear much more often than in early abortion debates. International obligations and “Europe” were used as an important argument on behalf of social change. They were treated as main stimulant for implementation of anti-discrimination laws and mechanisms. Moreover, reference to arguments based on “European values” gives possibility to use frames already existing in Western political discourses. Not all frames resonate with Polish cultural norms, but political debates create possibility of exercising various framing strategies.

Voices defending gender inequality (or traditional gender order) usually have negative relationship to European Union and European values. Traditional gender order is associated with herero- patriarchal family, Christian values and nationalism. Gender equality is considered to be harmful to those beings, so is rejected.

Very often EU and its norms are criticised for contradicting national values and lifestyle. Family is the main sphere of concern. The attempt to transform family life and gender relations

within private sphere is accused of promoting moral relativism. Implementation of European norms and laws is also criticised. Speaker opposing law on equal status of women and men argues: “There were arguments- finally we will become Europeans. But who are we until now? Pygmies or what? (...) It was also argued that if we accept the law we will get significant funds from EU. If we do not accept it, we will be punished. I am very sorry, but Polish law cannot be shaped according to principle, that if we accept even radical stupidity from European Union, we will be rewarded for it” (Nowina- Konopka 2004). The voices criticise direction of cultural change and are against European standards. By rejecting gender equality they also reject modernisation and Europeanisation. Nation state based on patriarchal family, division of work and spheres and Christian values is a kingdom of resistance.

Political discourse quite often reflects lack of knowledge on structures and mechanisms of European Union. Sometimes it is argued that parities counteract European norms. Governmental Plenipotentiary for Family claims that “gender parity does not exist in any of EU member states” (Kapera 1999). Many statements reveal lack of knowledge on equality norms and mechanisms existing in the EU. One of the speakers claims, that gender equality law (“Law that automatically privileges women”) does not exist in any European country (Januła 1997).

Some voices refer not to EU requirements, but to norms and values from Vatican. Teaching of the Catholic Church is considered to be more important than EU norms. Moreover, European values are evaluated as negative and contrasted with positive practices long- existing in Polish culture. Prohibition of sexual harassment is contrasted with Polish traditional admiration for female beauty and promoted by Lisbon Strategy pre- school education with Polish model of family care.

Heterosexual family is the heart of the Polish nation and traditional order based on Christian values. The attempt to change traditional family patterns are perceived as violation of national identity and long- lasting order. In the debate on rights of same sex couples Christian tradition on which the nation is based is often contrasted with “foreign examples” or following EU. In very typical way the speaker argues against rights of same- sex couples: “Again, I apply for rejection of draft law on same- sex registered partnerships. There are several reasons for it: firstly, it violates natural law, secondly- it counteracts old Christian tradition of Polish nation, thirdly: it violates fundamentals of social life, fourthly it contradicts public opinion and finally it is an example of non-reflective following of wrong foreign solutions.” (Jurgiel 2004) Another speaker also contrasts “our” order with foreign (European) solutions, when warning of collapse of European civilisation: “Except very important demographic arguments, that decide of existence of Polish state and our place in structures of EU and world economy, there are also arguments related to civilisation. The fact of existence of this very wrong laws does not mean that we have to apply the worst Western practices (...). Moreover, legal guarantees for those groups [same- sex couples- M.D.] is in my

opinion entering a path to ultimate degradation of European civilisation” (Biela 2004).

In the debate on rights of same sex couples position of anti- or pro- European is directly related to opinion regarding legal rights of homosexual couples. Speaker arguing on behalf of rights of same- sex couples refers to European values (that should be followed) and contrasts it with Polish status quo. The speakers claims: “We are trying to implement what is good: freedom and democracy, tolerance, civil society. It is really great that we accessed European Union. European Union shows us, how to operate in normal way; how works educated, tolerating Scandinavian society, how Spanish society, that until now used to live on peripheries similar to ours, is being prepared to particular changes. And we live in this (moral) periphery, and unfortunately, we will continue to live this way” (Janowska 2004).

Public/private Europeanisation

Finally, I would like to ask how deep Europeanisation and EU induced gender equality can go. Is it possible to differentiate between “public” and “private” Europeanisation? Policies required by EU can quite easily transform public sphere, but what about private sphere? Are Polish women allowed to be “European” free market labour force in the public, but at the same time forced to perform traditional role of “Mother-Pole” in the private sphere? Strong resistance to ideas of gender equality partially explain surface- like character of introduced changes. Denial of gender based discrimination or resistance to anti- discrimination policy makes well- grounded debate on strategies of equality impossible. Anti- Europeaness and “Christian values” are used to reject deeper cultural change. Especially family and private sphere is considered to be an area of resistance. In Polish history family was considered to be a place of preserving national identity under foreign occupation, religion, language and traditional (national) way of life. Deeply reaching modernisation of gender relation is perceived as dangerous for traditional family and thus for the nation.

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