The letter versus the spirit: Barriers to meaningful implementation of gender equality policy in Poland

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Since the United Nations Conference on Women in Nairobi in 1985, gender equality has been an important element of the European social agenda. Yet, 23 years later, despite the fact that all European Union (EU) member states have adopted a legal framework addressing issues of gender equality, there is little evidence that this regime has been implemented successfully anywhere within the EU. By investigating public and official discourses in Poland surrounding gender equality, I seek to understand why the gender equality agenda has been difficult to implement meaningfully in Poland. Rather than claiming this as "Polish exceptionalism," I suggest that conflict amongst factions within Poland, as well as between Poland and the EU, over the transposition and implementation of the international gender equality agenda is emblematic of the ways in which integration can succeed formally, but fail substantively, highlighting the need for further theorizing the cultural dimensions of European integration.

In 1985, the United Nations (UN) Conference on Women in Nairobi was convened for the purpose of drafting a 10-year plan to promote the advancement of women around the world. Since that conference, gender equality has been an increasingly important element of the European social agenda. Ten years later, another UN Conference was held in Beijing, bringing together government representatives, activists, and social service providers from around the globe. The result of the Beijing conference was The Platform for Action, which asked for commitment to pursuing equality between women and men by mainstreaming gender into policies and programs at every and all levels of governance. As a result of that conference a new “international gender equality regime” emerged, which called for shared norms, principles, legal instruments and compliance mechanisms in the pursuit of a common objective (Krasner, 1982; Donnelly, 1986; Walby, 2004; Connell, 2005). The Beijing Platform for Action was the credo of the international gender equality regime, demanding the acknowledgement of the existence of deeply entrenched attitudes and practices that perpetuate women’s inequality in all aspects of life, and stating that such attitudes require policies and programs aimed at change by focusing not just laws and practices, but also on values and attitudes.

The European Union (EU), officially represented at Beijing, was one of the signatories to The Platform for Action. Yet, 13 years later, although all member states have adopted the required legal framework and have implemented institutions and mechanisms that address issues of gender equality, there is little evidence that implementation has been complete or successful anywhere within the EU. Even during the accession stage, during which the EU ostensibly has more leverage to ensure compliance (Börzel & Risse, 2000; Grabbe, 2003), meaningful implementation has proven particularly challenging among the Eastern European candidate states.

To understand this lack of compliance, the distinctions between “transposition,” “implementation” and “meaningful implementation” are crucial. Transposition means that laws have been put on the books, but not necessarily that they have come into force, or that any enforcement mechanisms exist. Implementation, by contrast, connotes steps beyond the mere harmonization of legal frameworks, towards institution building and the ability to monitor and enforce compliance. However, as history often demonstrates, sometimes even laws that have been implemented are ineffective in achieving their aims. A classic illustration is represented by the 13th, 14th and 15th Amendments of the United States Constitution,
which freed the slaves, guaranteed their citizenship rights, and established universal (male) suffrage in the aftermath of the Civil War. Despite these legal guarantees, it took another 100 years, a mass social movement, and the 1964 Civil Rights Act to dismantle the systems of segregation and exclusion that effectively prevented African-Americans from exercising their constitutional rights. As with the Reconstruction Amendments, the rights and protections afforded by EU directives on equal treatment and gender equality often exist only as legal guarantees that are difficult, if not impossible, to enforce.

By investigating public and official discourses in Poland surrounding gender equality, I seek to understand why the international gender equality agenda has been difficult to implement in that country. In this article, I analyze Poland as a particular context in which attempts are being made to implement gender equality policy in a meaningful way. Poland is a productive site of analysis for several reasons: it is a vanguard in the region, at the forefront of both anti-communism in the 1980s and EU integration in the 1990s; it is the largest post-socialist state and the sixth largest state in Europe; and it has had the most active women’s movement in the entire post-socialist space. Early Euro-enthusiasm in Poland, coupled with an active women’s movement that successfully mobilized to prevent a proposed ban on abortion in 1992, might have suggested that meaningful implementation would be more successful in Poland as compared to other locales. And yet, this has not been the case.

Rather than claiming this as yet another instance of “Polish exceptionalism,” I suggest that conflict between multiple factions within Poland, coupled with pressure from the EU, over the transposition and implementation of both hard and soft law concerning gender equality, remain emblematic of the ways in which integration can break down in multiple locations, over a multitude of issues. The problem lies not just with mechanisms of transfer from the EU to member states, or with the suitability of institutional forms, but also with the receptivity of local actors to competing normative discourses. This highlights the need for further theorizing the cultural dimensions of European integration and recognizing the importance of symbolic politics in the accession to, and ongoing involvement in, the EU.

As I argue below, resistance to transposing and implementing—meaningfully or otherwise—the relevant directives up until the eve of accession in 2004 reflects not only issues of party politics and state capacity, but also the privileged position of gender in some discourses of Polish national identity. While to date most of the relevant directives have been transposed and implemented (Europa, 2008), the full spectrum of EU-endorsed gender equality policies and programs has failed to be implemented in a meaningful way. This is not just the result of typical, even expected, sexism or resistance to change. Rather, resistance to implementing EU gender equality directives is often as much about resisting interference in the discourse of national identity as it is about gender per se. Because of the particular role it plays in the Polish discourse, gender has the dubious privilege of serving as sacred terrain of the national. Therefore, attempts from outside authorities such as the EU to effect change in this area have prompted a struggle within Polish politics and civil society among different groups of actors who have conflicting visions of women’s roles and where these roles fit into the larger discourse of Polishness. What control over gender discourse means varies according to those involved. For activists and politicians representing the social-democratic party Unia Pracy (UP, Labor Union), achieving feminist goals in Poland is what is at stake. For followers of the ultra-conservative Radio Maryja and the associated far-right Liga Polskich Rodzin (LPR, League of Polish Families), control of the gender discourse is a means by which national identity and sovereignty are defended against the perceived encroachment of supra-nationalism.

This article draws a direct link between the role that gender plays in discourses of national identity and sovereignty, on the one hand, and resistance to pursuing the international gender equality agenda on the domestic level, on the other hand. The existing literature on European integration, with its focus on structural issues of policy transfer and harmonization, only tells part of the story. Although the institutional context within individual member states is increasingly constrained—if not actively shaped—by EU requirements, it is not clear that institutional change alone is sufficient for the meaningful implementation of social policy in general, and the gender equality agenda in particular.

Understanding European integration

An extensive literature has emerged that attempts to explain exactly how Central and Eastern European states like Poland “become European” through the accession process. By institutionalizing the Acquis Communautaire, the body of law that governs the EU and all of its member states, Europeanization is achieved on two different levels: first, by emulating the EU as a set of rules; second, by assuming the identity of a member of a purposive community (Hall & Taylor, 1996; Stone Sweet, Sandholtz, & Fligstein, 2001; Jacoby, 2004). That emulation can even rest on the foundational assumption of a shared normativity, in the form of commitment to liberal political, social, and economic values. The claim that all European countries belong to the same civilization (Huntington, 1993; Weiler, 1997), and therefore are in some fundamental way alike, has been a powerful rhetorical force behind European expansion and European exclusion (Müller-Bac, 1998; Balibar, 2004).

Despite this normative foundation, the European integration literature has been highly formalistic, focusing its attention mainly on the transference of structures and institutions. At present, one of the most active areas of scholarship in EU studies deals with the process of European integration, and the way in which norms, values, and institutions are communicated, via the enlargement process, through institutions and legal frameworks (Schimmelfennig, 2003; Risse, 2005; Schimmelfennig & Sedelmeier, 2005; Schimmelfennig, Engert, & Knobel, 2006). As it is assumed that foundational norms and values are already shared, the goal of the harmonization process is to align structures with norms (Meyer & Rowan, 1977). In essence, the EU envisions a homogenous and hegemonic ideal for both the form of institutional structure and the content of discourse.

The fact that these theories assume that harmonization would have a homogenizing effect comes as no surprise. The idea of “institutional isomorphism,” popularized by DiMaggio
and Powell, is defined as “a constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions” (Dimaggio & Powell, 1983, p. 149). According to their hypotheses, an organization will often adopt strategies and structures that sacrifice efficiency for legitimacy or status. Policy transfer, therefore, is understood as an isomorphic mechanism that forces new member states to come to resemble “old” member states within the established order of the EU.

There is something of a chicken-and-egg conundrum that plagues the existing literature on policy transfer. Because the relationship between norms and institutions is under-specified, it is unclear whether or not existing normative discourses are driving institution-building, or institution-building is reshaping normative discourses. If, as it is seemingly assumed, a shared normativity drives European integration, then variations in implementation outcomes should be fully explained by differences in structural capacity and material resources (Dolowitz & Marsh, 1996; Bulmer & Padgett, 2004; Jacoby, 2004). Yet, as I discuss below, the history of gender equality implementation in Poland suggests that this is not the case. If, on the other hand, institution-building is a causal agent in reshaping the discursive terrain within new member states, then the mechanisms behind this process have yet to be fully theorized in the literature on integration. The question of how ideas and values might or might not change along with structures as a result of integration is rarely addressed.

**Beyond institutions**

In considering the implementation of the gender equality regime in Poland, it is important to acknowledge that there is more than just structural change at issue. The transposition of EU law into national law is designed to have an impact primarily on the institutions of a given member state, with the idea that the logic underpinning these institutions will also work to transform norms and values that form the core of social discourse. This requires the production of new local knowledge, in our case, a transformation of local understandings of gender. By envisioning European integration as involving change of complementary types—form and content, structure and meaning—we can better conceptualize and evaluate the successes and failures of the process. Differentiating between the context in which discourse emerges and the content of the discourse itself offers insight into the actual practice of integration. By using the “critical” and “genealogical” analytical method suggested by Foucault in his Inaugural Lecture at the Collège de France (1981), we can disaggregate what is happening in the realm of institution versus what is happening in the realm of meaning, towards a better understanding of the cultural dimension of integration.

The terrain of knowledge production, what Foucault has called “the order of discourse,” is the set of rules and conditions that structure the discourses that are accepted as true or that can even emerge within a given community. Discourse is determined by the conditions under which it is produced, and to transgress these rules is “by definition, to be mad, to be beyond comprehension and therefore reason” (Foucault, 1981, p.50). The dialectical relationship between true statements and the situations which make such statements possible forms the core problematic of the literature on the history of science and epistemology. While the link between history of science and European integration may appear tenuous, I would argue that it is in this literature that we can find fruitful ways of enriching the study of European integration in order to more fully understand the dialectical relationship between ideas and norms, on the one hand, and structures, on the other.

Discourse is produced within a conceptual terrain where knowledge is not just thought and speech, but rather reflects the seemingly a priori rules and categories that constitute the field of production itself. Far less attention has been paid to these rules and categories, or to the competition between different schemas of discourse production (e.g. international gender equality regime versus Polish national institutional) in Poland. This type of analysis is what Foucault refers to as “critical,” and is intended to enable us to see “something like a system of exclusion, a historical, modifiable, and institutionally constraining system” (Foucault, 1981, p.54). Conversely, when it comes to EU studies, as I discussed above, there has been considerable attention paid to critical analysis, to the study of the field of production of EU rules and institutions, but far less work of a genealogical nature—particularly as concerns the social agenda—has been undertaken. The content of social policy and the normative truths it claims to represent are as salient to its possibilities for meaningful implementation as the conditions under which it is drafted, transferred and implemented institutionally within the national context. In this article, I seek to provide both an overview of gender discourse in Poland and a discussion of the institutional terrain in which such discourses are produced, in an effort to suggest that transformation in one sphere without correlated transformation in the other is the largest stumbling block in achieving meaningful implementation.

When I speak of “gender discourse,” I do not imply that there is no disagreement among different factions within Poland. Rather, I am referring to an historical discourse that has pride of place amongst conservative politicians, in the mainstream media, and public opinion, which is conceptualized as “traditional” by those on the right and “regressive” by those on the left. There are, of course, competing discourses of gender in Poland. These are largely the product of local feminist or women-focused activism and scholarship, or they are emergent from the international human rights and gender equality regimes. Even when such counter-hegemonic discourses are produced within Poland by Poles, they are often treated as “foreign” and viewed skeptically. This conceptualization of foreignness is reinforced by the institutional terrain, itself something foreign and mandated by the EU, in which it is produced and operationalized. The logic of this system rests on the premise that institutional change will effect discursive change, building gender equality structures will result in a normative commitment to the ideology of gender equality, and integration is, in fact, little more than emulation. However, as the Polish case reveals, these causal links are not so straightforward.

**A discursive history of gender equality in Poland**

The Virgin Mary was crowned Queen of Poland by King Jan Kazimierz in 1656. Since that time, the ideas of “woman” and
femininity have been significantly indebted to Catholic doctrine in Poland. So much so that it is not possible to talk about gender in Polish society without also talking about the Catholic Church. That the religious figure of Mary was also set up as an important national symbol further melds gender, faith, and nation into a mutually constitutive troika that lies at the very heart of discourses about Polish identity, a phenomenon widely acknowledged by gender scholars and historians of the region (Fuszara, 1993; Porter, 1996; Gal & Klingman, 2000; Porter, 2000; Graff, 2001; Zubrzycki, 2001; Dabrowski, 2004; Porter, 2005). This troika is also the product of Poland's particular historical trajectory, beginning with the loss of the state under the partitions, through the ravishment of World War II and the ensuing repression under State Socialism, to the bloodless revolution of 1989. Thus, in order to make sense of gender in Poland, it is necessary to briefly trace the genealogy of the concept “gender” through Polish history.

Poland was first partitioned among the Austro-Hungarian, Prussian and Russian empires in 1772, a process which was complete by 1795. At that moment, Poland ceased to be a geopolitical entity, becoming instead an idea (Dabrowski, 2004). Even as the Polish nation was physically obliterated, one of the most important Polish institutions managed to endure: the Catholic Church. The Church's endurance in the face of partition, and later as the sole oppositional institution during communist times, has assured it a privileged position in Poland. As such, it is often viewed as the bastion of Polishness, one of the few constants that the Poles have had to call upon in desperate times.

The position occupied by the Church not only worked to bind Polishness to Catholicness (Zubrzycki, 2001, 2006), but also allowed the Church to set many of the conditions of discursive possibility. Church-informed views of the role of women and the nature of families were most often taken up into nationalist and gender discourses during Poland’s partition in the 19th century. The impact of partition cannot be over-emphasized in this regard. Cast in the role of Mary the Protectress, a Polish woman under partition:

“... was a strong figure, but a thoroughly domesticated one. She remained at home while her husband and sons went off to fight for Poland, but she nonetheless served the nation by educating the young in a patriotic spirit, and by sustaining home and hearth for the partisan fighters. She was characterised [sic] by a limitless ability to endure suffering, as she watched her men sacrifice themselves to the forces of History. And when the men were gone, it fell upon the Matka-Polka to keep the nation alive” (Porter, 2005, p. 160).

Like Mary, Matka Polka suffers and grieves, but remains ever loyal in her commitment to family and nation, no matter what the personal cost.

This gendered national identity is encoded with normative expectations concerning the proper role and function of women and men (as opposed to an ostensibly gender-neutral citizen) in Poland (Fuszara, 1993; Watson, 1993; Heinen, 1997; Graff, 2005). And the trope of Matka Polka, defender of the nation, has been mobilized repeatedly in times of national distress, such as the inter-war period of the Second Republic (1918–1939). However, during the time of the Polish People’s Republic (1945–1989), socialist discourses of women’s emancipation were institutionally privileged. Under state socialism, “the woman question” was decreed resolved as a result of the abolition of private property, at least according to the socialist heterodoxy (Engels, 1978). As such, women were officially recognized by the state as equals. They were required to—and they actually did—work outside of the home in the same proportions as men, although they were excluded from many of the best-paid jobs, such as construction and mining (Hauser, Heyns, & Mansbridge, 1993, p. 260). Despite this, gender inequality and discrimination continued to exist under state socialism.

State policy “emancipated” women by bringing (or forcing) them into the work-force and socializing education, childcare, and healthcare. The contradiction lay in the unchallenged acceptance of the sexual division of labor. Caring for children and other dependents, maintaining the home, and shopping, were still considered, to varying degrees, women’s responsibility. Socialist policy was oriented towards making the reconciliation of production and reproduction easier, but it did little to address the gendered division of labor within the household. The official discourse of gender equality did little to mask the very real persistence of gender inequality both in and out of the home (Fuszara, 1993; Heinen, 1997). If anything, this official discourse closed off the possibility for internal critique and, after the collapse, rendered equality rhetoric tainted by the ghost of socialism.

The Third Republic of Poland, established in 1989, represents not just the rejection of state socialism as a political and economic system, but also the fulfillment of Poland’s nationalist dreams dating as far back as the first partition of 1772. As Zubrzycki wrote, “the post-socialist period is seen as a critical historical juncture, that of the (re)constitution of the Polish state, of a national state,” and that this project “aims at fusing the national and political units [which] requires the specification of what Polishness is and should be” (Zubrzycki, 2001, p. 631). As noted Polish feminist Agnieszka Graff argued, gender played a significant role in this process:

“Transition to democracy has established itself in collective consciousness as the re-masculinization of national culture, supposedly feminized by state socialism. The logic of this cultural myth required women’s contribution to Solidarity to be forgotten, so that transition to democracy could be coded as restoration of a patriarchy. Throughout the ’90s, backlash against women’s rights was legitimized within a narrative of return to normalcy and national sovereignty, traditional gender roles serving as a guarantee of stability” (Graff, 2005, p. 5).

Resuscitating the pre-socialist gender order status quo, therefore, becomes an important “line of defense” against the intrusiveness of the accession process and a bulwark against the “(re)feminization” of Poland.

A critical analysis of gender equality in Poland

Against this historical backdrop, in 1997 Poland began the process of acquiring EU membership. As part of this process, Poland was responsible for transposing ten specific gender equality directives and following the (soft law) guidelines of
the Social Policy Agenda and the Framework on Gender Equality. Although the need for legal harmonization led to an intensification of activity surrounding gender equality, both within government and civil society, 1997 was certainly not the first time that such issues had been taken up in Poland. Long before EU membership was a possibility—indeed, well before the communist regime had been toppled—Polish feminists and human rights activists endeavored to make inroads for the international gender equality regime within Poland, to varying degrees of success.

The institutional framework

The first national-level gender equality instrument was instituted in Poland shortly after the UN Conference on Women in Nairobi. Founded as the Office of the Plenipotentiary for Women, it operated under that name from 1986 until 1989 (Nowakowska, 1999; Network of East–West Women, 2003; Fuszara & Zielieńska, 2005). From the establishment of the plenipotentiary until accession in 2004, the pursuit of any kind of gender equality agenda at the national level was often beset by inconsistency, tumult, forced periods of dormancy, and vociferous disagreement regarding the role of the state in addressing women’s issues. Beginning in 1991, with the first free elections in Poland since the inter-war period, each successive government has established some sort of office in the Prime Minister’s Chancellery to address women’s issues. The list of issues considered important for women varied widely from government to government. This is reflected by the various names these offices assumed: Plenipotentiary for Women and Family (1991–1992, broad coalition government); Plenipotentiary for Family and Women (1995–1997, left-wing coalition government); Plenipotentiary for the Family (1997–2001, right-wing coalition government); and Plenipotentiary for the Equal Status of Women and Men (2001–2005, left-wing coalition government).

In almost all cases, women’s issues were conflated with family issues. “Family” has been absent from the office’s title only twice, first during communist times, and then in the immediate pre-accession period (2001–2005). This latter period, when EU negotiations were in their final stages, also marks the first time when a self-proclaimed feminist was allowed to take charge of the Plenipotentiary (Izabela Jaruga-Nowacka, a member of parliament from UP), and when issues of equal treatment were the Plenipotentiary’s primary mandate. The instability of the Plenipotentiary’s office, if indeed there is any commonality to these offices over time, is notable because it illustrates the decade-long effort to implement the international gender equality regime in Poland. Because it is part of the Prime Minister’s chancellery, the Plenipotentiary exists only as long as the Prime Minister is incumbent (or wishes for the office to exist), thus being vulnerable to co-optation, re-engineering according to the political will of whoever is the ruling party, and outright liquidation. Unlike a government ministry, which has its own legislative mandate, appropriated budget, and dedicated civil service staff, can only be dismantled through the legislative process, and is directed by an executive who participates in the Council of Ministers, a Plenipotentiary is necessarily temporary and can therefore never count on enduring beyond the government’s term.

This ephemerality does not lend itself to the enforcement of rights. In an interview with a former employee of the Plenipotentiary’s office, Sylwia Spurek noted:

“It was all about now, because it was a political secretariat... You know, in Poland, every four years there is a change of the coalition or party, and different parties can have different points of view in terms of some politics and strategies so I think you can’t think about being in the secretariat for long, you can’t think about what will be going on in ten years. It was one year, two years, maybe” (Interview with Sylwia Spurek, 2008).

Spurek was not alone to share these sentiments, as each of the former employees I spoke with, including a former Plenipotentiary, said essentially the same thing: the temporary nature of the office represented a significant barrier to either guaranteeing the provision of equality and non-discrimination as it was written into Article 33 of the Polish Constitution, or pursuing the EU’s gender equality agenda in anything other than an ad hoc way (Środa, 2008).

The legal framework: hard and soft law

The EU legal framework, comprised of both hard law (directives) and soft law (action platforms and strategies), was just the type of stabilizing, even constraining, discourse that activists and sympathetic policymakers needed in order to counteract the volatility of the institutional environment. The specific directives at issue pertained to Equal Pay (75/11/EEC), Equal Treatment in the Workplace (76/207/EEC), Equal Treatment in Statutory and Occupational Social Security Schemes (79/7/EEC and 86/378/EEC, respectively), Equal Treatment for the Self-Employed and their Assisting Spouses (86/613/EEC), Maternity Leave (92/85/EEC), Organization of Work Time (95/104/EEC), Parental Leave (96/34/EC), Burden of Proof in Sex Discrimination (97/80/EC), and Part-time Work (97/81/EC) (Open Society Institute, 2002). Besides the directives, the extensive body of EU “soft law” was intended to be used as a guideline in the development of national policies. At the time, the major policy initiative in question was the Community Framework Strategy on Gender Equality (2001–2005), which sought to promote gender equality by addressing a wide range of issues such as gender equality in economic life, equal political participation and representation, equal access and full enjoyment of social rights for women and men, and changing gender roles and stereotypes. Add to this the European Employment Strategy, which includes guidelines for national employment policies, and the European Social Policy Agenda, which reflects a broad social policy platform to promote diversity and end discrimination in all forms.

Efforts to implement both hard and soft law in Poland began as early as 1997, within months of obtaining official candidacy status. One of the earliest efforts was represented by a legislative initiative led by the ruling left-wing coalition to adopt gender equality legislation that would establish a national Ombudsperson for Equal Treatment, a Parliamentary Commission on Equal Treatment, and a national Office of Equal Treatment, and guarantee that a minimum of 40% of all public appointments (e.g. ministers, judges, etc.) would be
women (Sejm, 1997). The legislation made it past the first reading and was supposed to return to the committee for further work, but in the intervening months the ruling government lost the election and a right-wing government was formed in late 1997.

Similar legislation was reintroduced in 1998, only to be rejected after the first reading the following year. As one of the members of the then ruling right-wing party, Akcja Wyborcza Solidarność (AWS, Solidarity Electoral Action), commented:

“This commission [Parliamentary Commission on Gender Equality] is unnecessary. The enclave of inequality in Polish law would be hard to find, and Parliament is sensitive to the equal rights of women and men. I would like to ask, in what legislation is it [gender equality] not guaranteed... any doubts should be discussed in the commission for the family...because there is a favorable atmosphere” (I Dla Panów, 1999, July 20).

The idea that the letter of the law is sufficient to provide effective protection for women in Poland is echoed by public opinion (CBOS, 1999, 2002, 2006), and reflected in a “politics of representation” that is deeply rooted in the particularistic discourse of gender in Poland.

Also in 1998, revisions to the Labor Code—intended to harmonize Polish law with EU directives—were addressed in Parliament. Though most of these changes were mandated by directive, there was still intense debate over stipulations regarding maternity leave (Sejm, 1998a, 1998b, 1998c). Both the gender equality legislation and the changes to the labor code were introduced and debated repeatedly from 1997 to 2004, often with little tangible outcome. Until the very end of the Third Parliamentary Term (Kadencja III) in 2001, no transposition and implementation of either hard or soft gender equality law took place in Poland (European Commission, 1998, 1999, 2000, 2001).

While relevant directives were transposed into Polish law during the tenure of the right-wing coalition, the transposition occurred so late in the term that most of the new laws did not come into force until 2002, after the government lost the elections and a left-wing government was formed. As the European Commission noted in its 2001 report on Poland, “Further work is also required to align Poland’s legislation with the acquis on equal treatment for women and men. While the amendments to the Labour [sic] Code constitute good progress, the necessary institutional framework for implementing and enforcing the acquis in this area should still be established” (European Commission, 2001, p. 67). A report by the Open Society Institute also provided a systematic assessment of the ways in which Polish law, and administrative practice, still needed to be developed in order to fully comply with the gender equality directives (Open Society Institute, 2002, 2005). Implementation, therefore, was left to the newly elected left-wing coalition.

While the left-wing coalition government made progress with implementation, primarily through the establishment of the Plenipotentiary’s office, efforts to empower the office via legislation continued to fail. The gender equality legislation introduced in Parliament in 2003, which was nothing but a revised version of a similar bill that the Parliamentary Women’s Group tried to introduce in 1997 and 1999, once again met with opposition from conservative and nationalist representatives in the Sejm:

“Members of national parties have, also in a natural way, denied women the right to participate in public life. ‘Discussion of women’s rights is not a national issue. Women do not need the political awareness that men possess’, spoke nationalists in 1911. In truth, when I listen to the discussion on the Act on an [sic] Equal Status of Women and Men in the Parliament, I know that not only can similar sentences be uttered from the parliamentary rostrum, but that they are actually spoken!” (Jaruga-Nowacka, 2003).

This ongoing resistance to recognizing gender equality as an important national issue intensified when, in October 2005, the right-wing Prawo i Sprawiedliwość (PiS, Law and Justice) won control of Parliament and shortly thereafter eliminated the Plenipotentiary’s office.

Even representatives of the government recognize that Poland has done little more than live up to the letter of the law. When I asked a long-time employee of the Polish Committee on European Integration about Poland’s implementation of the gender equality directives, his response was:

“Your question is whether we have implemented fully the European directives concerning gender equality? Well, I would say that some aspects of the process have been left out. I’m talking about the real implementation...I would say that given this particular character of gender equality law in the European Union, we implemented satisfactorily the law... So this is not a legal issue, but it also shows that the process is much more complicated, that the spirit of the legislation is not easily transferred to this or another member state” (Interview with Jakub Wiśniewski, 2008).

How is it, then, that these attitudes can simultaneously co-exist? Why is it that the plethora of transposed laws, administrative instruments, and EU-funded service projects has not significantly furthered the progress of gender equality in Poland?

Conditions of change

This on-going struggle to implement the international gender equality regime in Poland paralleled the larger struggle over who gets to define “Polishness,” and how (see for example “Uchwała Sejmu, 2002, March 15; Graff, 2008). This struggle occasionally manifested as conflict between Polish and European policy-makers, and among Polish policymakers. The more internationally-oriented Polish actors, such as left-wing parliamentarians and gender equality activists, sought to include external norms in the domestic discourse, whereas the more traditionally-oriented actors underlined the sufficiency and primacy of Polish institutions and norms (Gerber, 2008).

In this article, I have chosen to focus on official political discourse. At the same time, it is important to remember that
this official discourse is also inflected with the ideology and beliefs of non-institutional actors, and it is through this inflection that discursive change is effected. The Foucauldian framework suggests that the relationship between different communities of indigenous speakers within a society has the potential to change the conditions of discursive production. When activists bridge the gap between fields of discourse production—the international realm from which the gender equality regime emerges, and the national realm in which multiple narratives of Polishness compete—they ultimately serve as agents of localizing the foreign. Discourse constantly changes and is susceptible to new influences as well as new limitations, but at the same time it is also persistent and it is the object of coordinated preservation efforts. The hegemonic gender discourse in Poland reflects, to a large degree, the constraints and conditions of the previous era, having become doctrine, thus both instrument of subjection and strategy of cohesion:

“Doctrine binds individuals to certain types of enunciation and consequently forbids all others; but it uses, in return, certain types of enunciation to bind individuals amongst themselves, and to differentiate them by that very fact from all others” (Foucault, 1981, p. 64).

Given the lengths to which Poles have gone to preserve Poland as both an idea and a political reality in the face of partition, Nazi occupation, and communist suppression, it is understandable that many of them will seek to preserve these discourses in the context of European integration. Since it was the only one to endure for almost two centuries, the idea of Poland must be defended.

Yet, Poland’s entry into the EU was hailed as a triumphant “return to Europe,” and support for EU accession was enthusiastic (Szczepankiewicz, 2001; CBOS, 2004). In the immediate post-socialist period, joining Europe seemed the obvious course of action. However, in addition to being an economic and political union, the EU is also a cultural one, organized around the idea that Europeans share a core set of values. While many of these values center on the economy and the political process, European values have increasingly come to touch on issues of sexuality, family planning, life course, and other issues that not all member states are prepared to acknowledge as European competencies. Via the accession process, new relationships between supranational and national governance (and identity) are negotiated, accepted, and implemented. What is really being negotiated in this process is sovereignty, autonomy, and citizenship. As a result of European integration, the power and authority of state, nation, and citizen are redefined in Poland (and elsewhere). This identification with the world beyond state borders carries heavy implications for Poland, a place that literally existed only in the hearts and minds of patriots for several hundred years.

There are segments of Polish society who believe that the social liberalism of the EU would be a boon for Poland, while there are others who believe that it undermines Polish tradition and religious values. In Poland, much of the social liberalism implicitly or explicitly required by the EU accession criteria was felt to be in direct conflict with national religious and social traditions (Graff, 2005). The discourse of the international gender equality regime is read as foreign, even anti-Polish, either hardening back to the equality rhetoric of state socialism or sounding like an imported fashion from the West:

“On the other hand, it seems to me that feminism is perceived, by the media or in the common view, that it’s some kind of fashion that came from the West. Either it’s something that remains from Communist times or it’s something that came from the West, is a dictate from the EU or some American fashion, and it’s not ours, it’s something from outside” (Interview with Paulina Bunio, 2008).

For certain segments of the Polish society, this association between (gender) liberalization and EU membership is emblematic of a dilemma that still persists: how can Poland simultaneously retain its cultural autonomy and its national sovereignty, and at the same time become an integrated (and integral) part of Europe?

Conclusion

The EU’s efforts to reshape both meaning and norms are pursued less explicitly, but no less actively, than its mission to harmonize institutions across borders. Whereas the EU was empowered by member states to reshape institutions, it has no clear mandate when it comes to changing beliefs. As such, within national contexts, actors find ways to either uncouple institutional and normative change, or to resist institutional isomorphism. As the case of gender equality implementation in Poland demonstrates, it is possible to build institutions at the national level to satisfy the letter of the law without fully committing to either the full implementation necessary to effect change or to the normative mission that motivates the formation of such institutions in the first place.

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