TITLE: THE LANGUAGE OF DEMOCRACY AND THE ETHOS OF SOLIDARITY

PART IV: ETHOS GENDERED: THE CASE OF ABORTION POLITICS

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NATIONAL COUNCIL NOTE

This Report is an analysis of the political evolution of "reform" from opposition movement to fragmentation, rivalry and even reversion. It uses political 'discourse' as its analytic instrument, and Poland as its case study. Its relevance to Russia and other countries of the former Soviet bloc will be evident to the reader, and immediate. The Report is in four Parts, as described in the following Executive Summary, Part IV of which is perhaps misleadingly titled. That part opens with a penetrating critique of assumptions about the indigenous political "citizen", derived from Western culture. The de-legalization of abortion, a major political issue in Poland, is analyzed in illustration.

The Council is distributing the Report in four separate Parts, seriatim, on consecutive days beginning on January 5, 1995.
EXECUTIVE SUMMARY

Janine P. Holc
"The Language of Democracy in Post-Communist Poland"

This Report is divided into four parts, as follows:

Part I: The Ethos of Solidarity as a Discourse of Resistance

In this paper, I introduce the idea that the movement called "Solidarity" in Poland, active legally in 1980-81 and illegally in 1982-89, represented itself publicly through a discourse about its guiding ethical principles, or its "ethos." This ethos (in Polish, etos) provides a crucial way of understanding the movement, its power and its long-term significance. I criticize the mainstream scholarship on social movements as focusing too much on concrete "benefits" of protest and on measurable effects and behaviors: my research has indicated that the Solidarity movement provided not concrete benefits to members, but an alternative way of talking about politics and about political identity. In the paper I explore different approaches to studying political identity and also pose the question of what resistance means to those participating in it. I conclude that we should not evaluate acts of "resistance" according to whether they functioned to hinder the state, but rather according to how they provided alternative ways of creating meaning for a particular community.

Part II: The Content and Form of Ethos Discourse

In this section I examine the way this alternative discourse was constructed, how different people used it, and how it provided meaningful resistance to the Communist Party-ruled state. The etos of Solidarity included several discrete elements that made sense only when bound together in a specific way and only in the context of opposition to state power. A careful interpretation of Solidarity documents and language shows that these elements were: self-determination, unity, moral guidelines for individual behavior, truth-telling, religiosity and nationalism. Furthermore, all these elements were mediated by gender, that is, they made sense when viewed from the standpoint of a male. Women were major participants in Solidarity, but were accommodated by the etos discourse on different terms than were men. This point illustrates the manner in which the stated ideology or principles of a movement do not only constitute acts of resistance, but create ways of viewing subjects, or participants, in society at large. In other words, this discourse created identities through which individuals could act.
This section examines form of the ethos discourse as well as its content. Different people prioritized the discrete elements of Solidarity in different ways; for example, the Catholic Church privileged the religiosity of opposition activity. Thus, there were disagreements within Solidarity on this basis; but ethos also provided a range of different ways to invoke opposition values. One could de-emphasize religiosity and still participate fully as a resister. This fluidity gave Solidarity its power and was the reason so many people could join.

The flip side of the variable form of ethos was that there were indeed limits to the identities it could include. Indeed, if this were not so, the movement would have no meaning at all. Because of this, Solidarity was often as exclusionary as it was inclusive. The case of women participants, again, illustrates the boundaries within which resistance identities functioned.

Part III: The Lack of Ethos

This section should be of particular interest to government readers because it traces the influence of the ethos discourse on post-1989 politics. This discourse was indeed the dominant way of talking about political action and political community after the collapse of communism. However, competing elites began to argue over the proper interpretation—the proper hierarchy of the elements—of ethos to justify their differing economic and political programs. The argument over who had the authority to interpret ethos properly was transformed into an argument over the "lack of ethos." By 1991, elites were arguing that the principles of the Solidarity period had been lost: the right argued that the absence of moral values in public life was a negative phenomenon and should be corrected, while the neo-liberals argued that the absence of ethos was positive because it opened the way for "pragmatic" politics. Both sides, importantly, relied on the resonance of the ethos of Solidarity with the population at large to give their "lack of ethos" claims power.

Another important result of the shift of Solidarity discourse from the opposition in the 1980's to the government itself in the 1990's was the marginalization of the Solidarity labor union itself. While the labor union dimension of Solidarity had been the source of immense authority during resistance to the Communist Party regime, after 1989 the influence of the union diminished drastically. I explain this in part by the ability of other elites, such as those of the right and the neo-liberals mentioned above, to appropriate the authority of Solidarity's ethos for their own claims. Because ethos had been so porous and so fluid, it became available for a variety of interpretations once the opposition context had changed.
Part IV: Ethos Gendered: The Case of Abortion

In this final portion of the research report I pursue two issues. The first concerns the assumptions about the "citizen," specifically the democratic citizen with rights and interests, in elite discourse in post-communist Poland. To this end, I also critique Western, "elite-choice" democratization theories for their neglect of the characteristics of the citizen. The second issue I take up is the manner in which citizenship discourse affected the abortion debate in Poland. I find that a liberal, rights-oriented argument about political freedom did not guarantee that arguments for women’s rights would be articulated and taken into account; rather, women themselves had to put into play a rights discourse that incorporated them into the polity as women, that is, as citizens who may become pregnant. I conclude by noting that "democratization" discourse, whether it be about resistance or about rights, is always part and parcel of the relationship between the governed and the governing.
THE LANGUAGE OF DEMOCRACY AND THE ETHOS OF SOLIDARITY

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IV. ETOS GENDERED: THE CASE OF ABORTION POLITICS

The issue of democratic transitions in Central and Eastern Europe has become its own genre in many ways, characterized by competing schools of thought claiming to explain and predict processes of democracy-building and its success by comparing different polities. Don Chull Shin, in a recent article, notes that much of this Western observation has “a sense of optimism that [democracy] can be crafted and promoted in all sorts of places” through elite choices about institutional structures and pacts with members of the old regime.

However, few of these analyses mention the subject of these processes, the democratic citizen. If this subject of democratization is discussed, it is as part of an absence of a political, “civic” culture or as disgruntled unemployed workers unwilling to bear the brunt of “necessary” changes in the economic system. Given that the founding notions of U.S. democracy turn so much on this citizen, it is curious at first that so little attention is paid to him. Where in the justification for democratic institutions in Central Europe is the Hobbesian subject, the Lockean man with God-given natural rights, Mill’s heretic and de Tocqueville’s individual committed to equality of opportunity?

Part of the explanation for what is at first glance an invisible subject is that this democratic citizen does exist in these elite-choice theories, but the nature of his identity is implicit. It is the identity of a neutral, rational respondent to the newly-empowering democratic procedures now available to him. Since the way that the citizen votes is not at issue in democratization literature, just the choice of a voting procedure, the voter is a post-hoc actor actually carrying out the system designed for him by playing a role.

I argue that this concept of the citizen as neutral is not in itself neutral, and that its lack of particularizing, even political, characteristics is crucial to the logic of democratization.

genre. Elite choice approaches obscure these assumptions about the citizen because of the agent-centered approach they wish to promote.

An alternative view is to examine the consequences of certain views of democratization processes not necessarily for a citizen, but for the conception of citizen embedded within them. If elites within a democratizing polity accept and employ a set of beliefs about the citizen, what implications does that have for the meaning of the democratization process? What implications does it have for the "success" or "failure" of democracy?

This Part IV of the Report examines the role of various conceptions of the democratic subject in elite justifications of institutional choice within one transitional polity, Poland from 1990-1993. Specifically, I trace the notion of "citizen," with rights to be protected and interests to be represented, in the discourses of liberals and right-wing nationalists in the post-communist period. I argue that the newly evolving notions of the citizen and his interests in Poland are not descriptions of pre-existing agents, but have been themselves constructed through the discourse of elites. I find that, rather than an emerging agreement on the identity of the democratic citizen, the "democratization process" in Poland has been characterized by competing views of who the citizen is, even within an otherwise stable political discourse.

Elite-choice approaches to democratization in Poland

The concept of "citizen" is rooted in a notion of the relationship between the state and its subjects. To be a citizen is to have equal status within a larger political community and to have rights and duties stemming from that role. To be a "democratic citizen" means more, however: within this concept is the assumption that the subject has interests which should be "represented." While this representation can be defined in different ways, the notion of a democratic subject presumes an autonomous, rational agent who is aware of his rights and who can hold the government accountable for its policies.

The notion that democratic governing institutions and procedures are the most effective tools for representation and for ensuring individual rights depends on a particular view of the relationship between the state and the public, or the governing and the governed. As Robert Dahl notes in Polyarchy.

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in order for a government to continue over a period of time to be responsive to the preferences of its citizens...all full citizens must have unimpaired opportunities...to formulate their preferences.

as well as to articulate these preferences and have them taken into account. Note that in this definition of democracy, the "full citizen" already exists, as well as preferences to be acted upon, preferences which constitute that citizen's interests. Indeed, it is difficult to establish a definition of democratic government that does not presume this type of pre-existing identity, the role in which the individual interacts with the state. But how does this identity come about?

The Western liberal tradition tells us that citizens, or at least subjects as autonomous agents forming contracts, are "natural." Yet scholars studying the changes in Eurasia and Central Europe have had to confront the absence of a liberal tradition in these areas, and thus the "unnaturalness" of the identity of "citizen." In other words, the experience of the building of "democracy" outside of the West has illustrated the degree to which the "natural democrats" of democratic theory are products of the Western tradition itself.

As William Rosenberg has noted, Western-type liberal democracy--Dahl's polyarchy--can function as an "enabling myth." This myth structures relations between state and subject but may also provoke resistance from those with alternative visions of the ideal polity. In Eurasia and Central Europe today these alternatives are often in the form of nationalism. In arguments that privilege national identity, the autonomous citizen of democratic theory is viewed as an isolated individual, deprived of community. Moreover, it is precisely the process of assuming the democratic citizen's status to be "natural" that may disallow these alternatives to become incorporated into it.

The distinctions of national identity are particularly accentuated in Russia, however, because the Western democratic myth valorizes as a natural state of affairs three elements that are contextually quite problematic: the primacy of individuality...over the group...the superordinate quality of law...and the drawing of extensive civil space for the articulation of grievances and for the settling of disputes, a space in which, theoretically, that state is best which governs least. The tasks of democracy's supporters in Russia...have therefore required the integration of indigenous and Western values...as much as the organization of elections, the drafting of constitutions, and the formation of democratic parliaments.

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And, Rosenberg goes on to say, it is this cultural battle in which nationalist claims become most marked. It seems that citizens are made, not born, and they are made discursively, through a legitimating discourse that is inextricably linked with the West.

If this is the case, the problem of how a democratic government comes about must be viewed differently from the Western experience. One approach that many scholars have adopted is the "elite-choice" school, or the view that elites, acting on behalf of the polity as a whole, strategically build or "craft" democratic institutions from above. In this approach, the issues of the extent to which rights are natural, or a citizenship identity is essential, appears to be sidestepped. If elites make the proper choices in the proper ways, an accountable government will emerge that is ready to address preferences even if the subjects have not yet articulated them.

The problematic status of the subject in elite-choice theories is illustrated in the following excerpt from an analysis of this genre:

Thus, people seem to be reading the current situation [of austerity measures in Poland] symptomatically; they see bad conditions as indicating that the economy needs treatment; good conditions as a sign that it has recovered. This is not a rational belief. Hence, these findings may indicate individual myopia, albeit with a twist: Continuation of reforms is threatened when the economy shows the first signs of recovery. But they may also indicate a warranted risk posture: If people are highly uncertain whether reforms will make them better off in the long run, it is rational for them to want to avoid short-term deprivations and at the same time to be averse to making additional sacrifices when things are better. Hence, the decision whether or not reforms should be continued depends on whether one believes that the reform program will increase welfare in the long run. This is why the postures of economists and of the population often diverge.

The democratic subject is not necessarily an invisible, rational agent here; indeed, he is all too visible, although "myopic" in "seeing" the "conditions" of the economy instead of the long run intentions of the reformers. In addition, the ostensible subject of democratization and his voicing of preferences is what threatens economic, that is, free-market, reforms. The author, Adam Przeworski, seems to realize that making assumptions about the irrationality of the

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citizens should be questioned and he allows for a "short-term" outlook to explain public opposition to reform. However, he leaves ambiguous whether or not the decision to continue reform is made by elites (the economists) or by the public with their short-term rationality: he implies that he means both.

Przeworski concludes his study by arguing that the "main obstacle to reforms is the people," because the "technocratic" elites had shied away from opening up the form of the economic program to public debate and had thus allowed populist rhetoric to stir up fears of employment. He notes that

if a reform strategy formulated in public discussion, concerted among political forces, and duly deliberated by the representative institutions had entailed more inconsistencies...than the technocratic blueprint, it would have strengthened democracy and hence reduced the political space for populism.8

Here is clearly an implicit democratic subject. If democratic institutions had been more robust, allowing citizens to articulate preferences fully, free-market reforms would have encountered less opposition. The proper choice of decision-making procedure would have allowed the "naturally" rational democratic individual to "see" the benefits of economic reform. Even though this implicit natural citizen contradicts the irrational public Przeworski described earlier, he must exist (somewhere) for the elite-choice approach to make sense.

As the example above illustrates, elite-choice theory is concerned with the question of which choices are the proper ones, given a public of autonomous, rational citizens. This notion of the "natural" democrat is crucial to establishing a standard with which to evaluate these choices. There is evidence, however, that this concept of the naturalized citizen does not refer to a concrete group of individuals who exist independently of their contexts: it is a constructed identity that expresses an ideal of democratic theory. It is not, however, only elite-choice theorists that need this subject to justify "democratization" strategies, but also the elites themselves.

Methodological approach

The methodological approach employed here does not share the emphasis on measured behaviors prevalent in the elite-choice theory. Rather, this paper draws on the work of social theorists who have challenged behavioralism and who treat political identities as constructed rather than essential. If notions of the subject come into being through processes that endow certain "subjectivities" with a stable meaning, then one cannot say that those subjectivities

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8 Pereira, Maravall and Przeworski, p. 185.
center on a fixed essence, such as "individual." These reference points are vulnerable to
unweavings and re-weavings, and the larger processes that condition these shifts in form and
content deserve our attention as the source of what we mean by, for example, "citizen." And if
it is not the case that stable, pre-existing "natural democrats" make up the group of people we
call "citizens," then the assumptions about the subject and the directions of causality in elite-
choice theory should be questioned. This paper poses the problem in the following way: how
do discourses of democratization within a particular polity function to construct the "interests"
that elites claim to represent? What are the stabilities and the instabilities inherent in these new
definitions of the democratic citizen? The case of abortion legislation in Poland illustrates how
the two rival conceptions of "lack of ethos," liberal and right/communitarian, constituted two
completely different ways of talking about citizenship, and corresponded to two different ways
of approaching policy issues. It also shows the way in which both the ethos discourse of
Solidarity and the rights discourse that came from it were gendered: in neither conceptions
could women put forth claims for their own rights or privacy regarding the abortion issue. As
a result, women who supported legal abortion in Poland constructed an entirely different
discourse to challenge the limits of both citizenship and national identity discourses.

In light both of Parts I-III of this Report, and of the questions about citizenship noted
above, we can view Solidarity as a particular narrative of the 1980's. The "story" of Solidarity
is an important way of talking about politics that locates the authority for new ways of
governing in the protest experience. The view of Solidarity today is a historical narrative in
which rights were fought for by striking workers. This "story" of Solidarity provides a
justification of the emphasis on economic and civil rights in post-collapse liberal discourse.
The story is one of a fight for rights in the face of a coercive state: it is these rights that can
now be asserted. The story of Solidarity is what gives liberal rights discourse its determinism:
since that is what protestors fought for, then the democratization process in Poland is
embedded with this urgent imperative, ostensibly accepted by all.

In examining the forms in which this legitimating discourse, called Solidarity's "ethos"
[ethos] in Poland, was represented in public discourse in both the legal (1980-81) and
underground (1982-89) periods, I found several discrete strands of argument, as I illustrated in
Parts I-III above. Some of these were calls for greater democracy in government; others were
calls for greater morality in public life. This Part of the Report examines the the implications
of assumptions about the "democratic citizen" within ethos for post-1989 Poland. To what extent
was the social challenge to the Communist Party state in Poland a democratic one? Were these
protestors the "natural democrats" that the elite-choice theorists are looking for? These issues
are the context for the examination of one particular debate in Poland over citizenship rights, that of abortion.

Abortion was a legally protected practice during the period of communist party government and its de-legalization was first raised in 1989. The right introduced anti-abortion legislation to the parliament (Sejm), which at that time was only partially democratic because the Communist Party had been guaranteed a majority of the seats in a transition agreement. Because the issue was so controversial, the Sejm voted against the legislation with the intention of postponing consideration until a more fully legitimate parliament could take up the matter. The debate was marked by considerable political protest, both supporting the proposed legislation and criticizing it.9

By the 1991 parliamentary elections it was clear that the legality of abortion was a major political issue. The Catholic Church made clear that the banning of abortion was a priority in its vision of the "new Poland," and presented the continued legality of abortion as an obstacle to the construction of a truly moral community. The Church's argument focused on the protection of the "life of children," vehemently asserting that abortion represented an immoral treatment of these individuals. The Church interpreted the availability of abortion as an option for women who were pregnant with mentally or physically disabled fetuses and who wished to terminate their pregnancies because of this. Thus, Church spokesmen argued that "even the mentally retarded have a right to life" and that it is unethical to distinguish individuals according to their mental or physical capacities.10 The battle against abortion was a battle in "defense of children" and linked to the fundamental bases of a democracy.

The Catholic Church in Poland has, of course, its own notion of the ideal democratic polity, a community imbued with particular ethical elements. While an extensive discussion of Catholic Church discourse is beyond the scope of this paper, in comparison with the "christian ethics" of Unia Demokratyczna, the Catholic Church promotes a much more incontestable role for a religious community, the only setting in which the individual can achieve freedom and wholeness. Important to the argument of this paper is the Catholic Church's establishment of radical individualism as a threat to true freedom. One Catholic writer states the problem this way:

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10 "Biskupi o aborcji, antykonsepcji i fundamentach demokracji," Gazeta Wyborcza (31 December 1991/1 January 1992, p. 2). The bishops also condemned contraception on these grounds.
Democracy, from the point of view of its formalism, is a source of an enduring threat. It is also, however, an enduring possibility, a deep grounding of the genuine common good in the free decisions of all citizens.\textsuperscript{11}

Here is a way of talking about rights typical of the Catholic Church's language. "Citizens" exist naturally; they have preferences and make decisions. But the "common good" is prior to the citizen's right. At first reading, this "common good" seems based on free decisions. However, the text can also be read as positing a pre-existing common good, which happens to now, thankfully, be grounded in democratic freedom. The citizen is contingent on the good.

At the same time that the Church was elaborating its justification for an end to abortion, the national organization for physicians met to reconsider its ethical code. At this 1991 meeting, the doctors established a ban on the performance of abortions for all physicians. Abortion was to be permitted only in the cases of rape and if the "mother's" life was at risk.\textsuperscript{12}

In both this case and in that of the Church's announcements, those supporting abortion rights were cautious about responding critically in public to the calls for de-legalization. A critical commentary on the new ethical code illustrates the hesitation:

No one can force a doctor to perform an abortion against his conscience, ethics or beliefs. But no one can give him the right to decide for the entire society. The right to this lies only with the Sejm.\textsuperscript{13}

The public prosecutor also voiced some criticism, arguing that a ban on abortion would lead to "underground gynecology," a reference to abortions performed in secret and without adequate expertise or health precautions, especially given the absence of sex education and contraception in Poland.\textsuperscript{14}

Clearly, many saw the abortion issue as a crucial element in the construction of a "new Poland" and the continued legal availability of abortion as an indication of ethical weakness. The commentary on the role of the doctor's individual conscience indicates that even those who may have been supporters of abortion rights felt compelled to make room for "ethics." In contrast to the forms the abortion debate in the United States has taken, the "choice" in Poland was the choice not to perform an abortion, a choice for the physician. The notion that the new

Poland should be a morally proper Poland—and was not yet—dominated the discourse of all participants in the public debate on abortion in 1990-91.

Remarkable in both strains of argument is the absence of any women. Abortion concerns physicians, children, the state, the individual, the economy, the household—but never women as women. Whether the argument was a "lack of ethos" in which the implicitly absent element was self-determination, or one in which the absence was moral guidelines to behavior, women remained the "anonymous" agents that they had been during the Solidarity opposition.

The law banning abortion was passed in February 1993.\footnote{15 For the details, see Wanda Nowicka, "Two Steps Back: Poland's New Abortion Law," \textit{Journal of Women's History} 5 (Winter 1994), pp. 151-55.}

\textbf{Conclusion}

With the victory of the former communists (in 1993, the Social Democrats and the Peasants) in the parliamentary elections of September 1993, the discourse of \textit{etos} was displaced by a discourse of "efficiency" (\textit{skuteczność}), closely related to the liberal "lack of ethos" argument. Indeed the "lack of ethos" alternative and its growing legitimacy paved the way for the Social Democratic-Peasant government. It was only when \textit{etos} lost relevance—and meaning—that its "violaters" could claim the mantle of representing the majority of Polish citizens.

The arguments presented in this Report, however, compels us to take seriously the discursive forms of social movements and how they change when polities change. If we view these movements as a collection of practices and expressions—that is, a discourse—we can then explain how they endure and continue to influence political communities long after the organization giving the movement an institutional form has itself changed, or become marginalized in the case of Solidarity.

In addition, to what extent is the state's successful control over a new identity of a "citizen" a power that "democratization" cedes to it? To what extent can these citizens contest their identity? As Michael Shapiro has noted in a different, yet related, context, we must pay attention to the degree to which dominant discourses "[help to] contain ethical and political conversations within the problematics that serve the centralizing authorities of states," even if these states are going through a process of expanding citizenship rights.\footnote{16 Shapiro is discussing academic discourses about the state in international politics. Michael J. Shapiro, "Moral Geographies and the Ethics of Post-Sovereignty," \textit{Public Culture} 6 (1994), pp. 479-502.}

The discursive struggles laid out in this Report show that not only is the concept of the democratic citizen a constructed category, but that is at times fluid and ambiguous; at times exclusive and functions to limit rights; and that it can be contested and manipulated from
below as well as from above. The case of Poland also shows that political argumentation in a "democratizing" polity is often a process of creating "interests" for elites to represent, a process that elite-choice theory obscures.