Being Polish/Becoming European:
Gender and The Limits of Diffusion in Polish Accession to the European Union

by

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In Memory of Izabela Jaruga-Nowacka

A brave and principled advocate of gender equality

and social justice in Poland, she will be missed.

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List of Abbreviations

Polish Name	English Name	Acronym
Akcja Wyborcza Solidarności	Solidarity Electoral Action	AWS
Centrum Badania Opinii Społecznej	Center for Public Opinion Research	CBOS
	Convention to Eliminate Discrimination Against Women	CEDAW
	European Commission	EC
	European Court of Justice	ECJ
	European Union	EU
Liga Polskich Rodzin	League of Polish Families	LPR
Prawo i Sprawiedliwość	Law and Justice Party	PiS
Platforma Obywatelska	Civic Platform	PO
Polska Rzeczpospolita Ludowa	People's Republic of Poland	PRL
Polskie Stronnictwo Ludowe	Polish People's Party	PSL
Sojusz Lewicy Demokratycznej	Democratic Left Alliance	SLD
Samoobrona	Selfdefense	SO
Unia Demokratyczna	Democratic Union	UD
Urząd Komitetu Integracji Europejskiej	Office of the Committee for European Integration	UKIE
Unia Pracy	Labor Union	UP
Unia Wolności	Freedom Union	UW

A Note About In-line Citation Format for Primary Sources:

Parliamentary debates are attributed in the following format:
General references:
Debate Name (Kadencja [Term]_Posiedzenie [Session]_Dzień [Day]_ Year)

Example: First Parliamentary Reading of the Draft Resolution Concerning the Equal Status of Women and Men (3_45_3 1999)

Specific speakers:
Last Name-Party Affiliation Term_Session_Day Year
Example: Dobrosz-PSL 4_39_1 2003

Periodicals are abbreviated as follows:
GW (day/month/year) = *Gazeta Wyborcza*
W (week/year)= *Wprost*
P (day/month/year)= *Polityka*
ND (day/month/year) = *Nasz Dziennik*
RP (day/month/year)= *Rzeczpospolita*
NP (week/year)= *Nesweek Polska*

Speeches are abbreviated as follows:
Speaker Name Year, Venue
Example: Graff 2005, Indiana University

Interviews are abbreviated as follows:
Subject Name interview, day/month/year
Example: Fuszara interview, 10/06/2008

Introduction

In a highly provocative editorial published in Poland's major daily newspaper, *Gazeta Wyborcza*(*GW*), in 1999, the Polish feminist Agnieszka Graff wrote:

> The liberal optimist says inequalities will be steamrolled flat, with EU legislation acting as the steamroller. Unfortunately, it's likely that Europe's great liberal wisdom, made up in large part of cultural relativism, will cause it to consider Polish patriarchalism a local peculiarity that shouldn't – more, cannot – be combated. The EU will say: "Oh well, the French have cheese, the English have the Queen, the Poles have discrimination against women. Different strokes for different folks." In this case we'll have to stand up by ourselves against Polish patriarchy....

This skepticism over the European Union's (EU) ability to effect a gender equality revolution in Poland persists to this day, despite compliance with ten directives dealing with equal treatment, non-discrimination, and maternity/parental leave (known collectively as the *gender acquis*). Graff's fears were that, regardless of these directives, the limitations of EU power coupled with the practice of subsidiarity would allow the underlying structure of gender inequality in Poland to remain undisturbed.

In late 1997, Poland officially achieved EU candidacy status, which opened accession negotiations with the EU early in 1998. There was excitement about this development on several fronts, particularly amongst Polish feminists who were confident that they would be able to use EU law to get women's issues onto the political agenda in Poland. However, not all Polish feminists were equally sanguine about the EU's capacity to help women, as we see from Graff's remarks. One of the underlying assumptions, on both sides of this issue, was that the EU actually has some kind of power to change

Polish reality—legally, institutionally, and ideationally. The question that needed to be asked was: What is the EU's capacity to effect change in both ideas and practices of gender at the national level?

The Central Question

This dissertation addresses many specific questions, in an effort, ultimately, to answer a single, central one: why do some ideas have the capacity to make themselves true, while others do not? I became interested in this question while reading about Poland, and the efforts of women's rights activists there to use the EU's gender equality platform to leverage change on the local level. To be sure, in some ways, this is hardly puzzling as Poland is known for its social conservatism and its religiosity. That this would lead to the persistence of gender inequality in certain aspects of life should not necessarily surprise us. And yet, it is striking how readily Poles, both regular people and policymakers, accepted a Western European vision of capitalism (a particularly stringent one at that), and yet rejected a Western European vision of gender equality. It is even more striking that it happened while Poland was pursuing EU membership, a process that entailed learning and emulation in many policy areas.

The fate of gender equality policy in Poland is deeply imbricated with its capitalist transformation. I initially became interested in the situation of women in post-socialist Poland because, from a sociological perspective, the emergence (or even deliberate construction) of significant systems of stratification are a fascinating phenomenon to observe. However, there is also the question of why would women be the "losers" in these transformations? The first wave of feminist scholarship on women's experiences in post-socialism asked precisely these kinds of questions, and sought to

emphasize problems of inequality inherent to capitalism (Einhorn 1993; Watson 1993; Gapova 1999). However, in the moment of capitalism's triumph over socialism, and the "end of ideology" (Fukuyama 1992), criticisms of capitalism seemed out of touch with a region gripped by transition. At the same time, many feminists also held out great hope that the EU would be able to intervene in the gender order within the post-socialist states. Thanks to the directives and other, softer, aspects of the *Acquis Communautaire*, the EU seemed to provide the very tools activists needed to correct for capitalism's excesses.

Yet, it did not work out this way in Poland. In fact, despite multiple attempts during the pre-accession period to pass omnibus gender equality legislation and establish an institutional structure to support gender equality activities, Polish policymakers resisted adopting EU norms and institutions whenever possible. And they often did so in opposition to public opinion and preference, and in the face of international censure and even EU sanctions. The problem, therefore, seems to lie not in a generalized resistance to EU integration itself, as the EU has been successful in diffusing many different types of laws, institutional forms, and norms. For example, it had no difficulty promoting its economic agenda, even when it required extreme levels of social dislocation. Rather, it would seem that intervention in gender relations is itself a source of friction.

During the period of transformation, both in the immediate aftermath of the collapse of state socialism, and in the years of preparation leading up to EU accession, there were myriad possibilities and it was not a foregone conclusion that Poland would pursue a stridently neoliberal version of capitalism—more akin to the "liberal regime type" capitalism of the Anglo-American constellation of states (Esping-Andersen 1990), than to its Continental European neighbors. While a capitalist outcome, itself, was never

in doubt, which *type* of capitalism Poland would adopt remained an open question, particularly in light of the fact that the EU itself is limited in its ability to directly mandate national tax structures, social provision, and many other aspects of the economic state. Although the Central and Eastern European (CEE) states are typically clustered into a "Post-communist Eastern European Regime Type" (Fenger 2007), there is in fact considerable variation amongst these states in terms of their social provision structures, family care policies, and their management of workers' vulnerability to the market (Pascall and Kwak 2005).

As part of the ongoing feminist project to "correct" the gender-blindness of Esping-Andersen's (1990) typology, researchers have attempted to explore the relationship between welfare regime and gender equality regime. And what they have largely found is that there is a strong correlation between the approaches and ideologies underpinning both—for example, liberal welfare regimes tend to have liberal gender equality regimes. Despite the feminist criticism, Esping-Andersen's clusters remain robust, even when women's economic opportunities are taken into account (von Wahl 2005).

Given that Poland has pursued what are commonly considered to be "liberal regime type" welfare policies, we might expect their gender equality regime to reflect a similar liberal orientation. Such an orientation would be characterized by the following: early adoption of formal equality; individual-based anti-discrimination policies; a policy orientation towards "gender sameness"; weak public childcare provision; and, importantly, the presence of strong interest-based movements, such as feminism (von

Wahl 2005) (Steinberg-Ratner 1980). However, Poland exhibits none of these, with the possible exception of early adoption of a constitutional guarantee of formal equality.

Rather, Poland has all of the hallmarks of a conservative gender equality regime. Such types are characterized by men and women being channeled, via social policy, into separate spheres; marginal provision of either market-based or public childcare; state protection of women, in the form of laws prohibiting women to work nights or in certain occupations; weak anti-discrimination enforcement mechanisms; and a division of labor, both within and outside of the household, based on normative beliefs that are strongly influenced by the Catholic Church and the state (von Wahl 2005, 73). Another thing that Poland shares in common with some of its conservative regime-type fellows is that it is only states clustered into this regime type (e.g., Austria, France, Italy, and Germany) that have constitutional guarantees of gender equality.

Even within the conservative regime type, there is significant variation. In their investigation of changing patterns of childcare and parental leave in the post-socialist CEE states, Szelewska and Polakowski (2008) identified two types of familialist regimes. Although they use different terminology (e.g., familialist versus conservative), the substance is the same. Familialist states locate responsibility for care within the family, and do not use state resources to mobilize women's labor force participation or to commodify carework (by turning carework into a service that can be bought and sold via markets). They found two types of familialist states: explicit and implicit. In explicit familialist states, such as the Czech Republic, Slovakia, and Slovenia, the state itself takes an active role in subsidizing and supporting the traditional family model by incentivizing women's resignation from the labor market to care for children. Implicit

familialist states, of which Poland is actually the only example amongst the CEE states, neither guide the location of responsibility for care with social policy, nor do they explicitly mobilize women's labor force participation. Given the existing gender inequalities of the labor market, and the lack of either affordable or available childcare, the family becomes the location of care by default. This is a novel finding, given that Poland is typically characterized as a conservative gender regime (Heinen 1997), due to the importance of the Catholic Church and religious norms in Polish social life.

Too often the assumption is that the re-traditionalization of gender relations in Poland is a logical consequence of Polish Catholicism and the role of the Church in Polish public and political life. But, as I will argue, this is not entirely the case. Polish Catholicism, and the Church as an important institution in its own right, have certainly played a role in the social construction of gender in Poland, both before and after the collapse of socialism. However, they have done so in subtler and less overt ways than might be imagined. Public support for Church involvement in government has steadily declined since 1985, as demonstrated by a series of public opinion surveys conducted by the Public Opinion Research Center, Centrum Badania Opinii Społecznej (CBOS 2004):

RYS. 1 In your opinion, shold the church be involved in the business of politics or not?

Legend:
- ■ Definitely yes
- ■ Rather yes
- ■ Rather no
- ■ Definitely no
- ■ Hard to Say

	Definitely yes	Rather yes	Rather no	Definitely no	Hard to Say
III 1985	8%	19%	29%	33%	12%
V 1988	6%	15%	29%	28%	23%
II 1999	2%	9%	32%	55%	2%
IV 2004	2%	9%	30%	55%	4%
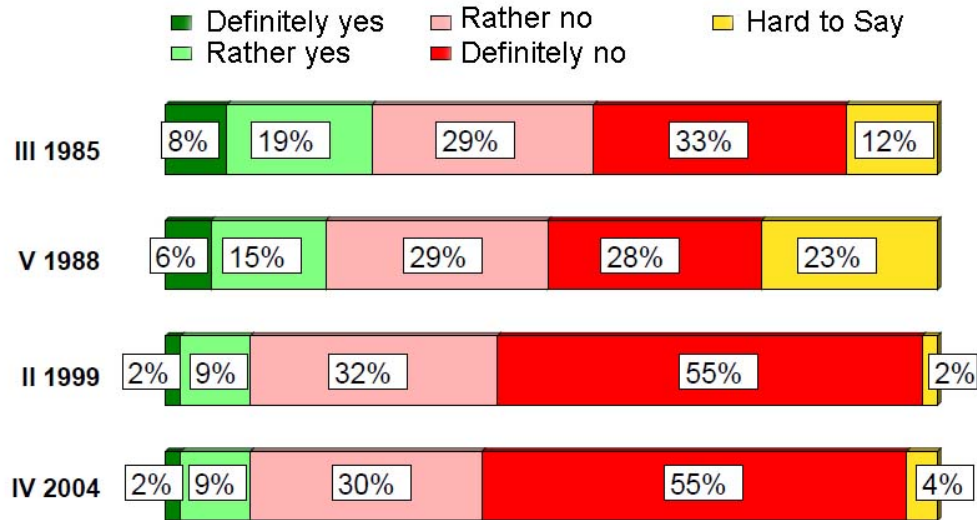
Figure 1. Polish Public Opinion on Church Involvement in Political Life

Although Poland is known for its social conservatism and its religiosity, the fact that traditional perspectives persist and even flourish in the face of considerable external pressure suggests that this continuity itself requires analysis. Social change clearly does not depend solely on the stance of the Church or the exhortations of John Paul II. It is true that religious officials in Poland and beyond advocated for a traditionalized family model, against abortion, and against homosexuality. But the Church also cautioned against neoliberal market fundamentalism and the reduction of man to *homo economicus*:

> More and more, in many countries, a system known as "neoliberalism" prevails; based on a purely economic conception of man, this system considers profit and the law of the market as its only parameters, to the detriment of the dignity of and the respect due to individuals and peoples. At times this system has become the ideological justification for certain attitudes and behavior in the social and political spheres leading to the neglect of the weaker members of society. Indeed, the poor are becoming ever more numerous, victims of specific policies and structures which are often unjust. (Pope John Paul II 1999, Mexico City)

The Church in Poland has primarily aligned with the populist parties, many of which advocate a return to a more generous—paternalist—welfare state. If religion alone determined policy success or failure, policies leading to mass unemployment, industry privatization, and erosion of the social safety net would not have been enacted. But this is not the case; Poland has been in the neoliberal vanguard of the CEE states. And, as Szelewa and Polakowski (2008) noted, policies reflecting political elites' religious orientation in the area of state-sponsored natalism that many expected to see in Catholic Poland were notably absent, especially when compared to the more secular Czech Republic. Rather than as an active political power, the Catholic Church has been important in the gender equality debates because of its institutional history and the role it has played as a privileged site of knowledge production.

As such, answers as to which ideas change or persist in Poland, are not come by simply. In fact, an extensive literature has emerged that attempts to explain exactly *how* Central and Eastern European states like Poland "become European" through the EU accession process. Many who study the EU most closely set enormous stock in the twinned ideas of Europeanization and European integration, simultaneous processes of isomorphism, in which member states come to resemble one another over time by converging upon a unified European economic, political, and social model. Much of this literature focuses on policy transference and institution building as the key explanans of these isomorphic processes. However, as I argue, policy and institutional transfer alone are not sufficient to explain the success or failure of the implementation of a particular policy. By institutionalizing the *Acquis Communautaire*, the body of law that governs the EU and subsequently all of its member states, Europeanization happens on two levels:

first, on the level of emulating the EU as a set of rules; second, by assuming the identity of a member of this intentional community (Hall and Taylor 1996; Stone Sweet, Sandholtz, and Fligstein 2001; Jacoby 2004).

That emulation can even happen rests on two foundational assumptions. The first assumption is that there is or can be one coherent European social model based upon a shared normativity emergent from political, social, and economic liberalism. The claim that the countries of Europe are of the same civilization (Huntington 1993; Weiler 1997), and therefore in some fundamental way alike, has been a powerful rhetorical force behind European expansion and European exclusion (Müftüler-Bac 1998; Balibar 2004). The second assumption is that gender equality is considered to be a crucial element of this social model, and is an area in which the EU invests resources and exercises institutional power. As an idea, gender equality enjoys broad support amongst EU actors (Caporaso and Jupille 2001). This is particularly the case following the 1995 Beijing UN Conference on Women, in which gender mainstreaming emerged as the hegemonic discourse (Hafner-Burton and Pollack 2002). The EU's commitment to gender equality as a site of investment and power, however, is far weaker and less coherent. Rather, at the level of practice, gender equality often recedes into cultural relativism of the type Graff complains about above.

The EU's "commitment gap," vis-à-vis supporting gender equality, as both an idea and a set of practices, affects domestic politics, creating opportunities for political actors to mobilize around gender issues in ways they are unable to mobilize around other issues. Hard law requirements impose strict constraints on political parties in terms of their ability to develop platforms that are sufficiently differentiated from their competition.

The policy areas in which EU law is the most strict and intrusive are traditionally the ones by which parties distinguish themselves: military spending, deficit spending, interest rates, and so on. However, there is an imposed cross-party consensus as a result of the accession mandate and the strong requirements of the directives and associated regulations. In contrast, gender equality is primarily soft law (beyond the directives themselves) and, therefore, provides an arena for parties to distinguish themselves from one another (Grzymala-Busse and Innes 2003; Grzymala-Busse 2007).

Ideas and Social Change

The example of Poland's process of implementing the gender equality directives during the pre-accession period demonstrates how issues of normativity and local knowledge confound such formalist theories, and point to the need for alternative explanations of both implementation and its failure. There are three broad bodies of literature that I anticipated might hold some kind of answer to my research question. The first literature takes a more cultural approach, looking to the importance of cultural match or fit as an explanation for whether or not an idea will be adopted (Strang and Meyer 1993; Ferree 2003; Acharya 2004). Much of this work is linked to the literature on the "world polity" and "world society," as developed by Meyer and colleagues (Meyer et al. 1997; Meyer 1999, 2000). The second literature is the most agent-focused, taking as its object of study the actors from international human rights campaigns or global environmental movements, for example, who carry ideas from place to place (Keck and Sikkink 1998; Zippel 2004; van der Vleuten 2005). The third literature, largely dominated by political scientists and sociological institutionalists, is interested in mechanisms of diffusion. Particularly, how power (such as the EU's power to admit or

exclude countries) can lead to the adoption of new laws, institutions, and ideas (Risse, Ropp, and Sikkink 1999; Schimmelfennig and Sedelmeier 2005; Dobbin, Simmons, and Garrett 2007), not only through compliance and conditionality, but also through social learning and peer pressure.

World Polity, Globalization, and Regionalization

The relationship between the national, the regional, and the global has been of increasing importance to sociologists, particularly in order to determine what impact the consolidation of worldwide markets or the pooling of sovereignty into various international or supranational bodies has had within nation-states. The "world polity" approach developed by Meyer et al. (1997; Boli and Thomas 1999), is perhaps the most fully elaborated sociological investigation of this kind. The world polity approach, while engaged with many of the same questions as EU studies, differs in that it theorizes no central actor or institution responsible for—or capable of—defining procedures or norms for the rest of the world. World-polity theory seeks to explain isomorphism amongst states by studying how they take-up and implement "policy scripts" from the EU, the United Nations, and other international institutions (Strang 1990; Strang and Meyer 1993; Meyer et al. 1997; Meyer 2000). The world culture at the center of world polity theory is, therefore, embedded in international organizations that act as purveyors of this culture.

Although their work is very similar to the world polity approach, globalization theorists tend to view international capitalism and non-institutionalized culture—such as pop culture and transnational activism—as the causal forces behind increased isomorphism (Robertson 1992; Jameson 1997; Bourdieu 1998a). Within the globalization paradigm, the economic system of capitalism is what drives the engine of integration or

homogenization. However, European integration poses a challenge to both the world polity and globalization approaches, as it has been suggested that such integration is, in fact, an instance of regionalization, a process that is distinct from globalization. Regionalization has been much less studied than globalization, either as a result of having been conflated with globalization, or because it has been overlooked entirely. One possible explanation for this is that both describe processes of intensifying economic, political, social, and cultural interaction across borders. However, there are key differences between the two, which center around geographical boundedness, political institutionalization and enforcement capacity, and the degree of integration (Beckfield 2006).

That regionalization produces empirically distinguishable effects from globalization has been well documented in Beckfield's work on the impact of regional integration on the degree of inequality within nation-states (Beckfield 2003, 2005, 2006). Beckfield's research is a welcome addition to the sociological literature on European integration for two main reasons. First, in contrast to work that focuses on transnational processes, Beckfield focuses on the impact of integration and the EU within the nation-state. Second, his work makes it possible to distinguish the empirical effects of regionalization from globalization, thus problematizing one of the core assumptions of world polity theory about the primacy of world society, and suggesting that regional scripts sometimes prevail over global scripts. This is where issues of institutionalization, the consolidation of the EU polity, and the exercise of power become salient. If there are competing scripts or discourses in competition within particular contexts, what

determines which ones win out over others? But more importantly, each of these theories is pitched at the "macrophenomenological" level, and take diffusion as a *fait accompli*.

Whereas Beckfield draws a direct causal link between EU policies and the retrenchment of the welfare state, which leads him to claim that the EU has a corrosive effect on social justice, others take the approach that the EU actually has a positive impact on social justice within the nation-state. Sylvia Walby, in particular, argues that the EU has expanded the scope of social policy beyond narrow redistributional issues (Walby 1999, 2005). As she argues, social justice can derive from regulatory policies that affect social cohesion and exclusion in addition to more typical welfare-state "tax and spend" mechanisms. This reflects, according to her, a fundamental shift in the nature of states and the normative underpinnings of EU policy:

> ...while there is a recognition of the salience of class inequality, and the relations between capital and labour, there is insufficient recognition of the significance of other social divisions...most EU policies of social regulation derive from a different philosophical base from those of traditional social policy, that of the concern within liberal economics of remedying market failures. (1999, 129)

From this perspective, the EU is viewed more as an agent for positive change within the nation-state; and, despite the retrenchment of the welfare-state this change may induce, European integration corrects for the more corrosive effects of globalization.

Transnational Social Movements and Norm Entrepreneurship

One of the most strongly theorized mechanisms of diffusion is the "norm entrepreneurship" of transnational activists. There is now an extensive literature on the role of transnational, non-governmental, and entrepreneurial actors and their role in transporting norms and effecting both institutional and normative change. Keck and

Sikkink pioneered in this regard, coining the term "boomerang effect" to describe how activists and other political entrepreneurs leverage international and/or supranational power in order to produce change within local contexts which they would otherwise be unable to achieve. As they describe it, "governments are the primary 'guarantors' of rights, but also their primary violators. When a government violates or refuses to recognize rights, individuals and domestic groups often have no recourse within domestic political or judicial arenas. They may seek international connections finally to express their concerns and even to protect their lives" (Keck and Sikkink 1998, 12).

Even within a context dominated by a hegemonic discourse, there are always counter-hegemonic discourses and alternatives available. Hegemony does not entail unanimity or a lack of contention. Although certain EU discourses, such as those concerning gender equality are alien to Poland, this does not mean that there are no gender equality supporters within Polish society. These are the people who are largely responsible for attempting to transport norms from one context to another, who pose challenges to the normative structure itself. However, the mere act of importation alone is not sufficient to explain normative change, let alone discursive shift or change to the prevailing truth conditions in the national context.

This behavior on the part of various activists is not necessarily norm-driven per se. For those who are being discriminated against or otherwise persecuted, making connections beyond the domestic context might reflect little more than a desperate attempt at self-preservation. Once the connections are made, however, it is not difficult to see how alternative discourses might be taken up by these actors. What I mean by this is that a minority group whose human rights are being violated by a national regime may

not necessarily use the language of human rights in either their self-conceptualization of their situation or in their appeal to other transnational actors. However, once they make these transnational connections, or are exposed to the human rights discourse, they may recognize themselves in those terms, according to those norms, and thus come to internalize the discourse and accept its premises as "natural."

Zippel (2004), expanding on Keck and Sikkink's boomerang pattern ideas, suggests that in EU policy-making, the interaction between activists, domestic governments and the EU is actually more of a "ping pong effect," where there are several cycles of back and forth between the various levels of action, leading to dialectical influence between national and EU policymakers and governance structures. However, both the boomerang pattern and the ping pong effect seek to explain how transnational experts and/or norm entrepreneurs play various powers against one another in order to create change that neither party would have pursued in its own right. This is a fundamentally different proposition than activists colluding, for lack of a better word, with the EU to force change within the domestic context.

These particular mechanisms are especially useful in determining where EU gender equality might have come from in the first place, but they are not particularly enlightening as explanations as to how such policies might come to be meaningfully implemented in the national context. If anything, policies that are developed at the EU level as a result of boomerang and/or ping-pong effects may, in fact, turn out to be weak at *both* the EU and national levels, due to a lack of normative commitment internal to these governance structures. The EU might be more receptive to "alien" discourses because it, itself, is an amalgamated (and young) space, where negotiation and

compromise are already the dominant modes of communication. According to the typology presented by Müller (2004), actors are guided by societal norms that lead to select types of behavior appropriate to particular circumstances. Actors will select different behaviors based on the denseness versus weakness of norms and institutions. So, at the EU level, in the 1970s, when gender equality norms and institutions were both weak, actors would be likely to pursue self-interest while trying to create norms through "communicative arguing" (2004, 412). By the time Poland began its accession negotiations, however, the landscape at the EU level had changed to reflect an increased density of both normative and institutional space. In such a situation of dense norms and institutions, actors are constrained in the behavioral options available to them, leading to a greater likelihood that actors will "follow the normative prescriptions and the procedures of the given institution." (ibid.) Of course, the density of norms and institutions extant at the EU level is an empirical question—one could argue about how dense these systems might actually be. But also at issue is the differential development of those same norms and institutions at the national level. Unlike the EU, Poland in 1997 remained a situation of weak norms and institutions.

Keck and Sikkink argue that "in order to campaign on an issue it must be converted into a 'causal story' that establishes who bears responsibility or guilt" (1998, 27). Following this logic exposes a core problematic for women's rights activists in Poland. Specifically, in order to campaign for gender equality and a radical transformation of gender relations in Poland, activists need to elaborate and present a "causal story," assigning blame for inequality to the Polish nation. I will discuss the

particular role gender plays in Polish nationalism and national identity in greater detail below (see Chapter 1).

Institutionalist Perspectives on European Integration

The nature of the EU itself, and the relationship between it and its member states, is still a debated subject. Particularly when it comes to the question of whether or not the EU exists only as a tool for member states to fulfill their own respective agendas (Walby 1999; Ellina 2003). However, as we see in the case of gender equality, the directionality of interests and impacts is not so clear-cut, nor is it merely bilateral. While France may have used the EU to achieve its domestic agenda of maintaining equal pay legislation and economic competitiveness, the EU, in turn, exports these regulations to member states such as Ireland, Spain, and Poland—all places that, presumably, have significantly different domestic agendas than does (or did) France. As such, the diffusion of gender equality norms and policies shows both how supranational policies transform (or fail to transform) domestic policies, and how domestic norms and policies reshape supranational governance and international norms more broadly (Börzel and Risse 2000; True and Mintrom 2001; Acharya 2004).

The concept of socialization lies at the heart of the constructivist literature on integration, although it also has its place in rationalist theories, which hold that it is rational for states to copy policies and systems that are effective in more successful states (Meyer 1999). It is discussed in multiple ways, as not only socialization, but also as "peer-pressure," "coercion," and "acculturation," depending upon certain differences in both methods and outcomes (DiMaggio and Powell 1983; Schimmelfennig 2001; Jacoby 2004; Schimmelfennig, Engert, and Knobel 2006; Dobbin, Simmons, and Garrett 2007).

These types of arguments are premised on the notion that states care about their reputations in the international community, and are therefore vulnerable to promises and threats that will positively or negatively affect this reputation (Risse and Ropp 1999; Avdeyeva 2007). Potential and current member states which have "internalized the discourse of liberalism to a greater degree" (Risse and Sikkink 1999, 38) are more susceptible to pressure from the EU, particularly in relation to human rights and other social issues in the first pillar (Meyer et al. 1997; Boli and Thomas 1999; Risse and Ropp 1999).

There is something of a chicken-and-egg conundrum that plagues the existing literature on integration. Because the relationship between norms and institutions is under-specified, it is not clear whether existing normative discourses are driving institution-building, or whether institution-building is reshaping normative discourses. If a shared normativity is what drives European integration, then variations in implementation outcomes should be fully explained by differences in structural capacity and material resources (Dolowitz and Marsh 1996; Bulmer and Padgett 2004; Jacoby 2004). Yet, as I will discuss below, the history of gender equality implementation in Poland would suggest that this is not the case. If, on the other hand, institution-building is sometimes, but not always, a causal agent in reshaping norms within new member states, then the criteria for determining which institutions will be successful and which will not have yet to be theorized in the institutionalist integration literature.

This lack of attention to substance is problematic not just for institutionalist scholars of the EU, but for new institutionalism in general.[1] Stinchcombe famously called the limitations of new institutionalism to our attention when he noted that:

> Modern institutionalism, to create a caricature, is Durkheimian in the sense that collective representations manufacture themselves by opaque processes, are implemented by diffusion, are exterior and constraining without exterior people doing the creation or the constraining.... In the background of the essay is a contrast between the old institutionalism in which people built and ran institutions, and the new Durkheimian institutionalism in which collective representations operate on their own. (1997, 2).

To overcome seemingly agent-less institutionalism, and to take substance more seriously, theorists turned their attention to norms—rather than state capacity, the rational pursuit of interests, or institutional requirements—and the role norms play in policy transfer and integration. In addition to transferring policies and institutions, the EU, along with other international bodies, functions as an exporter of norms. That the EU might become this primarily by extending its competencies in the area of social policy was anticipated even by non-constructivist theorists (Haas 1958; Pollack 2005).

Theories of Diffusion

The literature on diffusion has emerged, in no small part, as an attempt to nuance the formalist and institutionalist bias of integration theory, by suggesting that a crucial component of European integration is, in fact, a change in norms. Therefore, theories of diffusion emphasize the role of ideas and values in integration and argue that fundamental social change needs to occur in order for the common market and supranational governance to succeed, and that normative isomorphism paves the way for structural isomorphism. While this is an important corrective, as I will discuss below,

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[1] I thank Jason Beckfield for making this observation to me.

these theories still do not adequately theorize the ways in which supranational policies, norms, and ideas interact with local policies, norms, and ideas. As such, theories of diffusion are unable to explain variation—either across states or across policy areas—in integration outcomes.

There is, of course, considerable overlap amongst these categories, particularly when it comes to the literatures on Europeanization and compliance. However, there are also important differences, including issues of time and sequencing along the arc of accession. The Treaty of Maastricht, which created the European Union and the Euro, was ratified in 1992. Until that moment, much of the literature on European integration had focused primarily on legal harmonization, a very narrow set of concerns that deals specifically with the transposition of the *Acquis Communautaire*. After Maastricht, in light of the widening scope of the EU's competencies and the establishment of the pillar system, policy transfer and institution-building became the primary foci, and key explanans, of the success of European integration. This changed again in 1997 when official accession negotiations with the former Soviet-bloc Eastern European countries began.

The European Union has variously been described as a "supranational idea hopper" (Bomberg and Peterson 2000, 12), a "massive transfer platform" (Radaelli 2000: 26) and an "enabler" (Bulmer and Padgett 2004, 110) for the diffusion of ideas, legal forms, institutions, or expertise. Indeed, diffusion has become one of the central concepts in the study of European integration and EU enlargement. It has been deployed both theoretically and empirically to examine how laws, institutional forms, governance structures, policy goals, ideas, and norms are communicated between the EU and its

members (whether current or potential) and neighbors, and has been primarily

conceptualized as moving from the EU to member states, trading partners, and so on.

Although others do argue that diffusion can also originate elsewhere, such as

transnational social movements or the member states themselves (Keck and Sikkink

1998; True and Mintrom 2001; Zippel 2004). Theories of diffusion can be located within

a conceptual terrain that reflects both the nature and method of change: the former refers

to a spectrum of types, ranging from institutional diffusion on the one hand to normative

diffusion on the other; the latter refers to the difference between "top-down" and

"bottom-up" strategies or mechanisms of diffusion, and to the various origins of

diffusionary pressures.

The Normative Turn

Norms, frequently assembled under the rubric of regimes, such as the human

rights regime, come to be enshrined in international treaties and law. As the treaties are

ratified by an ever-expanding circle of states, the norms constituting the regime become

legitimated and institutionalized. This, in turn, strengthens the regime and results in its

ongoing (and intensified) adoption by recalcitrant states (Finnemore and Sikkink 1998;

Risse, Ropp, and Sikkink 1999; Avdeyeva 2007). However, as is obvious from a quick

perusal of any newspaper, many signatories to international human rights conventions do

not comply with the treaties they have ratified. Therefore, merely signing on entails

neither respect for the legality of the regime, nor any fundamental change in values or

beliefs.

What is also left out of these conceptualizations and models is any discussion of

the substance of the norms being diffused, and what has to happen in order to effect

normative change. Because there is variation in norm diffusion in terms of success versus failure, further work on understanding this variation is needed. Halliday and Osinsky have made an important contribution in this area. In their study of the globalization of law, they argue that there is a relationship between successful diffusion and the centrality of the subject matter to "core local cultural institutions and beliefs," such that:

> …the farther globalizing legal norms and practices are located from core local cultural institutions and beliefs, the less likely that those norms and practices will provoke explicit contestation and confrontation. Obversely, the closer the globalizing legal norms and institutions are to transformation in core local values and practices, the more likely that contestation will occur around those norms. (Halliday and Osinsky 2006, 448).

This idea, that variation in successful diffusion outcomes can be explained by the *object* of change, rather than the *means* of change, is an important one, which is all too often overlooked in the diffusion literature. This is akin to "goodness of fit" and "cultural resonance" arguments (Cortell and Davis 2000; Ferree 2003), and is more sensitive to substance than many of the existing approaches to studying European integration. However, even this work does not help us understand why a particular norm or practice might have the power to change the rules of the game and create a situation of fit where there had been none before.

The diffusion of gender equality norms and policies shows both how supranational policies transform (or fail to transform) domestic policies, and how domestic norms and policies reshape supranational governance and international norms more broadly (Finnemore and Sikkink 1998; True and Mintrom 2001).This might be the case particularly in post-socialist space, due to the fact that those states are emerging from a period of revolutionary transformation and have not yet been socialized into

international norms and structural systems, and thus "approach negotiations with quite idiosyncratic views" (Müller 2004, 423), at least from a Western European perspective.

Checkel's work (Checkel 2001; Zurn and Checkel 2005) provides a potentially fruitful approach to specifying the relationship between Europeanization and national identities and collective norms. His discussion of the impact of Europeanization on German citizenship debates is particularly relevant. Much like gender in Poland, citizenship—and perhaps more accurately, national membership—in Germany has played a central role in discourses of German identity. Long governed by the principles of *jus sanguinus*, as opposed to *jus soli*, German citizenship has reflected an idealized coterminous relationship between legal membership and symbolic belonging governed by a common ethnicity and language, rather than residence in shared space. The debates which surrounded possible citizenship reform in Germany grappled with questions about the very nature of Germanness and closely-held beliefs about the foundational principles of this identity. In his investigation, Checkel asks "how does the norm get from 'out there' (the European level) to 'down here' (the domestic arena) and have possible effects?" (Checkel 2001, 182).

Two main approaches have been developed to answer this question. There is the "bottom-up" school of thought, which highlights norm entrepreneurs and transnational activism. From this perspective, diffusion occurs because activists and NGOs mobilize to influence policymakers to make official policy change. This leads to a type of compliance-without-commitment (Gerber 2010), but it fails to affect substantive belief structures amongst elites. The other approach, which can be described as "top-down," bears a strong resemblance to DiMaggio and Powell's "normative isomorphism" (1983)

in that through the creation and learning of affective ties between policymakers and state actors, norms become internalized.

Assuming that both top-down and bottom-up norm diffusion is occurring, Checkel ultimately identifies the source of variation in the structure of the state—whether liberal, corporatist, statist, or state-above-society. Though his argument is compelling and he successfully demonstrates the salience of domestic structure, I would suggest that focusing on state structure is still a mis-specification. As his own example of German citizenship suggests, there are foundational discourses and symbolic politics at play which, themselves, precede domestic political structure. What I mean to question is whether Germany's policy of citizenship based on *jus sanguinus* law can be understood as a result of Germany's corporatist domestic structure, or whether the corporatist structure is, itself, the result of *jus sanguinus* or other core national discourses. The other challenge posed to Checkel's model is the fact that Germany as a state actor, and Germans as policy elites, have had significant input into the construction of European norms and policies. German participation at the level of EU governance does not guarantee that European and German norms and policies will be wholly congruent; however, it would also follow that there might be greater overlap between German and EU norms and ideas—and, hence, policies—than, for example, Polish and EU policies.

Gaps Remain

The greatest lacuna in the literature is the missing explanation of discursive and ideational inputs, and variations in outcomes. For example, theories of conditionality do not supply the tools to account for differences in substance between two ideas: a condition is a condition. The literature on resonance and cultural match is more sensitive

to the issue of substance, but it cannot explain either why mis-fit would ever be overcome, or why, in a choice between two ill-fitting ideas, one will diffuse and the other will not. The literature on transnational social movements looks at how social actors exploit power, emotion, culture, and resources to effect change. But again, it does not address why actors select one idea versus another. In sum, these literatures address questions of how, under what conditions, and who, but leave questions of "why" unanswered.

While the literature on normative diffusion has been an important addition, it still does not adequately theorize the cultural dimension of integration, or sufficiently emphasize the relationship between outside ideas and local knowledge production. In fact, it is this very idea of normative diffusion, and the implicit teleology of European isomorphism at its core, that leads me to question this premise in the Polish case. Do ideas diffuse just because the EU wants them to? Do all ideas diffuse? Do the norms or ideas already in place in the receiving context affect diffusion outcomes? Perhaps the reality is that not all norms diffuse, and, in fact, that there are many instances in which EU norms are actively resisted within receiving national contexts. As such, there needs to be some way to explain this variation.

In the literature on norm diffusion there is an attempt to distinguish analytically between a norm and a discourse. As one study reported:

> Finally, there are moral discourses which challenge the validity claims of the norm itself...such discourses challenging validity claims inherent in definitions of the situation as well as in principled beliefs and norms are all-pervasive in the human rights area and need to be analyzed in order to explain socialization processes leading to sustainable domestic change. (Risse and Sikkink 1999, 13).

This statement raises several important questions about just how theorists are thinking about norms and discourses and the relationship between them, and suggests that there is still a missing "ingredient" in the integration recipe. This ingredient, as I discuss in the chapter to follow, is what Foucault referred to as "power-knowledge." It is as a product of the power-knowledge dynamic that "social practices can come to create domains of knowledge which not only give birth to new objects, new concepts, and new techniques, but also give birth to totally new forms of subjects" (Foucault as cited in Han 2002, 184). Larger questions about whether and how the EU might be transforming Europe, destabilizing nation-states, and altering individual identity are fundamentally questions about who has power and who controls knowledge and its production.

Epistemic Privilege and Discursive Shift

What is lacking from existing theories of diffusion is any serious treatment of how the substance of a policy or law—its underlying normative or ideological foundation—affects the outcome of these processes. The policy transfer literature is highly structural and procedural; it treats the nature of policy as fungible, while the means of diffusion is presumed to be of primary importance. But not all ideas are created equal. This implicit hierarchy is reflected within EU law itself, as not all aspects of policy are governed by regulation or directive (what is referred to as "hard law"). The EU is said to have "competency" in those areas it governs via hard law, implying that the EU has juridical—and perhaps also ideological—authority in these areas, by consensus of the member states. Very often, the EU has won this authority for itself through coercion, as in the realm of monetary and agricultural policy, for example, by using the big sticks of the Euro and the Common Agricultural Policy (CAP) subsidies, respectively. Generating

compliance in even these areas is not just a matter of brute coercion, but also relies on the development of consent at the level of inter-state cooperation and at the level of state-citizen relations: acquiescing to the fiscal requirements of participation in the Euro, or adhering to the production quotas and standards of the Common Agricultural Policy, requires that on some level the people of Europe accept as valid the claim that economic growth is more important than full employment, or that a balanced budget takes precedence over a social welfare system. In the areas of law where the EU does not have direct regulatory competence, often referred to as the area of "soft law," the right to generate policy and set standards is reserved to the respective member states. The EU can make suggestions and recommendations, and can intervene more forcefully in certain instances when the intersection of hard and soft law allows it. But for the most part, when it comes to "soft law," the EU cannot rely on overt coercion to leverage compliance or even cooperation.

The most significant attempt to overcome this gap is in Schmidt's work on discursive institutionalism (DI)(Schmidt 2008, 2010). This fourth institutionalism is defined as "an umbrella concept for the vast range of works in political science that take account of the substantive content of ideas and the interactive processes by which ideas are conveyed and exchanged through discourse" (Schmidt 2010, 3). It offers enormous potential not only to overcome some of the limitations of new institutions, but also to provide a means of determining when and why some ideas or discourses have causal force and others do not. Another important contribution DI seeks to make is an explicit acknowledgment of the teleology inherent in the study of Europeanization. Discussing

Europeanization in terms of its effects presumes that there *are* effects, and "prejudges" the EU's importance in domestic policy-making.

However, the definition of discourse that DI employs is problematically thin: "Discourse we define in terms of its content, as a set of policy ideas and values, and in terms of its usage, as a process of interaction focused on policy formulation and communication (Schmidt and Radaelli 2004, 184). This definition of discourse reduces it to conversations about policy options and does not unpack norms, ideas, or interests—or the culture that produces them—as objects of study in their own right. Additionally, the relationship between ideas and discourse is under-specified in the DI literature. Are discourses merely communicated ideas, or is there a more complex arrangement involved? Therefore, it is the goal of this dissertation to infuse a sociological approach to discourse, and its relationship to ideas, into the DI framework in order to activate its full potential as an analytical tool.

Within the sociology of knowledge, there has been much discussion about the causal force of ideas. For instance, Bourdieu has argued that certain ideas or discourses, such as neoliberalism, for example, have the ability to spread to new contexts and validate themselves because they have the capacity to "make themselves true" (1998b). A different approach suggests that an idea's or discourse's causal force is a function of how well it matches the context into which it is trying to insert itself. As such, one possible explanation for the failure of a new idea to displace an entrenched one is an "exceptionalism" argument, which claims a lack-of-fit between an idea and its receiving context (Camic and Gross 2001). The limitation of such an argument, however, is that it does not explain why some discourses have the power to reformulate the receiving

context and others do not. In contrast, Somers and Block's discussion of a "boot-strapping" discourse offers an explanation for this variation, and elaborates the means by which some discourses, and not others, succeed:

> ...the ideational contender has to reframe the crisis by changing the very definition of reality itself...Moreover, the contender must argue counterfactually that had *it* been the dominant ideational regime, the crisis could have been avoided...Finally, the challenging ideas have to take the form of a more powerful public narrative that retells the story of the nation's meaning, morality, and place in the flow of history... (2005, 266)

The endurance of an ideational regime is more accurately understood as a result of the epistemic strength of the native truth regime in the face of a challenge by the relatively weak alternative emergent from the EU. This is not to say that diffusion has not occurred, but rather that theories of diffusion are only theories of process, and that without a theory of substance that accounts for the discursive terrain and the valence of particular ideas, diffusion will only ever tell a partial story.

Referring back to the mechanism specified by Somers and Block, one of the three things that a "boot-strapping" discourse must be able to do is to change the definition of reality itself. Through "top-down" or institutional diffusion, the EU both explicitly and implicitly seeks to influence the structure that produces knowledge, towards rendering the Polish context more hospitable to an EU view of gender equality. Such efforts are an important element in the process of discursive shift. Through this institutional diffusion, the EU seeks to reshape national contexts in its own image—and it has had only variable success.

Normative diffusion primarily occurs through social learning, emulation, and aid and assistance mechanisms, whereas laws and institutional forms are diffused via coercion and conditionality. All too often in the diffusion literature, the engagement of a diffusion mechanism is taken as a *fait accompli*. But despite active effort, diffusion often fails in national contexts because the substance of the idea or institutional schema being diffused attempts to displace a pre-existing epistemically-privileged discourse. The key to understanding variations in diffusion—and ultimately integration—outcomes rests in understanding the various national or receiving contexts as particular sites of knowledge production, ones which have developed and maintained their own specific conditions of truth.

Incorporating the idea of epistemic privilege into empirical studies of diffusion within the European context can improve our ability both to theorize and to measure variations in outcome. Somers and Block's criteria provide a rubric for evaluating the causal force of particular ideas or schemas in particular contexts. Rather than proceed as if all ideas are created equal, discerning an idea's degree of epistemic privilege within a particular context allows researchers to account appropriately for causal force. This gets to questions of "why do ideas diffuse," whereas typically the investigation has been satisfied with questions of "what diffuses, and how?"

Structure of the Dissertation

As the above discussion suggest, studies of integration have been significantly nuanced and improved upon with the additional consideration of norms and ideas, yet the treatment of these things remains positivistic and only superficially engaged with questions about whether or not the integration process results in anything more than

mechanical compliance at the national level. The existing literature assumes that norm diffusion happens, although norm diffusion is often operationalized as nothing more than legal and institutional compliance, rendering the concept somewhat meaningless. Instead, I suggest that norm diffusion be operationalized differently, as discursive shift, and evaluated as such. Does the nature of public discourse fundamentally change as a result of norm diffusion? Do new policy options emerge? Do politicians', activists', or the public's conception of what is possible, or desirable, fundamentally change?

In the chapters to follow, I will look at the ways in which policymakers, public intellectuals, and broad public opinion in Poland reflect the uptake—or rejection—of EU ideas by following discourse throughout the pre-accession period, from 1997 to 2004. As I will argue, the story of norm diffusion and policy integration in the area of gender equality in Poland is the story of a failed revolution of ideas. Unlike the EU's economic reform agenda, which was able to fundamentally change both ideas and practices, despite the high social cost, the EU's gender equality agenda was unable to do the same because it did not offer adequate legal and institutional solutions to either an ideational or practical crisis.

Case Selection

Ideas are fundamental to sociology, not just as an academic discipline, but as objects of study in their own right. Questions about ideational change and the ways in which such change happens are at the heart of much sociological inquiry—from extensions of Gramsci's (1971) theorization of hegemony and counter-hegemony, to DiMaggio and Powell's (1983) new institutionalism and the phenomenon of isomorphism, to the sociology of knowledge (Swidler and Arditi 1994). These same types

of questions are at the heart of this inquiry, although my interest lies more in understanding why some ideas succeed and spread, while others do not.

And what better context is there to study the success and proliferation of ideas than in post-socialist Eastern Europe? The opening of the Iron Curtain was one of the most important events of the late 20th century, and was a significant moment of ideational change, in which entire political, economic, and sociocultural systems were destabilized, and even destroyed. However, the post-socialist transformation was happening simultaneously with another transformation, that of EU integration and Europeanization. Just as the Soviet Union was collapsing, Western and Northern Europe were becoming an "ever closer union" under the aegis of the European Union. And it became clear very early on in the post-socialist period that an "Eastern enlargement" of the EU was both desirable and likely (Schimmelfennig 2003).

Within the Eastern European accession cohort[2], Poland is a particularly fitting case for exploring such questions for several reasons. First, it is the largest of the post-socialist accession cohort, with a population of 38 million and the 6th largest economy in Europe. Due to both its size and the role it played in initiating the ultimate dissolution of the Eastern bloc, Poland took on a regional leadership position in these processes. Second, Polish politics throughout the 1990s were largely unconsolidated, by which I mean political parties and their associated platforms were highly volatile and constantly in flux, with many important aspects of legal, institutional and social life up for discussion. And third, Poland had a divergent outcome from many of its post-socialist neighbors in terms of economic recovery and women's issues. Not only did Poland pursue a far more "Anglo" liberal economic policy than many of its CEE neighbors

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[2] Czech Republic, Slovakia, Latvia, Lithuania, Estonia, Hungary, Slovenia, and Poland

(Pascall and Kwak 2005), but it also had an atypically contentious reaction to the gender acquis implementation requirements (Gerber 2010), while being, at the same time, considerably active in promoting women's participation in entrepreneurship and the Small and Medium Enterprise (SME) initiative, as evidenced by UKIE Director Hubner's many speeches to women's groups throughout the pre-accession period (see particularly her 2004 speech to women entrepreneurs in Berlin).

In this dissertation, I look at Poland's implementation of the EU's gender equality directives in order to understand both how the EU pursues integration via diffusion, and how national receiving contexts react to these efforts. Diffusion does not always "work," not even in the most ideal of circumstances, such as when a country is seeking membership in a norm-heavy institution like the European Union. The existing literature on EU integration does not really address, let alone explain, why some ideas or institutional forms diffuse easily whereas others do not.

Poland is a case of successful resistance to ideational, or normative, diffusion in this area. Implementation of the gender acquis differed in significant ways from other parts of the accession mandate in terms of domestic cooperation and compliance. In the Polish case, the most active resistance to EU requirements coalesced around social issues such as gender equality, and this resistance was effective as a political strategy to channel public frustration and inter-party competition into symbolic confrontations. I argue that, rather than successfully diffusing its own vision of gender equality, the EU's policy agenda instead created conditions that allowed Polish policymakers to re-traditionalize the domestic gender regime. This outcome was particular to Poland, as none of the other postsocialist accession cohort pursued re-traditionalization to the same degree—or with

as much success—as Poland. Although there were other flashpoint issues among the post-socialist accession cohort, particularly surrounding issues of migration and minority rights (including sexual minorities), Poland's position as the largest of the accession cohort and a regional leader imbues this outcome with additional significance.

As such, the Polish case is a critical one along several dimensions. First, there is an implicit comparison to be made between the Polish relationship to the economic acquis versus the gender acquis, which speaks to a growing literature on regionalization, globalization, and the hegemony of neoliberal capitalism. Second, the Polish case is notable for its distinction from the rest of the post-socialist accession cohort in terms of its reaction to the gender equality agenda, suggesting that there is something particular about gender in Poland that requires analysis. Third, this case also highlights important variations within the EU's liberalization project itself, in terms of which initiatives are backed by institutional force and which are not.

At its core, the EU is a set of ideas about how markets, borders, populations, currencies, gender relations, and so on, should be organized (Balibar 1996; Bourdieu, Wacquant, and Farage 1999; Soysal 2002; Balibar 2004). In turn, these ideas are institutionalized, written into law and policy, and disseminated to member states for implementation. Its very existence challenges orthodox knowledge about states and state formation, citizenship, welfare capitalism, development, and social movements. Within European integration studies, the diffusion of norms and institutional forms is one of the largest and most active areas of research. Scholars of European integration who are interested in diffusion have increasingly come to rely on sociological theories of new institutionalism and social constructivism (Checkel 1998; Moravcsik 1999; Risse 2005;

Zurn and Checkel 2005; Dobbin, Simmons, and Garrett 2007). And yet, despite this robust "constructivist turn" in political science and international relations, this has not led researchers to borrow from a broader sociological palette of theories and concepts, despite the fact that similar questions about normative change and the spread of ideas is also a central topic of study within the discipline. Conversely, sociologists have not particularly concerned themselves with ongoing debates about European integration or diffusion, despite the fact that such debates are germane, and particularly well-suited to sociological interventions.

Data and Method

My data comes from multiple types of sources:

Source	Language	N
Interviews with current/former Polish government officials	Polish	6
Polish newspaper and newsweekly articles from 1997-2004	Polish	258
Parliamentary debate transcripts (Sejm)	Polish	28
Sections of the Acquis Communautaire, and the Maastricht, Amsterdam, Nice, and Lisbon Treaties	English	
The Polish Constitution and sections of the Labor Code	Polish/English	
European Commission accession progress reports, green papers, enlargement strategies, and Framework Strategies on Gender Equality Work Programmes	English	51
NGO publications	Polish/English	66

All of the parliamentary debates and media sources were originally published in Polish. I read, coded, and excerpted them in their original language of publication. I conducted all of my interviews, save one, in Polish, although follow-up questions were often asked in English. These were later transcribed by a native Polish speaker into a Polish transcript,

which I then read, coded, and excerpted. The public opinion research reports made available through CBOS are published both as full research reports in Polish, and as abbreviated research summaries in English. Both Polish and English versions were consulted as appropriate. Texts were coded inductively using the qualitative research software Nvivo. Passages containing themes that emerged from open-coding were then excerpted for translation. Once all of my sources had been coded and excerpted, I hired a native Polish speaker to assist me with translations into English for inclusion in the manuscript.

For the analysis, I employed an interpretive structuralist discourse analytics approach, as described by Phillips and Hardy (2002). Interpretive structuralism, as opposed to more linguistically-oriented approaches, focuses on social context; individual texts are only one type, among many, of data used. Via this method, the researcher seeks to explain how discourses come into being and how these discourses structure possibilities for action, which is particularly useful for understanding macro-level changes over time.
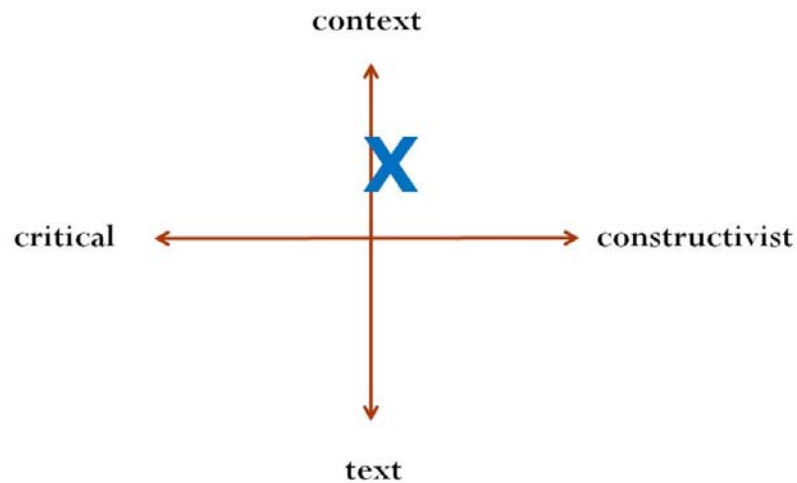

Figure 2. Conceptual Chart of Discourse Analytic Approaches taken from Phillips and Hardy (2002, 20)

The choice of using the interpretive structuralist approach reflects a particular research interest that is geared towards evaluating a context that produces individual texts, as opposed to taking individual texts themselves as the object of study. This approach also focuses more on the social process of meaning-construction, as opposed to exposing the role of power and ideology. The end-points of these arrows are "ideal types," and are distinguished for analytical reasons. Empirically, it is difficult to ever fully disentangle text and context, just as power, ideology and social construction work hand-in-hand to produce and reproduce social reality.

I locate my own work in this dissertation in the upper right quadrant. For this project, I am significantly more concerned with context than I am with individual texts. By context, I take as my object of study structures such as social class, gender, cultural settings, and the institutions, locations and rules that govern the appropriateness or validity of a given discourse. I am less concerned with genres of interaction, sequencing of talk or text production, or the capacities in which people speak. Regarding the horizontal axis, I locate myself closer to constructivism than criticism because my interest is primarily in how the constitution of social reality is being negotiated, and less on the relationship between language and power. However, I am extremely sensitive to the relationship between power and knowledge, and am interested in investigating how privilege and systematic inequalities are produced and reproduced in these interactions.

Operationalization

In order to determine whether or not a discourse has epistemic privilege, or whether or not actual change has occurred, I sought evidence of effectiveness. First, in

terms of changes in institutional arrangements, I looked to see whether or not:

governmental/administrative units dedicated to gender equality were established; gender

equality legislation was adopted; resources were allocated differently; directives were

fully implemented. Second, I also looked to see whether or not there were changes in

norms or ideas, as expressed in popular and political discourse, public opinion, or even

the transformation of household gender division of labor.

Overview of Chapters

In the next chapter, I present a framework for using the idea of epistemic

privilege, as developed by Somers and Block (2005), to more fully theorize EU

integration. From this framework, I argue that conflict between the EU and Poland over

gender equality policy is an issue of sovereignty (in a Foucauldian rather than

Westphalian sense), because it is, fundamentally, a struggle over who has the power to

define the truth. In the pre-accession period, the EU's gender discourse failed to

transform gender discourse in Poland, either institutionally or normatively, precisely

because it has been unable to meet the criteria for what Somers and Block call a "boot-

strapping discourse." A boot-strapping, or epistemically privileged, discourse has the

following abilities: to reframe an issue by redefining reality; to pose a counterfactual

argument that had *it* been the dominant ideational regime, the crisis could have been

avoided; and, to provide a powerful public narrative. However, I propose a modification

to Somers and Block by suggesting that epistemic privilege is *a posteriori* rather than *a

priori*, in that the causal force of any particular discourse or idea is inherently linked to

the institutional and social arrangements within which it is embedded.

Chapter 2 establishes the Polish context into which the EU gender equality agenda was being diffused, by providing a historical overview of Poland and a genealogy of its hegemonic gender discourse. I argue that Poland's particular experience both within and outside of Europe colors its present-day experience of Europeanness, and informs its approach to the integration process. This particularity, which is reflected in both alternative conceptualizations of liberalism and discourses of gender, has led to "integration failure" between the EU and Poland in the area of gender equality policy.

In the third chapter, I demonstrate that normative diffusion failed in the Polish context because the substance of the normative agenda being diffused was attempting to displace a pre-existing, epistemically-privileged gender discourse. Not only is the EU discourse of equalitarian individualism unable to shake pre-existing ideological commitments within Polish society, but gender equality, in particular, challenges integral components of the Polish identity discourse. Despite there being factions willing, even enthusiastic, to transform Polishness, this became an untenable political project during the pre-accession period, when Poland was being challenged on all fronts. Given the unconsolidated nature of political space in 1990s Poland, as discussed by Grzymala-Busse and Innes (2003), this also proved especially alienating because "valence issues," rather than economic policy, became the primary stuff of political discourse, and topics such as gender equality were particularly symbolically charged and open for debate in ways that other issues were not. This situates the European gender equality discourse as necessarily oppositional to Polishness, and makes opposing implementation attractive, particularly given the low levels of political will at the EU level to ensure meaningful implementation of gender equality policy.

In Chapter 4, I investigate the impact of the ratification of the new Polish constitution on efforts to introduce gender equality legislation, and the commencement of official accession negotiations with the European Union, both of which occurred in 1997. It is at this moment that legislative efforts to adopt omnibus gender equality legislation began in 1997, only to begin a cycle of proposals and rejections that reoccurred twice in 1999, again in 2003, and twice in 2004. My particular interest in this chapter is in evaluating whether or not "top-down diffusion" is actually occurring. Theories of top-down diffusion claim that it is in the transposition and implementation processes that diffusion and, ultimately, integration (or isomorphism) actually occur. By analyzing parliamentary debates surrounding exactly these processes, and through interviewing government officials and administrators who were responsible for overseeing these activities, I seek to test this claim.

In the fifth chapter, I return to the question of economic versus social liberalization. I argue that just as gender is part of the inviolable core of Polish national identity, there is also a core set of truths central to the mythology of the European Union. At this core is liberalism or, more accurately, neoliberalism, a philosophy that advocates market individualism as the organizing logic of social, economic, and political life (Bourdieu 1998b; Somers 2005a, 2005b; Harvey 2007). The social welfare programs and ideologies espoused by the EU are justified in terms of their usefulness and necessity for pursuing the expansion and entrenchment of neoliberal capitalism. This pits the EU and Poland against each other as clashing paradigms, in which not only their epistemologies, but also their ontologies are at odds: Whereas the EU premises its policies on individualism, the family is the fundamental unit of Polish social, political, and economic

life. As such, the central logics guiding the development of EU and Polish policy, respectively, are at odds. This also helps to explain why economic liberalization followed a much different trajectory than social liberalization in the pre-accession period.

In the conclusion, I restate my argument in light of the empirical evidence presented in the previous chapters. I conclude that resistance to implementation reflects the salience of gender to common conceptions of Polish national identity that, in the context of accession, were perceived to be under attack. Integration failure in Poland, I argue, is not the result of problems with modes of transfer from the EU to member states, or with the suitability of institutional forms, but rather, can be explained by local actors' receptivity (or lack thereof) to competing normative discourses, highlighting the need for additional theorizing of the cultural dimensions of European integration. The key to understanding integration failure rests in understanding both the constraints and possibilities within a particular site of knowledge production, one which has developed and maintained its own specific conditions of truth. In the Polish case, gender is deeply implicated in these conceptions, and the position gender occupies within these discourses also differs from the position it holds in other contexts. I then discuss the implications of this finding, and discuss possibilities for future work.

Chapter 1
Local Knowledge/Foreign Knowledge

While institutionalist literature is obviously concerned with institutions as its core objects of study, it often reduces institutions to forms that are, unrealistically, treated as content-free, fungible entities, which function in ways that are unproblematically generalizable across industries and contexts. An institution is, at once, a concrete organization; a set of laws, regulations, and practices; and a complex tapestry of norms, rules, myths, and relationships. Whereas the existing literature on European integration leans towards the former two conceptualizations of institutions, I am primarily concerned with the latter. To overcome this formalist bias in existing literature, the content and context of institutions and the ideas they represent must also be analyzed and accounted for in the study of integration. It is for this reason that I suggest turning to the sociology of knowledge. Doing so introduces complexity to otherwise seemingly parsimonious models, thus limiting our ability to generalize conclusions across a wide variety of situations. This is a perennial problematic within the social sciences, and lies squarely at the heart of debates over methodology and epistemology.

This debate continues to be an active one, and has not been resolved either way or to anyone's satisfaction. That said, to borrow the language of statistical regression, there is more than enough r^2 to go around. My point is not to diminish the importance of the findings of those taking a formalist approach to European integration, but rather, to

suggest that discursive approaches have something important to add to our understanding of European integration, and to the more general processes of institutional and normative diffusion. If institutions are collections of knowledge, as well as instantiations of law, then it is crucial to understand the ideas and beliefs contained in these bodies of knowledge, and to investigate how and why ideas emerge, endure, and change. Such questions lie at the heart of the sociology of knowledge research agenda, so it is there that I will now turn my attention.

In this chapter, I attempt to demonstrate precisely how such an approach improves our ability to theorize EU integration. What can the sociology of knowledge bring to the study of European integration? First, this type of investigation addresses issues of the social context of knowledge generation, taking seriously historical specificity and context. Secondly, it also seeks to specify the mechanisms of knowledge diffusion within and across communities, whether they are associations of experts or broader publics. Thirdly, it takes as its central question how knowledge, and knowledge production, become institutionalized and/or incorporated into social and political practice. And finally, and perhaps most importantly, it problematizes and theorizes the role of power in diffusion, when very often the very language of diffusion itself works to efface power's role.

Sociology of Knowledge

As an area of study, the sociology of knowledge is fundamentally concerned with questions about the emergence, transmission, and causal force of ideas. Given the centrality of the normative diffusion problematic to the EU studies agenda, it would seem almost common sense that students of the EU would turn to the sociological literature on

ideas, as it too is fundamentally concerned with how ideas emerge and are transmitted within and across societies. However, this has largely not been the case. While many are interested in the role of ideas in European integration (Checkel 2001; Jacoby 2004; Pedersen 2006), and some have taken a sociology of knowledge approach to the *study* of integration itself (Rosamond 2003, 2007), ideas themselves have often been treated as "black boxes." This has led to a formalist bias within the literature on European integration, and a tendency to overlook (or underplay) the importance of particular ideas for diffusion.

That ideas matter is not a topic of contention within the EU literature (Goldstein and Keohane 1993; Hall 1993; Sikkink 1993; Jacobsen 1995; Yee 1996; Campbell 1998; Checkel 1999; Risse, Ropp, and Sikkink 1999; Checkel 2001; True and Mintrom 2001; Pedersen 2006). Rather, much of the discussion revolves around questions such as: how much do ideas matter?; can normative commitments facilitate compliance in ways that conditionality cannot or does not?; do ideas matter more than material interests?; and in what ways are ideas transmitted between the EU and member states? It is my position, however, that it is also important to recognize that not all ideas matter equally, and as such, different ideas will have different degrees of portability, salience, and causal force. Not all ideas provoke significant or meaningful degrees of conflict and,as such, it becomes important to understand which ideas matter under what circumstances. For this, the sociology of knowledge is invaluable.

The sociology of knowledge field itself is quite large, and covers many diverse areas, from public opinion research, to the invention of tradition, to the sociology of science. I am most interested in what is called "the new sociology of knowledge," as

presented by Swidler and Arditi in their 1994 *Annual Review of Sociology* article of the same name. As they noted, the field traditionally centered around the formation of individual opinion and preference, and the relationship between social position and beliefs/values (Mannheim, Wirth, and Shils 1936; Wuthnow 1976) and the role of intellectuals (Ehrenreich and Ehrenreich 1977; Gouldner 1979). However, the field underwent a transformation of its own in the last decade of the 20th century, and scholars began to develop a new set of motivating questions about "how kinds of social organization make whole orderings of knowledge possible...how patterns of authority located in organizations shape both the content and structure of knowledge " (Swidler and Arditi 1994: 305).

From this perspective, knowledge no longer refers only to formal systems of thought or coherent worldviews, but has been expanded to address knowledge structures that actively build and shape thought amongst regular people. Knowledge, when considered in this way, becomes both a structured and a structuring structure (Bourdieu 1977, 72), and casts ideas as both agents and parameters of social change. What makes this a crucial intervention for the study of European integration is that it provides a means for differentiating amongst ideas, and for articulating the role of power in the formation, endurance, transmission, and alternation of various ideas.

Power and Knowledge

Power is an absolutely central concept within the new sociology of knowledge, and is an important part of the analysis for several key theorists in the field (Bourdieu 1977; Foucault 1979, 1980a; Foucault and Gordon 1980; Foucault 1981; Ortner 1984; Foucault 1991; Kennedy 1991; Bourdieu 1998; Tilly 1998; Bourdieu, Wacquant, and

Farage 1999). For example, which ideas are taken seriously is often a function of where they come from, who has generated them, and what the consequences of rejecting them might be. All of which is, itself, a reflection of the power (and authority) vested in both certain types of knowledge, and its producers. This centrality of power to the new sociology of knowledge is due in no small part to a shift in focus away from both macro-level analyses of class and capitalism, and micro-level analyses of individual interests and the role of intellectuals, towards a "middle-range" that focuses instead on integrating social theory with empirical analysis (Merton 1968; Boudon 1989). This approach lends itself particularly well to institutional analyses and the exploration of the social construction of knowledge within specific contexts.

Michel Foucault is the theorist most closely associated with power and knowledge. This is, in part, because of his specific elaboration of the concept "power/knowledge" in *Discipline and Punish* (1979*)*, which one of his students described as how "...[a] more extensive and finer-grained knowledge enables a more continuous and pervasive control of what people do, which in turn offers further possibilities for more intrusive inquiry and disclosure" (Rouse 1994, 96). Power/knowledge, therefore, conceives of knowledge as the amassing of particular information about subjects towards enhancing control over them. For Foucault, this very much centered on the use of medical observation to control bodies.

However, Foucault also writes about power and knowledge in other, more generalized ways. In *The History of Sexuality*, Foucault defines power in the following way:

> [An understanding of power] must not be sought in a unique source of
> sovereignty from which secondary and descendent forms would emanate; it is

the moving substrate of force relations which, by virtue of their inequality, constantly engender states of power, but the latter are always local and unstable…. Power is everywhere not because it embraces everything, but because it comes from everywhere. (1980a: 93).

Power, therefore, is a property of social networks, and is emergent from social relations. It is not that the nature of these concepts is so fundamentally different from one of Foucault's texts to the next, but rather that the relationships between them, and the implications for the historicity of concepts, the constitution of subjects, and even political sovereignty, is what changes (Young 1981; Rouse 1994; Han 2002). Foucault (1979) also defines knowledge as relational and social, both as a field (*savoir)*, and a set of statements accepted as true within that field (*connaissances)*. Foucault does not expend as much energy on elaborating the concept of knowledge as he does power, but it would seem that it can be understood as the body of what is known and what is knowable within a given context. When thought of in this way, power and knowledge are understood as mutually constitutive, and should be viewed not as things held by particular individuals—contrary to classical conceptualizations of sovereign power—but rather, as techniques exercised by those seeking to dominate, or those resisting domination.

Discourse

For Foucault, power and knowledge come together in discourse. In her discussion of Foucault, Joan Scott was able to define discourse succinctly and clearly from a Foucauldian perspective. Because her definition is so useful, I quote it in its entirety here:

> A discourse is not a language or a text but a historically, socially, and institutionally specific structure of statements, terms, categories, and beliefs. Foucault suggests that the elaboration of meaning involves conflict and power, that meanings are locally contested within discursive "fields of force," that (at least since the Enlightenment) the power to control a particular field resides in claims to (scientific) knowledge embodied not only in writing but

also in disciplinary and professional organizations, in institutions (hospitals, prisons, schools, factories), and in social relationships (doctor/patient, teacher/student, employer/worker, parent/child, husband/wife). Discourse is thus contained or expressed in organizations and institutions as well as in words.... (1988, 35)

Discourse, therefore, is a set of statements that reflects not only historical specificity, but also ongoing conflict amongst those who would claim authority over both the process of knowledge production and the content of knowledge. As Scott recognizes, institutions and organizations have a significant role to play in the generation and persistence of discourse, and provide the arenas in which discourses are contested.

The institutional context in which discourse is produced is, in fact, a conceptual terrain where knowledge is not just thought and speech, but rather reflects the seemingly *a priori*[1] rules and categories that constitute the field of production itself. However, it is typically the content of discourse that is the object of discourse analysis. Far less attention has been paid to the rules and categories governing the production of discourse. Discourse is limited by the conditions under which it is produced, and to transgress these rules is by definition to be beyond reason (Foucault 1981). This idea, that there is a 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, to understand more fully the dialectical relationship between ideas and norms, on the one hand, and structures, on the other.

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[1] A discussion of the historical *a priori* and how Foucault defines it, variably, across several works is beyond the scope of this dissertation. For a very thorough and insightful discussion, please refer to Beatrice Han's book, *Foucault's Critical Project* (2002).

Discursive Fields

If we consider discourses to be collections of statements, then discourses

themselves can be collected into what is called a discursive field.[2] A discursive field

> must grasp the statement in the exact specificity of its occurrence; determine
> its conditions of existence, fix at least its limits, establish its correlations with
> other statements that may be connected with it, and show what other forms of
> statement it excludes. (Foucault 1976, 28)

The discursive field, therefore, is the terrain of knowledge production, and is the set of

rules and conditions that determine which discourses are accepted as true, or which can

even emerge, within a given community. At other points, Foucault refers to this as a

discipline, which he defines as

> ...a domain of objects, a set of methods, a corpus of propositions considered to
> be true, a play of rules and definitions, of techniques and instruments—all this
> constitutes a sort of anonymous system at the disposal of anyone who wants
> to or is able to use it...what is supposed at the outset is not a meaning which
> has to be rediscovered, nor an identity which has to be repeated, but the
> requisites for the construction of new statements. (1981, 59).

However, the term "discipline" is potentially confusing, as it is also used in other places

(most notably in *Discipline and Punish*) to talk about the control of bodies and the effect

of power on subjects. Despite this lack of precision with language, the fundamental

concept remains the same: knowledge is produced within discursive fields—themselves

institutionally embedded—that constitute what can become objects of knowledge and

who has the authority to speak about them.

New discourses emerge all the time, however, and must be accepted or rejected.

These discourses can be rejected either because their content does not pass tests of

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[2] Foucault, and those who have elaborated on his ideas, has also used the terms "discursive formation" and "discursive regime" at various times in ways that appear interchangeable with "discursive field." For clarity and simplicity, I will use only the term "discursive field" from this point forward.

veracity, or because the discourse lies beyond what is considered an acceptable statement according to the rules of the discursive field within which it is being produced: A discourse can either be "untrue," or it can be "not in the true." The idea of being "in the true" comes from the work of Georges Canguilhem and was taken up and modified by Michel Foucault in his works on the genealogical method, particularly in "The Order of Discourse" (1981). For Canguilhem, being "in the true" refers to the discovery and voicing of an objective truth. As Han explains, "if one is in the truth, one necessarily speaks truly about that which one talks...even if one does not 'always' and in everything say the truth" (Han 2002, 82). However, Foucault has taken this idea of being "in the truth" and situated it within his study of disciplines and discursive fields, using the term to distinguish between the acceptability of discourse and "the predication of truth."

Truth Regimes

From these acceptable discourses, societies create regimes of truth that reflect not just beliefs and values, but also conflict and power relations. The creation of truth regimes is the result of a few key activities, notably: the production of truth from "scientific" discourse; relating, or reconciling, truth to economic and political forces; the diffusion of truth via social organizations; the control of this diffusion by political and economic mechanisms; and the ongoing subjection of knowledge to political debate and social contestation (Foucault 1980b, 131-2). In short, truth is produced by experts, justified in terms of existing political and economic systems, spread via social institutions such as schools or newspapers, can be legislated or governed, and is kept relevant through ongoing public discussion.

The power to control the truth is central to sovereignty for Foucault, and is therefore an important element of politics. However, this statement must be nuanced, as Foucault is not referring to "the sovereign" as a unitary being who holds the power of repression over subjects. Rather, Foucault's broad conceptualization of power demonstrates the many ways in which power extends beyond the state, the law, and the body of the sovereign. And because power and truth are inseparable, truth—like power— is something to be struggled over: "There is a battle 'for truth', or at least 'around truth'...it being understood also that it's not a matter of a battle 'on behalf' of the truth, but of a battle about the status of truth and the economic and political role it plays" (Foucault 1980b, 132).

There is a parallel to be drawn here between two different kinds of sovereignty: political and epistemic. Foucault's political sovereignty rests upon the pre-conditions of a

> unitary regime, representing legitimacy through law, established from an impartial standpoint above particular conflicts, and enforced through discontinuous interventions which aim to suppress illegitimacy. Just as a sovereign power stands above and adjudicates conflicts among its subject powers, epistemic sovereignty is the standpoint above disputes among competing truth claims. (Foucault 1980b, 106)

These are essentially the same criteria for the creation of a truth regime, as outlined above. In essence, control over the production of truth, or "epistemic sovereignty," is politics by another name. Considered in this light, I argue that conflict between the EU and Poland over gender equality policy is very much an issue of sovereignty, because it is fundamentally a struggle over who has the power to define the truth.

Foucault has argued that studying discursive fields using the genealogical method leads to the discovery that every statement is significant within the regime of truth. However, it seems problematic on its face to assume that all statements, or all discourses,

are equally powerful. It is perhaps easy to accept the argument that within a given truth regime all statements are significant; but of greater interest is the question of which statements have the ability to influence, destabilize, or invalidate other regimes of truth. This is an empirical question that can and should be tested. However, concepts like norms, ideas, and beliefs are notoriously difficult to define, let alone observe and measure empirically—as opposed to phenomena such as speech acts, votes, public opinion, and money spent, which are units of analysis far more conducive to measurement and testing. Too often in the extant integration literature, these effects of ideas come to stand in for ideas themselves. As I discussed above, some of the biggest gaps and omissions in the European integration literature—particularly as concerns the diffusion of ideas and norms—arise precisely because they do not account for either the context of knowledge production, or the institutionalization of knowledge. Nor do they adequately address the possibility that "*all ideas are not created equal*. Only some ideas can exercise the causal power to undermine, dislodge, and replace a previously dominant ideational regime" (Somers and Block 2005: 265, emphasis in the original).

Truth Regimes in Competition

As the Polish case indicates, neither top-down nor bottom-up approaches to the study of integration adequately explain whether or how substantive change will actually happen. While these approaches can often account for compliance, as I have argued elsewhere (Gerber 2010), compliance and meaningful implementation are not one and the same. In order for gender equality to be implemented meaningfully within Poland, gender equality needs to come to occupy a different position within Polish national discourses. Gender equality, as the EU defines it, needs to be recognized as "in the true."

This is particularly problematic when one considers the nature of the accession process, which imposes on (or requires of) prospective member states the relatively wholesale adoption of EU law in its entirety. For acceding states, who have not participated in the formulation of the policies, laws, and normative agendas they are being asked to adopt, the potential for this kind of regime clash is high. Such conflict will not occur in all cases, over all issues; EU expansion would have come to a grinding halt if this were actually the case. It is, however, likely to occur over issues which are of high salience within local/national discursive regimes, and which are less rigidly monitored or legislated by the EU. The seeds of such arguments can be found in the works of Risse and Sikkink (1999), Yee (1996), and Müller (2004), yet have not been "brought back in" to theoretical models of integration.

The Case of Poland and the EU

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 institutional field within a given member state, with the idea that the logic underpinning these institutions will also work to transform norms and values that are at the core of social discourse. This requires the production of new local knowledge—in this case, a transformation of local understandings of gender. Differentiating between the context in which discourse emerges, and the content of the discourse itself, offers a means by which the actual process of integration can be evaluated. Through this practice, the EU seeks not only to ensure Polish compliance with its laws, but also to remake the Polish context

in ways that support the EU's larger project of marketization and economic liberalization. The EU does this through the spread of both institutional and ideational regimes.

Liberalism and Theory-driven Legislation

EU policies and laws intended to effect gender equality are, arguably, theory-driven policies. What this means is that equality policies are emergent from a coherent ideological program that is built upon liberal philosophies (in the vein of Locke, Hume, and Rawls) of individualism and equality. Recognizing the assumptions and presumptions of liberalism at the core of the project suggests that all types of EU policy—whether economic, social, environmental, and so on—are designed to work hand-in-glove to realize the goals emergent from such an ideological project. Concrete policies themselves, therefore, become challenging discourses that must displace local discourses by redefining reality, providing a convincing counterfactual argument, and offering a more compelling narrative of local or national myth.

Liberalism in Poland carries different connotations than does liberalism in the Anglophone tradition. Because Eastern Europe did not marketize, modernize, or democratize apace (or contemporaneously) with the rest of Western Europe, there is often a presumption that there is no liberal tradition in Eastern Europe, when in fact there were a plethora of liberal strains throughout the region in the 19th century. These various strains of liberal thought simply developed along a different trajectory, leading to wide variation from classical forms found in Western Europe and the United States (Szacki 1995; Jedlicki 1999; Funk 2004). In the 19th century, Polish liberalism differed from Western variants in that it de-emphasized the primacy of the autonomous individual; rejected contract theory and rational actor variants of liberal philosophy; and,

perhaps most importantly, uncoupled political and economic liberalism, giving priority to the former over the latter. Yet, despite the existence of liberal thought—and liberals— dating back to at least the 19th century, it still would not be accurate to say that liberalism has ever been a dominant discourse in Polish political culture.

The history of Poland's transformation from a planned to a market economy beginning in 1989 demonstrates that there are theory-driven policies that, in fact, do have sufficient force to displace local discourses. One has only to consider the implementation of the Balcerowicz Plan. Also known as "shock therapy," the plan was a theory-driven set of policies, which generated painful levels of unemployment (as high as 20%), introduced a degree of social stratification never previously experienced in Poland, and led to significant social upheaval and displacement (see Kierzkowski, Okólski, and Wellisz 1993 for a full discussion of the plan and its effects; Slay 2000). Yet, it was a bitter pill that was readily swallowed because proponents were able to imbue the discourse of "shock therapy" with strong epistemic privilege, in a manner similar to the "perversity thesis" vis-à-vis welfare reform (Somers and Block 2005). Liberal capitalism emerged, in the immediate post-socialist period, as the *only* systemic option; given the systemic vacuum left behind by the collapse of state socialism, and the emergence of liberal capitalism as the undisputed hegemon, shock therapy was essentially irrefutable in the moment (Kennedy 2002) and carried its own internal claims to validity (Bourdieu 1998).

Varieties of Gender Equality

The gender equality directives represent the application of the ideas of gender

mainstreaming[3], and the values of liberal feminism, as they emerged after the United

Nations Conference on Women held in Beijing in 1995. However, these ideas and values

lack the epistemic privilege of shock therapy or market fundamentalism. Or, rather, the

gender paradigm that is already in force in the Polish national context is itself more

powerful and self-validating than the one diffusing in from the EU. Because of the

particular role gender plays in Polish discourse, it 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 are met by active resistance, if not outright backlash.

But what happens in cases where the EU does not institute binding law? Or even

when they do, what about cases in which national governments find ways to satisfy

minimum conditions without living up to the spirit of the directive at hand? The question

once again becomes: what exactly is the goal? And are the construction of institutions

and the enactment of legislation sufficient? Ostensibly, the purpose goes beyond

achieving activist demands on paper. In her comparative study of the Czech Republic and

Poland, Anderson concluded with the observation that,

> ...Czech politicians largely unconcerned about gender equality adopted the
> legislation and a Polish government demonstrably opposed to equal
> opportunity laws also complied with the EU requirements. Now that the
> legislation is passed and Poland and the Czech Republic are EU member
> states, a third approach is needed to speculate fruitfully about the future of
> gender equality in ECE and the potential long-term consequences of the
> EU accession process" (2006, 121).

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[3] I will discuss gender mainstreaming in full detail in chapter 3.

This disconnect between compliance and normative change is an important lacuna that has remained unaddressed by the literature on integration and normative diffusion.

Liberalism, particularly of the classical and Anglo-American variants, has had a problematic relationship with gender, and as a result has been solidly critiqued by Western European and American feminists. Their critique has applied to both the economic and political forms of liberalism, which are considered by some to be inseparable:

> political and economic liberalism are seen as two sides of the same coin, promoting a freedom of choice for the individual that generates gross inequalities between groups, and then appealing to the freedom of this individual to resist the collectivist measures that would redress the resulting inequalities (Phillips 2001, 250).

At its core, liberalism is concerned with protecting the liberty, autonomy, and freedom of the individual. Rights are conceptualized as inherent to the individual, rather than the product of membership in a community, and therefore the role of the state is to protect individual rights—rather than to pursue a common good.

It is precisely this individualism, which presumes an abstracted, de-socialized individual who is morally prior to society, that provokes such a strong critical reaction amongst Western feminists (West 1993, Funk 2005). The second critique made of liberalism by Western feminists is intended to reveal how formal equal rights can and do work to maintain hierarchies of power and oppression (Dworkin and MacKinnon 1988; Schwartzman 1999), and to normalize the inequalities of wealth and power that are the consequence of a market system – particularly one that does not actively seek solutions to the unequal gendered division of childcare and domestic labor (O'Connor, Orloff, and Shaver 1999; Phillips 2001). The third critique calls for a revaluation of caring and

dependency, preserving a conceptual space free of market logic (Fraser 1995; O'Connor, Orloff, and Shaver 1999; Somers 2005).

For all of these reasons, many Western feminists have sought to dissociate feminism from liberalism. Some have turned to communitarian politics, while others have taken poststructuralist and postcolonial perspectives on the feminist problematic. However, there are also feminist advocates of liberalism, most notably Martha Nussbaum, who argue instead that liberalism's commitment to individual autonomy and liberty is essential for women. Historically, women have seldom been recognized as individuals; instead, their needs or interests have been systematically subordinated to the demands of family, community, and nation. According to Nussbaum (1999) women actually need *more* individualism, not less. This issue is of particular salience to the project of EU integration, as regards the normative foundations for liberal democracy and free markets in place in Poland.

Conclusion

If we think of "Polishness" or "Polish national identity" as a discursive regime, we gain some analytical traction as to why meaningful implementation of gender equality policy might prove difficult in the Polish case. Given that there are local truth conditions which govern the "truthfulness" of statements, statements generated under different truth conditions—i.e. are emergent from different disciplines—are likely to be received as alien, or outside of the truth. The problem, therefore, becomes one of how to effect changes in the discipline of the nation, as opposed to solely seeking truths consistent with the discipline's internal rules. In a sense, the EU is promulgating a competing truth regime, which carries its own set of methods, body of rules and propositions, and its own

criteria for veracity and being "in the true." Again, not all statements will provoke

conflict. Certain ideas have "epistemic privilege" in that they "come equipped with their

own internal claims to validity" (Somers and Block 2005, 265).

The EU's gender equality discourse, which is, itself, encapsulated in a set of

directives, regulations and institutions, is unable to de-legitimize the native Polish

discourse on gender. This could be explained with arguments about "Polish

exceptionalism" or a lack-of-fit between an idea and its receiving context (Weber 1963;

Camic and Gross 2001). The limitation of such an argument, however, is that it does not

explain why some discourses have the power to reformulate the receiving context and

others do not. In contrast, Somers and Block's discussion of a "boot-strapping" discourse

accounts for this variation, and elaborates the means by which some discourses, and not

others, succeed:

> ...the ideational contender has to reframe the crisis by changing the very
> definition of reality itself.... Moreover, the contender must argue
> counterfactually that had *it* been the dominant ideational regime, the crisis
> could have been avoided.... Finally, the challenging ideas have to take the form
> of a more powerful public narrative that retells the story of the nation's
> meaning, morality, and place in the flow of history.... (2005: 266)

Following their logic, I would suggest that the endurance of Poland's ideational regime is

more accurately understood as a result of the epistemic strength or the native truth regime

in the face of a challenge by the relatively weak alternative emergent from the EU.

Conflict between the EU and Poland over gender equality policy is fundamentally

a struggle over who has the power to define the truth. As I will demonstrate in the

following chapters, the EU's gender discourse has failed to transform the gender

discourse in Poland precisely because the former has been unable to accomplish the three

tasks identified above by Somers and Block. I will show how the rhetoric of equality

employed by the EU failed to "remake reality" because it was too reminiscent of similar

equality rhetoric employed by the Polish state during the socialist period. As a result, the

discourse is tainted by association and coded as anti-democratic and anti-Church. By

linking EU gender equality policy to the "social engineering" of socialism, the former no

longer represents an idealized counterfactual, but rather, is perceived as the denigrated

status quo. Additionally, I will argue that even epistemically privileged discourses are

not universally powerful, and that the causal force of any particular discourse or idea is

inherently linked to the institutional and social arrangements within which it is

embedded.

Chapter 2

A Genealogy of Gender in Poland

In the previous chapter, I suggested a model for determining the likely success of diffusion that accounts for both the particularity of norms and modes of knowledge production in the receiving context, and for the content of discourse being diffused. Using the criteria specified by Somers and Block (2005), I argued that the EU's gender equality discourse has so far been unable to undermine the hegemony of *in situ* Polish gender discourse, because the former has failed to "reframe the crisis by changing the very definition of reality itself... argue counterfactually that had *it* been the dominant ideational regime, the crisis could have been avoided...[and] take the form of a more powerful public narrative that retells the story of the nation's meaning, morality, and place in the flow of history" (Somers and Block 2005, 266). In this chapter, I begin building the empirical case to support this argument by, first, elaborating the discursive reality of gender in Poland at the start of the accession negotiations in 1997, and offering an historical background as to how these specific gender discourses arose and why they endured in Poland. Next, I outline the competing discourse at the heart of the EU's gender equality agenda. In a sense, I will be providing a genealogy of these two competing discourses, with the purpose of exposing significant differences in the norms which they reflect and in the contexts which produced them.

In the remainder of this chapter, I seek to demonstrate that the Polish gender discourse is premised on a conceptual chain in which gender ideology is seen as a core element of Catholicism, Catholicism is seen as a core element of Polishness, and therefore, transitively, gender is a core element of Polishness. As such, the EU's attempts to alter either the normative (e.g., values, ideas, etc.) or structural (e.g., household division of labor, state support of motherhood, etc.) basis of gender within Poland is interpreted as an attack on Polishness itself. However, just as gender is part of the inviolable core of Polish national identity, the European Union has its own ideology and story of itself, in which gender is also deeply implicated.

With the rejection of state socialist ideology, transitional Poland had two narratives to which it could refer: that of its pre-socialist history as an independent state (a temporal narrative of a lost Golden Age), or a modernist Western European and Anglo-American narrative of "progress," liberal democracy and free markets (a spatial narrative of "West is Best") (Stukuls 1999). Market democracy necessitated the adoption of civil and political practices and institutions that resembled those of the West, and held the key to the possibility of joining the European Union. The "West is Best" spatial narrative that proliferated throughout post-socialist Eastern Europe encouraged mimicking or unreflexive adoption of the systems and institutions of advanced capitalist states in the West, particularly the EU countries. However, in Poland in particular, the temporal narrative was in active competition for hegemonic priority.

These two competing narratives continue to be visible in the policy outcomes of contemporary Poland. On the one hand, Poland pursued economic and developmental strategies that closely adhered to the suggestions of Western capitalist designers, such as

the Balcerowicz[1] and Hausner Plans.[2] However, in the realm of social policy, Polish

policymakers looked to their own internal cultural legacies. This begs the question: why

gender? Gender is but one element in a larger construction of Polish national identity, one

which is tightly bound up with not only ethnic identification, but also the religious

identification of the majority ethnic group as well. The ethnic homogenization of post-

war Poland, which I will discuss later in the chapter, paved the way for a hegemonic

discourse of Polish national identity centered around Polish-Catholicism, rather than

around a "civic nationalism" that emphasizes the legal-political community. In order to

understand gender as a privileged site of contestation in pre-accession Poland, it is

necessary to consider how gender has articulated with national identity and politics in the

history of the Polish nation. As I will discuss below, gender has been and continues to be

crucial to the Polish national project because gender provides a means of reconciling the

twin impulses of nation-building and Europeanization represented in the spatial and

temporal narratives, without ceding sovereignty or autonomy to Europe.

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[1] In September 1989 a commission of experts formed under Leszek Balcerowicz (Poland's leading economist and Minister of Finance) and including Jeffrey Sachs, the architect of shock therapy in Bolivia, prepared a plan of extensive reforms designed to stimulate a rapid transformation of Poland's economy from socialist central planning to capitalism. Its five core principles were stabilization, liberalization, privatization, pension reform, and harmonization of institutions – principles that are ultimately in line with the EU's four freedoms (of capital, goods, services, and people). The plan was not only intended to resolve immediate economic problems, but also to put into place the kinds of structures and processes that would be the easiest to harmonize with the EU in the future. Despite the social dislocation and high human cost associated with these changes – in terms of unemployment and the introduction of significant inequality – the Plan was adopted voluntarily and with no compliance mechanisms beyond future aspirations and faith in Western economic expertise.

[2] The Hausner Plan, named after the economic minister Jerzy Hausner (2003-2005), aimed to cut 30 billion PLN (6.2 billion Euro) in social spending and another 20 billion PLN in administrative costs by 2007. The justification for this austerity was, first, that Poland needed to raise extra funds to pay a membership fee and co-finance EU assistance projects from the national budget when it becomes a member of the EU on May 1; and second, that Poland's public debt in relation to GDP was approaching 55%. Once it reached 55% in 2005, according to the constitution, the 2006 budget could not have a deficit and would require immediate dramatic cuts in social spending, regardless of the social costs. Key elements of the Hausner Plan were the raising of the retirement age for women to 65, and an expansion of the requirements for claiming disability pensions.

Poland's Place in Europe

The history of Poland is often discussed in terms of backwardness (Chirot 1989), lack (Jedlicki 1999; Funk 2004), or disruption (Davies 1981, 1984). Along with the rest of what is now called "Central Europe," Poland is thought of, and in fact thinks of *itself*, as European—albeit a part of Europe that was "derailed" from developing "normally." This derailment began with the first partition of Poland in 1772 and seemed both complete and irrevocable when Poland became a socialist state within the Soviet sphere of influence after World War II. That Poland was *meant* to be European is rarely questioned. According to popular belief, as reflected in the works of Norman Davies[3] and others, Poland should have industrialized and modernized apace with its Western European counterparts. The transformation that began in 1989, after the collapse of state socialism in Poland, has therefore been thought of and referred to as Poland's "return to Europe." However, the hundred-plus years spent as a quasi-colony of various European empires, the devastation of the Nazi invasion and occupation, and the decades of Soviet influence have resulted in highly specific Polish institutions (particularly the Polish Catholic Church) and traditions that often bear little resemblance to those of Poland's Western European counterparts. As such, it is important to understand the persistence and even deep entrenchment of certain institutions and traditions, particularly those that seem impervious to diffusionary pressures.

Poland has often served as the "borderland" of Europe, at various points in history teetering back and forth between European and "Eastern" or "other." In the 18th century,

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[3] I refer to Davies in particular because his Polish histories are enormously popular in Poland. On three separate occasions, in three completely different parts of Poland, I was referred to *God's Playground* as the definitive Polish history.

a central topic of political and philosophical discourse in Poland centered on whether

Poland would follow the Western European model of economic and political

development, or pursue its own path to modernity. The Polish-Lithuanian

Commonwealth was seen by some, particularly a group of Polish aristocrats known as the

"Sarmatians," to be capable of cultivating and propagating its own type of civilization. In

contrast, a group of intellectuals called the "Enlightened" looked to the philosophy and

science of Enlightenment-era Western Europe as the source of universal truths and as an

ideal to be emulated (Jedlicki 1999). However, beginning with the first partition in 1772,

questions about civilization were set aside by national elites, in favor of discussions about

how to regain Polish national independence.

Poland was first partitioned amongst the Austro-Hungarian, Prussian, and Russian

empires in 1772, a process which concluded with the Third Partition in 1795. At that

moment, Poland ceased to be a geopolitical fact, and instead became an idea (Dabrowski

2004). The uncoupling of the Polish nation from its physical state resulted in a

groundswell of Polish nationalism, much of which coalesced around the one Polish

institution that had managed to survive the dismantling of the Commonwealth: the

Catholic Church. The Polish Catholic Church's ability to maintain its role as both a

cultural and religious institution in the face of partition assured it a privileged position in

Poland. As such, it is often viewed as a bastion of Polishness, one of the few constants

that the Poles have had to call upon in desperate times.

Patrice Dabrowski's discussion of the building (or, to use Hobsbawm's (1992)

terminology, "invention") of the Polish nation was spurred on by partition. As she notes,

the fact that Poland did not exist as a recognized political entity for over 100 years did

little to denigrate the idea of Poland in the minds of the Poles themselves. Her core thesis is that "commemorations of illustrious Poles and famous events were part of a process of rediscovering the past and finding its usefulness for the present… [and] helped to make Poles 'national'" (Dabrowski 2004, 6), which supports the argument that this historical memory is foundational in the modern Polish national identity.

The Marian Cult and Matka Polka

The position occupied by the Church not only worked to bind Polishness to Catholicness (Zubrzycki 2001a, 2006), but also allowed the Church to establish many of the conditions of discursive possibility. By this, I mean that Church-informed views of the role of women and the nature of families were the ones most often taken up into nationalist and gender discourses during Poland's partition in the 19th century. The Virgin Mary was symbolically crowned Queen of Poland by King Jan Kazimierz in 1656. Since that time, the idea of "woman" and of femininity in Poland has been significantly indebted to Catholic doctrine, and has also been profoundly connected to the tradition of Polish nationalism—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 and Kligman 2000b; Porter 2000; Graff 2001; Zubrzycki 2001a; Dabrowski 2004; Porter 2005). 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, 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.

As is common to many nationalist mythologies, in Poland, gender has the dubious privilege of serving as the sacred terrain of the national within public discourse (McClintock 1991; Yuval-Davis 1997; Graff 2001). Additionally, as several scholars of gender and nationalism have argued, nationalists seek to control reproduction and the structure of the family to naturalize hierarchy both within, and beyond, the family (Yuval-Davis 1997; Gal and Kligman 2000a, 2000b). Women become important as metaphors of the nation, and are consequently seen as enemies of the nation when they seek to challenge either hierarchy or their position within it. 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 1993b; Heinen 1997), leading to the trope of *Matka Polka*, defender of the nation, being mobilized repeatedly in times of national distress.

Independence, War, and Socialism

The first half of the 20th century was a chaotic and unstable period in Polish history. Poland was one of the primary battlegrounds of World War I, and suffered significant destruction. However, as a result of the war, all three of the empires (Prussian,

Austro-Hungarian, and Russian) that controlled the partitions were defeated. As a result, Poland regained its independence and was able to re-establish a Polish state to govern unified lands. But this was no small feat after more than a century of division; the three partitions varied greatly in their degree of development, ethnic mix, and general prosperity, with the Western Prussian partition being the most prosperous and developed.[4]. Despite these differences, Polish elites from each of the partitions had managed to preserve a "uniform code of values" and an "historical and political consciousness during the era of subjugation" that smoothed the process of political reintegration (Rothschild 1974: 28).

Polish reunification, particularly of land and infrastructure badly damaged by war, was a complex and difficult process. The new leaders of Poland were particularly wary of replicating the same mistakes they considered responsible for the collapse of the Commonwealth in 1772. Poland made great strides in the interwar period, under the quasi-dictatorship of Jozef Piłsudski. During his tenure, the new Polish state managed to repair military morale, professionalize the bureaucracy, balance budgets, achieve political reunification, and raise Poland's international prestige (Rothschild 1974). However, most social problems were left unaddressed, including the very significant problem of rights and autonomy for Poland's considerable ethnic minorities in the Eastern lands (areas which are now Ukraine and Belarus). These issues were not resolved by the Polish state, as independence proved to be short-lived thanks to the Nazi invasion in 1939, which put an end to the Second Republic.

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[4] A full discussion of the differences amongst the partitions, and the post-war history of Poland is beyond the scope of this chapter. For a comprehensive history, consult Wandycz 1974, Rothschild 1974, and Snyder 2003.

Instead, Poland's ethnic minority issues were "resolved" at the end of World War II, when once again the map of Europe was redrawn. Vilnius was given to Lithuania, much of former Galicia (the Austro-Hungarian partition of Poland) was united with Russian Ukraine as the Soviet Socialist Republic of Ukraine, and part of the former Russian partition was put under direct Soviet control as the Soviet Socialist Republic of Belarus. This drastic reduction in the geographic space of Poland also resulted in the consolidation of Poland as an ethnically and religiously homogenous nation-state: most of Poland's 3 million Jews died in the Holocaust or fled Poland; German Protestants were forcibly resettled in Germany; Polish Catholics residing in the former Polish Ukraine were forcibly resettled in Western Poland (particularly Wrocław, formerly the German city of Breslau); and the Ruthenians, both Catholic and Orthodox, were reinvented as Ukrainians or Belarusians, depending upon where they were located. The resulting homogenization of the Polish population along religious, ethnic, and linguistic lines has had an impact on how other issues of identification are read within Polish society.

The People's Republic of Poland

Under state socialism, independent civil society was stymied both economically and politically. This compounded the artificial ethnic homogeneity established by post-war state-building by creating a classless society in which everyone was, more or less, equally poor and powerless. By nationalizing industry, planning the economy, and centralizing the distribution of resources, there was no space to develop particularistic economic interests. Public political space was also co-opted by the socialist state, as was associational life—particularly labor unionism. This follows from the very logic of state socialism, for ostensibly the party itself perfectly represents the interests of the working

class and exercises its power through the state itself. The 1970s in Poland were marked by economic decline, price hikes, and worker strikes. The state both conceded to workers' strike demands by rescinding price hikes in 1976, and retaliated against striking workers with violence and prison sentences. The state was unable to stop the economic decline, and unwilling to adopt policies of complete repression, leaving an opening for the striking workers to organize a new type of opposition, one that turned away from state politics and instead focused on rebuilding independent relationships.

Socialist Gender Ideology

Socialist ideology decreed "the woman question" resolved. If, as they believed, gender inequality was only a side-effect of the ownership of property, then with the abolition of private property, the problem should be resolved. Nonetheless, gender inequality and discrimination continued to exist under state socialism. If anything, state socialist policies made it easier for women to combine work and family, reinforcing the sexual division of labor (Weiner 1997, 476). Ideologically, the position of women under state socialism was marked by deep contradiction. On the one hand, the Communist Party —and hence the state—maintained the orthodox position theorized by Engels in "The Origin of the Family" (1978), that gender inequality is a consequence of capitalism and private property.

With the abolition of private property, gender inequality was considered to have been resolved, at least according to official Communist Party doctrine. As such, women were officially recognized by the state as equals. They were required—and in fact did—work outside of the home in the same proportion as men, although the 1979 decree of the Labor Code excluded women from 90 specific jobs, many of which were the best-paid,

such as construction and mining (Hauser, Heyns, and Mansbridge 1993, 260). Women participated in higher and professional education at rates that surpassed men's, although the fields in which women predominated, such as medicine and health care, were not as well-paid (Hauser, Heyns, and Mansbridge 1993, 261). Women also actively participated in the Party apparatus, even if at levels below the command structure (Titkow 1993, 254; Weiner 1997, 474).

The basis of socialist-era policy categorized women-workers as worthy beneficiaries of state support and protection, locating women's claim to social assistance in productive rather than reproductive labor. Socialist state policy "emancipated" women by bringing (or forcing) them into the work-force and socializing education, childcare, and healthcare. On the other hand, state arrangements did little to challenge the premises or alter the practice of an unequal gendered division of labor in the home. 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 not seek to fundamentally transform the organization of household labor. Gender equality as an official discourse did little to mask its very real persistence, both inside and outside 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.

Post-socialist Transformation

Some have suggested that the collapse of state socialism in Poland was, ultimately, more a happy accident than the express aim of the Solidarity movement (Ost

1990; Zubek 1997, 184). Anti-communism was, at first, a desire for Western, democratic political institutions: "the economy, as we have seen, was not a top priority: the centre of attention was *civil* society, later followed by *political* society, but not *economic* society" (Szacki 1995, 120). The political liberalism advocated by the "democratic opposition" was not liberalism in any form understood in the Western European context. Solidarity, in fact, completely avoided developing an alternative economic ideology; they sought, rather, to replace totalitarianism with democracy, without anticipating the complete renovation of the material structure of society as well. The liberals, in contrast, wanted an entirely different system, requiring "a complete change in the way of thinking and the system of values, such as rejection of the belief in the self-contained value of democracy, freedom and equality, and recognition of the fundamental importance of individual freedom primarily manifesting itself in economic activity" (Szacki 1995, 123).

Mirosław Dzielski, author of "Who Are the Liberals" (1980), is considered to be the originator of contemporary Polish liberalism, and perhaps even Eastern European liberalism in general. Originally part of the intellectual leadership of the Solidarity movement in the early 1980s, Dzielski broke away from the movement in 1984. The cause of the split was primarily Dzielski's belief in the need for economic liberalization in Poland (over the socio-political liberalization at the core of mainstream Solidarity's agenda). After the split, Dzielski and a consortium of economists and liberals formed the Krakow Industrial Society, which was the epicenter of the liberal anti-communist opposition. Economic liberalization did provoke radical change, which resulted in political liberalization, the subsequent collapse of the communist regime, and ultimately, the emergence of a democracy. As I have discussed above, there are strong historical

explanations for why the "categories of liberal thought" were not central to political thought in Poland. What might these categories be? First and foremost, there is the primacy of individual freedom. Next, there is a commitment to the capitalist mode of production, markets, and price as the regulatory mechanism of (at minimum) the economy, if not of (at maximum) society as a whole. And third, there is the identification of *interest* as the motivation behind rational action. Interests were viewed with skepticism and suspicion within Polish revolutionary circles, for they seemed to privilege the individual over the group and sacrifice the "social interest" for the private one—yet, interests were and are crucial to any theoretical system that takes individuals as its basic unit of analysis.

Thus, while there was support for the liberal project, as a Western-tested alternative to socialism, this support did not necessarily extend to liberalism per se. However, once the project was signed on to—after the Polish public became adequately convinced of the need for shock therapy and rapid market transition (Kuninski 1997)—it left all critics vulnerable to the charge of being "socialist." The liberals, on the other hand, did have to contend with what Szacki calls "a popular collectivist ideology," both of the socialist-remnant sort and of the trade-union variety (1995, 163).

Poland's intellectual history has a lot to contribute to our understanding of its post-socialist democratization. The fact that more individualistic forms of liberalism never took hold there as they did in England, the United States, and parts of Western Europe offers partial explanation of Eastern Europe's different developmental trajectory, and an enduring popular resistance to social differentiation. By social differentiation, I mean introducing particularism and divergent interests, thus undoing the (supposed)

homogeneity that underlay Solidarity's cohesion. Mason and Klugel (1999; 2000) point

to this, as does feminist researcher Shana Penn (2005), and many other scholars of

Poland's oppositional civil society. Because there was no cultural imperative to privilege

the individual, as there is in the Western tradition, notions of social justice in Poland

coalesce around different ideals—specifically the family, the Nation, and tradition. As

Funk pointed out, even Polish liberals of the 19th century subscribed to a fundamentally

different type of liberalism than that of their Western counterparts. Polish liberalism was

inflected with echoes of the co-dominant discourse of the time– Romanticism.

The collapse of socialism has also secured the hegemony of liberalism, a

hegemony which, for the time being, lacks a challenging counter-ideology. The very

logic of liberalism, as the guiding ideology of post-socialist transition, has implications

for what types of cultural formations emerge:

> Liberalism has historically sought to minimize the challenge of difference
> in favor of the interchangeability of citizens and nations, and/or the
> desirability of commodifying and rationalizing more widely in order to
> facilitate the broadest exchange and markets. Despite claims to recognize
> [diversity and cultural difference], the premise of transition is that markets
> and democracy are transportable and mutable to all conditions. (Kennedy
> 2002, 20)

Left with no viable alternative to market capitalism, it was in Poland's best interest to

undergo transformation. The logic spurring on economic transformation, however, is also

increasingly driving pressure in other areas, particularly social policy.

The spatial narratives of "West is Best" encouraged Poland's isomorphism with

Western systems and institutions of advanced capitalist states, specifically those of the

EU. However, despite the lack of competing economic discourses at the time, there were

alternative national discourses that were already hegemonic in Poland. These narratives

privileged Poland's own past, pointing to the inter-war period of independence, Poland's longstanding tradition of parliamentarism (the Sejm having been founded in the 16th Century, well before any other parliament of Europe), and their position as the "soul of Europe" (harkening back to the legacy of Christian crusading and battles against the Ottoman empire). On the one hand, Poland pursued economic and development strategies that closely adhered to the suggestions of Western capitalist designers, while on the other, in the realm of social life, tradition was championed in defiance of Westernization.

Remasculinization and Refamilization

There has been a good deal of scholarship on how the transition has affected women and whether or not they are the big "losers" of marketization—some would say too much scholarship (Gal and Kligman 2000a, 11). But this is only part of the question. I would also ask how are discourses of modernity versus discourses of tradition are being opposed to one another, and why certain elements are attributed to these respective discourses and then mobilized in support of either "modernity" or "tradition" (Hobsbawm and Ranger 1992). Specifically, why is post-socialist Poland choosing to mobilize some elements of a "spatial narrative" that supports looking to Western Europe and the United States for models of marketization and democratization, yet also mobilizing elements of a "temporal narrative" that returns to pre-socialist Polish traditions concerning the family, reproduction, and individual autonomy (Stukuls 1999; Eglitis 2002; Cooper 2005)?

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 in 1772. Zubrzycki argues that "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" (2001b, 631). This means more than just cultural ascription through national identity; it also requires the (re)constitution of the juridico-legal Polish citizen.

As noted Polish feminist Agnieszka Graff has argued, gender has 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. (2005 talk at Indiana University)

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.

Gender at the Bargaining Table

During Poland's accession process, adoption and implementation of gender equality and equal opportunity policies became contentious political terrain—less so amongst the Polish public than amongst political actors, who used social issues like gender policy to differentiate themselves (Innes 2002; Grzymala-Busse and Innes 2003; Evans 2006). Contentious debate was not exclusive to the gender policy arena. There was also active opposition surrounding proposed changes in almost every policy arena— from educational standards, environmental regulations, and deficit spending, to

immigration law and occupational safety regulations—addressed by the *Acquis Communautaire*. What made gender different was its importance to Polish nationalism, which made it possible to mobilize gender as a "valence issue" in domestic politics, and the EU's weak institutional framework for achieving gender equality objectives, which created openings in the political opportunity structure to innovate a Polish (rather than a European) solution. Despite the fatigue and increasing skepticism that resulted from the protracted pre-accession process, Poland successfully managed to transpose and implement, to varying degrees, EU law in all of the required areas by the time of accession. Some of these areas were arguably far more complex, invasive, disruptive, or challenging to national autonomy and internal control than gender equality policy.

And yet, it was this group of policies, and the national-level government office established to oversee their implementation, that were consistently targeted for criticism and, ultimately, dismantled (*P* 21/08/2004, *P* 28/08/2004). These concerns about the preservation of Polishness also articulated well with more pragmatic political concerns. As Grzymala-Busse and Innes argue:

> This set of "great expectations" that the EU has of the candidate countries regarding their conformity to its laws, regulations, and norms has preempted much of the public debate over the nature of policy in the region. As a result, it has had not only the benign effect of foreclosing the basic debates over desirable regime types (democracy and its alternatives), but it has eradicated both detailed and ideological debates over many areas of public policy. It is this perception that "there is no alternative" that also underpins the rise of anti-EU politicians who substitute populism in lieu of substantial debate over ideology or policy in the new democracies of East Central Europe. In short, the demands of enlargement have both constrained responsive and accountable party competition and, as the character of enlargement became apparent, encouraged populists and demagogues. (2003, 64)

The policy areas in which EU law is the most strict and intrusive are traditionally the ones by which parties distinguish themselves: military spending, social welfare policies, industry subsidies, etc. However, there has been an imposed cross-party consensus as a result of the accession mandate and the strong requirements of the directives and associated regulation. In contrast, gender equality is primarily governed by soft law, beyond the directives themselves, and thus seen as an arena for parties to distinguish themselves from one another.

Having only recently regained its autonomy as a nation-state after centuries of partition, foreign rule, and clientelism, Poland has been caught between the twin impulses of independence and cooperation, which produced insecurity in reaction to perceived encroachments, whether symbolic or otherwise, upon national autonomy. The anxieties provoked by this tension between independence and interdependence, and the mapping of this tension onto gender issues, has been remarked upon by one of Poland's best known feminists:

> The consoling narrative about an orderly past, a present crisis and an imminent restoration of order in the realm of gender relations is a displaced narrative about collective identity: an effort to dispel, or contain, collective ambivalence and anxiety concerning European integration and globalization, and the resulting diminution of Poland's autonomy as a nation-state a mere decade and a half after this autonomy was restored. (Graff 2005, talk at Indiana University)

Fears about accession, and the process of integration itself, have led to a struggle for control over symbolically-charged elements of national identity. The debates about gender and women's role in society that emerged during this process reveal gender's centrality to the construction of Polish national identity, and frame struggles over the transposition and implementation of gender equality policy as a means by which national

identity and sovereignty are *symbolically* defended against the perceived encroachment of supranationalism. However, as I argue in Chapter 5, these debates are also a reflection of anxieties about the costs of neo-liberalization and the necessary compromises required by the delegated sovereignty structure of the EU.

In short, gender is not just a central issue because the EU makes it so. While EU requirements and directives might invigorate public discussion of the subject, gender is centrally implicated in domestic constructions of national identity and social order. Control over both the material gender division of labor, and the symbolic content of national identity and gender roles lies at the core, I would argue, of state sovereignty—particularly within the confines of an increasingly constrained supranational system. If, as some scholars have suggested (Litfin 1997; Hochstetler, Clark, and Friedman 2000; Mattli 2000), the bargaining behavior that underlies much of European politics belies a fundamental shift in our understanding of national sovereignty, then considering how issues of gender are—or are not—bargained over is illustrative. In Poland today, there is a disproportionately strong impulse to resist the demands for the adoption of international and, specifically, EU standards regarding abortion, homosexuality, the death penalty, and religious tolerance. This resistance is particularly striking when compared to the veritable absence of resistance to the more radical free market demands of the neoliberal international finance regime (e.g., the World Trade Organization, the International Monetary Fund, and the European Union).

Conclusion

Feminist scholars have been addressing the "re-masculinization" and "re-traditionalization" in Eastern Europe since the collapse of state socialism (Einhorn 1993;

Watson 1993a; Moghadam 1995). More recent empirical work has indicated that Poland, foremost among the post-socialist Central and Eastern European (CEE) states, has pursued policies of re-traditionalization of the gender regime (Glass and Kawachi 2001; Pascall and Kwak 2005). This re-traditionalization works, discursively, to incentivize a return to the "breadwinner" or "family wage" model as the ideal. While such discourse has not resulted in a significant reintroduction of the family wage in practice, neither has it supported nor mobilized women's participation in the labor force (Roth 2008; Szelewa and Polakowski 2008). Poland, anomalous amongst the other CEE accession states in the degree to which it has pursued re-traditionalization, suggests that there is something particular to the Polish case that results in atypical levels of resistance to the diffusion of the gender equality agenda.

Polish resistance to implementing the EU's gender equality agenda, and its social conservatism more broadly, has often been attributed to religiosity and the importance of the Catholic Church in social and political life (Anderson 2006; Heinen and Wator 2006). Others have ascribed it to a backlash against socialist-era gender policy (Funk and Mueller 1993; Fuszara 2000). Still others argue that the importance of the "anti-feminist ideological legacy" is waning, and instead look to institutional legacies to explain tendencies towards re-traditionalization and the rejection of the EU's gender equality agenda (Saxonberg and Szelewa 2007). While the claim of institutional path dependency has merit, it does not *ipso facto* rule out the ongoing importance of the ideological backlash against socialist-era gender policy. First, the institutional legacy itself has a complex relationship to socialist ideology, having been both shaped *by* it, and *in reaction* to it. Second, and more importantly, this ideological backlash has not disappeared, but

rather, has been transformed into opposition to the EU's gender equality agenda. As I will demonstrate in the next chapter, several of the central tenets of socialist gender policy are identical to those of the EU's gender equality agenda, resignifying what had once been "socialist" as "European," such that this agenda is often perceived by Polish policy elites as reminiscent of—if not identical to—past socialist policies.

The similarities between EU gender equality policy and state-socialist policy are striking: not only in their shared designation of "worker" as a privileged category, which structures access to state support and protection in both paradigms, but also in their shared inability to alter either the valuation of care work in relation to paid labor, or the gendered division of labor within the household. In the case of the former because gender inequality was seen as epiphenomenal of private property, and would therefore resolve itself under socialism; and in the latter case because, despite taking positions and making recommendations, the EU ultimately lacks the authority to intervene directly in family life.

Therefore, Polish policies of re-traditionalization not only sought to undo the gender equality legacy of the socialist regime, such as they were, but also constituted a response to EU accession and the EU's ability to promote its own policy agenda through conditionality and normative power (Buzan and Little 2000; Manners 2002). That such policies were being developed in the pre- accession period is analytically relevant for several reasons. The first is that the gender equality agenda was something which, as a non-member state, Poland did not participate in developing. Secondly, the Central and Eastern European (CEE) candidate countries were required to implement the *Acquis Communautaire* (the complete body of EU law) as a condition of accession, without

being able to negotiate the substance of these requirements; therefore, it was often perceived as an imposition of "foreign ideology" or "social engineering," as I will discuss below. Third, Poland had a legal obligation to transpose the relevant directives and meet an even higher threshold of compliance than many of the then-current member states, due to the specifications of the Copenhagen Criteria (accession requirements developed specifically for the post-socialist candidate states).

In this chapter, I have laid the groundwork to support the empirical case I make in subsequent chapters by showing how the EU's gender discourse fails to transform the Polish context, and is therefore unable to dislodge the privileged and entrenched hegemonic Polish gender discourse. The EU's gender discourse fails because it is emergent from an ontology with specific presumptions about knowledge and beliefs— presumptions that are not, in fact, held in common. The differences lie in Poland's troubled past as a "victim" and outsider of Europe, as a bastion of Catholic nationalism, and as a post-socialist context in which the very rhetoric of gender equality is denigrated by association. The backlash against socialist-era gender policy was easily rearticulated as opposition to the EU's gender equality agenda, leading to the development of a political project to establish mothers as the socially worthy category of protection.

Attempts to pass omnibus gender equality legislation at several subsequent points during the pre-accession period were occasions in which these historical legacies and confrontation over categories of worth came to the fore. In these confrontations, national actors were not merely choosing amongst policy options; rather, they were choosing between social orders founded upon categories that imbue national life with particular meaning and form the "cognitive priors" of decision making (Starr 1992). As I will

discuss in the following chapters, the EU has strategies to deal with such conflict.

Through "top-down," or institutional, diffusion, the EU can seek to remake knowledge-producing structures, towards rendering the Polish context more hospitable to the EU's own view of gender equality. Conversely, through "bottom-up," or normative diffusion, the EU can attempt to alter the norms of the agents operating within such structures.

Chapter 3

Clashing Ideas About Gender Equality

In the Introduction, I raised the topic of compliance and conditionality, and the importance of these mechanisms as the primary tools enforcing diffusion from the EU to member and candidate states. These tools are often only effective, however, in guaranteeing the transposition of black-letter law. As I will discuss in greater detail in both this and the next chapter, given the under-specified nature of the EU's implementation strategies and expected outcomes, neither conditionality nor compliance are sufficient to guarantee full implementation of either hard or soft law, nor do they explain how local norms and ideas about gender are to be changed (particularly since they frequently do not change).

Bottom-up theories of diffusion typically focus on norms and ideas rather than institutions, and attribute agency to transnational actor networks, particularly social movement activists, who have been influenced by ideas from non-national sources (Haas 1992; Keck and Sikkink 1998; Edelman 2001; True and Mintrom 2001; Zippel 2004; Klug 2005). One of the major "sticking points" in gender equality debates has been conflicting foundational norms of "equality," both in terms of how equality is defined, and whether equality is valued as a social goal above and beyond other goals such as freedom of choice. As I discussed in previous chapters, the historical experience of partition and state socialism, and the role of liberalism and individualism as political-

philosophical movements have played out quite differently in Poland than in other parts of Western Europe. This historical specificity, coupled with the experience of post-socialist transformation, has resulted in a distrust of "equality" as a foundational social/political good. Equality was a central principle of state socialism and was used to efface within-group differences and justify certain policies, such as those that put women on tractors (the infamous "traktorżystki"). This rendered equality a tainted and suspicious idea, one which had both negative associations *and* which seemed to challenge the "new" ideas ushered in with democratic capitalism: personal choice and liberty.

Right-wing political parties throughout the pre-accession period dismissed gender equality legislative efforts as socialist in their motivation, a particularly effective strategy given the passage of the Vetting Law in 1998. The Vetting Law had three main goals: lustration, barring former communist collaborators and secret services members from public office; opening up access to secret services files; and de-communization, via the eradication of communism's social and economic legacies. The link between gender equality legislation and de-communization was an easy one to make, and played on fears of ongoing communist control of national politics (Grzymala-Busse and Innes 2003). As one female right-wing MP put it, the gender equality legislative effort "suggests that the equal status rule is being broken or violated in Poland, and that we're dealing with a conflict between the sexes, which immediately brings to my mind the topic of the so-called class war" (Kobilyńska - AWS, 3_45_3 1999). As I discuss in the remainder of the chapter, the logic behind gender equality legislation was interpreted by right-wing, and even centrist, political parties as seeking to efface differences between women and

men by equating "equality" with "sameness," in ways which were seen as *fundamentally the same* as social engineering experienced under state socialism.

The EU, primarily through the Commission as an empowered set of agents, envisions itself as a normative power in the world, capable of exercising normative, along with economic and political, power (Manners 2002). The most well-known vehicle of this normative agenda is the Fundamental Charter of Human Rights. However, beginning in the 1970s, with *Desfresnes* and several other important ECJ rulings, this agenda has increasingly touched upon a broader and deeper range of rights—most notably, gender equality and non-discrimination. Why has the EU sought to expand its competencies in the area of normative power as relates to gender? The answer is at once both practical and ideological. Practically-speaking, non-discrimination is consistent with the economic and political objectives of the EU: women's participation is required in the labor force, while at the same time, women are also necessary for the reproduction of labor. The socioeconomic project of the EU is constructed on a philosophical foundation that is informed by Enlightenment commitments to individual equality. Exporting a normative equality agenda is both consistent with the EU project, and necessary as a justification for its expansion and deepening in the "neighborhood." Regardless of whether or not the EU *should* be a normative power, it has been imagined as such by those who enact and implement its policies, and this internally validating myth underpins what, how, and why the EU attempts to diffuse ideas, norms, and institutional forms during the pre-accession process.

The EU uses directives, regulation, action plans, and transnational actor networks in the service of diffusing its agenda(s), both normative and otherwise. Despite the

infusion of resources from the EU structural funds and programs like PHARE (Poland and Hungary: Assistance for Restructuring their Economies), "twinning" with member states to benefit from their expertise and experience, and several EU level summits and training sessions, gender equality in the form the EU seeks to promote has failed to take root within mainstream Polish discourse beyond the activist circles in which it was already an integral element.

Normative diffusion primarily occurs through social learning, emulation, and aid and assistance mechanisms, whereas laws and institutional forms are diffused via coercion and conditionality. All too often in the diffusion literature, the engagement of a diffusion mechanism is taken as a *fait accompli*. As the Polish case demonstrates, however, this is not necessarily the case. In this chapter, I intend to demonstrate that, despite active effort, diffusion of gender equality norms has failed in the Polish context because the substance of the normative agenda being diffused was attempting to displace a pre-existing, epistemically-privileged gender discourse. What is needed are cultural explanations, ones that address how distinctions are made and maintained between women-as-mothers and women-as-workers. In the pre-accession period, motherhood as a cultural category of worth was elevated over the beneficiary of the EU's gender equality program: the woman worker. Not only did this result in a lack of cultural resonance between the EU's normative agenda and Poland's normative status quo, but it also resulted in a mismatch of problem definition, whereby gender inequality failed to be identified as a social problem amongst either policy elites or the general public—despite high (and increasing) gendered wage and unemployment gaps. By developing such a

cultural analysis, I seek to better define the limits of diffusion, and what these limits

mean for the possibility of gender equality policy development in Poland and beyond.

Transnational Feminism and the Emergence of a Hegemonic Gender Equality Discourse

Gender equality efforts on the part of Polish activists, and even some

policymakers, began long before EU accession was a possibility, let alone likely. Poland

was one of the few Eastern bloc countries to send a delegate to the 1985 UN Conference

on Women in Nairobi. Women participants from socialist countries approached this

conference, and its predecessors in Mexico (1975) and Copenhagen (1980), as an

opportunity to present an alternative platform to that proposed by liberal Western

feminists—primarily from the United States—that included an anti-capitalist critique. As

one historian of the UN conferences argued:

> Women from the socialist countries were taught that the oppression of
> women stemmed not only from patriarchy or systemic inequalities
> between men and women, but from exploitation, imperialism, colonialism,
> violence and warfare waged for the sake of private or national wealth
> accumulation. Women from the Eastern Bloc promoted an ideological
> stance in which women had the unique ability and responsibility to
> challenge the uncontrolled scramble for resources and markets, which
> precipitated poverty and injustice....Women from Central and Eastern
> Europe had their own distinct kind of feminism, one which was born and
> developed quite separately from the type of American liberal feminism
> that now influences the UN institutions dedicated to women... (Ghodsee
> 2010, 4)

The *Forward-Looking Strategies for the Advancement of Women* (1985) document that

emerged from the Nairobi convention largely reflected the Eastern Bloc "peace" strategy,

although American feminist perspectives made significant inroads.[1] So, while new ideas

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[1] For a comprehensive history of the UN Conferences on Women that convened between 1975 and 1995, see Ghodsee 2010.

and institutions arose as a result of what activists had learned in Nairobi, it would be inaccurate to identify them as Western or as things being diffused from outside of socialist Eastern Europe.

Whereas at the previous UN conferences on women there had been competing feminist agendas from both Eastern Bloc and Western feminists, at the 1995 Conference at Beijing, the once-strong anti-capitalism Eastern Bloc perspective was notably absent. As a result, the Platform for Action that emerged from the Beijing conference reflected a new set of priorities that aligned more closely with the priorities of Second Wave feminists from the United States and Western Europe, such as equal access and opportunity, and addressing inequalities between women and men. This particular agenda had been of less importance to socialist women, who felt they had already achieved equality. Socialist women's critique of exploitative economic systems was sidelined in favor of issues important amongst Western feminists, such as trafficking, domestic violence, and sexual harassment (Ghodsee 2010).

In claiming leadership at Beijing, American and Western European feminists were not only able to shape the agenda, but they also "re-educated" participants from the former Eastern Bloc. What emerged from the Beijing conference was an action program built on the *principle* of gender mainstreaming, but which reflected the priority of equal access and equal opportunity, and provided a common activist language. Gender mainstreaming was developed as a way to overcome the problematic binary of "equality versus difference" that structured many of the Western feminist debates of the late 20th century. This debate was organized around a central opposition between equality, which stands for treating sex-based difference as an irrelevant consideration in how state

institutions and laws function in their treatment of women and men, and difference, which stands for making policy (and other) decisions based upon the specific needs, interests, and characteristics of women as a group (Scott 1988; Young 1994). According to Fraser (1997), however, in order to achieve economic equality, the notion of gender difference must be abolished. But to overcome cultural domination, women must also be affirmed as women. This dilemma can be resolved by introducing an alternative to the simple equality versus difference dichotomy: transformation. Transformation requires that, along with affirmative politics of recognition and redistributive economic politics, deeply-rooted underlying cultural assumptions that reproduce inequality must also be challenged and displaced.

The action plan that emerged from the 1995 Beijing conference incorporated elements of equal treatment (equality), positive discrimination (difference), and mainstreaming (transformation) to achieve the over-arching goal of gender equality. This same three-strategy approach forms the basis of the EU gender equality strategy as well, although it is not always expressed in the directives themselves, which typically employ the first strategy to address concerns about equal treatment and the establishment of uniform standards for women and men. Positive discrimination, and other techniques associated with the pursuit of the second strategy addressing difference, are less likely to be regulated via directive. Rather, these methods are typically suggested in non-binding (soft) law. The third strategy, that of transformation, seeks to revalue relations between care and work and is significantly less well-developed or articulated within the policy domain. It is also the aspect of the EU's approach that lies furthest beyond its entitlement to govern via directive.

The UN conference was a pivotal moment in the construction of a consolidated transnational actor network with a unified, hegemonic discourse to be taken up and advocated around the world. After the conference, when the delegates returned to Poland (and elsewhere), they carried with them a distinctly non-national set of normative conceptions about gender and gender equality. The language of gender mainstreaming was primarily adopted by a self-selected group of women's rights activists, who often returned to become norm entrepreneurs in their respective contexts, with the goal of advocating for the principles of gender mainstreaming within national policy and administrative practice.

Poland continued to participate in international gender equality efforts by sending a delegation to the 1995 UN Conference on Women in Beijing, although their participation was somewhat contentious, particularly with regard to the status report on gender that the official delegation submitted to the conference. There was a significant lack of consensus over the official report at Beijing. Activists from Catholic and anti-abortion organization claimed that there were many errors of fact and rejected the official report's claim that women were discriminated against in Poland. They offered their own report in opposition, stating:

> Women in Poland do not feel discriminated against on the basis of their sex.... In agreement with Christian tradition and culture a woman enjoys a particular respect on account of her gender...such as the ongoing tradition of men kissing the hand of women they meet....To this day we speak with respect of Mother Poland [Matka Polka]. She is the symbol of the strength and hope of the nation. (*GW* 30/06/1995)

One cause of the right-wing protest was the perception that the official report supported abortion and what the coalition of Catholic organizations labeled "anti-family policies."

The government also received 220,000 protest letters, which were encouraged by the Catholic media, such as Radio Maryja[2]. The then-Plenipotentiary Jolanta Banach dismissed the criticism, claiming that "often they [the letters of protest] have to do with matters which don't even appear in the report" (*GW* 08/09/1995) .

Polish Public Opinion and Gender Equality

In July 1999, at the same time that gender equality legislation was being debated in the Sejm, a heated discussion emerged within the pages of *Gazeta Wyborcza*, a well-respected daily broadsheet newspaper in Poland, about feminism and the state of gender equality in Poland. Agnieszka Graff, a well-known Polish feminist, wrote an article for the paper that included the line: "The French have cheese, the British have the Queen, and Poland has discrimination against women. For each country, a tradition" (*GW* 19-20/06/1999). This provocative statement garnered an active reader response, and several response articles, including one from Magdalena Środa (the future Plenipotentiary for the Equal Treatment of Women and Men), in which Środa argued that Poland's greatest historical achievement has been in the realm of "successful de-emancipation" of women (*GW* 12/07/1999). In the aftermath of this activity within the newspaper's pages, *Gazeta Wyborcza* hired the public opinion firm CBOS to conduct a survey to determine whether or not people believed gender discrimination existed in Poland, and what they thought of feminism. Some of the findings were not surprising in the least: for example, a significant number of respondents (42% women, 26% men) said that men had better lives in Poland

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[2] Radio Maryja is a conservative Catholic radio network that was founded in1991, with a peak audience of 2 million listeners (*The Economist*, #8473 2006). The views espoused via Radio Maryja are often in opposition to official Church positions, and have led the Church to reprimand Radio Maryja and its founder, Father Rydzyk, on more than one occasion (*Der Spiegel* 02/05/2006, *The Economist* #8520 2007).

than women. The most interesting findings, however, had to do with respondents' opinions on feminism and feminist activity in Poland:

> In the discussion in *Gazeta*, feminism aroused lively emotions—in one of the responses it was called "a distortion of reality," "an ideological simplification," and "foolishness imported from abroad." In another, it was described as "one of the largest social movements of the century, and an attempt to understand the mechanisms which perpetuate the unequal power relations," and in Professor Maria Janion's intriguing answer, it became "the way to return to the sources of creativity in women" and women's search for community ("Sunday Gazeta" from July 3). There are many different opinions about feminism circulating. We were curious, what is its general reception. Do we really know what it is? Do we believe that we need it? More than 60 percent of women and more than 50 percent of men believe that feminism—the movement to defend women's rights—is needed in Poland. Few people however, share the negative, stereotypical views about feminists. The vast majority of both women and men believe that feminists defend women's rights. The opinion that feminists attack the family and religion is rare, nor do most think that they deny the natural role of women as wives and mothers. (*GW* 21/08/1999)

So, whereas a member of the ruling party speaks about feminism and feminists as enemies of Polishness, warped by false utopian ideology, its constituents by and large view feminists as defenders of women's rights, who are needed in Poland.

The *Gazeta*-commissioned CBOS report set an important baseline in establishing the national mood on gender-related issues, relatively early in the pre-accession period. In addition to the questions described above, respondents were also asked about their personal experiences with discrimination ("Have you ever come across any cases of discrimination against women in Poland or not?"). According to respondents, 38% of women and 30% of men had witnessed discrimination against women, whereas 59% of women and 66% of men had not (CBOS 1999). It is unclear from the survey report how "discrimination" is being defined, either by the surveyors, or by the respondents. Discrimination takes on many "direct" or "indirect" forms: direct discrimination is

defined as unequal treatment of a person on the basis of their racial or ethnic origin, religion or belief, disability, age or sexual orientation; whereas indirect discrimination is defined as an instance in which an apparently neutral provision, criterion or practice disadvantages a person on these grounds with no objectively justifying aim. It is interesting to note, though, that gender is specifically left out of these definitions in order to allow for positive discrimination (affirmative action). In addition, how discrimination is perceived is, itself, a result of what is considered normal versus abnormal social behavior.

Although there had already been some rulings on indirect discrimination from the European Court of Justice, such as Rinner-Kühn in 1989 (Case C-171/88), and certain instances of indirect discrimination were included under Article 13 of the EC treaty (the Anti-Discrimination Directive), there was no uniform legislative definition until the consolidating Directive 2006/54 (Craig and De Burca 2007, 886-7), which did not take effect until after Polish accession. What this means is that there may have been no informational campaigns or public awareness in Poland about indirect discrimination at this time. In addition, the idea of discrimination itself is a social construction that is generated by broader conversations about gender, equality, and social expectation. Activities that may be recognized as discrimination in Sweden or France may not be recognized as such in Poland.

In 2002, CBOS conducted a modified version of this survey, one that focused on perception of discrimination, rather than direct experience of it. This change in focus was likely a result of the establishment of a new Plenipotentiary for the Equal Status of

Women and Men[3] by the left-wing coalition that won government rule in the 2001 election.[4] Within months of the establishment of the Plenipotentiary's office, 50% of women and 32% of men agreed that women in Poland are discriminated against (CBOS 2002). In 2006, respondents were once again asked whether or not a woman doing the same job as a man, and with the same qualifications, would earn less than a man. A significant majority of the entire sample, 60%, said that she would. When asked about women's possibilities for promotion, 54% of the entire sample (59% of women, 48% of men) felt that an equally-qualified woman doing the same job as a man would have worse chances for a promotion (CBOS 2006). However, despite the fact that the majority of respondents felt women had unequal chances for promotion, those surveyed did not seem to make a connection between this lack of opportunity and discrimination. Only 16% of respondents stated they had directly witnessed discrimination either "often" or "rarely," whereas 78% claimed never to have directly witnessed it (CBOS 2006). That discrimination might be the cause of women's lack of opportunity does not seem to be a connection made by respondents.

The failure to make this causal link between discrimination and limited opportunity was, according to some feminists, the direct result of both the linguistic erasure of women from the political arena, and the failure of progressive men to draw parallels between democracy after socialism and gender quality after patriarchy:

> I know many enlightened men who are absolutely convinced that Polish democracy can't spread its wings due to an entrenched post-PRL network of interests, which can't be dismantled by ordinary means. Those very

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[3] I will discuss the vicissitudes of the Plenipotentiary's office in extensive detail in Chapter 5. For now, the important point is that this was the first (and only) time that equal status ("równy status") was part of the office's title, or part of the office's official mandate. As such, much of the public relations work undertaken by the office was educational and designed to familiarize the public with the principles of equal treatment.
[4] See Appendix A.

same men stare at me like I'm crazy when I say that a much more entrenched patriarchal network stands in the way of women's advancement. Maybe we could use some [electoral] quotas here.... Men's public sphere is protected not only by customs, but also by the language.... Women vanished from the discourse (here's another fragment of a world without women) and were replaced by families and children. (*P* 48/2001)

The parallel that Dunin, a well-known Polish feminist and public intellectual, draws between the legacy of socialism and the legacy of patriarchy is particularly apt. As I discussed at the beginning of this chapter, one of the major political obsessions of the period was lustration and the weeding out of any lingering state socialist power structures. Rather than gender equality becoming part of that process, it was instead seen as part and parcel of the socialist legacy—itself a problematic antidemocratic ideology.

Normativity in the Policy Agenda

Conflict over the very meaning of equality pervades the debates on gender equality legislation. Disagreements over what this idea means, and the best way to achieve it, are at the crux of the debate, and non-liberal interpretations of equality were often what opponents latched onto in their speech. Such arguments were often willfully disingenuous, conflating political notions of equality with a narrow definition of equality as "sameness":

> The draft [of the legislation] does not present a clear interpretation of the question of equality of women and men. Numerous work-related matters do not go well with the principle of equality; often they exceed women's somatic abilities. For example, pregnancy and childbirth, or significant physical exertion in the workplace or during athletics training, which isn't always suitable to women's build, their physiology. (Michalski-PSL 2_109_2 1997)

This speaker, from the left-wing Polish People's Party (and, therefore, part of the ruling coalition at the time), although ultimately voting in favor of returning the 1997 legislation

to committee for a second reading, exemplified this conflation: women cannot be equal, because they are limited by their bodies, and if they cannot perform the same physical tasks—nor should they—then they cannot possibly be considered equal.

The semantics of equality did not change in the intervening years between the 1997 and 1999 versions of the legislation, as it reappeared in a similar form in the 1999 debates. Again, "equality" was used in the liberal individualist sense within the text itself, and was again critiqued by opponents for presuming a sameness between women and men that was rejected in principle. If equality is sameness, then it is nothing more than a recurrence of social engineering, as was experienced under state socialism. Such social engineering is thought to be designed specifically to destabilize the Polish family by changing women's role within it, thus fundamentally challenging what many take to be the heart of Polishness itself. Conversely, equality as difference is applauded as natural, and in harmony with Catholic teachings about men's and women's roles as parents and leaders of the family:

> In our present situation saying that women are discriminated against on the basis of their sex is sheer demagogy. True equality means respecting either sex for its natural differences, creating the right environment to fully develop our humanity while respecting the depth of male and female natures.... We'd be hard-pressed to acquiesce to an artificial readjustment of social rules, going so far as to mirror the already-tried guidelines of social engineering: the country knows better than to manage every aspect of citizens' lives.... If we introduced the proposed solutions, the law would stimulate changes in the model of the family by altering the woman's role in it. It would provide an incentive for women to abandon the role of mother and wife in favor of work outside of home and participation in the public sphere, basing her worth on the degree of participation in the public sphere..." (Szymański-AWS 3_45_3 1999)

In a clever rhetorical twist, opponents of the legislation attempted to reappropriate the language of choice. By setting up choice as the alternative to an imposed equality of

sameness, opponents of the legislation tried to cast themselves as the advocates of women's right to choose: to choose to withdraw from the public sphere and the labor force, and to devote themselves to the "natural task" of motherhood.

The naturalism of this gendered division of labor was a common trope in debate, particularly amongst parliamentarians from the right-wing parties. And often it was women MPs on the right who were the most outspoken and conservative in their treatment of gender issues:

> The natural ontic order, which assumes equality of women and men based on their personal dignity and – in turn – equal status under the law, in society or politics, leads some to conclude that men and women have the same roles to fulfill in life and society.... Gender equality does not mean equating the genders, blurring the differences which show the logic of creation and the beauty of men and women complementing or completing each other. Women and men have different social and cultural functions, which does not mean that one sex is being discriminated against. The fact that it's hard to imagine a female miner or tractor driver (which has been done in our country already), and that we ought to pity women in such positions, is not an expression of discrimination but of respect. It would be wrong to mangle and twist this understanding of social, cultural or elementary biological roles, to equate the two sexes by all means.... Obviously the fact that the AWS [Solidarity Electoral Action] is going to vote against this law does not mean that the AWS questions the equal status of men and women. Our program, based on core theses of Catholic social sciences, stresses the equal status of women and men–in the anthropological, legal, social and political senses. It points out that social equality of men and women involves a broad spectrum of issues connected with models of upbringing, motherhood, family, love, education, teaching, and even leisure. Those models embody the results of the simultaneous equality and difference between the sexes, both cultural and biological. (Kobylińska-AWS 3_45_3 1999)

This speech hits all the main points of anti-gender equality rhetoric: social engineering, the natural order, Catholicism, and equality as difference. The specific reference to the "core theses of Catholic social sciences," which calls upon "a broad spectrum of issues," distinguishes Polish values from the (implied) atheistic and narrowly-defined ones being

imported from Western Europe. For the Catholic-minded Pole, equality can never only be

about individual achievement and the equality of opportunity, but rather, is centrally

concerned with the family and women's ability to remain primarily caretakers. Equal

economic opportunity, from this perspective, is viewed as a privilege rather than a

woman's right.

The stalemate of the "equality versus difference" debate is not particular to

Poland. In fact, gender policy in many parts of the world has been stymied by this

dichotomy. However, the goals of gender mainstreaming, and the EU gender equality

agenda built upon its foundation, were oriented towards providing both a language and

practice outside of this stalemate. That these values originated from outside of the Polish

context was salient to their acceptability—or lack thereof—inside of it. Danuta Hubner,

then a Commissioner of the Polish Committee on European Integration (UKIE) and

currently a Director General in the European Commission, made the following

observation in a speech to women entrepreneurs in Berlin in February 2004:

> When considering the issue of gender equality, I believe that nobody can
> deny the important achievements in the European context. The
> Community has been, and continues to be, the driving force for recent
> changes in Poland as regards the gender equality. The point that I'm trying
> to make is that joining the European Union must and will boost further a
> considerable change in the social perception of the women's role in the
> society as well as enhance their legal and social status. This is especially
> important to women who run their enterprises. The principle of gender
> equality stems not only from the core democratic values we all share. It is
> the question of economic efficiency and civic inclusive society. If Poland
> wants to be an important part of the enlarged European Union the female
> human capital must not be wasted. (Danuta Hubner 2004, "World Women
> Work" conference in Berlin)

Hubner is a particular expert on the relationship between the EU and Poland, thanks to

her position at UKIE and her participation in the negotiations themselves. Here, she gives

credit to the EU for being a "driving force" in creating change within Poland. She does not, however, cite how the EU is doing this specifically, other than to suggest that there have been benefits for entrepreneurial women.

Observations like Hubner's, along with consistent references to EU requirements and Western norms, have led to the coding of gender equality ideas as "foreign." Such ideas are associated with CEDAW and the UN more generally, as well as with specific EU directives and rhetorical referents like "democracy," and "other European countries." That these ideas are from outside and not, therefore, Polish, serves both to legitimize them in the eyes of proponents, and render them suspicious in the view of traditionalists. Despite this consensus that these ideas come from without, it is not actually clear that they are solidly associated with the EU *per se*. Many of the ideas and policy recommendations contained in the various incarnations of the gender equality legislation emerged, in fact, from the UN Conference on Women in Beijing, and are primarily filtered through the EU. Or, transnational activists who participated in the Beijing conference are merely using the EU as leverage to stimulate debate or effect change.

Regardless of the source of these ideas, or the EU's specific (in)activity in spreading them, the EU was mobilized as a symbolic concept by left-wing politicians in the pursuit of both institutional and normative change:

> We're discussing a draft of a law that–dare I say it – might be a big step on the way to adjusting Polish law to the standards of mature democracies. This is not just about legal norms, but also a certain revolution in the perception of equality–in this case equality of the sexes... It might be better for the government to stop using ridiculous pseudo-arguments and instead remember its duties as required by international law.... Polish women deserve to be protected and treated like our female colleagues from the EU. Polish women are not just childbearing machines, contrary to what MPs (particularly those from AWS) see us as. (Sosnowska-SLD 3_45_3 1999)

The EU is referred to in these speeches not just, or even primarily, as a "stick" for compliance, but also as a shaming device. As the above speaker argues, achieving gender equality is not merely an international legal obligation, but is also a hallmark of "mature democracies" and something others in the EU already enjoy. For Poland to fail in this regard would show Poland to be incompetent and regressive as compared to its other European counterparts.

Proponents, on the one side, often refer to European values, international commitments to human rights, the requirements of democracy, and, of course, the need for Poles to change their mentality and surpass their traditions. And while proponents of gender equality legislation often cite the need for legal compliance and institutionalization, there is an additional dimension to their argument. Teresa Jaształ, a member of the Democratic Left Alliance, and one of the co-authors of the proposed 1997 gender equality legislation, argued in her opening statement:

> The third important issue – maybe the most important – involves changing tradition. This is the most difficult of our goals, one that will take a long time to reach. It will take patience and education to effect a departure from the traditional perception of the roles of men and women in family life, politics and society. (Jaształ-SLD 2_109_2 1997)

The legislation, therefore, deliberately aimed not only to build institutions and harmonize laws, but also to engage in education and promotional activities designed to change the way Poles think about gender, the family, and equality. These activities included a broad range of initiatives such as anti-domestic violence campaigns and efforts to tackle work-place sexual harassment, and even to rewrite Polish textbooks to remove gender stereotypes.

The claim that Polish mentality itself would have to change was, for obvious reasons, not universally popular. As I will discuss in the next chapter, the denial of gender-based discrimination or inequality was used to justify institutional inertia. But it simultaneously worked to retrench normative gender, with. the logic being: if women are not discriminated against in Poland, then there is no need for anti-discrimination laws or policies; if women are equally-valued and empowered within the family, then the family does not need to be reconceptualized. In fact, opponents of gender-equality legislation cited changes in the family structure, or the family's situation within the larger social context, as an explanation for women's (increasing) inequality. Gender equality legislation was introduced for a second time in 1999. Aside from relatively minor substantive differences between the 1997 and 1999 versions, the main difference was that in 1999, the right wing Solidarity Electoral Action coalition was in control of the government. This not only put the legislation's proposers in the minority, but also bolstered the ruling coalition's confidence in their conservative mission.

As such, the largely SLD-generated message about Poland's need for a mentality make-over was neither as powerful, nor as popular, as it had been in the previous parliamentary session when the left was in control. This change of mandate from the left to the right from one parliamentary session to the next also resulted in open confrontation on the Sejm floor over what the government's role is—or ought to be—in supporting the family. As one parliamentarian from Solidarity Electoral Action argued:

> Do we all agree that a stronger family means a stronger Poland?.... I think the government should organize social life in order to minimize the harm done to the family by women's outside work as co-providers for their families.... We have to remember that members of a family are also members of a society, citizens of a state. The society should not be indifferent to what's going on in the family. (Chmielewski-AWS 3_45_3 1999)

This passage calls particular attention to the idea that the family, and not the individual, is the fundamental unit of Polish social life. Or, put another way, that the relationship between an individual and society or the state is necessarily mediated through the family. Therefore, it is government's role—even its responsibility—to foster the health of the family. By extension, women's activity outside of the home is coded in this paradigm as detrimental to the family; the implication being that, when women move out of their different-but-equal positions as homemakers and child-rearers, the families that comprise Poland suffer.

Equality versus Choice: Policy Debates

Having only recently regained its autonomy as a nation-state after centuries of partition, foreign rule, and (albeit reluctant) Soviet clientelism, post-socialist Poland was caught between the twin impulses of independence and integration. Perceived encroachments—symbolic and otherwise—upon national autonomy were reacted to strongly, and underwrote the right-wing resurgence that began in Poland in the late 1990s. Nervousness about EU accession, and the process of integration itself, provoked a struggle for control over symbolically-charged elements of national identity, so-called "valence issues" (Grzymala-Busse and Innes 2003). That the "new" values of gender equality originated beyond Poland's borders, and were being imposed by EU directive, at least according to some, was very much at issue. The anxieties provoked by the tension between independence and interdependence, and how this tension mapped onto gender issues, did not go unnoticed:

> The consoling narrative about an orderly past, a present crisis and an imminent restoration of order in the realm of gender relations is a displaced

narrative about collective identity: an effort to dispel, or contain, collective ambivalence and anxiety concerning European integration and globalization, and the resulting diminution of Poland's autonomy as a nation-state a mere decade and a half after this autonomy was restored. (Graff 2005, Indiana University)

Fears about accession, and the process of integration itself, led to a struggle for control over symbolically charged elements of national identity. The debates about gender and women's role in society that emerged during this process imply gender's centrality to the construction of Polish national identity, and frame struggles over the transposition and implementation of gender equality policy as a means by which national identity and sovereignty are things to be defended against both the past and the perceived encroachment of supranationalism.

The process of trying to adopt EU-generated policies concerning gender equality involved the use of persuasion on the part of proponents. These persuasive discourses were built up around two things: first principles of human rights, equality, and justice; and also around "shaming" and naming" comparisons to other European member states and "Western" practices. Proponents often sensed that their ability to persuade rested upon toeing a fine line between change and tradition:

> We don't want to resurrect myths that carry unpleasant associations, we don't want to force women to work or participate in the public sphere if they've chosen a different path for themselves.... This law is supposed to prevent discriminatory practices and show the society what discrimination is, that it exists at all, that it's wrong. It should educate and begin dismantling gender stereotypes. (Jaształ-SLD 3_45_3 1999)

Instead of appealing to equality as a desirable social outcome in its own right, certain proponents framed the issue as one of choice, and the ability to choose either a "Western" or a traditional life-course as something that Poland had gained in becoming democratic and (ostensibly) joining the EU:

> Does it mean all women would have to work? No. It means that if a woman works, her work has the same value. Does it mean every man has to take care of children? No, but if the circumstances of his life forced him to take care of those children, this law would make it possible. We're talking about this type of issue, not about changing traditions or customs. (Śledzińska-Katarsińska-UW 3_62_1 1999)

However, this line of argumentation, designed to put the concept of gender equality into terms which might be found acceptable to a broader cross-section of law makers, threatens to undermine the very idea of gender mainstreaming. In the above passage, the center-right MP Iwona Śledzińska-Katarsińska practically disavows gender mainstreaming when she says that the purpose of the legislation is not to change tradition or custom. Although Śledzińska-Katarsińska was one of the legislation's authors, the concerns of her party, Unia Wolności (Freedom Union, and the primary predecessor of Civic Platform), are often more concerned with individualism, free-market competition, and maintaining close relations with the EU. This might lead her to emphasize mechanical "equal opportunity" as opposed to the more diverse, and more comprehensive, gender equality program.

Domestic Violence

Another example of how social problems and women's role in the family are linked can be seen in how the issue of domestic violence has been discussed. Domestic violence rose sharply throughout the 1990s, with 21,019 reported cases of domestic violence in 1996, up 62% from 1990 (Tobiasz-Adamczyk et. al. 2007). During the 1999 debate on gender equality legislation, one MP from SLD asked the then-Plenipotentiary of the Family, Kazimierz Kapera (of Solidarity Electoral Action), how his party

reconciled the rising rate of domestic violence with the ruling party's "pro-family policy."

Kapera responded:

> We've never questioned the existence of the problem [of domestic violence]. This is often tragic, like recently when we were notified that almost an entire family perished: we take note of those issues. I think the problem runs somewhat deeper, it's strongly tied to abandoning certain values and traditions, the problem of rising divorce rates and numerous other factors. (Kapera-AWS 3_45_3 1999)

While the Plenipotentiary cites "numerous other factors," the only cause he names specifically is the rising divorce rate; divorces per hundred marriages increased from 13.4 in 1993 to 20.8 in 1997 (UNICEF 1999). Yet, at the same time, women's social position and capacity to live autonomously decreased in a number of areas: political participation in the Sejm declined from 23% in the 1980-85 session, to only 9% in 1991-93, and 13% in 1993-1997 (Fuszara and Tomaszewska 2003); the number of legal abortions performed decreased from 30,878 in 1991, to 1,240 in 1993, to 312 in 1998 (United Nations UN 2003); by 2000, women in Poland were twice as likely to be unemployed as men, whereas in 1993 there was no statistically different likelihood of gender difference in unemployment (Glass and Kawachi 2001). Rather than citing the social ills brought about by a sharp rise in unemployment, restricted access to abortion, or broad political and economic upheaval brought about by economic liberalization and privatization, Kapera's message became instead a warning about the perils of changing values and the dissolution of marriage. Belief that the preservation of the family is the cure for social ills transcended mere parliamentary rhetoric. Statements and associated policy choices reinforce the idea that women will pay a price when they challenge their traditional role in the family, or even the traditional notion of Catholic marriage.

Polish Textbooks

One recurrent element in each incarnation of the gender equality legislation (1997, 1999, and 2003), which was also a major topic of discussion in the debates on the Polish ratification of the CEDAW Protocol (2003) and the Government Report on the Status of Women in Poland (2004), was a provision to revise Polish textbooks in order to rid them of gender stereotypes. There had long been complaints that women were only ever portrayed as caretakers or homemakers, whereas men were portrayed as professionals. Additionally, women's role in the Solidarity movement was often overlooked or even denied in historical accounts presented in textbooks. Such revisions were not only called for by the EU's action plan, but were also an action area targeted by CEDAW. This particular campaign proved especially egregious to opponents, including Plenipotentiary Kapera:

> The draft aims to introduce vetting the contents of school textbooks and curricula in order to eliminate gendered stereotypes. Previous projects intended to, for example, remove depictions of women doing housework – article 4, point 2 – which in turn would lead to blurring the differences between men and women's social roles. Identification with one's gender and its associated social roles is an important part of identity of every human being – it is not tantamount to condemning either sex to unfair treatment or lower status. The government mustn't disrupt those processes by manipulating the worldview presented in textbooks and curricula. (Kapera-AWS 3_45_3 1999)

That women and men have specific roles to play in society is natural and healthy, according to this perspective. Dismantling the gendered division of labor would endanger the identity-formation process.

Equality-as-sameness falls outside of the paradigm of Polish discourse because it is precisely the *difference* between women and men that is the source of women's value:

Allow me to point out a certain inconsistency in the fight for women's rights. It is definitely wrong to equate women to men – only men can be fathers, only women can be mothers. Women complement men just like men complement women. Femininity is a facet of humanity as much as masculinity is – but in a different, complementary way. Only those women who understand themselves, their dignity and their calling will fulfill their role and have the possibility to strongly influence the fate of the world and society.... I'd like to remind you that the true social advancement of women requires restoring the value of motherhood, marriage and family. Women's noblest and most important work is done in the family.... Women's predispositions should be appropriately channeled in order to help them be reborn and understand their dignity, because when a woman is reborn, the whole nation is reborn as well. (Frączek-AWS 3_45_3 1999)

More importantly, the claim also appears to be that just because women are portrayed in textbooks as homemakers, serving their male family members, this should not be understood as women occupying a lower position in society, but rather as women exercising their "right to choose the way they live their lives. Women choosing their natural task, namely: living for their family should be supported and protected by the law, and working for the family should yield not only social prestige, but also measurable, tangible rewards" (Szymański-AWS 3_45_3 1999). This line of thinking bears some resemblance to Western feminist arguments about both the importance of free choice for women's equality (Einhorn 1993; Phillips 2001) and the revaluation of care work (Fraser 1997). However, the appeal to free choice is somewhat disingenuous here , as the speaker indicates that in fact there is really only one choice that is appropriate and natural for women to make, and that is to choose family and motherhood above everything else.

Part of what is happening through all of these debates is an attempt to change the idea of Polishness. There is, in fact, a hegemonic Polish identity, one which is recognized by both the right and the left, by Catholics and feminists, by Euroskeptics and Europhiles.

One of the topics that emerged repeatedly during my interviews was whether or not

Polishness could be redefined. For example, in my conversation with Professor Środa, we

came upon the topic of the Polish national stereotype—as rural, conservative Catholics—

and whether it is possible to change this stereotype:

> *Investigator*: A certain image of the typical Pole is prevalent in the media
> and public discourse. Poles are usually shown as Catholics, traditionalists,
> more rural, conservative and anti-Communist. Do you think this
> corresponds with the reality? Is it possible to change this image?
>
> *Środa*: You know, if it was impossible to change, I wouldn't be here
> anymore. But it is real. It's certainly the most visible. Because they take to
> the streets, they write letters, they're represented in the press, yes.
>
> *Investigator*: But if feminists also think of themselves as patriotic and
> Poles, right, can't they redefine or make some sort of alternate definition…
>
> *Środa*: But you know, the construction of American patriotism is really
> different…because for us patriotism is to be homogenous, so: male,
> catholic, and so on. And we don't like the others. And for you, the
> American people, the others are quite normal, because all the people in
> America are others. So this is different. (Środa 2008, interview in Warsaw)

Polishness, in Środa's estimation, is built upon a bedrock of sameness. And while she

believes this stereotype is changeable, she notes that doing so is difficult.

Former Plenipotentiary Kapera's Address to the Sejm

Although at the time of the second 1999 debate on gender equality Kapera was no

longer the Plenipotentiary (though he had been for the debate that occurred only a few

months earlier), his speech still epitomizes the critique of gender equality as both a

political idea and as a set of proposed governmental practices. Additionally, this

particular set of statements highlights what I believe to be the "growing pains" of a

discursive shift in which not only the content of ideas is up for discussion, but also the

ordering of knowledge itself. Specifically, throughout this speech, Kapera attempts to

draw parallels between the liberal Western project of gender equality and Marxist social engineering. hat there are profound differences in the foundational assumptions, methodology, and desired outcomes of liberalism and Marxism almost does not seem to register in Kapera's speech:

> The authors of this gender equality initiative justify it by saying that "obstacles arise mainly from a deeply rooted tradition of diametrically different roles ascribed to women and men, who do not have an equal chance to realize their personal goals." This is yet another attempt to bring the rule of political correctness into the Polish parliament. This ideology is rooted on one side in a materialistic Marxist vision of humanity and on the other in a utopian conviction that it's possible to design a just society.

His linking of the gender equality initiative to the social engineering of Marxism is a rhetorically powerful one in post-socialist Poland, and makes two important—albeit only implied—points: first, that there is a parallel between the socialist regime and the EU in their willingness to repress individual liberties; and that the "political correctness" of gender equality does not recognize the (Polish-)Catholic woman's preference for motherhood over career or other activity outside of the home.

Kapera goes on to describe the movement for gender equality as detrimental to society and to the well-being of children:

> ....[I]t's bizarre to demand equal parental rights and duties for women and men – those duties are different based on the fact that it is the woman who carries and bears the child, and afterwards becomes the person her child needs the most. No artificial equalizing of men and women's duties and rights will compensate for a lack of that bond between a mother and her child.

That women are the primary caretakers of children is essentialized as a biological imperative, rather than as the result of "social learning" not so different from the Marxist social engineering of which he is so skeptical.

Towards the end of his address, Kapera invokes the name and image of Europe more than once. It is interesting to notice, in particular, that he refers to Europe, specifically, rather than the European Union:

> ...The feminist ideology, the so-called political correctness ideology, is artificial and based on false anthropological premises; *it tries to negate the traditional truth confirmed in European culture, the truth that some jobs are typically women's or men's professions...* Forcing women into men's labor, like mining, steelwork or construction, is a misunderstanding – this type of work does not correspond with their physical and mental predispositions and endangers their life and well-being. The authors' claim in the substantiation document that "both the law and the executive guidelines lack mechanisms to combat flaws in the access to equal chances for men and women" is false.

> Mr. Speaker, ladies and gentlemen MPs! *Nobody in Europe–regardless of their culture, tradition or religion–questions the equality of women and men.* On the contrary, much is being done now to truly equalize the rights of both sexes. Women and men are guaranteed the same right to make decisions about their lives, the right to work, have a career and personally manage their possessions. So let's take a look at Polish law. It forbids discrimination on any grounds, including on the basis of gender...Despite the legal regulations provided by the Constitution, Labor Code and the Family Code, discrimination against both women and men still occurs. The solution isn't to create yet another parliamentary committee, but to have those laws enforced by the institutions created for this purpose (civil rights plenipotentiary, local and national government administration, the police force, courts, etc). (Kapera-AWS 3_62_1 1999; emphasis added)

The differentiation of Europe from the EU is not accidental. Making such a distinction allows Kapera to claim Europeanness, while simultaneously rejecting specific EU policies or policy recommendations. This begs the question: where does he think these ideas of gender equality, or what he calls "political correctness," come from? On the one hand, he compares them to Marxist social engineering; on the other hand, he does not accept them as ideas native to Poland. But they must come from somewhere, and the most likely source, we can infer from his speech, is from feminists *within* the EU. The EU itself, therefore, is not necessarily the source of these ideas, but rather provides

misguided actors with a vehicle for interfering with normal and (supposedly) uncontested European beliefs.

The Government Report on the Status of Women

Izabela Jaruga-Nowacka, the government's Plenipotentiary for Equal Treatment from 2001-2004, and a member of the social democratic party, stressed that open debate on rights and equality is what helped to distance a newly democratized Poland from its state socialist past. According to her, public debate on human or women's rights would not have been possible under the socialist regime, and so "Poland is making up for lost time in approaching this problem. We have to define what values like the equal status of women and men or protection from discrimination mean to us" (Government Report on Women's Situation in Poland, 4_69_4 2004). Open discussion was presented as European, especially amongst left-wing politicians, and was contrasted directly with the limitations on free speech under the state socialist regime.

In an ironic twist, however, gender equality activists came to be cast as the ideologues who would rob Polish women of their freedom of choice. By using the EU directives, Polish advocates found themselves locked into a particular model of gender equality which concentrated primarily on supporting women as workers, but which offered relatively little in the way of supporting women in parenthood or family life. As MP Małgorzata Rohde, a member of the center-right liberal party, commented in the discussion of a government report:

> Ms. Minister [Izabela Jaruga-Nowacka], ladies from the SLD, let me tell you that this report is tainted with your ideology, which puts equality above liberty. I'd like to...bring your attention to the fact that not all women see equality like this and not all of them will take advantage of it as happily as you'd like them to. (Rohde-PO 4_69_4 2004)

Whereas the members of the left-wing responsible for the creation of the report tried to argue their case from the perspective of meeting EU requirements, emulating European norms, and modernizing Polish civilization, opponents dismissed such arguments as ideologically-driven and, in fact, oppressive to women.

As the date of accession drew nearer, small pockets of anti-EU sentiment developed and grew. While Polish Euroskepticism never grew to the extent of being a significant challenge to accession, fear of the future "accession fatigue" tempered earlier levels of enthusiasm (Szczerbiak 2001, 2003). This anti-EU sentiment, however limited, explains in part the rise in importance of the far-right League of Polish Families (Liga Polskich Rodzin, LPR). Establishing themselves as the political voice of Catholic Poles, in conjunction with the far-right popular radio network *Radio Maryja*, MPs from LPR were both the most vocal in their opposition to gender equality legislation, and the most explicit in their linkage of present proposals with past socialist policies:

> Why, back in the Communist times, did you take away the fathers' chance to make an honest family wage to support not only themselves, but also their wives, mothers of their children, and those children? Wasn't it you, leftist demagogues, who dragged women away from their homes to earn their living, and sometimes even the livelihood of their whole families? Today you're talking about labor non-discrimination for Poles. We know those slogans: women should drive tractors, work in mines and steelworks, shoot rifles. Now you're adding a new slogan: men should go to sperm banks and change diapers. Prime Minister, Ms. Plenipotentiary, is this God's plan for women and men? (Stryjewski-LPR 4_69_4 2004)

Mr. Stryjewski, a representative of LPR, is here pointing out that not only does the gender equality legislation attempt to enforce labor equality in much the same way that the socialists did, but they are adding new dimensions that would also seek to redefine the biological and household division of labor. For traditionalists, this is not a radical

departure from the previous socialist era, but rather a more extensive and invasive elaboration of it.

Democracy and the Free Exchange of Ideas

Surprisingly, in 1999 under the right-wing government, promoters of gender equality legislation made a concerted effort to reframe the issue as a non-partisan one, specifically-oriented towards fulfilling international requirements. By invoking the logic of compliance, despite the fact that there was little legal basis at this time, the projects' authors were able to involve colleagues from the AWS in supporting the draft legislation:

> The Constitutional rule of equal rights of women and men encounters numerous obstacles in our present state of changing political climate. Those obstacles arise mainly from a deeply rooted tradition of diametrically different roles ascribed to women and men.... Women's issues are often perceived through a lens of family and motherhood to the detriment of their social and political roles.... This legislative initiative spans all parties and aims at reinforcing the Constitutional guarantee of protection of freedom and human rights in our homeland, and at fulfilling the duties bestowed on Poland by the international conventions that we have ratified. (Mazurkiewich-SLD Senator 3_62_1 1999)

This is notable for several reasons, but primarily because AWS had previously been notoriously—and unanimously—opposed to such legislation. Unlike in 1997, the rhetoric of the 1999 debate was couched largely in terms of tradition and Polishness. As such, this effort also explicitly aimed to transform the Polish mentality about women and to reconceptualize women's role in society apart from motherhood and family.

As I have discussed above, equality is an unstable and contentious concept within Polish discourse. Because it is not uniformly understood or valued, it is a weak motivator or justification for mobilizing social change. Choice, on the other hand, is a far more privileged idea within Polish political discourse, and indeed within the meta-EU liberal

discourse. Choice sets the Polish socialist past off from its European future, and restores to people a power they were denied under the authoritarian regime. The problem with choice as a privileged concept is that it does not address the formation of interests or preferences, thus doing little-to-nothing to affect their substance. Choice alone does not empower women excluded from the labor market to claim entry to it: choice becomes glorified, but the choice-set remains unchanged.

Another tactic was to appeal to the democratic principle of free and open debate:

> In Communist times we couldn't have held a public debate on human rights, including women's rights. This is why Poland is still making up for lost time in approaching this problem. We have to define what values like the equal status of women and men or protection from discrimination mean to us. We should be able to point out the areas of discrimination that have existed for a long time, but were only pointed out yesterday: domestic violence, sexual harassment, unequal access to employment. (Jaruga-Nowacka-SLD 4_69_4 2004)

Open discussion is presented as European, and is contrasted with the limitations put on free speech under the communist regime. Discussing gender equality, from this perspective, is framed as an important means of becoming European and leaving the Communist past behind. But, however compelling distinguishing references to Communism might prove in certain circumstances, this strategy of persuasion was not without its own weaknesses. Most importantly, many members of the left-wing parties were themselves former communists and thus viewed with suspicion.

However, there was great resistance to open discussion, even amongst those who recognized a tendency within Poland to downplay social cleavages and problems. MP Łukacijewska, a female representative from Civic Platform, urged her fellow legislators to concentrate on solutions over discussion:

On one hand we're dealing with our changing civilization, easier access to education and theoretically to aid organizations as well, but on the other hand the Polish view of violence against women is still full of biases and fears, tainted with a tendency to hide it so typical of our society. We could hazard a guess that the stereotypical opinion of women as guilty of whatever violence befalls them is extremely prevalent. But even though it's important to us MPs and to women listening to our debate that we should acknowledge this fact, the mechanisms and solutions to combat this situation are much more important than describing the reality. (Łukacijewska-PO 4_69_4 2004)

It is unclear from her statements how Łukacijewska thinks adequate solutions can be

formulated without some fundamental agreement on the nature of the problem. How can

anti-domestic violence projects be effective, for example, if legislators cannot agree on

whether to concentrate their efforts on keeping families together or helping victims

escape their abusers? The lack of a shared set of assumptions and understanding

surrounding the issue make effective solutions unlikely

But, additionally, many on the right appealed to traditions which pre-dated

communism. Affinity with those traditions often proved a more compelling positive

association, in contrast to the negative differentiation from state socialism:

It seems that being a woman has become a political category for some ladies. They treat politics like a tool to spout ideological buzzwords instead of realizing women's joint goals and values. The radical politics of both Ms. Plenipotentiaries [referring to both Izabela Jaruga-Nowacka and Magdalena Środa] ridicule and marginalize very serious problems. Unemployment, wage differences, violence and single motherhood are just a few of them. Leftist governments, including the plenipotentiary for equal status of women and men, have no achievements in the field of solving those problems. However, they're very accomplished in falsely questioning the achievements of others, including the Church. We all remember Ms. Plenipotentiary's [Środa's] statements in Sweden; they should be classified not only as anti-Catholic–look how tolerant she is–but also anti-Polish. (Kruk-PiS 4_105_1 2005)

What is striking in this speech—and, in fact, throughout the parliamentary debates,

newspaper accounts, and public opinion reports I have discussed above—is that the EU is

largely absent. "Europe" is often invoked as an important symbol, a yardstick of comparison, and as a shaming device; but the EU itself is only rarely talked about in anything more than the vaguest of terms. It is rare that a specific directive will be referred to, either by name or by directive number. Particular experts or officials (such as the EU's Director General of Employment and Social Policy) are not once invoked by either office or personal name. Nor are penalties and sanctions for non-compliance that Poland will face referred to with any specificity. More frequently, it is "Poland" and "the nation" that are invoked as motivating symbols.

The Third Republic of Poland, established in 1989, represents not only 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 in 1772. The founding of the Third Republic was a normative project that sought to specify Polishness, both legally and symbolically, and gender has 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 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, Indiana University)

Resuscitating a gender order that pre-dated socialism, therefore, has become an important means of both distinguishing democratic Poland from socialist Poland, and of defending against the threat of "re-feminization" posed by the EU's gender equality agenda. Rather than call upon the EU's gender equality agenda for either its ideas or institutional practices, Polish policy elites were instead able to frame tradition as the solution in ways

that discursively reinforced traditional gender roles and categories, further entrenching the gender status quo within Poland.

Conclusion

The rise of gendered inequality, the feminization of poverty, declining political representation, the increase of domestic violence, and the loss of reproductive autonomy are best interpreted collectively as a "crisis of gender" in post-socialist Poland, one that could conceivably create an opportunity for an "ideational coup" (Somers and Block 2005). As such, the EU's gender equality agenda, in order to be effective and demonstrate its epistemic strength, would have had to position itself as capable of resolving this crisis. However, as is apparent in the rhetoric surrounding domestic violence, textbook content, and the status of women in Polish society more generally, traditionalist policymakers have been able to argue convincingly that the causal arrow points in the opposite direction: "foreign" ideas about gender equality are causing these social ills by destabilizing the Polish family and women's role within that family, and it is only a return to tradition that can actually resolve Poland's crisis of gender.

In this chapter, I have focused my analysis on the ways in which entrenched ideas about gender have been defended. Polish policy makers mobilized to defend the culturally-privileged category of mother against the competing category of women as workers. They did so, first, by establishing motherhood as an important collective schema as a bulwark against mounting social ills. Second, key policy actors discursively deployed and defended mothers in policy debate and public discourse by rhetorically linking mothers' protection to the fate of the nation, and by linking working women to the failed socialist regime. And finally, actors embedded this cultural defense in an

institutional framework that reinforced the boundaries between mothers (and even

grandmothers), and women-workers, as I will discuss in greater detail in Chapters 4 and

5.

Chapter 4

The Practice of Governing Gender

In the previous chapter, I discussed how normative, cultural mis-fit between local Polish and EU ideas about gender resulted in diffusion failure in this area. However, cultural mis-fit alone does not explain the failure of the gender equality discourse; one has only to look at the way in which Poles came to accept privatization and high unemployment to see that cultural norms about market relations proved adaptable to reconfiguration in ways that social relations did not. Therefore, the task of this chapter is to offer an explanation as to why this might be the case. I propose instead that goodness of fit or cultural match is, at most, a necessary condition for ideational change. More importantly, though, as the Polish case demonstrates, the necessity of such fit or match is obviated when the imported idea has the epistemic strength to re-make the receiving context, essentially generating new match or fit conditions that are hospitable. The capacity to change the definition of reality itself is one of the criteria of a boot-strapping discourse , as identified by Somers and Block (2005). As I discuss below, the EU both explicitly and implicitly seeks to influence the domestic structure of knowledge production, towards rendering the Polish context more hospitable to the EU view of gender equality. Such efforts are an important element in the process of discursive shift.

In this chapter, I analyze the discourse surrounding attempts to establish gender equality laws and institutions in Poland. I begin by tracing the institutional trajectory of

national-level gender equality institutions starting with the first office opened in 1986, and then exploring how these institutions changed over time, particularly in relation to the EU accession process. I will be looking specifically to see whether there has been engagement with international norms emergent from the UN conferences and treaties, EU directives, and soft policy guidelines. Do institutions come into being because of EU directives? Has gender equality been helped or hindered by the EU's mandate? The EU's influence over such matters also needs to be disaggregated from the influence or impact of other major international organizations and events such as the United Nations, the action programs resulting from the 1985 and 1995 UN Conferences on Women, and the UN Convention to Eliminate Discrimination Against Women (CEDAW). As such, I discuss Poland's ratification of the CEDAW protocol at the same time that omnibus gender equality legislation within the country was being rejected for the third time. Comparing the ratification of CEDAW to the debates on adopting gender equality legislation in the pre-accession period points to an important distinction to be made between formal adoption and meaningful change in norms and practice. This distinction is particularly significant in light of two concurrent events in 1997 – the ratification of the new Polish constitution and the commencement of official accession negotiations with the European Union – that required more than rhetorical commitments to gender equality.

The EU After Beijing

The EU's approach to gender equality is perhaps best represented by the following passage from a 1998 Commission report[1]:

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[1] EU documents written in English are written in British English. I have maintained original spellings.

Thus, equal opportunities and employment are now inextricably linked; equal opportunities are now both a matter of social justice and of good economics. In the next ten years Europe's working age population will begin to shrink in terms of numbers. Employment growth, so vital to our long-term economic success, will depend, even more than in the past, on the increased participation of women in the labour market. Member States must create the conditions that will enable the European economy and the European workplace to benefit fully from the creativity, talents and skills of women and to enable both men and women to have greater balance in their working and family lives. (European Commission 1998a)

Gender equality was packaged and communicated to Poland and the other CEE candidates as a component of economic "modernization," necessary to the EU's project of becoming the most dynamic knowledge-based economy in the world. Although, even at this stage, discussion of balanced participation of women in public life (e.g. political parity, minimum representation in governing bodies, etc.) was on the agenda, the primary emphasis was on employment and entrepreneurship.

Socialist-era gender discourses also emphasized the social need for gender equality and the expectation that women would participate fully in the work force. The similarities between EU and state socialist gender policy extend beyond the rhetorical, according to some critics. Since the United Nations Conference on Women, held in Beijing in 1995, the EU's gender policy has been built upon an approach that uses elements of equal treatment (equality), positive discrimination (difference), and mainstreaming (transformation) to achieve the over-arching goal of gender equality.[2] While this three-prong approach informs the principles of EU policy, it is not always expressed in the directives themselves, which employ the first strategy to address concerns about equal treatment and the establishment of uniform standards for women and men. Positive discrimination and other techniques associated with the pursuit of the

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[2] I discuss the distinction amongst these strategies in greater detail in Chapter 4.

second strategy addressing difference are less likely to be regulated via directive. Rather, these methods are typically suggested in non-binding (soft) law. The third strategy, that of transformation, seeks to revalue relations between care and work and is significantly less well developed or articulated within the policy domain. It is also the aspect of the EU's approach that lies furthest outside its sphere of competency as regards its entitlement to govern via directive. As a result, the EU's reliance on equality measures that emphasize formal equality over accommodating sex- and gender-based difference are often interpreted as "social engineering" reminiscent of previous Polish state socialist campaigns to make women drive tractors and work at the shipyards.

Activities in this area were largely dictated by the Commission's Social Action Programme, the first of which covered 1995-1997, and the next covered 1998-2000. According to the latter, "economic and social progress go hand in hand and.. the whole point of economic progress is to raise people's standard of living, within the context of a balanced macro-economic strategy.... Employment is central to fulfilling this vision, because it is a Europe at work that will sustain the core values of the European social model" (1998c, 2). There are several fundamental assumptions reflected in this statement. The first is that EU involvement in social policy and gender equality issues is justified because these activities are germane to the success of the EU economic program. The second is that equality is rooted in market participation and work, and, therefore, by correcting inequalities in the labor market, other types of inequalities will also be ameliorated. And finally, the assumption is made that core beliefs and values are shared across Europe, leaving little-to-no room for alternate conceptions of "the social model."

This becomes particularly salient for the candidate countries, which are essentially required to accept this social model with no input. According to a 1998 EC report on gender equality:

> The social dimension is an essential element of the Community order and gender equality and equal opportunities are an integral part of the social dimension. There is no accession without equal opportunities between women and men. This message has been clearly formulated by the European Parliament and by the European Commission. (1998a, 28)

This sentiment was reiterated in the Commission's 1999 report:

> The Commission has stressed throughout the enlargement process that there can be no membership without the guarantee of equal rights for women and men and the machinery to enforce these rights. (1999a, 24)

The EU is clearly on record here as saying that accession cannot happen without equal opportunities between women and men, although how this is operationalized is far less forcefully stated.

This stance forecloses the possibility of discussing the terms of equality, or how to square such requirements with existing cultural practices or social norms. In fact, it is only rarely acknowledged within these documents why such inequalities might exist, or what particular barriers to overcoming them might be.Rather, the EU focuses on the need for good institutions and practices:

> It is now recognised that institutional practices and structures, clear responsibility and accountability, high-level support and interdepartmental cooperation are all essential elements in the [gender] mainstreaming policy. Furthermore, senior officials throughout the organisation must be aware of and give sufficient attention to gender issues, and provide appropriate training. To flourish, gender mainstreaming must be properly rooted in the institution rather than dependent for survival on the efforts of committed individuals. (European Commission 2000a, 8)

Gender mainstreaming, according to this report, is not just about normative change. It must also be part of the institutional fabric. Yet, despite this, there is relatively little in the

law coming from the EU that suggests, let alone requires, particular institutional forms. This is something that the authors of the annual reports themselves noted when discussing the weakness of the implementation framework, and how "...moving from commitment to Action has proved more complex than expected" (European Commission 2000a, 23). 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. But 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.

The Gender Equality Accession Mandate

Against this historical backdrop, Poland began the European Union accession process in 1997. As part of this process, Poland was responsible for transposing ten specific gender equality directives and, it was assumed, 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 even been toppled—various efforts had been made by Polish feminists and human rights activists to make inroads for the international gender equality regime within Poland, with varying degrees of success.

The European Union's legal framework, comprised of both hard law (directives) and soft law (action platforms and strategies) offered precisely the language activists and

sympathetic policymakers needed 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). In addition to the directives, the extensive body of EU "soft law" was intended to be used as a guideline in the development of national policies. At that time, the major policy initiatives in question were grouped under the umbrella of *The 2001-2005 Community Framework Strategy on Gender Equality*. This plan 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. There is also the European Employment Strategy and the European Social Policy Agenda. The former includes guidelines for national employment policies, and the latter reflects a broad social policy platform to promote diversity and end discrimination in all forms.

At the same time, revisions to the Labor Code—intended to harmonize Polish law with EU directives—were also being addressed in Parliament. Though most of these changes were mandated by directive, there was still intense debate over certain elements like maternity leave (Sejm 1998c, 1998a, 1998b). Both gender equality legislation and changes to the labor code were introduced and debated repeatedly in the period from

1997-2004, often with little tangible outcome. Up until almost the very end of the Third

Parliamentary Term (Kadencja III) in 2001, practically no transposition, let alone

implementation, of either hard or soft gender equality law had happened in Poland

(European Commission 1998b, 1999b, 2000b, 2001).

Ultimately, the relevant directives were primarily transposed into Polish law

during the tenure of the right-wing coalition. However, the transposition occurred so late

in the term that most of the new laws did not come into force until 2002, after the ruling

government had lost the election and a left-wing government came to power. As the

European Commission noted in that year's 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" (2001, 67). Implementation, therefore, became the

responsibility of the newly elected left-wing coalition.

While the left-wing coalition government made some 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 into parliament in 2003, a reworking of a similar bill that the

Parliamentary Women's Group had attempted to introduce previously in both 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 l 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, Polish-Norwegian Gender Equality Conference)

This ongoing resistance to recognizing gender equality as an important national issue intensified when, in September of 2005, the left-wing government lost the parliamentary elections to the right-wing Law and Justice party (PiS, Prawo i Sprawiedliwość) and shortly thereafter the Council of Ministers liquidated the Plenipotentiary's office.

Institutional Diffusion

Institutionalization was first and foremost about transposition and harmonization of the EU's legal framework, particularly what is called "hard law," i.e., that which is governed by directive. Poland's initial efforts at establishing regulatory bodies in this area long pre-dated Polish involvement with the European Union, as I discussed above, and were motivated by commitments pursuant to UN treaties to which Poland was a signatory. There are, in fact, very few *institutional* requirements imposed by the EU in the area of gender equality. As the noted EU expert and sociology Professor Małgorzata Fuszara explains, each country was responsible for setting its own course of action, and "it's hard to say pressure from higher up would achieve anything" (Fuszara interview, 10/06/2008). She went on to say that this can be partially explained by the fact that in the EU there are wide program areas where soft law is in effect, and a much narrower area in which there is hard law. According to Fuszara, "That's the way it has to be when there are clashes over differing visions...." The amorphous character of the EU itself creates a context in which plurality of form and content are the rule rather than the exception, and

significant discretion about the manner of implementation remains with the (future) member state.

This is partially the result of subsidiarity,[3] but it also reflects the political reality of a lack of consensus over key substantive issues. This lack of consensus over issues—in several areas, not just that of gender equality—was something of an "elephant in the room" that threatened to disrupt progress in the accession negotiations at several moments. Danuta Hubner, the Director of the Polish Committee for European Integration (UKIE, the body responsible for coordinating the Polish negotiation team and then overseeing the harmonization process)—herself a woman, and supporter of the EU's gender equality initiatives—was very aware of the limitations that existed because of this fragmentation:

> We have to be aware of the fact that women's rights and legal status are agreed upon at the European level only to a certain extent. The abundance of social models across Europe with different policy instruments along with a complex historical and cultural landscape hardly allow for the concept of the common gender policy. For example it is up to the Member States to decide the legal status of abortion and to shape family policies. (Hubner 2004, "World Women Work" conference in Berlin)

Given the degree of latitude left to the member states with regard to such foundational issues as access to abortion and family policy, Hubner was, in effect, warning activists that they could only hope for so much from the EU in terms of providing a policy blueprint for them to follow at the national level.

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[3] The principle of subsidiarity is designed to ensure that decision-making happens as close to the level of the citizen as possible, and that Community-level action is continually checked in light of national, regional or local level alternatives. Specifically, it is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. For a more complete explanation, please see http://europa.eu/scadplus/glossary/subsidiarity_en.htm [last accessed 04/04/2011]

The question of legal compliance versus something more was a topic that came up repeatedly in the course of the interviews I conducted. No one that I spoke with suggested that Poland had not transposed the law, though several of them pointed out that little more than that had been done. A senior analyst from UKIE with whom I spoke, in response to my question about whether or not Poland had "adequately addressed the issues governed by the equality directives," responded by saying that the issue was not one of legal compliance *per se*, but rather had to do with the fact that "legislation is not easily transferred [from the EU] to this or another member state" (Wiśniewski interview, 16/06/2008). The issue, then, was not about legal adequacy, but rather whether or not sufficient steps had been taken by the government to live up to the spirit of the law. It is precisely this gap between the letter and the spirit that experts and women's rights activists have sought to bridge. While they recognized the importance of having a legal foundation, it was quickly clear that such a foundation alone was insufficient to address issues of concern like domestic violence, the gendered wage gap, and stereotypes in school textbooks. As Professor Fuszara observed in our interview, the law is only a necessary, not a sufficient, condition: "Political will is extremely important in issues of equality." And the political will in Poland, in her estimation, was particularly weak:

> Let me repeat that none of the governments of Poland ever cared about equality. The Left might be somewhat better in the sense that they know that certain things should not be said and certain other things should be included in their political program. But getting them to create an office requires immense amounts of pressure. It's essential, because left to their own devices they wouldn't do anything. (Fuszara interview,10/06/2008)

Whereas the left-wing government had learned an important lesson about emulation, whether rhetorical or procedural, an enduring commitment to the principles of the EU's gender equality agenda was lacking. Under these circumstances, it seems inappropriate to

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talk about "top-down" diffusion as anything *other* than the transposition of black-letter law. Particularly in areas where there was little cultural common ground on which to build joint policy, there was even less room for institutional consistency across states. Despite this candor about the weakness of both EU and Polish political will in these matters, even those who expressed some skepticism still believed that joining the EU was the best course of action, and that it would only be through membership in the EU that change in this area would ever take place. However, no one that I spoke with suggested that this change would occur as the result of building institutions; rather, such change would only result from "changing mentality" and "socio-economic progress."

The idea of institutionalization, and therefore successful institutional diffusion, is premised on not only the establishment of government bodies and non-governmental organizations, but also on their persistence over time. The start-up costs of institutionalization are quite high, and require a lot of bargaining, persuasion, and ultimately, an electoral victory, to build such institutions. While these costs are high— both in terms of material resources *and* political capital—the pressure for compliance in the pre-accession phase was often enough of a stick to induce cooperation: "The government—and this happened in the other countries as well—had a hard time rejecting the argument that the EU required something... and therefore someone had to take it on" (Fuszara interview, 10/06/2008*).* The language of compliance was prevalent, particularly within the left wing, prior to accession. Even amongst more centrist liberals—such as the parliamentarians from the Freedom Union (Unia Wolności, UW)—compliance was the order of the day, as EU accession was their top priority. Even in issue areas that were not particularly popular or well-understood, such as gender equality, reference to EU

requirements and the need for compliance was often sufficient to at least begin some sort of process (Gerber 2010).

The Polish Gender Framework

Institutionalization of the gender equality policy agenda has been actively resisted almost since independence in 1989. Despite enshrining gender equality into the Polish constitution, attempts to establish independent ministries, parliamentary committees, or an ombudsman office (equivalent to that of the Citizens' Rights Ombudsman) were met with pitched opposition—ranging from determined to vitriolic. In the earlier gender equality legislative debates, opposition to institutionalization was justified by the right-wing's disavowal of the existence of discrimination against women in either Polish social life or the labor market. There were several members of parliament (MPs) on record in the 1997 debate who refused to acknowledge any inequality of opportunity, treatment, or outcome. There were noticeably fewer in the 1999 debate, and by 2002, every single MP—even those from ultra-conservative, Catholic, right-wing parties—acknowledged that the situation of women in Poland was particularly bad. Differences in understanding of what exactly was bad for women were not always conveniently divided along party or ideological lines.

For those who objected on ideological grounds, their position was relatively clear. From their perspective, gender discrimination was not a problem in Poland; the discussions were seen as little more than an attempt to sneak the legalization of abortion in the back door, or as a misguided attempt at social engineering, suspiciously reminiscent of communism. Objections based on material or procedural considerations were more complex, and for some, more perplexing:

It puzzles me that the coalition MPs don't want a commission, which would provide support to their government obliged by the UN Human Rights Committee to introduce anti-discrimination mechanisms. It's not just external agendas and UN reports that mention discrimination in the job market – the present Ministry of Labor and Social Policy sees it as well. The commission would support this government; like I said tonight, I hope that such bodies will exist as a permanent element of the Sejm landscape to support every government, because this is not about medals and postings, but the fact that women's wages are only 70% of wages of men in similar positions. Don't you think that resolving this imbalance would positively influence the pro-family policy? (Śledzińska-Katarsińska-UW 3_62_1 1999)

The objections based on material or procedural considerations were less obvious in their origin. Reports from the right-wing government's own Minister of Labor and Social Policy highlighted the need for positive action to address problems of gender discrimination in the labor market. Yet, the topic had become so thoroughly associated with external authority and "anti-family" feminists, that there was no room in the political rhetoric for the right to acknowledge the obvious relationship between gender equality and healthy families, or for the left to make a convincing claim for their support of the pro-family agenda.

As the unemployment situation in Poland worsened, it became necessary to acknowledge the gendered nature of the situation. This acknowledgment, along with the demands of the accession mandate, forced previously recalcitrant politicians into treating gender inequality as a legitimate social problem that required policy solutions. Despite fears about EU interference in national abortion legislation, the main issues encompassed under the gender equality umbrella n fact revolved around representational parity (e.g., mechanisms to guarantee women's presence on party rosters, and participation in the legislative process), hiring discrimination, the retirement age, health care, maternity leave, family violence, and representation in social media (e.g., textbooks,

advertisements, etc). For left-wing parties such as the Labor Union (Unia Pracy, UP) and SLD, indicators of women's inequality followed the dominant logic of Western feminism (for the most part) emphasizing equality, whereas for right-wing parties, issues of freedom were more paramount. In a somewhat ironic twist, one which reflects the unusual configuration of politics in post-socialist space, the left-wing parties in Poland are strongly concerned with equal access and ability to compete in markets, whereas the right-wing parties are, in many instances, more concerned with freedom *from* the market and the ability, especially of women, to leave employment for child-bearing and child-rearing purposes.

The disavowal of the existence of gender-based discrimination is reflected in parliamentary debates over proposed gender equality legislation. The overwhelming response of right-wing parliamentarians to the proposed legislation was to affirm that women are not at all discriminated against, but rather are particularly revered and respected as wives and mothers. Debate at this stage (mid-1997) was characterized by claims for social justice on the left, and by denial on the right. The legislation that was proposed in 1997 was explicitly modeled after Western European conventions. Although the document refers to EU directives (albeit only as "the directives of 12.08.1986" as opposed to by formal number), the legacy of Poland's ratification of CEDAW back in 1982 is emphasized more strongly, and it is CEDAW that is cast as the foundation for ongoing Polish efforts to achieve gender equality. The other key justification for the legislative effort has to do with the Polish constitution. As the authors of the legislation noted, "Experience demonstrates, however, that the constitutional provision of equality and the prohibition against discrimination does not suffice in the real application of the

law" (Sejm 1997, 2), which explains their ongoing determination to establish both specific legislation, and a permanent administrative body to oversee said legislation's implementation.

Administrating Equality

The first national-level gender equality instrument was established in Poland shortly after the 1985 Nairobi conference. 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 and Zielińska 2005). The officer at that time was responsible for overseeing the recommendations of the Nairobi *Forward-Looking Strategies* document (WomenWatch 1985), and Anna Kedzierska, the plenipotentiary officer, was apparently very active in coordinating with various other governmental ministries. However, it is not clear how effective she, or her office, was, or how visible she was to the public. When state socialism collapsed in 1989, honoring the commitments made in Nairobi took a backseat to massive political and structural transformation.

Since 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 issues that were considered to be of importance to women varied widely from government to government, however, as was reflected by the various names of these offices: Plenipotentiary for Women and Family (1991-1992, under a broad coalition government); Plenipotentiary for Family and Women (1995-1997, under a left-wing coalition government); Plenipotentiary for the

Family (1997-2001, under a right-wing coalition government); Plenipotentiary for the Equal Status of Women and Men (2001-2005, under a left-wing coalition government).[4]

In almost all cases, women's issues have been conflated with family issues. The word "family" has been absent from the office's title only twice, first during Communist times, and then again in the immediate pre-accession period (2001-2005), when the office existed to manage the implementation of the relevant EU gender-equality directives and to pursue the Social Policy Agenda. This period, with EU negotiations well underway, also marks the first time that a self-proclaimed feminist was put in charge of the Plenipotentiary (Izabela Jaruga-Nowacka, a member of parliament from the Labor Union party) and that issues of equal treatment were its 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 a multiple decade-long effort to implement the international gender-equality regime in Poland. Because the Plenipotentiary is a part of the Prime Minister's chancellery, it exists only as long as the Prime Minister is incumbent (or wishes for the office to exist), and is, therefore, vulnerable to co-optation, re-engineering according to the political will of 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.

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[4] See Appendix A for a full institutional timeline, and a corresponding political timeline that compares changes in the gender equality office to changes in governing party and other major political milestones.

The left-wing post-communist coalition, SLD, won the majority in the Sejm in 1993, much to the surprise (and dismay) of former Solidarity activists who had become involved in government. The consolidation of the left was cemented when Aleksander Kwaśniewski won the presidential election in 1995, displacing the national hero Lech Wałęsa from the position. This victory of the left has been, in part, attributed to side-effects of changes in the voting system from straight proportional representation to a modified system known as the D'Hondt Method,[5] which is employed in many other EU countries such as Austria, Denmark, Finland, the Netherlands, and Portugal. Other suggested explanations for the left-wing triumph in 1993 are: the unpopularity of the Balcerowicz Plan; the left's ability to cast itself as more technically competent than the right (Grzymala-Busse 2007); and, to a certain extent, a fatigue or rejection of reactionary clerical and national ideologies (CBOS 2004).

In the middle of the Second Kadencja (1993-1997, under the coalition government led by SLD and PSL), the UN Conference on Women in Beijing was scheduled to occur. The impending conference in Beijing led to the hasty re-establishment of the Plenipotentiary. The SLD government appointed Barbara Blida to the post. While Blida was a well-respected politician,[6] she had no specific competencies in women's issues. More troubling was her lack of particular interest in women's issues; activists and NGOs criticized her appointment as political expediency rather than a firm commitment. Just prior to the Beijing conference, the Plenipotentiary's office was once

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[5] The D'Hondt method is an electoral method that uses a highest average calculation to allocate parliamentary seats in a party-list proportional representation system. This system slightly favors large parties and coalitions over scattered small parties. This is particularly salient for Poland, because it led to the establishment of a 5% minimum threshold for a party to hold seats in parliament and contributed to the rapid rise and fall of several political parties throughout the 1990s.

[6] Blida left politics in 2005, and in 2007 was caught up in a scandal in which she was accused of corruption and taking bribes. When the police came to her house to arrest her, she shot and killed herself. (*Globe and Mail* 25/04/2007)

again reconfigured and Jolanta Banach was appointed the Plenipotentiary. Under her

direction, a report on the status of women in Poland was prepared, in conjunction with

Polish NGOs, for presentation in Beijing.

As I will argue in greater detail shortly, this ephemerality does not lend itself to

the effective enforcement of rights, or even to institutionalization in any meaningful

sense of the word. A former employee of the Plenipotentiary's office noted:

> *Spurek*: 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.
>
> *Investigator*: However, I mean particularly when it comes to implementing
> EU directives, but even in the general course of government business,
> there are always projects that will take more than one or two years. Look
> at the building of stadiums for Euro 2012, right, this is beyond...
>
> *Spurek*: Yes, but this is about sport, not about women.
>
> *Investigator*: Maybe that's the difference. But how do you ever have long
> term goals or achieve those goals if everything changes with the
> government?
>
> *Spurek*: You don't.(Sylwia Spurek interview, 15/05/2008)

Ms. Spurek was not alone in this sentiment, as each of the former employees I spoke

with, including one of the former Plenipotentiaries herself, said essentially the same

thing: that the temporary nature of the office itself was 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 (Magdalena Środa interview, 10/6/2008).

The Constitutional Protection of Equality

At this same time, the new Polish Constitution was also ratified in 1997. The principle of gender equality and non-discrimination was written into it in Article 33:

> Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honors and decorations.

This guarantee is, in fact, more expansive than anything required directly by the EU. There is speculation as to how this came to be included in the Constitution, although it was likely in anticipation of EU membership and a symbolic commitment to sharing and upholding the normative principles of the Union.

In addition, the constitution contains another article in which women are singled out: "Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland" (Article 18). This passage expressly addresses the issue of marriage so as to preempt claims for recognition of same-sex union. However, it oddly elevates motherhood, setting it apart from "parenthood" more generally. A comparison of the language employed in these two constitutional articles raises the question of how the word "equality" is being understood and deployed in this context. In Article 33, both men and women are referred to explicitly; in addition, the language extends further than even that of the EU directives at the time—although this was probably the case due to the anticipation of a positive resolution to EU-level reforms underway at the time, specifically in its reference to social security and work of equal value. Conversely, Article 18 makes no reference to men's

role in the family, or to fatherhood, directly. It also establishes motherhood as a special category, entitled to particular protection from the state.

The existence of Article 33 in the new Polish constitution has proven both confounding and important at the same time, particularly when considered in conjunction with Article 18, which states that "...the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland." One well-known columnist, Ewa Siedlecka, wrote in *Gazeta Wyborcza*:

> How does special care for mothers relate to the equality of women and men "in the family and political, social and economic spheres" defined in article 33? Will fathers have no right to this "special government care"? Though fathers don't bear children, sometimes they raise them from birth on their own. Or is family life not covered under the equal rights law? In this case it would be a uniquely Polish solution: giving spouses unequal rights. (*GW* 04/10/1997)

The equality guarantee of Article 33 was, in fact, more expansive than anything required directly by the EU in 1997. It was suggested that the article was included in anticipation of changing EU standards, and was meant to signal Poland's symbolic commitment to sharing and upholding the normative principles of the Union. However, as Article 18 suggests, national commitments to supporting motherhood still essentially trumped the national commitment to gender equality.

When it comes to the anti-discrimination legal framework, there also seems to be a missing connection between de jure protections and de facto mechanisms for enforcing such protections. For example, another question asked in the survey was whether or not there is a need in Poland for separate gender equality legislation: 36% of women and 26% of men answered "yes," whereas 54% and 66%, respectively, answered "no" (CBOS 1997). The study found that respondents did not support additional legislation because

they felt that Article 33 of the Polish constitution, which stipulates that "men and women shall have equal rights in family, political, social and economic life in the Republic of Poland" and that "men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours [sic] and decorations," was a sufficient guarantee of the equal rights of women and men. And yet, nowhere in Article 33 is there a provision for enforcement or redress; ultimately, the constitutional guarantee is little more than a symbolic gesture.

Support for a gender equality law did not change between 1999 and 2002, with 37% of women and 26% of men in favor. In this iteration of the survey, however, there was also a question asked about "the need for a government representative for the equal status of women and men"; 52% of women and 38% of men answered "yes." Of the total sample, only 39% were of the opinion that there was no such need (the remainder were undecided) (CBOS 1999, 2002). This support for some kind of government instrument for gender equality, coupled with a lack of support for gender equality legislation, is somewhat puzzling. The Plenipotentiary's office had only been open for a few short months at that time, but it was the only national-level body charged with coordinating efforts to support the constitutional guarantee of equality. It lacked, however, the authority or resources to actually either enforce this guarantee or pursue claims that it had been violated. Given this, it is unclear how Poles expected the constitutional right to be respected.

Within the Polish context, guarantees of gender equality—such as those of Article 33 in the Constitution—were coincident with guarantees of special protections for

mothers, policy proposals incentivizing extended maternal leave, and resistance to the equalization of the retirement age for men and women. This type of familialist policy, which ensconces parenthood within the confines of the private family, has long been recognized as a means of overlooking or excusing inequalities in private life (Okin 1989; Nussbaum 1999). Privileging and protecting family life in this way is problematic for women and for gender equality more broadly. On the other hand, the cognitive priors of Polish politics demand that motherhood be protected and valued. Given these competing impulses, the fact that efforts to pass omnibus gender equality legislation consistently met with failure is not so surprising. In addition to failing to pass such legislation on any of the four occasions it was proposed in parliament between 1997 and 2004, even the (seemingly) more successful efforts at implementing the gender equality directives were *ad hoc* and weak. Institutionalization of gender equality in Poland was primarily resisted on ideological grounds. The legislative debates were seen as little more than a misguided attempt to reintroduce state socialist-era social engineering that would once again privilege women workers over mothers.

Legislating Equality

Kadencja 2 (1993-1997)

Shortly after Poland attained official candidate status in 1997, the ruling government[7] proposed gender equality legislation in the Sejm. Efforts to implement both hard and soft law in Poland began as early as 1997, within months of obtaining official EU candidacy status. One of the earliest efforts was a legislative initiative led by the

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[7] A coalition of left and left-center parties, lead primarily by SLD and PSL.

ruling left-wing coalition to adopt gender equality legislation that would establish a

national Ombudsperson for Equal Treatment, establish a Commission on Equal

Treatment in parliament, set up an Office of Equal Treatment at the national level, 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 committee for further work. However, in the intervening months the

ruling government lost the election and a right-wing government took power in late 1997.

One of the co-sponsors of the legislation, a Member of Parliament (MP) from the

Freedom Union (UW, Unia Wolności), spoke about Poland's need to comply, and how

compliance actually would provide Poland with an important opportunity:

> The directives of the Council of the European Communities from Aug 12
> 1986 and the recommendations of the Committee of Ministers of the
> Council of Europe from Feb 2 1985 directly indicate the necessity of
> undertaking diverse positive activities aimed at actual realization of the
> equality principle. Those documents stress the importance of
> implementing national mechanisms which would lead to enacting special
> legislation on equal rights.... Regardless of those guidelines and directives
> this is an attempt at starting a debate on equal status. By this I mean a
> discussion on a subject that so far has been a taboo subject in our
> consciousness, never broached by the media, one that never sparked a
> serious, wide-ranging discussion among both supporters and opponents of
> this kind of regulations. (Sledzińska-Katarasińska-UW 2_109_2 1997)

The debate of 1997 was relatively subdued, proceeding to the second reading very

quickly. It is difficult to say why this was the case, given how contentious later debates

over virtually identical legislation were. It may have been that the left had a large enough

majority in the Sejm at this time (Kadencja 2, 1993-1997); or that elections were close

enough that few though it would remain ongoing business for much longer; or because

the proposal was so broad as to be acceptable to all. Despite the lack of contention, the

legislation did not make it to a vote before the close of the legislative term. By the next

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session (1997-2001), after a change in government, the intensity of the discussion changed noticeably.

Kadencja 3 (1997-2001)

The parliamentary election of 1997 significantly altered the political landscape within the Sejm. The incumbent left-wing coalition of SLD and PSL ran a complacent, even inept, campaign, whereas the right-wing was able to overcome the internal divisions that had left it splintered and politically weak during the 1993 election. The unification of the right, under the umbrella of Solidarity Electoral Action (AWS, Akcja Wyborcza Solidarność) on the eve of the 1997 election was the result of a new political strategy, which used a "moral-ideological" platform focusing on family values and national tradition. This served the dual purpose of drawing attention away from differences over economic policy and appealed to the public desire to pursue lustration[8] in the wake of the "Oleksy Affair."[9] Many of the left-wing SLD's members came from the Polish communist party of the previous regime, and were viewed with distrust. This made it possible for AWS to focus its campaign on historical politics and morality issues, rather than on policy differences or greater technical competency (Szczerbiak 1998). EU accession also had a role to play in this election. As scholars of the region have argued:

> The scope of EU conditionality is far larger for the Eastern European countries than for their Mediterranean predecessors. This set of "great expectations"...has preempted much of the public debates of the nature of policy in the region...it has eradicated both detailed and ideological debates over many area of public policy. It is this perception that "there is no

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[8] Lustration refers to the post-socialist practice of purifying or "decommunizing" government, primarily by identifying those who had been involved in the previous regime, whether as police, security agents, spies, or even as civil servants. This has led to many people being barred from holding government positions or receiving pensions.

[9] Jozef Oleksy, the SLD prime minister, was forced to resign in 1996 amidst (unproven) allegations that he had collaborated with the Russian Security Services during socialist times in Poland.

alternative" that also underpins the rise of anti-EU politicians who substitute populism in lieu of substantial debate over ideology or policy.... (Grzymala-Busse and Innes 2003, 64)

This turn to what Grzymala-Busse and Innes call "valence issues" served to further disadvantage gender equality activists in their pursuit of new legislation. After having run on a platform of family values and national tradition, AWS could legitimately claim to have a popular mandate to preserve the traditional Polish family.

Despite this political shift, a new round of omnibus gender equality legislation was introduced in 1998, although it was rejected after the first reading in 1999. As one member of AWS commented to the press after the bill's rejection: "This commission [Parliamentary Commission on Gender Equality] is unnecessary...in what legislation is it [gender equality] not guaranteed?" Here the MP is referring to the fact that gender equality had been guaranteed in the new Polish constitution, and therefore was implicit in all Polish law. And if, for some reason, this was not a sufficient guarantee of gender equality, then the matter should be "should be discussed in the commission for the family…because there is a favorable atmosphere" (*GW* 20/07/1999), thus sending the not-so-subtle message that women's rights should be thought of—and treated as—family rights.

The idea that the constitutional guarantee would be sufficient to provide actual protection for women in Poland was echoed in public opinion (CBOS 1999, 2002, 2006). The ratification of the new Polish constitution in 1997 had a "fixing" influence on these debates. Prior to its adoption, many elements of Polish democracy were in flux, but with the adoption of the new constitution, Polish democratic values became fixed—even if only symbolically. Because Article 33 directly addressed issues of gender equality, many

Polish politicians and citizens alike felt that the constitutional guarantees were the only words needed on the subject. Supporters of the 1999 gender equality legislation had a different perspective:

> Some think that Constitutional provisions are enough to ensure equal rights for both genders, but others point out loopholes in specific legislation and—most importantly—practical implementation far removed from the standards postulated by EU Member States, the ranks of which we are striving to join.... The government seems to be forgetting that over the last 30 years many countries have passed laws aimed at providing equal treatment and equal chances to women and men. (Śledzińska-Katarsińska-UW 3_45_3 1999)

As this liberal party MP pointed out, the constitutional article had little to say about implementation or practical application, and left considerable room for interpretation. What is more, passing additional legislation was common practice throughout Europe. In fact, such legislation was often considered necessary (as opposed to excessive) to implement the directives and pursuing the Action Program.

While those on the left attempted to use shaming tactics, or at least make appeals to Poland's international reputation—particularly its reputation as a bad place for women—the government's Plenipotentiary for the Family ("women" having been dropped from the title of the office entirely under the AWS coalition government, 1997-2001) had a very different assessment of the situation:

> *Question from MP Gadzinowski of SLD*: Do you know an EU Member State where women are discriminated against to the degree that Polish women are? Do you think that discrimination against women is one of the obstacles on our path to EU membership?

> *Answer from Plenipotentiary Kapera of AWS*: Mr. Gadzinowski asked whether I knew of an EU Member State where women are as discriminated against as Polish women are. I think this is a rather mischievous question, because there is no discrimination against women in Poland. I think looking to other countries in this situation would amount

to going in the wrong direction. Poland is not a country where women are discriminated against.
(3_45_3 1999)

In this exchange, the left-wing MP is confronting the government representative with the example of the rest of the EU, and attempting to cast persistent gender based discrimination as an obstacle to Poland's successful accession to the EU. The use of shaming tactics—such as putting Poland on the bottom of the heap in comparison to the other EU countries—is a classic technique when trying to encourage (or enforce) an otherwise weak rights regime (Hafner-Burton 2008; Tsutsui and Hwa 2008). In this instance, however, it backfired, for the simple reason that the right-wing and left-wing in Poland did not, at this time, agree over the basic fact of the existence of gender discrimination.

This disavowal of the existence of gender discrimination in Poland provoked irritation and frustration amongst sympathizers, who repeatedly mobilized social scientific studies to point out that women were over-represented amongst the unemployed, that a gendered wage gap did indeed exist, and that poverty was disproportionately affecting women. During the second round of proposed legislation in the latter half of 1999, Theresa Jaształ, a parliamentarian from the left-wing democratic coalition, raised the issue of denial once again, and wondered how long Poland would be able to maintain to an international audience the stance that there was no discrimination against women in the Polish job market, or that the issue of violence against women did not exist. In her speech, she pointed out that many of the EU member states had already been through this process and these debates. Citing France, Greece, Belgium, Germany, Spain, Portugal, the Netherlands, Ireland, and Great Britain, she argued that all of these

states had implemented and institutionalized the EU gender equality agenda by passing

legislation, creating government bodies, and addressing equality in their respective

constitutions. Why should Poland not do the same? She asked: "Are all those countries

wrong? Is Poland the sole exception that for some reason is sure it knows

better?"(Jaształ-SLD 3_62_1 1999). Here, Poland's reluctance to act is directly

(negatively) compared to the rest of Europe, and those who would deny the existence of

gender discrimination are, by implication, either blind or arrogant. What is notable about

this is the multivalent appeal to international conventions, and to the example being set

by other European countries. In these terms, Poland's problem is no different than the

problems experienced by France, Greece, and so on, and therefore the appropriate

solutions are also the European (e.g., non-Polish) solutions.

Kadencja 4 (2001-2005)

The 2001 parliamentary election once again saw a major shift in Polish electoral

politics. AWS, which won such a decisive victory in the previous parliamentary election,

not only suffered major defeats but actually performed so poorly that it failed to pass the

required minimum 7% threshold and disappeared from parliament altogether. This was

partially attributable to a change in the electoral law in 2001, which shifted the formula

for proportional representation from d'Hondt to Sainte Laguë[10]; but it was also

attributable to growing pressure from the EU to combat corruption, which brought the

subject of party finances onto the political agenda (to the detriment of AWS) (Millard

2003). With the diminution of importance of historical politics, issues of competency and

transparency were elevated as voter concerns, particularly as these were considered

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[10] The latter voting procedure is very similar to the D'Hondt method, but overcomes the bias towards larger parties. It was only used in Poland for the 2001 before reverting back to the D'Hondt method.

crucial to Poland's successful accession to the EU. At the same time, the 2001 election

also marks the increased entry of populist parties to parliament, specifically Self Defense

(Samoobrona) and the League of Polish Families (LPR, Liga Polskich Rodzin).

The CEDAW Ratification Debate

The tone of the debates surrounding the ratification of the CEDAW protocol was

noticeably different from those about proposed domestic legislation. For example,

whereas right-wing parliamentarians had completely denied the existence of gender

discrimination in Poland and said that women's issues should be handled by the

committee for family affairs, in the CEDAW debate, an MP from the right-wing Law and

Justice party (PiS, Prawo i Sprawliwość) delivered the following statement on behalf of

his party:

> Even though our party is wary of granting international institutions the
> right to interfere with internal issues, in this case forming an institution
> that would oversee activities counteracting discrimination against women
> would be justified.... Even though discrimination against women is not
> frequent in Poland, we have ratified this protocol and it should mobilize
> the Polish government to fully comply with the decisions of this
> convention. (Piłka-PiS 4_39_1 2003)

This statement is almost a complete reversal of his party's position. Whereas earlier

rhetoric had denied the existence of discrimination or the need for additional institutions

to address gender inequality, and argued for the sufficiency of the constitutional

guarantee, this statement recognizes discrimination (guardedly) and accedes to the

formation of some sort of institution. What is more, this openly Euro-critical[11] party was

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[11] I do not mean to imply that PiS is Euro-skeptic, because they are not. However, as a nationalistic, populist-oriented party, they are wary of external influence. Particularly if such influence is coming from Germany. I have called them "Euro-critical" here in an attempt to distinguish their stance from that of Samoobrona and Liga Polskich Rodzin, who are overtly Euro-skeptical and whose members have spoken openly about not joining the EU. The official PiS stance always publicly endorsed EU membership.

willing to allow the UN to "interfere with internal issues," while simultaneously blocking similar efforts by the EU to do so.

Samoobrona (Self Defense), another populist, socially-conservative political party also lent its support to the CEDAW ratification:

> Poland's accession to the protocol will not require changing our internal legislation.... The protocol currently under debate is heading in the right direction – it broadens the scope of protecting women when the nation violates their rights, in cases when national procedures have been exhausted and the issue is clear. (Stasiewski-SO 4_39_1 2003)

Samoobrona's base is primarily agrarian, rural, and less well-educated. At this time, it was also particularly well-known for being at the vanguard of the small Euroskeptic movement in Poland. The point this particular speaker raised, about CEDAW serving as a means of protecting citizens from their national governments, is an interesting one. First, it is unexpected rhetoric from a populist party, which typically cast the nation as the perfect embodiment and expression of individual members' wills, rather than as a potential source of oppression. Second, the EU directives essentially exist to provide the same security to aggrieved national citizens. Precedents set in the European Court of Justice (ECJ) provide a legal basis for citizens to defend their rights at the national level, and the directives themselves have largely come into being as a response to important ECJ rulings, such as the ones discussed in the previous chapter. Once again, a distinction is being made between the UN and the EU as the source of such institutions and protective mechanisms, with right-wing parliamentarians readily agreeing to UN involvement while resisting similar, if not identical, involvement from the EU.

Perhaps most surprising of all, is the (admittedly qualified) support the CEDAW ratification received from the most extreme right-wing, nationalist party in Polish politics, LPR:

> The proposed ratification of the Facultative Protocol of the Convention of eliminating all forms of discrimination against women does not introduce any changes to Polish law.... Our law is not discriminatory against women, so it's not likely that the committee would have to deal with a large number of such cases from Poland. If it turns out that this committee tries to usurp the right to give rulings contrary to Polish law, for example by considering the ban on abortion as discrimination against women, we will withdraw from this protocol.... Thus the formula of adopting and possible withdrawal from this protocol does not pose a risk to Polish legislation, the right to maintain normalcy in our families, and the right to maintain our moral values. In my opinion this protocol is unnecessary in our country, because we're already appropriately dealing with those issues. More—we have retained the tradition of showing women special respect and concern. We think that men should provide women with special protection and care due to their social function as mothers and wives. Thus, we have no reason to fear external UN verification of our behaviors or compliance with the respective laws. However, if Poland does not ratify this protocol, it will look like we have something to hide or that we aren't committed to following the rules of non-discrimination, so we should ratify the protocol. (M. Giertych-LPR 4_39_1 2003)

LPR advocates a mix of nationalism and Christian solidarism, emphasizing conservative social values and isolationism. There is also a strong relationship between LPR and the radical right-wing Radio Maryja. MP Giertych touches upon themes similar to those brought up by the speaker from PiS, albeit in much stronger language, such as when the latter talks of interference, and the former talks about usurpation. But Giertych, in this speech, is also speaking more openly about why this measure will pass when other measures have failed: in reality, CEDAW effectively changes little or nothing about Polish law. It does nothing to challenge the institutional landscape, it does not seek to change Polish values, and it does not shift the focus of policy away from families and onto individuals. Most importantly, ratifying the protocol allows Poland to make a

symbolic gesture of compliance with an internationally-sanctioned gender equality regime, while at the same time requiring almost nothing in terms of implementation. In addition, it remains possible to withdraw from CEDAW at any time, without fear of sanction or penalty.

What emerges from the protocol ratification debates is an explicit discussion of how outside intervention in Poland's internal operations is perceived and reacted to. The ratification of the Facultative Protocol of CEDAW straddles analytic space between institutional and normative diffusion, particularly since there are no hard institutional requirements required as a result of ratification. However, it is telling that more than one (right-wing) parliamentarian raises the issue of non-interference in Polish legislation, and the fact that Poland can always opt out or withdraw in the future. Such language is not employed when discussing EU compliance, precisely because the EU *is* empowered to interfere in Polish legislation, and there is no clear path for opting out or withdrawal.

A comparison of the CEDAW ratification to the attempts to pass national gender equality legislation also points to important differences in how the source of institutional or normative diffusion factors into reception at the national level. The institutional requirements of CEDAW are minimal, non-binding, and motivated by a norm of non-discrimination. The EU's agenda is more intrusive, contains a mix of binding and non-binding elements, and is premised on a normative foundation of equality, which is ostensibly more demanding than just non-discrimination. Whereas the principle of non-discrimination is, despite initial grumblings from the right wing, widely accepted in Poland, the equality norm is something that is actively contested in Polish public discourse. And because it is precisely this norm that animates EU gender equality policy,

a lack of consensus over the basic meaning of equality signals the epistemic weakness of the gender equality discourse in Poland.

It might be tempting to interpret this movement from wholesale rejection to qualified acceptance of gender inequality as a social issue in Poland as evidence of successful diffusion. However, this would not be the correct interpretation. Rather, it is an indication of *realpolitik*: a rise in the importance of valence issues in domestic party politics; the pressures of conditionality; and, most importantly, the innovation of a means of inserting a Polish perspective into the conversation, by framing the issue as one of freedom of choice versus equality. The substantive hollowness of the ratification of the CEDAW protocol—as evidenced by the repeated references to a lack of enforcement mechanism, the limited authority it grants to interfere in domestic politics, and the low probability that much would change in Poland as a result of ratification—became apparent in the almost immediate dismantling of the equal status office within the year.

Deinstitutionalization

When the left-wing government was once again voted out of power in the 2005 election, the Plenipotentiary for the Equal Treatment of Women and Men was not reappointed. This, of course, happened after Poland's official accession to the EU in 2004, but there was still the possibility that such an action would make Poland vulnerable to reprimand. A senior analyst at UKIE, who had remained on at the office, spoke to me about official reaction to the closing of the Plenipotentiary's office:

> *Investigator:* So, when that office was closed in 2005, did anybody here [at UKIE] have a reaction?

> *Wiśniewski*: Well, I mean, I don't remember any formal reactions made by the Minister...but, talking about at the expert level, we exchanged many

views and we were very much concerned about this fact. We had no doubts that the reason for closing the office were political, and actually we were anticipating trouble as far as Brussels [i.e., the EU's Directorate General of Employment and Social Policy] was concerned. Because it seemed to us that it was against the European regulations for such a body not to exist. But later on the pressure or controversy subsided, the government – I'm talking about the [national] Ministry of Labor and Social Affairs, but also the Chancellery of the Prime Minister—managed to convince Brussels that the existing body, which has to do with family, would take on the role of gender.

Investigator: Right. And anti-discrimination in general. So Brussels, in fact, did not complain very much?

Wiśniewski: I'm not really sure whether their complaints were really vocal or not. I'm sure there were some concerns or anxieties expressed in Brussels. But given that this sphere is quite lightly regulated, the directives are not very specific in terms of formal institutions that need to be adopted in a given country. I would say that the protests were mild in their nature. (Wiśniewski interview,16/06/2008)

As Mr. Wiśniewski noted, the vagueness of the directives in terms of institutional requirements or methods of implementation, provided the new right-wing coalition government with the latitude to revert to a strict non-discrimination strategy that was narrowly focused on women's labor force participation; whereas the previous Plenipotentiary had explicitly identified "women and men," as gendered individuals, as their subject, the new Department of Women, Family, and Anti-Discrimination, housed within the Ministry of Labor and Social Policy, had a different set of priorities. Concerns from Brussels over the dismantling of the only national mechanism for coordinating national programs on women's issues and gender equality seemed to be easily allayed by the government's claim to have folded those competencies into this new department.

As the Deputy Minister of Labor reported at a UN hearing, the new department was focusing on Polish women's lack of access to the labor market, and had also launched campaigns to promote women's entrepreneurship and protect women workers

over age 45 (United Nations 2007). Several of the country representatives present at that UN General Assembly meeting expressed concern that Poland's attentions and efforts were now too narrowly-focused on employment issues, and that no one was directly responsible for coordinating efforts to deal with women's issues as a whole. That this department had once again managed to link gender equality to family policy did not seem to concern either Polish politicians (beyond the core group responsible for drafting the legislation in the first place), or EU officials:

> …there was no political protest [when the Plenipotentiary was closed], because in politics, Polish politics in general, they don't know what the politics of gender equality are: neither the right-wingers, nor the leftists. In connection with this there never was any kind of group that cared about that office. It was always just a game of pressure for the politicians, so as to squeeze out any office at all to meet international requirements. (Fuszara interview, 10/06/2008)

What resulted was a classic case of détente, on both sides. Much like when the EU and Poland had come to tenuous compromise over abortion earlier in the decade, they once again struck a bargain concerning the institutionalization of gender equality and non-discrimination implementation.

Some were of two minds about whether the EU reacted sufficiently, or even at all. On the one hand, it might have been that the EU did not have grounds to protest the Polish action, even if it had the political will to do so: "the EU can't react, because the countries have to sort it out on their own... the Union is only interested in whether there is a national mechanism for equality, if it appears to work, and if authority is given to vice ministers" (Fuszara interview, 10/06/2008). On the other, former Plenipotentiary Środa saw things in a slightly different light:

> Did the EU react? Yes, there were some consequences, but this government [the PiS government in office from 2005-2007] is –was –

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> resistant to the EU. Also, the government realized fairly fast that they have to have this post, because it's covered by four EU directives by now. So Joanna Kluzik took over this post...I was the *women's* plenipotentiary, while she handled family issues and avoided women's issues as much as she could. So this was a vast difference. (Środa interview, 10/06/2008)

Why did closing the office matter, particularly if the competencies were transferred elsewhere? Even if one accepted the argument that the competencies *had* been completely and appropriately reassigned, a claim that almost no one believed, the loss of institutional continuity was a real problem. It moved civil servants who were experienced with these issues and laws—and who had ostensibly formed contacts in Brussels—to other departments, where their expertise was lost. Archival resources were also scattered or lost because, as one former Plenipotentiary employee observed, "many things were destroyed because there wasn't any destination archive…. There was nothing formally to archive [as in no formal requirement or mandate to create an official archive], though there were some publications so they probably went to NGOs or to other people who were interested in having them…." (Spurek interview, 15/05/2008). Most of the Plenipotentiary's internet resources were not transferred to the Department of Labor and Social Policy's website, and are now no longer available. On top of which, there was an interruption in the dispersal and administration of structural funds designed to support equality projects.

There remains some confusion, even now, about what happened with some of the projects being run with structural funds. As former Plenipotentiary Środa pointed out, the Plenipotentiary's office was a major source of funding for women's NGOs in Poland, thanks largely to structural funds that were dispersed through that office. But, after the office's dissolution, "it became impossible.... Liquidation of the office complicated the

financial side" (Środa interview, 10/06/2008). When I asked Professor Fuszara about her experience of the financial aftermath of the office's closure, she had this to say:

> I have no idea about structural funds.... It should be like this worldwide, that an office exists regardless of changes in the government, right, because it's a national office if it's formed to handle something.... And in this sense every government, both the Kaczyński government [referring to the PiS led government from 2005-2007] and this one [the PO-PSL coalition that has been in power since 2007], will tell you that there was institutional continuity, the competencies were transferred to someone else. But about certain projects...you'd have to ask them about the big projects and how they're handling this issue, because right now I don't know anything about it. (Fuszara interview, 10/06/2008)

Professor Fuszara is extremely well-integrated into transnational networks of activists, researchers, and EU-level policymakers. In fact, she was the national coordinator for the Polish site of a large, multi-national research project, funded by the European Commission, entitled "Enlargement, Gender, and Governance." The fact that even she has no clear picture of how projects were being carried over from one government to the next speaks to just how insecure and inconsistent these efforts actually are.

Conclusion

As I have attempted to demonstrate in this chapter, the claim to "top-down" diffusion of gender equality—from the EU to Poland—as a result of the accession process is tenuous at best. As the institutional history I have elaborated above indicates, there has been no consistency in this area over time. The structures that have been established have been weak, transient, and susceptible to political vicissitude. From the interviews with former employees of the Office of the Plenipotentiary, and the various parliamentary debates that occurred between 1997 and 2005, there is evidence that the

need for EU compliance was universally recognized and was consistently referred to as a desired goal. However, what also emerges from these discussions and debates is just how little institutional guidance actually came from the EU. Nowhere in the directives does it specify how, at what level, or in what manner, the directives should be implemented, a point often raised in counter-argument to proponents of establishing a Ministerial position or an Ombudsman. As one member of the far right-wing LPR wondered,

> The ladies from the left brought up EU equality policies numerous times, contrasting them with Polish policies, with some alleged Polish intolerance. I would like to know if it's true that the guarantees of equal status of women and men contained in the Polish Constitution are broader than those listed in the EU treaty; if it's true that according to the literature on this topic Polish law is compliant with European law in this respect even without the proposed act; if it's true that the plenipotentiary for civil rights has been successfully working for women's rights long before the office of plenipotentiary for equal status of women and men was created, and if it isn't the right place for those issues. Is it true that the EU directive does not specify the form anti-discrimination activities should take? This would mean that every Member State could define its preferred institutional form of realizing those tasks....Where does the formula invented today in Poland by you ladies come from...? (Kruk-LPR 4_105_1 2004)

Given that this was the reaction to implementing hard law (i.e., the directives), when pursuing the implementation of soft law, it was hardly surprising that opponents responded with comments like, "MP Mazurkiewicz [from the left-wing SLD] referred extensively to EU recommendations [zalecenie] in his speech; we greatly respect those recommendations and consider them a kind of guideline, not orders...." (Cymański—AWS 3_62_1 1999).

The EU itself has very few, if any, specific institutional requirements of member states in this area. And, it has proven itself loathe to intervene in all but the most flagrant instances of shirking or resistance. Evaluated in light of the mechanism specified by

Somers and Block (2005), the diffusion of the EU's gender equality discourse from the top-down seems to have failed. Because the EU's specification of what kind of institutions must be established is under-developed, and ultimately left to the discretion of member states, an EU-generated schema carries very little force. The EU's model of a national-level office responsible for leading a coordinated campaign for gender equality lost out, in favor of a decentralized, dispersed model that had a narrow, rather than expansive, set of priorities. Through top-down, or institutional, diffusion, the EU sought to reshape the Polish context in its own image—and failed. Instead, the EU ensured legal compliance, as indicated by harmonization of black-letter law. In the following chapter, I will present evidence that links the causes of institutional failure to deeper problems of normative diffusion. As I will argue, not only does "top-down" diffusion prove ineffective when it comes to gender equality in Poland, but "bottom-up" diffusion fares even worse.

Chapter 5

Reinventing the Logic of Polish Social Life

As I have argued in the previous chapters, the particularity of Poland as a norm-receiving context holds the answer to the question of why the EU's efforts to diffuse its gender equality has led to re-traditionalization rather than reform. The issue is not just that the EU's gender equality program lacks force—either normatively or institutionally—to effect meaningful change at the level of discourse, or that transnational actors have been less successful in Poland than elsewhere; rather, ideas reflected in both the hard and soft law of this agenda challenge a concept that is integral to Polish national identity and sovereignty. Borrowing a phrase from the philosophy of science, gender roles form a part of the "hard core"—an inviolable precept—of Polishness (Lakatos 1978; Burawoy 1989). Therefore, the key to understanding the success or failure of ideational change rests in understanding Poland as a particular site of knowledge production in which gender is deeply implicated; and the position gender occupies within these discourses also differs from the position it holds in other contexts.

Just as gender is part of the inviolable core of Polish national identity, there is also a core set of truths central to the mythology of the European Union. At this core is liberalism, or more accurately neoliberalism, a philosophy that advocates market individualism as the organizing logic of social, economic, and political life (Bourdieu 1998; Somers 2005a, 2005b; Harvey 2007). The social welfare programs and ideologies

espoused by the EU are justified in terms of their usefulness and necessity for pursuing the expansion and entrenchment of neoliberal capitalism. This pits the EU and Poland against each other as clashing paradigms, in which not only their epistemologies but their ontologies are at odds: whereas the EU premises its policies on individualism, the family is the fundamental unit of Polish social, political, and economic life. As such, the central logics guiding the development of EU and Polish policy, respectively, are at odds.

These differences did not prove to be problematic across all policy areas in the Polish case. Rather, they supported a philosophical and political distinction between economic liberalism and social liberalism that, as I discussed in Chapter 1, had already been present in Polish political culture. This enabled Polish policymakers to uncouple economic and social policy analytically in ways that supported economic liberalization and social retraditionalization. Because there were few opportunities during pre-accession to dispute the core premises of the economic program, politicians were unlikely to directly challenge the value or appropriateness of market fundamentalist principles. The few challenges that did emerge were often glossed over, and their proponents discounted as extremists.

An Ambiguous Relationship to Liberalism

The on-going struggle over the gender equality agenda within Poland was being conditioned, largely, by the more pervasive yet subtle struggle over who gets to define "Polishness," and how. This manifested as conflict, in some instances, between Polish and European policymakers, but primarily it did so amongst Polish policymakers themselves. More internationally-oriented actors, such as left-wing parliamentarians and gender equality activists, within Polish society sought ways to incorporate European

ideas into domestic discourse. In contrast, more traditionally-oriented actors called upon the sufficiency and primacy of Polish institutions and norms (Gerber in progress), particularly when dealing with social issues.

My discussion in Chapter 2 of the variations in support for different elements of the liberal project demonstrated amongst Solidarity activists and early post-socialist leaders highlighted the conflicted Polish approach to liberalism as a comprehensive social system. In this dissertation, in particular, I have chosen to focus on official political discourse. But at some level, it is important to keep in mind 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 happens.

What the Foucauldian framework I developed in Chapter 1 suggests is that it is the relationship between different factions within a community of indigenous speakers that has the potential to change the conditions of discursive production. By this I mean, with activists bridging the gap between fields of discourse production—the international realm from which the gender equality regime is emergent, and the national realm in which multiple narratives of Polishness are in competition—they ultimately serve as agents of localizing the foreign (Acharya 2004). While discourse constantly changes, and is susceptible to new influences as well as new limitations, it is also persistent, and the object of coordinated preservation efforts. The hegemonic gender discourse in Poland reflects, to a large degree, the constraints and conditions of a previous era that have become doctrine, and function as both instruments of subjection and strategies 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, 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 why many would seek to preserve tradition in the context of European integration: because it is only the idea of Poland that endured for almost two centuries, it is this idea that must be defended. Yet, Poland's entry into the EU was hailed as its triumphant "return to Europe," and support for EU accession was enthusiastic throughout most of the pre-accession period (Szczerbiak 2001; CBOS 2004). In the immediate post-socialist period, joining with Europe seemed the obvious course of action.

However, in addition to being an economic and political union, the European Union is also a cultural one, organized around the idea that Europeans share a core set of values. While many of these values center around ideas of economy and 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 domains over which the EU can claim any kind of authority. Via the process of accession, new relationships between supranational and national governance (and identity) are negotiated, accepted, and ultimately, implemented. Sovereignty, autonomy, and citizenship are what are at stake in these negotiations. The power and authority of state, nation, and citizen, as a result of European integration, is being redefined within Poland (and elsewhere). This identification with the world beyond Poland's borders carries heavy implications for Poland, a place that literally existed in only the hearts and minds of patriots for several hundred years.

Social Poland, Economic Europe

There are segments of Polish society that believed the social liberalism of the EU would be a boon for Poland, whereas others perceived it as undermining Polish tradition and religious values. Much of the social liberalism implicitly or explicitly required by the EU accession criteria was felt, within Poland, 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 harkening back to the equality rhetoric of state socialism, or sounding like an imported fashion from the West. For certain segments of Polish society, the association between (gender) liberalization and EU membership is emblematic of a dilemma that persists: how can Poland simultaneously retain its cultural autonomy, and its national sovereignty, and be an integrated (and integral) part of Europe at the same time?

The Problem of Liberalism

On the eve of the 1995 UN Conference on Women in Beijing, then-president Lech Wałęsa wrote a letter to conference participants in which he said:

> Women's participation in the public sphere is by all means a desirable outcome. This is a great achievement of our age...[but] numerous dangers are lurking among those indisputable successes. Many circles share a justified fear that society might pay too high a price for this leap – woman's situation is intrinsically tied with her role intended by nature. New challenges and responsibilities and the possibility of professional development cannot interfere with fulfilling the maternal mission or disrupt the harmony of family life. Politicians and governments have the duty to prepare programs and solutions which would let women both fulfill their role as wives and mothers, providers of childcare, and – when needed – achieve a compromise between professional and familial duties. (*GW* 08/09/1995)

While this was still prior to the official beginning of Poland's accession process, it indicated the place from which the debate would start once Poland was in the position of having to transpose and implement the directives. Wałęsa's statement belied a continued statist approach to the family and the "traditional" gendered division of labor, indicating that the government would—and should—continue to play a role in (re)establishing a breadwinner family model.

Once confronted with the accession criteria as outlined by the Copenhagen Criteria, Polish politicians (or the public) seemed to draw a (perhaps arbitrary) distinction between social and economic liberalization. For example, one senator from AWS was described as "criticiz[ing] liberal legal norms in the EC. In her opinion men should be guaranteed wages high enough to support the whole family, and if not enough, mothers should be paid for their housework—and homemakers certainly deserve retirement payments" (*GW* 21/10/1997). Here, norms are seen as the determinants of how Polish families will or will not divide labor amongst its members. But rather than identifying market pressures or economic liberalization as the source of destabilization of the traditional Polish family structure, it is instead linked to norms as they are communicated and carried by EU legal requirements. In calling for mothers to be paid for their housework—and guaranteed retirement benefits—the AWS senator belies a fundamental misunderstanding of how EU economic requirements were poised to shape Polish social spending.

The dual face of European liberalism—as both an economic and normative/philosophical system—makes it very difficult for actors of various social and political positions to know where they stand vis-à-vis this liberalism. Polish feminists

wanted to know: would the EU dismantle systems of inequality in Poland, or would the

EU refrain from getting involved under the rubric of cultural specificity? Others,

however, were optimistic about both the "free market" and the opportunities it might

create for women. Król, a columnist from *Wprost,* went so far as to say:

> Nobody loves women as much as anti-feminists—though it's a thoroughly
> possessive love that any woman capable of thought wants to reject. This is
> why anti-feminists have contributed to restoring women to their "rightful
> place" in Western civilization. Poland's tragic history gave women the
> ability to replace men who had gone to wars—replace them not only as
> heads of the family, but also in the estate, enterprise or manufacturing.
> This might be why Polish women's capabilities for dealing with difficult
> times are greater than men's: men frequently drown their sorrows in
> alcohol or test their luck at gambling. The period of transformation in the
> '90s has shown that women can take advantage of free market
> opportunities better than the often-frustrated men.... The free market is
> starting to rule the Polish job market. Sure, lawmakers ruin it for women
> every now and then by introducing still new privileges, but in the future,
> well-educated Polish women will be the biggest competitors with their
> male compatriots.... Unemployment may exceed 20% in the coming
> years—that is, we'll be where Spain used to be a few years ago.... I'm
> hoping for a prettier future, though, as Polish women will be the best
> defenders of the free market. (11/2000)

Król's point is that women in Poland have long borne the brunt of scarcity, insecurity, and

single parenthood; as such, they are better prepared for the rigors of the free market, and

will likely outperform men as a result. As I discussed at length in Chapter 2, "re-

masculinization" and "re-traditionalization" have been significant political trends within

Poland since the collapse of state socialism (Watson 1993; Fuszara 2000; Graff 2001).

This trend towards traditionalism has been far more pronounced in Poland than in the

other post-socialist Central and Eastern European (CEE) states (Glass and Kawachi 2001;

Pascall and Kwak 2005; Szelewa and Polakowski 2008). This distinction, which has

resulted in atypical levels of resistance to the diffusion of the gender equality agenda,

reflects not only a crisis of masculinity (as succinctly expressed in Król's piece above)

but also a manifestation of deep Polish ambivalence towards liberalism.

The (Neo)Liberal Critique

By 2003 a new kind of critique began to emerge, one which instead pointed to

gender equality legislation as a band-aid solution to—or perhaps even an obfuscation

of—more serious problems affecting women. In particular, these critics did not so much

refer to women's role as mothers, or as keepers of Polish tradition, but rather pointed to

how the neoliberal economic policies Poland was adopting as a result of EU requirements

were leading to the very inequalities and suffering that gender equality was ostensibly

designed to address. As one MP from the left-wing Polish People's Party (PSL)

commented:

> Polish culture has a number of traditions which call for treating women
> with respect and concern, but it is a fact that actions don't always follow
> words, especially now that we're beset by poverty, unemployment, lack of
> concern for the weak, the race for survival, the pressure to compete and
> have a career at any cost. Women, who apart from their professional duties
> have a second job as mothers and wives, often pay the price. (Dobrosz-
> PSL 4_39_1 2003)

Dobrosz's acknowledgment of women's double burden is itself unusual, merely for the

fact that of being a public acknowledgment. However, his implication that liberalization

has exacerbated this problem rather than resolved it is particularly rare one within

parliament—even from the left. PSL is technically a left-wing party, representing an

agrarian socialist agenda, although it is also known for its social conservatism and is the

oldest political party in Poland, dating back to before the communist regime. Throughout

the 1990s and into the early 2000s, PSL was often a member of the ruling coalition with

SLD. However, the coalition between SLD and PSL broke down during the 4th

Parliamentary Session (2004), and since that time, the party has shifted to the center. As

of 2007, PSL has been a part of the ruling coalition with Civic Platform (PO). Although

at the time of the 2003 debate, PSL was a part of the small but growing agrarian-based

Euroskeptic movement in Poland.

Samoobrona occupies a similar, albeit further right-wing, position on the Polish

political spectrum. In the 2004 debate on gender equality, a member of Self-Defense

drew a direct connection between Poland's shift to liberalism (as an economic policy) and

gender equality:

> The circumstances for family development are so stressful and harmful
> nowadays that we should be surprised anyone is still having children.
> Being laid off is a failure and loss of one's life's work, the dissolution and
> pathology of the family. It's only thanks to the wisdom of Polish women
> that impoverished families haven't started selling their children yet. Dear
> ladies! It's not men who discriminate against women, it's Poland's nasty
> liberal policy, which results in unemployment levels unheard of in Europe.
> Isn't it hypocrisy to appoint special institutions that fight for women's right
> without taking care of the country's economic development? The legal
> system is discriminating against you, women. Subsidies, child support and
> welfare payments have been fixed at below the biological minimum.
> (Czechowski-SO 4_69_4 2004)

The point Czechowski raises is that it is actually the poverty and unemployment that

women are faced with, as a result of the dismantling of the welfare state, which are the

true barriers to gender equality. While he still speaks in the language of the family—that

being his unit of analysis, rather than individual women *per se*—he assigns the blame for

social ills on systemic problems, rather than the decline of the traditional family.

It is something of an irony that the few remaining social programs, the last

vestiges of the welfare state, were being actively dismantled by a ruling coalition of

former communists and Social Democrats. Because of their 2001 electoral victory,

largely as a result of being considered the more technically and administratively

competent party (Grzymala-Busse 2007), the unpopular task of belt-tightening was left to them. And it was also left to them to sell class formation and fiscal responsibility to their colleagues in the Sejm:

> Poland never had a middle class. It was a poor country where the middle class had no chance to develop. In 80% of Polish families – that's a very conservative estimate in my opinion – women had no real choice whether to work or stay at home. Our mothers and grandmothers had to work to support themselves and their families, so I would call this motion [to radically extend parental leave benefits] an example of wishful and possibly very noble thinking, but we're in the High Chamber, and the Chamber knows the opportunities very well. Who wouldn't want that? We heard a lot of voices in favor of extended, nationally subsidized parental leaves with guaranteed employment for the parent, male or female, but we weren't able to afford that. I remember voting on this issue, how hard it was to make the decision. Ladies and gentlemen, those subsidies would have been gone in a minute, because we've been heading straight towards the collapse of public finances. (Jaruga-Nowacka-SLD 4_69_4 2004)

This is the first instance, in all of the gender equality legislative debates that I analyzed, in which a parliamentarian stated the obvious fact that large numbers of Polish women had worked outside of the home for generations. As Jaruga-Nowacka, the Plenipotentiary for Equal Treatment at the time of this debate, pointed out, Polish public finances were neither capable of providing generous benefits, nor of guaranteeing employment as the state had done during the time of the PRL. It might be popular or politically expedient to make such promises, but they are promises that cannot possibly be delivered on.

Change in Poland since 1989 is frequently talked about in terms of "shock," most famously in terms of Balcerowicz's "shock therapy." Along with the themes of transition and transformation, shock is often a term Poles use to describe the early 1990s, as new political and economic systems were being built. Elżbieta Kruk, an active member of Law and Justice (PiS), a right-wing successor party to Solidarity Electoral Action, honed

in on the relationship between shock and traditional Polish value systems, and the role of

those values in the policy formation process:

> We're facing economic and social challenges resulting from the upheavals of the period of transformation and civilizational changes, as well as a demographic challenge of an aging society. Each of these shocks influence the family, its growth, its functions and its members – particularly women.... A family beset by unemployment, poverty, homelessness, internally tormented by various difficulties, needs the support of the government – but the authors of this report [the Government report on the Status of Women in Poland] have no compassion for those families. The priorities of government action outlined in this document do not include family-friendly policies. [Applause] The welfare of the family, which is an irreplaceable value for the community of citizens – women included – lies beyond the scope of this government's ideological perspective. Does this surprise us? No. The entirety of the current government's policies does not offer support – it strikes at the root of the functioning of families, often trying to cut corners on things that require support and promoting anti-family ideologies.... Ms. Plenipotentiary seems to be so alienated from reality that she doesn't notice the nature of women's identities and the high position and meaning of family life in our society's hierarchy of values. (Kruk-PiS 4_69_4 2004)

In the 2004 debate, the level of frustration with the economic situation in Poland was

quite high. While the frustration itself was universal across party and ideological position,

to whom the frustration was directed varied widely:

> What's more, women's situation hasn't improved at all over those two years since you've become the plenipotentiary for equal status of women and men – you said that yourself in your speech – and it's still getting worse. Do you really think that conferences, seminars, propaganda events and handing out fliers while the government shortens parental leave, cuts subsidies and family benefits, and liquidates the child support fund, is going to help Polish women?... The government did not change the Labor Code's anti-discrimination laws, it was the result of EU directives and the requirement to make our legal system compatible with EU laws.... We have to get rid of this feminist newspeak, because it speaks mainly to gender studies experts, not to normal Polish women. (Fogler-PO 4_69_4 2004)

Unlike counterparts from SO and PSL, the Civic Platform was (and still is) unabashedly

Europhilic and economically liberal, more so than any other party in Polish politics. This

enthusiastic support for the EU comes through in this passage, in that changes to the

Labor Code—which are read as tangible, measurable improvements for women—are

ascribed to EU directive, while education campaigns, conferences, capacity-building, and

public awareness are seen as ineffectual and the product of "feminist newspeak."

What is glossed over in MP Marta Fogler's speech is that those same activities she

dismisses as irrelevant for those outside of gender studies departments are the ones

proposed and funded by PHARE and EU structural funds, which are suggested in the

2001-2005 Action Plan, and which reflect the mainstreaming agenda of incorporating

gender at all levels of political, social, and economic life. What is also ironic is that a

representative of Poland's most economically-liberal party would be critiquing a social

democrat (Unia Pracy, Jaruga-Nowacka's party, is social democratic) for eroding the

welfare state by cutting family benefits and dissolving the maintenance fund.

But it is precisely this tension concerning market fundamentalism and the true

costs of economic (neo)liberalism that can help us make sense of the repeated failure of

gender equality legislation between 1997 and 2004. It is almost comedic that one of the

most controversial Polish political figures—Andrzej Lepper—exposed the obfuscation

happening on both the right and the left side over the albatross in the room:

> Women's issues are a very serious problem. It's good that we're discussing
> it practically on the eve of Women's Day, but who caused this difficult
> situation of Polish women, of the family? Of course it was men, shame on
> us [Applause]; everyone who used to be in power so far should be beating
> their chests, let's not name the names of Ms Gronkiewicz-Waltz or Ms
> Suchocka, because it was during the term of the Unia Wolności PM
> Suchocka – it saddens me to say it, pretty ladies from Platforma
> Obywatelska, because you're all beautiful, both on the Left and on the
> Right – but Ms Suchocka was the first to take the most from female
> retirees, changed the valorization [valuation], changed the rules for
> retirement payment calculations. The Tribunal decided it was against the
> law.

(MP Elżbieta Łukacijewska: We weren't here then.)

I know you ladies weren't here, that's why I said you weren't, but you're a party composed from Unia Demokratyczna and Unia Wolności, among other groups. The restrictive banking and lending policies towards Polish families, and especially towards Polish women, that were implemented by Ms Gronkiewicz-Waltz, are the same as her favorite successor, Leszek Balcerowicz, but they're from one party, one blood, there's no difference. It was exactly the same.... But if you support the Hausner plan that aims to reach into the pockets of Polish families.... You're told...I don't know, did Hausner put a spell on you? Did Hausner, I don't know, hypnotize you or something, that you all can't see that it will impact women the most? It will affect women the most, again. Those sensitive women from Unia Pracy should tell their female colleagues from the SLD that we've had enough of liberalism. We have to steer towards social policies, towards providing families the means to live in dignity, by lessening the burden, the duties of Polish women of today. (Lepper-SO 4_69_4 2004)

The Hausner Plan that Lepper is referring to was a set of economic reforms suggested by the then-Economic Minister, Jerzy Hausner, to improve Poland's attractiveness as an investment location, make it more hospitable for entrepreneurship, to improve public finances to meet EU criteria, and to prepare for entry into the Euro zone.

The specific benchmarks of the Hausner Plan called for a cut of PLN30 billion (US$9.5 billion, €6.7 billion) in social spending and PLN20 billion (US$6.3 billion , €4.5 billion) in government overhead. One of the primary ways the Hausner Plan proposed to cut social spending was by equalizing the retirement age for men and women, along with reducing the number of people eligible for early retirement. Lepper, and other members of his party, were the only speakers in the debate to explicitly point out that Hausner's plan would disproportionately affect women, and that this did far more to threaten Polish women's well-being than men's sexism towards women. As one Samoobrona parliamentarian argued:

We have long left behind the period of women's emancipation in a historical aspect, but some issues of that period are still relevant. Women's problems in the modern world can be connected to two factors: firstly, their natural capabilities in the field of fertility, motherhood and the whole sphere of healthcare, and secondly, the civilization changes, more accessible information, developing consciousness.... Because how do we approach women whose maternity leave has been shortened, who have been deprived of welfare payments granted many years ago and accused of welfare fraud, who receive lower social security payments or have had their child support payments taken away... most Polish women—two more sentences—have trodden a difficult path, survived rough times of postwar queues, insufficient supplies, responsibility to support their homes and families, and later raising their grandchildren. This is a typical pattern in Poland. Now the government wants to inflict a higher age of retirement on women. Ms. Minister, is this a humanitarian act? (Dulias-SO 4_69_4 2004)

The source of Poland's problems was liberalism, according to Lepper, although he doesn't qualify the term (i.e., economic versus political liberalism). In the earlier stages of the pre-accession process, most of the critique of gender equality legislation centered around issues of values, tradition, and hegemonic Polishness, although conversations about liberalization and market-building, and their potential impact began to emerge in the mainstream press in the late 1990s, earlier than in parliamentary debates. At the intersection of neoliberal economics and gender, the discussion typically centered around issues of social welfare, the family wage, pensions and retirement entitlements.

This foundational normative distinction plays out at the national policy level. The domestic initiatives that have been the most successful narrowly address problems in the labor market, entrepreneurs' difficulty in obtaining credit, and the gendered wage gap. These are the issue areas in which the gender equality discourse dovetail with liberal economic discourses, in ways that "sneak" gender in through the back door. These points of contact between an epistemically-weak discourse on the one hand, and an epistemically-privileged discourse on the other can happen because EU precedence and

competency in the area of economic policy is, relatively, recognized and uncontested. On the one hand, this overlap empowered gender equality activists by providing them with a respected vocabulary to mobilize in pursuit of their goals. On the other, it created a paradoxical situation for those who favored both gender equality and liberalization. For example, parliamentarians from Civic Platform (Platforma Obywatelska, PO), the Europhilic liberal party, and part of the ruling coalition from 1997-2001, were forced into speaking out of both sides of their mouths during the 2005 equality debate:

> Articles 11 and 12 concern the creation of the Office for Equal Status of Women and Men and fighting discrimination. I'd like to clearly say – again – that PO is against the creation of yet another centralized office. We support decreasing government involvement in the private lives of citizens, and we're against wasting public money on expanding central administration. The government should be trimming superfluous offices, not adding new ones... I'd like to know what the Left did for women. Maternity leave was shortened, parental benefits were taken away, and now you're trying to close this huge void left by laziness and sheer incompetency with an empty law? We understand that the politics of equal status of men and women are an integral part of the EU legal system. Let's implement it here as well, but let's be reasonable, calm, sensible. (Fogler-PO 4_105_1 2004)

As Poland's neo-liberal vanguard, it is up to them to lead the campaign for minimal government, yet the basis of their critique of the left's handling of gender equality still relies on active governmental (re)distribution of wealth. It seems counterintuitive that the government could—or should—decrease its involvement in citizens' lives while simultaneously subsidizing natalist policies.

Conclusion

In my previous discussion of the "crisis of gender" in post-socialist Poland (see Chapter 3), I pointed to the ways in which the EU missed an opportunity to effect a coup about gender ideas. This was largely because traditionalist policymakers were effective in

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mobilizing existing ideational commitments to argue convincingly that "foreign" ideas about gender equality were the cause, rather than the solution, to social ills arising from the destabilization of women's role within the Polish family. In contrast, for several reasons, the EU was far more successful in its economic ideational coup. As Somers and Block's model (2005) would suggest, economic neoliberalism had the epistemic strength to bootstrap itself into prominence because it was able to: first, the socialist command economy had already failed and needed to be replaced. Second, existing ideational commitments to socialist economic principles were weak-to-non-existent, and therefore susceptible to alternatives. The institutional and ideational trajectories cannot, however, be disaggregated. Part of what explains neoliberalism's success, and gender equality's failure, is institutional strength. Unlike gender equality, neoliberalism is embedded within a well-articulated institutional and legal framework that carries with it both the incentive of resources (foreign direct investment, loans from the International Monetary Fund, EU structural funds) and the threat of sanctions (exclusion from the EU, long-term under-development).

As I attempted to demonstrate in the previous chapters, resistance to both the normative and institutional implementation of gender mainstreaming in Poland reflects a deep-seated commitment to a discourse that is germane to hegemonic notions of Polishness. At the same time, the space for counter-hegemonic economic discourses—ones which challenge, or even outright reject, market fundamentalism—did not (and still do not) exist in Polish politics or society. The few anti-liberal politicians who attempted to introduce alternative viewpoints on this subject are considered (and for very good reason) on the fringe the Polish mainstream. Either that, or their economic critiques go

hand-in-hand with radical Catholic and nationalistic discourses that provide *other grounds* upon which to base their opposition. In a certain sense, anti-gender equality backlash enables market integration. It does so by diverting attention away from the process (and its effects). And, by "taking seriously" the issue of Polish femininity and motherhood, officials were perceived to be sticking up for Poland and defending Polishness, with the latter becoming the means by which the Polish elite seemed to be managing the problem of social and economic dislocation via traditionalism and nationalism.

Conclusion

This dissertation is motivated by the central question: "Why do some ideas and discourses diffuse easily while others do not?" This question, or some variation of it, has been central to sociological theory, the sociology of knowledge, cultural sociology, and several other subfields within the discipline stretching back to the work of Marx, Weber and Durkheim, and beyond, into the present. EU integration, and specifically Polish integration into the EU, presents itself as an interesting case in which to approach such a question for two reasons. First, the collapse of state socialism, and the subsequent transformation of post-socialist space, was a significant moment of ideational change, in which entire political, economic, and sociocultural systems were being deliberately rebuilt. However, this transformation did not happen in a vacuum. It was simultaneous with the transformation of EU integration and Europeanization.

The study of ideas, and their diffusion, has been central to EU studies. However, as the Polish case demonstrates, not all ideas diffuse, and, indeed, some ideas are actively resisted. As such, there needs to be some way to think about ideational diffusion not as a *fait accompli*, but rather as a negotiated (and sometimes even thwarted) process. Although the literature on diffusion is extensive, especially regarding European Union integration, diffusion's limits remain unexplained. The subtle teleology at the heart of this scholarship causes diffusion to be taken as a given, and concerns itself with studying processes, without asking which ideas diffuse, or whether the norms or ideas already in

place in the receiving context affect diffusion outcomes. My dissertation seeks to fill this gap by accounting for a critical case: Poland's problematic implementation of the European Union's gender equality directives, particularly in contrast to other parts of the accession mandate. What has always stood out as requiring an explanation is the difference between how readily Poles accepted the transition to Western European visions of capitalism, including all of the austerity measures of "shock therapy" and EU conditionality, versus how much internal resistance there was—and continues to be—to Western European visions of gender equality.

My aim, then, was to see how one certain set of ideas was being communicated from the EU to Poland, and whether or not the sheer fact of that communication was enough to effect an ideational change. In order to explore this, I approached the case with the following research questions: "why did Polish policymakers resist the EU's gender equality agenda?" and "why did they re-traditionalize rather than Westernize?" What I found is that policymakers resisted the gender equality agenda for a few key reasons: first, not only did the substance of the agenda itself not resonate with local ideas about gender, but these "foreign ideas" lacked the epistemic strength to change people's minds; second, resistance became a means of political differentiation between parties at a moment in which there was an imposed consensus in other policy areas; third, resistance and frustration with other elements of the accession mandate were channeled into symbolic confrontations over gender because there were fewer and weaker constraints surrounding the requirements of the gender equality agenda. The diffusion of the EU's gender discourse —premised on the idea of "gender mainstreaming" that emerged as the international consensus on gender equality after the 1995 UN Conference on Women—

had the counterintuitive effect of creating an avenue to re-tradtionalization, rather than ensuring Westernization. This was largely because the EU's gender equality agenda was perceived to be a recapitulation of socialist-era gender policy, a form of interference in Polish culture, and an attempt to socially engineer gender relations. Re-traditionalization also became possible because, while the EU's normative commitment to gender equality is relatively strong, its institutional commitment to it is quite low.

I have argued throughout that ideas are embedded in discourses, emergent from sites of local knowledge production, and that in order for new ideas to be taken up they either need to be "in the true" by fitting the local discursive order. Or, put another way, they need to be able to change the local discursive order to make a place for themselves. Cultural match or resonance might be a necessary prerequisite; when there is no such fit, an idea must have the force to make itself true. In my evaluation of the EU's gender equality discourse, it has become clear that it neither fits Poland as it is, nor does it have the strength to change the rules. It fails to bootstrap itself in for two reasons. The first reason is that the EU's gender equality program substantively fails to meet the criteria of an epistemically-privileged discourse as, in the Polish case, it is unable to: reframe the issue by redefining reality; pose a counterfactual argument that had *it* been the dominant ideational regime, a crisis or period of instability could have been avoided; or, provide a powerful public counter-narrative. The second reason is that the institutional milieu in which the EU's gender equality discourse is embedded lacks coherence, and is not sufficiently robust to fundamentally shape or alter the existing institutional environment within Poland. The EU's lack of commitment to a coherent institutional gender equality schema itself undermines the success of the project. Ultimately, this case demonstrates

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that the substance of an idea being communicated is not incidental to its success in a new context. Using the rubric of epistemic privilege developed by Somers and Block, I show how the EU's ideas about gender equality were unable to displace local Polish ideas about gender. The gender discourse in Poland is locally privileged and is, therefore, highly resistant to counter-hegemonic alternatives, particularly ones that are seen as foreign or brought in from the outside.

These findings are important for several reasons. First, this extends our understanding of the way ideas change, and what needs to happen at the level of culture and knowledge in order to see such change. Second, this corrects a major oversight in the literature on diffusion in general, and EU studies in particular, by bringing in an analysis of ideational and normative substance. Third, this raises important questions for the study of the relationship between economic and gender regimes, and suggests that we need to problematize the normative assumptions underpinning the EU's gender equality agenda that are the product of Northern and Western European welfare states and redistributive politics. Women's experiences under socialism and beyond have produced alternate ideas about women's social role, particularly regarding participation in wage and care work, that do not always jibe with Western discourses, which overlook the importance of choice in places where such choice was prohibited for almost 50 years.

Appendix A

A comparison of major political and gender equality milestones 1985 to present.

Sequence of Elections and Other Political Milestones	Year	Sequence of Plenipotentiaries and Other Gender Equality Milestones
	1985	UN Conference on Women in Nairobi
	1986	Office of the Plenipotentiary for Women
Roundtable talks between Solidarity and PRL leaders; first partially-free elections	1989	Plenipotentiary office closed due to collapse of People's Republic of Poland
Lech Wałęsa elected president	1990	
First free elections in Poland; Poland joins the Council of Europe.	1991	Office of the Plenipotentiary for Women and Family, under the direction of Anna Popowicz.
Legislation to restrict abortion is proposed in the Sejm.	1992	Plenipotentiary officer is recalled by the Prime Minister for protesting anti-abortion legislation proposed in the Sejm, and the Office is closed.
Parliamentary elections are held early; a new government is formed by a coalition of SLD and PSL, both left-wing parties.	1993	Plenipotentiary office remains vacant
	1994	Plenipotentiary office remains vacant
Presidential election won by Aleksander Kwaśniewski (SLD)	1995	UN Conference in Beijing; Jolanta Banach appointed Plenipotentiary for Family and Women.
	1996	
Parliamentary elections; new government formed by a coalition of Solidarity Electoral Action and Freedom Union, both center-right parties. Poland's new constitution is ratified.	1997	SLD-PSL coalition government approves the UN-sponsored National Action Plan for Gender Equality from Beijing. After elections, office is reconfigured as the Plenipotentiary for the Family under the direction of Kazimierz Kapera, the first man to hold such a position.
Pre-accession negotiations begin with the European Union.	1998	
Poland joins NATO; Parliament, after one reading, rejects proposed gender equality legislation without a vote.	1999	The Parliamentary Group of Women introduced gender equality legislation in the Sejm.
Presidential election won by Aleksander Kwaśniewski, this time running as an non-affiliated candidate.	2000	
Parliamentary elections; a new government is formed by a coalition of SLD (left), Unia Pracy (center-left), and PSL (center-left).	2001	Plenipotentiary for the Equal Status of Women and Men is established, under the direction of Izabela Jaruga-Nowacka of Unia Pracy.

	2002	
Poland votes "yes" in EU referendum.	2003	
Prime Minister Leszek Miller resigns; he is replaced by Marek Belka.	2004	Izabela Jaruga-Nowacka promoted to Vice-Prime Minister and replaced by University of Warsaw professor Magdalena Środa.
Parliament rejects a draft of the Act on Equal Opportunities for Women and Men. Presidential election won by Lech Kaczyński (PiS). Parliamentary elections; new government formed by a coalition of PiS (right-center), Samoobrona (right), and LPR (right).	2005	Plenipotentiary office closed. Many of its competencies are relocated to the Ministry of Labor and Social Affairs, Department of Women, Family and Anti-Discrimination, under the direction of Joanna Kluzik-Rostkowska (PiS).
	2006	
Coalition government collapses. Parliamentary elections two years early; new government is formed by a coalition of Civic Platform and PSL, both center-right parties.	2007	
	2008	Plenipotentiary for Equal Treatment is established under the direction of Elżbieta Radziszewska (PO).

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