

CHAPTER TEN

Electoral Gender Quotas in Poland

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Gender and electoral politics are inseparable. In this chapter I present a brief history of electoral policy known as gender quotas as they appeared in Poland from the Communist era to the electoral quota law passed in 2011. For context, I present an overview of women's parliamentary representation since 1945.

Throughout Central and Eastern Europe, especially in the run up to, and during, accession to the European Union, debates have taken place on the issue of gender equality in legislative institutions (Reuschemeyer and Wolchik 2009). Parliamentarians are critical actors in these debates, as they have the authority to introduce and implement gender equality enhancing legislation. Whether parliamentarians want to enhance gender equality in parliament, and how they would like to achieve this goal, directly impacts any legislation related, explicitly or implicitly, to women's political representation (Krook 2014; for a detailed discussion of the role of party leaders in gender equality initiatives, see Kunovich and Paxton 2005 and Caul-Kittilson 2006).

A popular yet contentious way of enhancing gender equality in parliament is through gender quotas. Gender quotas are rules that aim at securing a set percentage of women to appear on candidate lists in elections for political offices. Gender quotas can be an effective way to place women in parliament, though how well quotas function depends much on the form of electoral rules, the type of quota system adopted, and the level of enforcement of such a system (Dahlerup 2006; Matland and Montgomery 2003; Krook 2009).

In February 2011, then President of Poland, Bronisław Komorowski, signed into law The Act of 5 January 2011 amending the Law – Elections to municipal councils, county councils and regional councils, the Law – Elections to the Polish Sejm and the Senate of the Polish Republic, and the Law – Elections to the European Parliament [*Ustawa z dnia 5 stycznia 2011 r. o zmianie ustawy – Ordynacja wyborcza do rad gmin, rad powiatów i sejmików województw, ustawy – Ordynacja wyborcza do Sejmu Rzeczypospolitej Polskiej i do Senatu Rzeczypospolitej Polskiej oraz ustawy – Ordynacja wyborcza do Parlamentu Europejskiego.*] This gender quota law amends existing electoral law by stipulating that, for all political parties seeking office locally, nationally, or in the European Parliament, in each district 35 percent of their candidate lists must be composed of women. This law is silent on the placement of women candidates on electoral lists.

WOMEN'S PARLIAMENTARY REPRESENTATION IN POLAND SINCE 1945

During the postwar Communist-era, officials thought that one of the most important principles of Communist ideology was to empower groups that had been historically disadvantaged. Women were among the disadvantaged groups that the regime sought to liberate. This meant an increasing participation of women in all spheres of public life, from university education and occupational attainment to parliamentary membership. As such, Communist ideology – in which the Party played the “leading role” – idealized descriptive political representation, which can be defined as the extent to which the composition of the political elite resembles the demographics and experiences of the citizenry. In Poland, the Communist Party both praised women and actively sought to maintain traditional gender relations (Buckley 1989; Einhorn 1993; Siemieńska, 1985; Fuszara, 2005, 2010). Throughout the Communist era, while political equality was extolled, gender traditionalism was the norm.

During the transition (1989–1991), Poland focused on democratization and economic reform, and gender and descriptive representation was not prominent on the agenda (Matland and Montgomery 2003; Rueschemeyer and Wolchik 2009). The immediate post-1989

drop in Polish women's parliamentary representation was a result of the political resurgence of pre-existing gender traditionalist attitudes and the new priorities of the young governments that struggled with the transformation and consciously relegated the inclusion of women and women's interests to some unspecified future date (Einhorn 1993; Kunovich 2003)¹. As the post-Communist era got underway, the gender-politics relationship that emphasized equality of the Communist-era was viewed by many of the political elite and the public as artificially and forcefully imposed by illegitimate rulers, and thus viewed with resentment (Siemieńska 2003). For some, the new democratization meant that political recruitment would be blind to demographics and against policies of positive gender discrimination. As Poland prepared for entry into the European Union, their public stance was to align their gender policies with EU gender policies, e.g. gender mainstreaming, and has been influenced by the international women's movement.

Descriptive and Substantive Representation

In studying Eastern Europe, it is important to make the distinction between descriptive and substantive representation (Celis 2008; see also Chapter 1 of this book). Substantive representation refers to advocacy and policy that reflects the diverse interests of the citizenry; such representation of interests comes from having one's voice heard in the legislature and translated into action (Mansbridge 1999; Young 1990). Women had lesser representation because (a) the parliament of which they were a part had very limited effective control over the legislative and policy process and (b) few women were members of the central committee of the Communist Party that was the main decision-making body. In Poland, women's political representation followed Putnam's

¹ The emphasis on legislative priorities is illustrated well by a quote from Olga Krzyżanowska, MP during the years 1989–2001, Deputy Speaker of the Parliament and then Senator: “First, it was too early for women's rights, and then it was too late. Immediately after 1989, many MPs were of the opinion that the economy and politics were more important. I thought so too, in spite of being a woman. Because the problems of the transformation concerned everybody, regardless of sex.” See p. 40

https://web.archive.org/web/20110910235705/http://www.boell.pl/downloads/Gender_in_the_UE_WWW.pdf Accessed June 6, 2016.

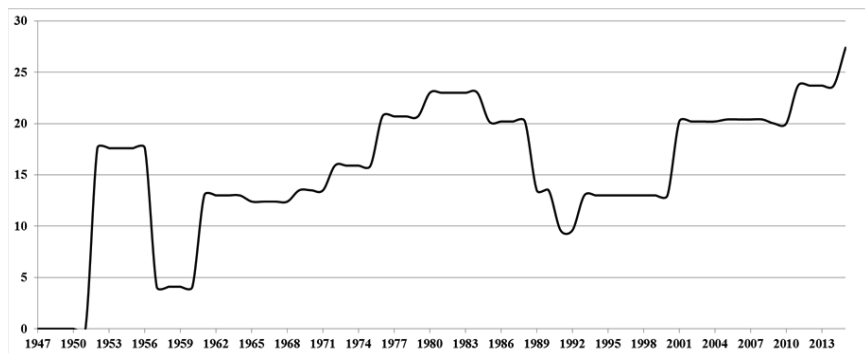
Law of Increasing Disproportion: “as the importance of the office increases, the proportion of women declines” (Wolchik, 1981: 458; for Poland, see Fuszara 2005: 293 and Chapter 4). From 1948 to 1976, women’s representation in the Central Committee of Poland was at the level of 3,9 and 8,0 per cent. As a consequence, women still faced policy manifestations of gender traditionalism, such as restrictions on abortion, fewer positions in management, and over-representation in low-skilled work (Buckley, 1997; Siemieńska, 2003, 2009). Thus, during the Communist era, a form of women’s political inequality was under-representation not only in the relatively ineffectual Parliament, but also in key decision-making bodies whose decisions directly impacted women.

With regard to the relationship between gender and formal political equality, the EU policy of gender mainstreaming is illustrative of both ideological continuities with the previous era and the West’s influence on politics in the region. Defined as “integration of gender equality considerations ‘in all activities and policies at all levels’” (Bretherton, 2001: 60), gender mainstreaming seeks to fundamentally alter gender relations. Institutionalizing gender mainstreaming is “a demanding strategy” whose achievements are few because it operates in a context of deeply entrenched gender inequality (Bretherton, 2001: 61). According to article 119 of the Treaty of Rome, “[e]ach Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work” (Treaty of Rome, 1957, Article 119 as cited in Macrae, 2006, p. 531). Regulska (2001) argues that EU policies are mainly focused on “economic and work dimension of women’s life”; that the EU focuses too much on “equality and equal opportunities” (Regulska, 2001, p. 86). In many European social and political circles gender mainstreaming is widely discussed and, purely in terms of EU rhetoric, vigorously supported. Gender mainstreaming has been particularly slow to catch on in Central and Eastern Europe; such a fundamental change is difficult to accomplish in a region undergoing many simultaneous and consequential fundamental changes (Bretherton, 2001; Chiva, 2009).

Examining trends from the introduction of Communism to Poland until the early 21st century, women’s parliamentary representation has lagged far behind that of men, and never reached close to 50 percent (Figure 1). The democratic change of 1989 brought a radical decline

in women's already low political representation. In the outcome of the partly open National Assembly elections of 1989, women took only 13.5 percent of seats in the Sejm and 6 percent of seats in the Senat. Throughout the 1990s and early 2000s, the parliamentary representation of women remained low, best characterized as rising slowly with plateaus. Between 1991 and 2007, women's parliamentary representation in Poland started at 9 percent of the Sejm, reached a plateau at 13 percent for two elections, and rose to a little over 20 percent by 2001, where it remained after the elections of 2005 and 2007.

Figure 1. *Percent Women Representatives in the Polish Sejm, 1947–2015*



The gender quota law did not have a large impact on women's parliamentary representation in the Sejm. To quote the title of Millard's (2014) article on the subject, "Not much happened." After the quota law of 2011, in the parliamentary elections of that year, the percentage rose slightly to 24 (see also Gorecki and Kukolowicz 2014). Yet, there was progress after the 2015 elections, in which women filled 27 percent of the seats in the Sejm.

QUOTA POLICY DURING THE COMMUNIST ERA

How exactly quotas or quota-like systems enhanced women's representation or what legislation or policy stipulated women's inclusion during the Communist era is unknown. There is no work in English that details exactly women's political ascension to political bodies

during the Communist era. Scholarship about women in politics frequently cites some version of the statement that “there were quotas” or that “there was a selection mechanism” but does not define what it meant by “quota” in that context or identify the selection mechanism². For example, Siemieńska (1985) writes that “... the electoral ticket in Poland is very carefully balanced, with specified numbers of places set aside for representatives of particular political and social organizations, age groups, the sexes, denominations, and so on” (335); similarly, Einhorn (1993) writes that, “Much has been made of the ‘milkmaid’ quota system designed to ensure representation across the social spectrum” (151); but how these quotas worked in practice is not clear, or elaborated upon.

The definition of “quota” and how it applies to the political ascension of Eastern European women during Communism is difficult to establish because this definition fluctuates across scholars, countries and time (see Krook 2014 for an attempt at standardization). Although the word “quota” is often used, it may not refer to official law or policy. It may be that the absence of official documents indicates informal policy. Unfortunately, if the quotas were “informal,” by their very nature there can never be a definitive answer to the question of how the political ascension of women worked. Informal rules are akin to any kind of unofficial discrimination; you see it after it happens, not while it happens, and rarely do discriminators leave a paper-trail. The absence of Communist era documents – i.e. “smoking gun” empirical evidence – complicates our efforts to identify quota mechanisms.

We are left with fundamental questions about the political ascension of women during Communism: What, exactly, were the mechanisms of Eastern European women’s political accession during the Communist era? Was there quota codification, or was it all unwritten policy? In the end, all we can say is that (a) the rules within any given country may have been informal; (b) due to lack of systematic analysis of the existing evidence, we cannot make a generalization across the region; and (c) parliamentarians from the early-1990s to the mid-2000s believed that there were gender quotas, and that many

² For example, Gaber (2011) writes about Slovenia: “Different kinds of quota were used in socialist times as a means of equalising the position of women, peasants and young people in the spheres of decision making” (82).

of them consider it the vestige of the Communist era (Pawlowski and Dubrow 2011; Dubrow 2012).

QUOTA POLICY AFTER 1989

Although the idea of quotas was discussed in the post-Communist period of the 1990s, it was not put into practice by a major political party until the elections of 2001. Three political parties applied party gender quotas while preparing their lists of candidates, namely, the Alliance of Democratic Left (SLD), the Labor Union (UP), and the Union of Freedom (UW). Opposition to the quota among the SLD's rank-and-file parliamentarians was focused on doubts about the ability of the party to fill that many list positions with women, and their frustration that the party leadership forced the decision on them (Renc-Roe 2003: 17). Through "research into its electorate," the UW decided that implementing gender quotas could reliably boost the female vote; party leadership wanted to place "at least one woman in the top three places on each list" (ibid.: 18). Despite the decision being subject to a party-wide vote, there was strong intraparty opposition (ibid.). The SLD-UP formed a coalition and placed 36% of women candidates on their candidates' lists, and the UW – 31%. However, quotas were not accompanied by regulation of candidate list position, an aspect widely acknowledged to be decisive for a candidate's success (Paxton et al 2007). As is common throughout Eastern Europe, women aspirants face a bottleneck while trying to force themselves through party recruitment structures with limited space at the male-dominated top (Matland and Montgomery 2003). Indeed, in all major parties in the 2001 elections, women were very rarely members of election committees – even in parties that adopted quotas (Siemieńska 2005, 2009). While there were 36.3% female candidates on the joint lists of the SLD and the UP, these parties ended up with only 25% and 31% women parliamentarians, respectively. The UW failed to gain a single seat.

The stagnation of progress in establishing gender parity led to renewed attempts by women's groups to introduce quotas. A recent and successful attempt came from a women's interest organization called "Women's Congress" (Kongres Kobiet). In advocating for descriptive representation on candidate lists, the Women's Congress argues that

although Article 33 of the Constitution assures equal treatment of men and women in all spheres of life, this constitutional right is not being fulfilled due to traditions and beliefs prevailing in society. In October 2009, they registered a civil committee to gather the 100,000 signatures needed for a legislative proposal for gender quotas to be debated in the Sejm. According to this proposal, a modification of the electoral law was to be considered, so that the number of female candidates on the constituency list has to be at least equal to the number of male candidates to be checked at the moment of submitting the lists. Stipulation for candidate list position was not in the final proposal.

Kongres Kobiet lobbied party leaders for support. In a grand ideological coalition, gender quota legislation was supported by the late president of Poland Lech Kaczyński (PiS), and chairman of the SLD parliamentary club Grzegorz Napieralski. Leaders of the PO and PiS promised to discuss the issue at their party meetings. The Polish prime minister, Donald Tusk (PO), declared that in the next parliamentary elections the PO will assure that in half of the districts women will be in the first place on the party list, and in all districts half of the six top places will be reserved for women. At that time, Prime Minister Tusk encouraged other parties to introduce similar solutions.

While supported by some powerful political figures, there was staunch opposition, even by women in power. The PSL – the PO's partner in the ruling coalition – was initially against these changes, though most members of the PSL eventually voted for it³. The Government Plenipotentiary for Equal Treatment, Minister Elżbieta Radziszewska (PO), was among the opponents of introduction of quotas. In a public statement she acknowledged the necessity for increased women's participation in public life; yet, she viewed quotas as a somewhat artificial and ineffective means to this goal. Instead, she was in favor of other solutions, namely, changing the media's perception of women and orchestrating better institutional arrangements to support reconciling professional life and parenthood⁴ (we note that Elżbieta Radziszewska abstained from voting for the gender quota law on December 3, 2010).

³ www.kongreskobiet.pl/index.php/postulaty/parytety/48-dlaczego-potrzebne-s-parytety-i-jak-ich-broni/. Accessed April 15, 2010.

⁴ See www.rownetraktowanie.kprm.gov.pl/userfiles/file/Parytety%207800%20znakow.pdf. Accessed April 15, 2010.

They were successful in obtaining 154,000 signatures and the proposal was initially debated in the Sejm on February 18, 2010. The members of parliament (MPs) decided the proposal would be worked on by a special Sejm committee. In late November and early December of that year, the Sejm debated the gender quota law in full.

SEJM DEBATES ON THE ELECTORAL QUOTA LAW

The Sejm debated the quota law on November 24, 2010. Female parliamentarians, acting as representatives of their parties, gave impassioned speeches on the necessity of the quota law, while most of the opposition came from men (however, PiS women did speak out against the law at the debate on December 3). In her summary of the history of the quota law, Halina Rozpondek cited MP Marek Borowski as a main proponent of reducing the initially proposed 50 percent quota to 35 percent. In his speech, Borowski said that, “To jest bardzo duży skok ... Oznacza to, że taki skok z 20 percent do 50 percent mógłby stworzyć pewne problemy. 35 percent w tej sytuacji jest rozwiązaniem moim zdaniem optymalnym.” [This is a very big jump ... This means that such a jump from 20 percent to 50 percent could create some problems. 35 percent in this situation is the optimal solution in my opinion] The problems are not clear, other than the “big jump” appears too big to most, but not all. Considering that, at the time, 80 percent of parliament was comprised of men, we can only assume that most men from the PO would not be comfortable with the “big jump.”

It is Poland religion matters. Both Halina Rozpondek and Agnieszka Kozłowska-Rajewicz cited a 1995 speech from Pope John Paul II, a towering figure in Polish and Catholic history. In referencing the Pope, Halina Rozpondek said,

“In 1995, Pope John Paul II, in the Message for World Day of Peace concluded: an increase in the presence of women in social, economic, political life, on local, national and international levels is a beneficial process. I think today we no longer have to convince ourselves about this fact, we should consider instead how to stimulate this activity, how to motivate women, to encourage them to become more involved in politics. This is what is promoted by the bill we are working on today.”

[“W 1995 r. Ojciec Święty Jan Paweł II w orędziu na Światowy Dzień Pokoju uznał: wzrost obecności kobiet w życiu społecznym, ekonomicznym, politycznym na szczeblu lokalnym, krajowym i międzynarodowym za proces dobroczynny. Myślę, że o tym dzisiaj już nie musimy się przekonywać, a powinniśmy się zastanowić, jak tę aktywność pobudzać, motywować kobiety, zachęcać je do szerszego udziału w polityce. Taką propozycją jest procesowany dziś projekt ustawy.”]

Poland’s role in Europe was invoked. Grażyna Ciemniak, in reference to the charge that such a law would be illegal under the constitution, said:

“I would also like to point out that Article. 23 of the Charter of Fundamental Rights of the European Union does not preclude that on the ground of proclaimed gender equality there is no room for taking measures for the benefit of the underrepresented sex. It only strengthens our legislative efforts to increase presence of women on electoral lists.”

[“Chciałabym również zauważyć, że z art. 23 Karty Praw Podstawowych Unii Europejskiej wynika, iż zasada równości płci nie stanowi przeszkody w podejmowaniu środków zapewniających określone korzyści dla płci niedostatecznie reprezentowanej. To tylko wzmacnia nasze starania legislacyjne, aby zwiększyć udział kobiet na listach wyborczych.”]

PiS’s representative in the debate, Andrzej Mikołaj Dera, provided familiar arguments against gender quotas. The MP began by praising women in parliament, but ended up arguing that gender does not constitute a valid political category and that the Act would lead to undesired consequences:

“We choose from the lists of those who are the best, regardless of whether they are women or men, believers or unbelievers, whether they have one way or another color, because this type of segregation law can cause ... This type of act can cause a danger that some other orientation or any other religion will be considered that they should have a specified minimum percentage of the lists. It is a road to nowhere.”

[“Wybieramy z list tych, którzy są najlepsi, niezależnie od tego, czy to kobiety, czy mężczyźni, wierzący, czy niewierzący, czy mają taki czy inny kolor skóry, bo zawsze tego typu ustawy segregujące mogą spowodować... Tego typu ustawy mogą spowodować niebezpieczeństwo, że jakieś

inne orientacje czy inne wyznania będą uważały, że też powinny mieć określone minimum procentowe na listach. Jest to droga donikąd.”]

The importance of party ideology is most clearly seen in the final roll call voting for the law in the Sejm (Table 1). The sharp division between the PO and PiS is striking: while 85 percent of the PO voted for, not one member of PiS did so. The PSL, somewhere in the middle of the PO and PiS, mostly voted for (71 percent). The leftist parties, though small, all voted overwhelmingly for it, while the small nationalist parliamentary club Polska Jest Najważniejsza (PJN) was generally against (73 percent). We do not see striking differences by gender in either of the two major parliamentary clubs of the PO and PiS, other than not one the PO woman voted against it. Men were more likely to either abstain or not be present during the vote; this could be a cautious strategy by men to appear neither too strongly for, nor too strongly against, gender quotas.

Table 1. *Roll Call Voting for the Gender Quota Law in the Sejm, December 3, 2010: Percentages*

Parliamentary Club	For			Against			Abstained/Absent		
	%All	%W	%M	%All	%W	%M	%All	%W	%M
Platforma Obywatelska	85	89	83	5	0	6	10	11	10
Prawo i Sprawiedliwość	0	0	0	87	93	86	13	7	14
Sojusz Lewicy Demokratycznej	86	100	84	0	0	0	14	0	16
Polskie Stronnictwo Ludowe	71	100	70	10	0	10	19	0	20
Polska Jest Najważniejsza	13	33	8	73	66	75	13	0	17
Socjaldemokracja Polska	75	100	100	0	0	0	25	0	0
other parties and parliamentarians independents	38	0	38	8	0	8	54	0	54
total	53	70	55	34	27	26	14	3	19

Note: 404 persons voted. 241 Parliamentarians voted in favor, and 154 against. The total category for %W and %M does not include other political parties and independent MPs [Inne Partie i Posłowie Niezrzeszeni] because there are no women in the category. Number of cases is available in Table A1 in the Appendix.

CONCLUSION

Gender inequality has a strong relationship to political inequality, and while the form, duration and magnitude of gendered political inequality have changed over time, under-representation in the parliament has always been the outcome. During the Communist era, women were promised political equality and there appeared to be quotas of an informal type, though the evidence of this policy is visible only through the steady rising percentage of women in the Sejm; there is no evidence of an official policy statement from the government. After 1989, the issue of women's quotas was relegated to voluntary party quotas until, through considerable effort by women's interest groups and inspired by the European Union, Poland instituted a gender quota law in 2011.

Arguably, there has been progress in the modern era. Polish women's parliamentary representation is rising and there is an electoral quota law. The international women's movement continues to be influential in Poland. Yet, the perception of progress differs mightily from one's position on the political ladder. Now that Poland is once again entering a period of electoral instability and radical and rapid political change, the future of these gains for women is in doubt.

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Table A1. Roll Call Voting for the Gender Quota Law in the Sejm, December 3, 2010: Number of Cases

	TOTAL Parliamentarians per Party	Total For		M Against		W Against		M Against		W Against		Total Abstained/ Absent		M Abs		W Total	
		For	W For	M For	Total Against	W Against	M Against	Total Against	W Against	M Against	Total Against	W Against	M Against	Total Absent	W Abs	M Abs	Total W
Platforma Obywatelska	202	171	41	130	10	0	0	10	0	10	0	5	21	5	16	46	156
Prawo i Sprawiedliwość	148	0	0	0	129	28	101	19	2	17	30	118					
Sojusz Lewicy Demokratycznej	44	38	7	31	0	0	0	0	0	0	0	6	37	0	6	7	37
Polskie Stronnictwo Ludowe	31	22	1	21	3	0	3	6	0	6	1	30					
Polska Jest Najważniejsza	15	2	1	1	11	2	9	2	0	2	3	12					
Socjaldemokracja Polska	4	3	2	1	0	0	0	1	1	0	3	1					
other parties and parliamentarians independents	13	5	0	5	1	0	1	7	0	7	0	13					
total	457	241	52	189	154	30	124	62	8	54	90	367					