

# Life after Communism: Democracy and Abortion in Eastern Europe and Russia

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“The history of humanity is to a large extent the history of its values. These have served as a source for the moral precepts that in the final analysis govern the actions of any given human community.”<sup>i</sup>  
Mikhail Gorbachev

THE COLD WAR was, after all, about values, mainly values of freedom. Because fundamental liberties were denied, people risked their lives, and sometimes they lost them. And to protect the zone of freedom, or to extend that of unfreedom, armies faced each other in Europe and Asia; behind them nuclear missiles cast a global shadow of terror.

When the political system that denied freedom was suddenly replaced by one that made freedom secure, people could ask: “How shall we use our newly-won power to decide our common destiny with regard to other human values? What about the value of life?”

Life as well as liberty had been at stake during the Cold War, and not only because of the nuclear threat, or the wars and genocide in Asia, or the multitudes who died in Soviet prisons and gulags or while trying to flee to freedom through the barbed wire and minefields of a divided Europe. Life at its earliest stages was also in constant jeopardy. In 1920, by decree Lenin made the USSR the first country in the world to legalize abortion. It was not a difficult decision for him to make. There is nothing in Marxism that stands in the way of unrestricted abortion. Marxist materialism and atheism offer no reason to pause, and its doctrines of class struggle and the building of a classless society require the full

commitment of all who can work; concern with children and family distract from that task. Indeed, such concerns reflect attachment to bourgeois values that are to be eradicated in the march through history. Unrestricted abortion facilitates faster progress toward this goal. By keeping wages down (a simple matter in a centrally-directed economy), the Party effectively forced millions of women into full-time work. This underpaid productivity acted as a form of hidden taxation enabling the state to build up capital for economic development and the military establishment. Legalized, state-funded abortion was a heavy-handed way to pressure women into devoting their energies to building socialism, not families.

Lenin acted by decree, not act through a democratically elected legislature; he had abolished it. When abortion came to the countries of Eastern Europe, it came there, too, by Party fiat, and it is the way any subsequent changes of policy took place during the communist era. Public criticism, as of any policy, was punishable. Also, because the state demanded and exercised a monopoly on medical personnel and institutions, this meant that it not only permitted and facilitated but also performed abortion.

After 1990, the newly self-governing societies moved to address a range of value-of-life issues, including abortion. The death penalty was abolished almost everywhere, and even where it remained, its scope was narrowed and the penalty itself less frequently applied. Nuclear weapons were withdrawn to Russia and reduced in number. Spontaneous public support for environmental improvement was related explicitly to life-threatening conditions such as unsafe nuclear plants and poisonous smokestack industries. And strong public movements arose in several countries to extend legal protection to unborn children.

What have the people done, as democratic societies and through the democratic process, about the law as it applies to unborn life? Who has influenced public opinion and legislation? Why has there been substantially more activity in some states than in others?

This article focuses on Poland, Hungary, and Russia, with

brief comments on some of the other countries in the region. There are three reasons for this relative emphasis. First, more published material is available on the issue in these countries. Second, Russia is included because the Soviet Union cast a mold on this issue that affected all countries of the region, and Russia's size and overall importance continue to make it a bellwether for at least some countries. Finally, I have more first-hand knowledge about these countries than the others on the basis of prior field experience or related work in the United States. Specifically, I lived in Poland for five years and in Hungary for two years as a Foreign Service Officer during the Cold War, and several of my Washington assignments at the Department of State involved responsibility for managing aspects of our relations with the USSR. More recently, I taught international relations in Hungary in 1994-95 and Ukraine in autumn 2000. These experiences have added to my understanding of the politics of these countries and of the region and have strengthened my confidence in the assessments made herein. I speak and read Polish and Hungarian, although for this paper my written sources are in English.

Most Western scholars and journalists who address the abortion issue in Eastern Europe and Russia tend to apply, inflexibly, certain Western liberal feminist analytical categories to Eastern realities and to bend and distort those realities to fit the lenses through which they are viewed. There is little disposition on the part of these authors to take these societies on their own terms on this matter. Although they sometimes include essays by the few Eastern liberal feminists, or anecdotal accounts of interviews with individual women, the result is still a picture of these societies and cultures that diverges in fundamental ways from the actual record of their democratic choices about public policy on the abortion issue. By and large, these writers have ignored the "democracy" part of the democratic transition, which is to say that they have left out the most important part. To make matters worse, mainstream scholars have largely ignored the abortion issue, focusing instead on other political, economic,

diplomatic, military and social aspects of the transition.

The terms used in much of the Western liberal feminist literature would not be recognized by most of those who have actually taken part in the abortion debate in the region. The feminist account ignores or de-emphasizes important facts and suppresses alternative interpretations, which in some hands becomes a process of decoding a surreal landscape of allegories they themselves have created. Slipping noiselessly from the surreal to the real and back again in an effort to seize the terms of the debate, and thereby control it, they obliterate the distinction between politics and theater and give us literary or film criticism rather than historical and political analysis.<sup>ii</sup> Not surprisingly, the result is an advocacy piece for legalized abortion on demand at state expense, laced with attacks on people and institutions who disagree. But a comprehensive critique of this dominant orthodoxy would require a separate essay—or book. My purpose here is more positive: to offer an alternative perspective on the evidence and the issues, based in large part on my years of residence and contact with a wide range of people in the region as well as on a survey of the literature. From the people of the region I acquired a deep awareness and appreciation not only of the sacrifices they made for justice and freedom under totalitarianism, but also of the cultural and social context within which they think about and discuss the value of life. I do of course consult the works of liberal feminist writers, male as well as female, and in fact most of my citations are from their works. I cannot aspire to produce a wholly unbiased account, and I do not; I am not sure one can be written on this subject today. But I have tried to make it as little-biased as possible; and, as a side of the story not yet told, at least to help balance the public record.

For public opinion polls, I have opted to rely mainly on the Gallup surveys conducted during 1991-94 in most countries of the region. Other polls can be found in the literature, but it is difficult to evaluate their reliability. Gallup has a good track record over a long period of time in the US and other Western countries. Its question formulation, sample size and sampling methods are well-

regarded, and its findings tend to be corroborated by election returns and in-depth exit polls. Moreover, Gallup used the same questions in every country.

#### POLAND

In no country of the region has abortion law been debated as comprehensively and frequently, both in Parliament and in the public at large, as in Poland. As elsewhere, Polish abortion law under the former regime reflected the twists and turns of Communist Party policy. And as in all countries in the region, Poland's parliament, the Sejm, was dominated by the Communist Party, although independent groups and individuals held a fixed quota of about five percent of the seats. Because these few independent voices in fact represented the views of vast numbers of citizens, their statements carried a great deal of moral authority and received a fair amount of public attention. But it was never expected that they prevail in a vote, and they never did. They could enliven a debate, but the outcome was foreordained.<sup>iii</sup>

By the late 1980s the Communist Party was losing effective power almost by the day and was seeking new ways to retain as much decision-making authority as possible. In the 1989 "Roundtable Talks," Solidarity won concessions from the government under which it could compete for a third of the seats in the lower house (Sejm) and for all seats in the newly-created Senate. The first battle over abortion took place in this "contract parliament."

Poland's pre-democracy law on abortion, dating from 1956, essentially provided for abortion-on-request at government expense in state hospitals.<sup>iv</sup> Its main public challenge since that time had come from the Catholic Church; Polish bishops and priests frequently spoke from the pulpit about the moral evil of abortion, reminding packed, standing-room congregations that every abortion cost the life of a Polish baby. Generally speaking, priests could speak freely within church walls, although they were of course monitored by secret police and risked retaliation in the form of passport denial, or worse.<sup>v</sup> Still, most priests thought it

was important to speak out about social issues, including abortion. Also, lay Catholic intellectuals occasionally discussed abortion, family, and population issues in the Catholic Intellectuals' Clubs that sprang up in major cities during the 1956 upheavals and were tolerated thereafter as a kind of safety valve for dissent.<sup>vi</sup>

The debate on abortion law reform in Poland has gone through several phases. Even before the semi-democratic election for a new bicameral parliament, 78 deputies in the old Sejm introduced a restrictive abortion law. Not surprisingly, the Sejm simply shelved the proposal.<sup>vii</sup> In the ensuing election (1989), Solidarity and its allies won all of the seats available for competition in the Sejm, as well as 99 of the 100 seats in the new Senate. In the democratic Senate, 37 of the Solidarity-backed senators soon crafted a pro-life abortion reform bill that passed in that body but, predictably, ran into unyielding opposition from the pre-determined communist majority in the Sejm, despite the defection to the pro-life side of many members of the United Peasant Party.<sup>viii</sup>

There was action in other forums as well. In 1990 the Second Congress of Solidarity, representing over ten million Polish workers in free trade unions, approved a resolution calling for the protection of human life from the moment of conception. A 1990 ordinance of the Ministry of Health and Social Welfare slightly tightened requirements for socio-economic abortions performed after 12 weeks' gestation.<sup>ix</sup> In December 1990, in a free election voters chose Solidarity leader Lech Walesa, an outspoken defender of the right to life of unborn children, as President of Poland. In the spring of 1991, the Sejm considered competing draft laws on abortion, but put off further action until after the October elections, approving only a bill to ban private abortions.

In October 1991 Poles elected their first fully-democratic parliament in nearly five decades. Two months later, Polish doctors took an initiative to further the cause of unborn human life. Meeting in December, the Second National Congress of Polish Physicians adopted a new Code of Medical Ethics, according to which medical procedures that posed a risk of death to the fetus

were admissible only to save the mother's life and health or when pregnancy had resulted from a criminal act (i.e., rape or incest).<sup>x</sup>

In the new parliament, both houses soon turned to abortion reform as a priority, debating several draft statutes throughout 1992 and debating the issue of a possible referendum.<sup>xi</sup> During this period there was also a major public consultation, in which Poles were invited to make their views known to a special parliamentary commission. The vast majority of some one million responses favored the idea of a pro-life law.<sup>xii</sup> In January 1993 the Sejm and the Senate adopted the Law on Family Planning, Protection of the Human Fetus and Conditions of Permissibility of Interruption of Pregnancy. Poland's first woman Prime Minister, Hanna Suchocka, a member of the Democratic Union party, supported adoption of the new law. She also opposed the idea of a national referendum on the law as unnecessarily divisive and destabilizing, and the Sejm agreed. President Walesa signed it into law in February.<sup>xiii</sup>

The statute, which remains in force (2001) limits abortion to cases of threat to the mother's life or health, cases of rape and incest, and serious and irreversible damage to the fetus. Medical indications must be confirmed by two other doctors. The law also provides for a comprehensive program of assistance to pregnant women and their unborn children, family planning services including access to "methods and means for conscious procreation" including contraceptives, and courses in the public schools on sexual life, "conscious and responsible parenthood and the value of family and conceived life," and information and assistance regarding alternatives to abortion. In case of illegal abortion, the law provides no punishment for the pregnant woman but up to two years' imprisonment for the abortionist. The law also grants legal capacity to unborn children under the civil code, including the right to sue, after birth, for prenatal damages.<sup>xiv</sup>

The Polish people's commitment to Catholic ethical and social teaching played an important part in shaping political and legislative debates and decisions on this matter. The Catholic Church itself gave strong, clear and consistent witness to the

need to safeguard human life at its earliest and most vulnerable stages. Such protection, the Church continuously reaffirmed, is essential to preserve the most fundamental right of all, the right to life, and therefore to ensure respect for human dignity. But it was lay Catholics—Solidarity leaders and activists, historians, lawyers, writers, journalists, doctors, nurses, farmers—Poles across the socioeconomic spectrum, who provided practical advocacy and strategic leadership in the public debate, in election campaigns, and in lobbying or serving in parliament. Many of these activists belong to the constituent organizations of the Polish Federation of Movements to Defend Life. Politically, pro-life support came from the Christian National Union and other Christian Democratic-oriented parties, the parties formed from Solidarity, the two People's (agrarian) parties, and a substantial part of the urban centrist Democratic Union.<sup>xv</sup>

Arrayed against these groups was the Democratic Left Alliance (DLA), formed and led by the renamed Communist Party (now the Party of Social Democracy in the Polish Republic, often called the Socialist Party for short.) There was also a Federation for Women and Family Planning, set up with the assistance of the International Planned Parenthood Federation in 1992. IPPF also trained pro-abortion parliamentary deputies in lobbying techniques.<sup>xvi</sup>

International actors, in addition to IPPF, have included Human Life International (US), the International Right to Life Federation, Pharmacists for Life, the Society for the Protection of Unborn Children (UK), Population Action International, the Network of East-West Women, the Transnational Family Research Institute, the minuscule Catholics for a Free Choice (US) and some Western pharmaceutical companies said to be "keen to expand into the Polish market with contraceptives and reproductive technology."<sup>xvii</sup>

Poland's first democratic Sejm comprised 29 parties. The election law, based on proportional representation without a minimum threshold percentage, was designed to ensure maximum representation of all points of view. As one Pole

commented to me at the time, tongue in cheek, “We knew that having only one party was a terrible system, so we thought the cure would be to have as many as possible. If a one-party state was undemocratic, then the more parties, the more democracy we will have.” It is not surprising that a 29-party legislature, where the strongest grouping (the Democratic Union) held only 14 percent of the seats, would have difficulty forming stable coalition governments. But it worked for awhile, and it might continue to have functioned reasonably well despite the extreme heterogeneity. In fact, the Hanna Suchocka government—the last regular cabinet of the 1991-93 Sejm—was defeated by only one vote on a motion of no confidence in late May—and only because a supporter overslept at his hotel! But Walesa decided to call new elections, and the law now provided for a 5% threshold for individual parties and an 8% threshold for alliances. The change proved to have dramatic impact.

Abortion was not a significant factor in the outcome of the election, according to surveys carried out by the national Public Opinion Research Center (CBOS) during the summer and fall of 1993.<sup>xviii</sup> The election turned on economic issues, primarily the record unemployment levels and runaway inflation that eroded everyone’s income and shook their confidence in the future; these phenomena were the result of the implementation of “shock therapy” to convert the economy from a centrally planned socialist system to a free-market model. The social pain was enormous, and the governing parties paid the price at the polls.

The strong medicine of electoral thresholds gave the body politic another kind of shock. Many parties that confidently expected to return to parliament overestimated their popularity and missed the 5% or 8% bars. This was due in part to lack of political experience and, probably, to insufficient openness to the idea of working together with like-minded parties during the campaign. The share of votes cast for parties that failed to reach the bar reached the extraordinary level of 35 percent, severely distorting the proportionality of the result. The beneficiaries of these lost votes, the remaining parties, received many more seats

than their proportion of the popular vote. Chief among them was the Democratic Left Alliance, a neo-communist confederation led by Aleksander Kwasniewski, which received over 37% of the seats with just over 20% of the popular vote.<sup>xxix</sup> But a 20% showing put the Socialists in position to take over the government.

The DLA formed a governing coalition with the Polish People's (Peasant) Party, which received 15% of the popular vote and over 28% of the seats in 1993, thus giving the coalition a 65% majority in the Sejm. The Democratic Union (later renamed Freedom Union) came in third with about 11% of the popular vote and 16% of the seats.<sup>xxx</sup> All center and right parties suffered major losses, especially those which had participated in former cabinets.<sup>xxxi</sup>

This distorted electoral result opened up opportunities for those who wanted to weaken Poland's new pro-life law, and the DLA-led majority passed a bill that largely restored the Communist-era abortion system; however, President Walesa vetoed the measure, which left the pro-life statute in place.

In 1995, Walesa's term came to an end. He was now believed to be highly unpopular, mainly because of his repeated efforts to strengthen the presidency at the expense of parliament and his share in the economic trauma still being suffered by the majority of Poles, as well as his perceived lack of sophistication and alleged lack of intellectual readiness for the country's highest office. Walesa was not expected even to make one of the top two spots for the runoff election. However, in yet another proof that liberal journalists may be too eager to mistake their personal preferences for a democratic consensus, Walesa scored a near-tie with Kwasniewski (33% to 35%) in the first round and went on to lose in the runoff by only 3%.

President Kwasniewski said he would sign a pro-abortion bill. In August 1996 the Sejm once again passed the bill Walesa had vetoed, but this time the Senate rejected it, 52-40, following a pro-life demonstration by some 30,000 people.<sup>xxii</sup> At the time, the Sejm could override a negative Senate vote if it re-passed a bill by a 25-vote majority. Many members of the DLA's coalition partners in

the People's Party rallied to the pro-life side, as 50,000 pro-life demonstrators marched outside parliament, and the Sejm approved the bill 228-195, only 8 more than the 25 required.<sup>xxiii</sup> President Kwasniewski signed it, but it was immediately challenged on constitutional grounds. In May 1997 the Polish Constitutional Court invalidated the new law on the grounds that it violated human dignity and the necessary respect for human life.<sup>xxiv</sup>

In September 1997, Polish voters again went to the polls to choose a new parliament. This time, the non-socialist parties learned from their mistake of 1993: instead of fielding dozens of individual slates, over thirty parties banded together under the leadership of Solidarity trade union president Marian Krzaklewski to form Solidarity Election Action. The Democratic Left Alliance broadened its ticket to include other leftist groups that had run separately the last time. In the center, Freedom Union (formerly Democratic Union, plus the Liberal Democrats) again fielded its own ticket.

The results astonished many Western observers, many of whom had continued to see Polish society through the lenses of their own policy preferences and to draw their journalistic and academic portraits of the country accordingly. These preconceptions again caused them to miss the importance of the principles and values motivating the Polish electorate. The Solidarity-led coalition, which had run on a platform of moral renewal, came in first, winning nearly 34% of the popular vote and almost 44% of the seats in the Sejm. The DLA with its additional components improved its 1993 popular vote, but only to 27% (36% of the seats). Freedom Union maintained its 13-14% share of the electorate and won that percentage of seats. The Polish People's Party received 7% of the vote (6% of the seats), and the former Christian National Union, now renamed Polish Civic Movement, also crossed the threshold as an individual party and won a half dozen seats.<sup>xxv</sup> Other parties failed to make the cut.

The *New York Times* reported that "More women than expected voted for Solidarity, which favors restricting the liberal

[1996] abortion law.<sup>xxvi</sup> In fact, according to two exit polls, women voted for the winning Solidarity party over the DLA (Socialist) by a margin of 8 percent in one poll and 10 percent in another. The gender gap also benefited the pro-life party: women favored Solidarity over the DLA by greater margins than men in both polls.<sup>xxvii</sup> In December 1997, the new parliament declined overwhelmingly to challenge the Constitutional Court decision on abortion, thereby upholding the 1993 law, which is in effect today (2001).<sup>xxviii</sup>

A key issue in the abortion debate in Poland as elsewhere is whether, how and to what extent changing the abortion law has affects people's behavior. Advocates of legal abortion normally assert that laws restricting abortion have no effect on the abortion rate, because women will somehow find a way to end unwanted pregnancies, legally or illegally. Where abortion is limited, they say, illegal abortion is pandemic and many women die from ill-trained doctors or untrained freelancers or self-induced abortion and unsanitary conditions that accompany all of these. These are serious charges that are also raised in every country where abortion becomes an active issue for public debate and decision. Therefore, it is worth taking a few moments to discuss this situation with regard to countries that have adopted pro-life laws; in Poland, we have an excellent case study.

First, let us look at the baseline. In 1987, under the abortion-on-request law of the communist regime, there were 122, 436 abortions in Poland, of which only 1460, or a little over 1%, were performed for medical reasons.<sup>xxix</sup> Generally, the reasons given were "already have enough children" or the catch-all "difficult living conditions." The number of abortions as well as the abortion rate (per 1000 women aged 15-44) were both dropping in the late 1980s; by 1990, when the Polish Ministry of Health adopted some mild restrictions, the number had fallen to about 60,000 and the rate to 6.8. The political transition was already underway, and the semi-democratic parliament of 1989-91 was beginning the public debate on the issue; the initial round of debate resulted in agreement to ban private-clinic abortions. In late 1991 the

Chamber of Physicians adopted its pro-life guidelines; abortion numbers dropped to 31,000 and the rate to 3.6, and continued to decline in 1992.<sup>xxx</sup>

But the major change was the 1993 pro-life law. The new law took effect in early 1993, when there were 777 legal abortions: 736 because of threat to the mother's life or health, nine for rape, and 32 not identified as to cause.<sup>xxxi</sup> The total for 1996 was 559, for 1997 it was 500, and by 1998 it had fallen to 253. In that year 199 were performed to save the life or health of the woman, 45 were done because of "fetal impairment," and 9 for rape or incest; this is an abortion rate of about .03.<sup>xxxii</sup>

Had tens of thousands of Polish women sought and obtained illegal abortions in Poland since 1993? Dr. J.C. Willke has done a careful analysis of this question.<sup>xxxiii</sup> He points out that, if this were the case, one would expect to see a sharp increase in recorded miscarriages, as many clandestine abortions might require hospital treatment and be recorded as miscarriages to cover up what had happened. According to one source, the number of miscarriages did rise slightly (from 51,800 to 53,000, or about 2%) in 1993.<sup>xxxiv</sup> But by 1997, with only 500 legal abortions in Poland, miscarriages had dropped to 44,000.<sup>xxxv</sup>

Dr. Willke also notes that the number of maternal deaths in Poland, which are grouped together as all those due to "pregnancy, childbirth, and confinement," would indicate whether there has been an increase in maternal mortality, which would be another measure of whether illegal abortions were being substituted for legal ones. In 1990, when there were still 60,000 legal abortions in Poland, 70 women died from all causes related to "pregnancy, childbirth, and confinement, ". By 1996, with 559 abortions, 21 women died from the same group of causes but not one was listed as having died as a result of an illegal abortion.

Finally, what about neonatal deaths? If there were attempted but unsuccessful illegal abortions, there would be more premature births and more infant deaths registered. In 1980, infant mortality was 25 per 1000 live births, in 1990 it was 19, and in 1998 it had dropped to 9.6. These official figures are generally accepted as

accurate by most participants in the abortion debate.

As is always the case when a country adopts legal limitations on abortion, unsubstantiated reports from pro-abortion sources begin to circulate immediately that (a) the number of clandestine abortions is skyrocketing, and (b) women are going abroad in droves to obtain abortions. The fact is that these allegations are just that and no more; they have no evidentiary value. There are individual anecdotes, but they do not add up to the kind of statements made by advocates of abortion. These are rather expressions of their political and legislative strategy. The inherent problem with assertions as to the number of illegal abortions is that their clandestinity makes them difficult to count; however, the indices listed by Dr. Willke are both verifiable and reasonable. It is more rational to rely on what *is* known than on guesswork about what is not.

Finally, the 1991-94 Gallup survey on Poland shows that 89% approve of abortion when the mother's health is at risk due to pregnancy, 74% when it is likely the child would be born physically handicapped, 13% when the mother is unmarried, and 26 % when a married couple does not want to have any more children.<sup>xxxvi</sup>

The lengthy parliamentary and public debate on various competing drafts of an abortion law through three parliaments from 1989-93, including the participation of a number of institutions of civil society in the press and media discussion and a process of public consultation, led to approval of a law by a democratic parliament whose full proportionality made it almost perfectly representative of the Polish body politic. The law itself did not meet the preferences of the strongest pro-life or pro-abortion choice groups in either parliament or society. But it did find a wide band of consensus on terms that met most Polish people where they are on the matter; that is, the process of lawmaking resulted in a statute that embodied the ethical standards held by most Poles, on terms that the vast majority could accept and live with. This is not to say that only a fully proportional legislature can enact good laws on abortion or on any other matter. It is simply to say that when a democratically elected

legislature listens to the voices of society and takes the time to consider several alternatives, it is likely to find the right balance of elements that will enable it to tailor a law to fit the body politic. Such laws, strong enough to accomplish their purposes but not so restrictive as to cause general disobedience, are going to be obeyed to the same degree as other statutes that a just and ordered society needs in order to function.

#### HUNGARY

Like Poland, Hungary's Communist-era abortion regime maintained a general policy of abortion-on-demand at public expense, applying and then removing limitations in lockstep with shifts in Soviet policy on this matter. As elsewhere, discussion of alternative approaches had to await the political transition in Hungary. After the first free elections were held, abortion became one of the issues people debated in the newly free press and the newly democratic parliament. A pro-life organization, "Pacem in Utero" (peace in the womb) came into being. The Christian Democratic People's Party, a pre-Communist party, was re-launched in time to participating in the 1990 elections and became one of the six parties (of 27 competing) to win seats in parliament. The CDPP consists mainly of intellectuals, professionals, and small to mid-size business owners in provincial cities, with some support also in Budapest; women represent about half of its active members and most of its electoral supporters.<sup>xxxvii</sup> This party, which joined the governing coalition as a junior partner, began to advocate protective legislation in the new parliament, just as Pacem in Utero initiated action in the courts to challenge the constitutionality of the old Communist-era regulations (which were ministerial decrees, not acts of parliament.) In 1991 the Hungarian Constitutional Court issued a ruling requiring parliament to enact a law on the subject by the end of 1992.<sup>xxxviii</sup>

When parliament took up the matter, the Christian Democrats proposed a bill that would restrict abortion to cases of serious threat to the mother's life, deadly disease or genetic malformation of the unborn child, and rape or incest. They were supported by

most of the Independent Smallholders Party, a rural-based party which belonged to the governing coalition and had been the biggest winner in Hungary's last pre-communist election after World War II. Together they held about 17% of the seats in the first post-transition parliament. The libertarian Alliance of Free Democrats, the leading opposition party (with nearly a quarter of the seats) proposed two bills: the first would allow abortion-on-request with no conditions for the first 12 weeks of gestation; the second would simply enact into statute the then-current ministerial regulations. The Hungarian Socialist (former Communist) Party (HSP), which held about 9 percent of the seats, favored keeping the then-current legal rules. The main governing party, the center-right Hungarian Democratic Forum (HDF) held 43% of the seats; it took no official position because its membership was divided on the issue, with some members favoring the CDDP draft and others—more numerous—preferring an approach that would permit early abortion but limit it later on and would build in opportunities to counsel against it and outline alternatives thereto, establish a waiting period, and improve the availability of family planning services and family health education, including sex education.

The law adopted in December 1992, which is in force in 2000, follows the approach favored by the Democratic Forum. It permits abortion up to 12 weeks upon written request that describes the medical condition or “situation of grave crisis or stress” that led the woman to make the request, and includes the aforementioned counseling requirements and waiting period. After 12 weeks abortion is limited essentially to medical indications affecting either mother or child, with some minor exceptions. Abortions on medical grounds are paid for by the state; other abortions are not.<sup>xxix</sup> Enactment of the law, which took effect in January 1993, led to a 14 percent drop in the number of legal abortions that year as compared with 1992, with a further slight decline through 1997. The legal abortion rate per women age 15-44 fell from 38.9 to 33.9 during this period.<sup>xi</sup>

In 1994, for the same kinds of economic reasons as in Poland the previous year, voters in Hungary elected the Hungarian

Socialist Party to lead the government. They again sent the same six parties to parliament as in 1990, but the proportions among the top three were rather different. The HSP received 33% of the popular vote, gaining ground at the expense of all other parties except the Christian Democrats, who increased their percentage slightly. As the Christian Democrats had been the most vigorous advocates of pro-life reform of the abortion law in the previous parliament and had held cabinet posts throughout the four years, it seems clear that their stand on the life issue did not hurt them and may actually have helped. One would have expected the CDPP to have lost ground at least on grounds of having been associated in government with the now-repudiated HDF and its unpopular economic policies. HDF fell to under 12 percent of the popular vote, slipping to third place. The Free Democrats also slipped a bit but held on to second and accepted the Socialists' invitation to join them in a governing coalition.

There were no further changes in the abortion law, but in 1995 the Socialist-led coalition, citing fiscal problems, took the unexpected step of slashing the social safety net for families, including the formerly generous maternal leave policies and child allowances for working mothers. These moves generated a great deal of heated debate among the public and in parliament, including divisions within the Socialist Party. The center-right opposition parties, on the other hand, deplored these cutbacks in social support for families and children.

In 1998, the parties of the center, including the CDPP and moderates from the Democratic Forum, combined forces with the Civic Party (formerly known as the Alliance of Young Democrats) to win a smashing election victory under the Civic Party banner, with the charismatic young Viktor Orban becoming Prime Minister. The Smallholders' Party rebounded to 13 percent, with the Free Democrats falling to less than 8%. While abortion was not a major issue in the 1998 campaign, the Civic Party ran on a platform that emphasized cultural and moral renewal and the importance of restoring family-support measures, including the allowances that had been drastically reduced under the former government.

There seems to have been less involvement in Hungary than in Poland of civic organizations and movements in the abortion debate in 1991-92. Churches in Hungary took a stand and pulpits and in church publications, but Hungary did not see mass public mobilization on the issue at that time. Women's movements tended to be conservative in orientation or linked with centrist pro-life parties such as the CDP, but did not take a high profile on the issue. The leftist women's organization was discredited because of its role as a tool of the Communist Party, and non-Communist leftist or feminist groups were very small in number and membership.<sup>xii</sup> Sharon Wolchik has commented, with regard to Central and Eastern Europe as a whole, that

The majority of the new women's groups formed since the end of communist rule explicitly reject the label feminist. Many focus on what are perceived to have been women's neglected roles as mothers and homemaker. In part a reaction to the previous regime's depiction of feminists...many women in the region, even those who are active on women's behalf, do not see themselves or wish to be seen publicly as feminists. This rejection of feminism also reflects the impact of the activities of the official women's organizations during the communist period on popular perceptions and attitudes...Many of the groups that work to bring to public attention issues of special interest to women...cannot cooperate across partisan lines...these new women's groups have little direct political impact at present, [although] their activities in the region are important....<sup>xiii</sup>

Most of the discussion and action on the abortion law, therefore, took place within political parties and in parliament itself.

Public attitudes toward legal abortion, as measured by the Gallup organization in 1991-94, found strong majorities in favor of keeping abortion legal on medical grounds and weaker support for socio-economic indications. Only 36 percent thought abortion should be legal just because the mother is unmarried.<sup>xliii</sup>

#### RUSSIA, UKRAINE AND BELARUS

As noted earlier, the Soviet Union was the first state in the world to legalize abortion-on-request, on Lenin's orders by a joint

decree of the Commissariats of Health and Justice on November 18, 1920. Despite Party-dictated shifts back and forth during the next seven decades, including a pro-natalist restrictive period under Stalin (who even then authorized abortion for women with large families and for eugenic reasons), the situation on the eve of the collapse of the USSR in 1991 was essentially the same as in the early 1920s.

Lenin accompanied his abortion decree with a public relations campaign to put the decision in the context of concern for the plight of Soviet women in the aftermath of world war, revolution, and a still-ongoing civil war, all of which devastated the Russian economy and left everyone poorer. Some Western writers on Soviet abortion take this statement at face value, ignoring the fundamental fact that, as Lenin himself often said, the Party should give whatever reasons will help it carry out its policy without inciting active general opposition. Lenin and his fellow Party leaders cared not at all for public opinion except as a tool to be molded and remolded as circumstances indicated. Had Lenin felt that the Party would be better served by pro-natalist policies, he could and would have adopted policies to that end and provided a supporting explanation. To take his, or later Stalin's or Khrushchev's, explanations of twists and turns in abortion policy as if they were being made by leaders in democratic political systems is to engage in ethnocentrism and to betray a basic unfamiliarity with the Soviet system of rule. Andrej Popov explains the real motives of early Soviet pro-abortion policy:

Why were legalized induced abortions selected in Russia at the beginning of this century as an instrument for destruction of the traditional bases of the state? Legalization of abortion seemed the most rapid way to create changes in traditional family relations and in women's social position. The family became an important object of attention for the new Soviet authorities. Traditional family life and religion were the most basic bearers of the old culture. They were the most serious targets of destruction in the attempt to achieve the principal aims of the new Soviet authorities: "the construction of a New Society" and "the creation of a New Soviet Man." Thus abortion policy was one among many instruments in the purposeful destruction of the pre-

revolutionary Russian family and Russian culture.<sup>xliv</sup>

Popov also notes that the chief author of the 1920 decree, Dr. A.B. Gans, was also enthusiastic about its eugenic possibilities. In Gans's words:

Before us stands the wide and quite timely opportunity to use the achievement of eugenics for the real sanitation of the population...releasing our future society from man's genetically transmitted diseases. We have already obtained, in relation to this, a wonderful method [abortion]....<sup>xlv</sup>

The law in Russia, Belarus and Ukraine in early 2001 is unchanged from the Soviet era. Abortion is available on request, without citing a reason, during the first 12 weeks of gestation. It is also available up to 28 weeks on judicial, genetic, medical, sociomedical and social grounds, as well as on request for personal reasons when these are confirmed as reasonable by a medical commission. After 28 weeks, an abortion can be performed for medical reasons.<sup>xlvi</sup> Abortions were tax-funded in Russia under the state health insurance system until 1994, when a new directive instituted fees for most abortions. However, Andrej Popov reported that in 1998 "abortion remains free of charge in some regions of Russia, [but] insurance coverage is provided in others only for mini-abortions and for medically prescribed abortions for social reasons....Coverage depends on local financial capabilities."<sup>xlvii</sup>

Very few abortions in the Soviet Union were performed for health reasons.<sup>xlviii</sup> Indeed, having an abortion in the USSR was, and is in Russia today, actually a serious health hazard. As Christopher Williams points out,

there can be no denying that inflammation, hemorrhage, frigidity, sterility, fertility problems, early menopause, increased likelihood of still or premature births and gynecological diseases can result in cases of abortion....[c]omplications arise in 10-15 percent of cases, while inflammation occurs in a further 20 per cent....[t]he performance of abortion...was made more dangerous than necessary by Soviet medical practice...and

the unhygienic conditions, poor quality of care and shortage of doctors and beds in medical establishments....legal or illegal abortions often result in deaths....Many Russian authors also believe that abortion also has an adverse effect on fertility levels....<sup>xlix</sup>

As a way to deal with the problem of infant mortality and with the phenomenon of the increasing number of premature babies, President Boris Yeltsin issued a decree, effective January 1993, on sustaining the lives of infants weighing 500 grams or more and the registration of all newborn infants in accordance with the criteria of the World Health Organization. According to these criteria, doctors are obliged to do everything they can to sustain the lives of babies who weigh 500 grams, are of 22 weeks gestation, and show one spontaneous sign of life.<sup>i</sup> But the Russian medical system was not in a position to implement these criteria universally. In a related development, in February the government increased allowances and payments to families with children. Also, Yeltsin issued a decree intended to expand support for large families (e.g., plots of land, free prescription medicines) who were facing growing problems in the deteriorating economy; implementation of this decree quickly ran into practical difficulties, however.

According to official figures, the number of abortions in Russia dropped from an average of 4.5 million a year in the 1980s to 2.5 million in the mid-1990s. The abortion rate per women 15-44 during this period fell from 140 to 75 by 1997. Some, but almost certainly not most, of this decline may be attributable to changes in official record-keeping requirements and procedures.<sup>ii</sup> Still, there were declines also in most of the other countries in the former USSR as well as in Eastern Europe, and in these cases there was little or no change in record-keeping procedures. For Ukraine, abortion figures are, for 1990, just over one million abortions and a rate of 96; for 1996, 687,000 abortions and a rate of 62. In Belarus, there were 269,000 abortions in 1990 at a rate of 117; in 1997, the corresponding figures are 148,000 and 64.<sup>iii</sup>

On the general situation of women, Elena Sargeant has pointed out, as have other observers, that “During the seventy

years of Soviet power, women were not liberated, but mobilized as a workforce for the construction of communism, and obligated to carry a double burden of duties.<sup>lxxxiii</sup> She denies that the overall situation of women has worsened since the end of the USSR in 1991. On the political front, she notes that the Women of Russia Party, formed just before the 1993 parliamentary elections, managed to win over 8 percent of the party-list votes, finishing sixth among 13 national parties and gaining 23 seats in the Duma (Parliament). While women held higher percentages of the seats in the old Soviet parliaments, the seats themselves were worthless since parliament had no power and existed merely to ratify Communist Party decisions.<sup>lxxxiv</sup> (The was also the pattern in communist-controlled Eastern European countries.)

Women of Russia, like most of the new parties, struggled to establish a clear identity and program, in this case without success; indeed, apart from questions of program, some of its leaders were unsure whether they wanted to continue acting as a distinctive political party, to join other parties, or to leave partisan politics and become a broad-based social movement instead. As a result, the party failed to reach the 5 percent threshold in the 1995 elections and won only a few individual constituency seats.

I am aware of no evidence that abortion was a factor in Women of Russia's electoral success in 1993 or its failure two years later. In fact, I have found no evidence that abortion had reached the level of a parliamentary campaign issue by 1995. This is not surprising; seventy years of atheist indoctrination and anti-family policies were bound to have an effect, particularly since party and state were prepared to use the vast resources of a totalitarian political system to promote these policies. Except for brief and very uncertain periods of thaw, the closure of churches and seminaries, recurrent atheism campaigns, and policies designed to erode family structures were waged with almost fanatic ideological intensity. No autonomous groups or even individual voices were allowed to initiate public debate on value-related subjects, including abortion. The Orthodox Church, battered and intimidated by repeated waves of official hostility,

kept quiet for many years.

In 1959, a time of thaw, with 14,500 Orthodox churches open, only 30 percent of children were baptized (this translates to 40-60% if one looks only at traditionally Christian regions). Soon thereafter, Khrushchev launched the next wave of atheization, closing thousands of churches and five seminaries; the situation began to improve in the 1980s, but in 1988 only ten percent of survey respondents defined (or dared to define) themselves as believers. With the restoration of religious freedom under Gorbachev and the continuing political transition, that figure had risen to 39 % by 1993. Moreover, in 1990 religion was seen as a guardian of moral norms by up to 60% of those identifying themselves as religious and by 48% of the nonreligious.<sup>iv</sup>

This renewal of interest in religion has not yet had much impact on legislation, but it may begin to do so. It is difficult to expect that the effect of three generations of intimidation and indoctrination on families, churches, and personal value systems can turn around quickly; this is particularly true in a country still searching, in 2000, for a secure sense of its own identity and borders and for a feeling of public safety and confidence in public institutions, as well as for a vision of what kind of society and state it wants to become.

Anne Murcott and Annie Feltham have called attention to growing public concern over the high rate of abortion in Russia. They report some of the same kinds of health-related complaints as noted above by Christopher Williams, and in addition that moral objections to abortion seem to be gaining strength among Russian women.<sup>lv</sup>

At least two public forums on abortion have already been held. In May 1994, the new Russian Right to Life organization, headed by Galina Seriatova, convened a pro-life forum with some 500 participants under the co-sponsorship of the Russian Orthodox Church and with the assistance of international pro-life nongovernmental organizations.<sup>lvii</sup> The meeting was intended as a first step to increase public awareness of the ethical aspects of the abortion question, not for any specific political or legislative

purpose.

In November 1995, Olga Selikhova of the Russian branch of the International Right to Life Federation said that its members were actively seeking to bring down the abortion rate through providing information to women and medical personnel at health clinics, schools, and medical institutes. Much of this activity is of a general educational nature about the facts of prenatal development and what happens during an abortion. Federation member commented that “We are at square one...[Russian women have been taught to equate] abortion with having a tooth out.”<sup>lviii</sup>

In May 1998, in a significant interview, Patriarch Aleksii II of Moscow and All Russia called for the abolition of the death penalty, which he said is tantamount to murder, and followed this with a denunciation of abortion, which he said is also murder.<sup>lix</sup> Also, the International Right to Life Federation and a Russian organization called Open Christianity co-sponsored a seminar in St. Petersburg in April 1999 at which there was a substantial delegation from Ukraine. Two days of follow-up meetings took place in Moscow immediately thereafter.<sup>lx</sup>

In February 1999 the Russian newspaper *Izvestia* reported that the Russian pro-life organization “Life,” founded in 1992, had “already made considerable gains in its advocacy of a legislative ban on abortion....A bioethics bill that representatives of Life were directly involved in drafting includes a clause that would outlaw abortions performed for socioeconomic reasons.” The article said Orthodox clergymen are actively involved in “Life.”<sup>lxi</sup>

As part of the USSR, Ukraine and Belarus experienced Soviet abortion laws and practices the same way as Russia. And, as in Russia, abortion has not yet taken on the profile of a major public issue outside of the widespread complaints about unsanitary conditions, assembly-line informality, lack of anesthesia, and health threats in the state hospitals which perform abortions. There is intermittent expression of concern that the number of abortions is too high, as for instance by some women’s organizations in Ukraine. There is also a women’s political party in

Ukraine, the Ukrainian Christian Women's Party,<sup>lxii</sup> and another, called *Nadzeya* (Hope) in Belarus. Interestingly, Hope's mission statement says nothing about abortion: "Prioritizing protection of family, motherhood, and childhood, Hope is a party of civil progress and democratic reforms, a party of social justice and global human values, a party of economic and political freedom."<sup>lxiii</sup>

As for public opinion, the Gallup organization, in partnership with local survey centers in Belarus and Russia, measured public responses as part of a broader international effort in 1991-94. The questions asked respondents whether they approved of abortion in four circumstances: (a) when the mother's health is at risk, (b) when the child would be born physically handicapped, (c) when the mother is unmarried, and (d) when a married couple simply does not want any more children. In Belarus, 89% answered yes to a) and 91% to b). Only 39% approved of abortion when the mother is unmarried, and 66% in cases where the couple want no more children. In Russia, the figures are 71% for the mother's health, 84% for physical handicap, 42% for unmarried mother, and 67% if the couple wants no more children.<sup>lxiv</sup>

Unfortunately, the survey did not include Ukraine. However, this writer conducted a mock Parliamentary debate on the topic "Should Ukraine Adopt a Law Restricting Abortion?" as part of a speech-writing exercise in one of his courses at the Uzhgorod, Ukraine State Institute in autumn 2000. Since I was aware that the issue had only begun to be discussed publicly in Russia, I had expected to find relatively little understanding of the pros and cons or of the facts underlying the arguments, and a passive acceptance of the existing (Soviet-era permissive) law. I was wrong. The students had already thought a great deal about the issue and had a substantial amount of factual information about its scientific, medical, ethical social and economic dimensions. They learned a more in preparing for and participating in the debate, which extended over two class sessions, and some of them modified their positions as a result of the give-and-take and of their further reflection.

Their own individual legislative proposals were aggregated into a menu of legislative alternatives, along two axes, for purposes of discussion and to see whether there might be an area of consensus or near-consensus that might form the basis for legislation: (1) substantive grounds on which abortion should be permitted by law, and (2) time limits, if any, during which an abortion should be permitted for each of the various specific grounds. The sample is small (15 students, 9 women and 6 men), but the results were nevertheless interesting.

Students proposed seven substantive grounds for abortion: (1) Serious risk to the mother's life due to pregnancy. All 15 supported including this as a ground for abortion. 11 would impose no time limit, and only one urged a time limit earlier than 28 weeks. (2) Serious risk to the mother's physical health due to pregnancy. The same results as for risk to the mother's life. (3) Rape. All 15 wanted to include this as a ground for abortion, but there was wide disagreement about how far into pregnancy it should be permitted. Seven students would draw the line at 15 weeks or earlier, two chose 20 weeks, one 28 weeks, one 30 weeks, and four would impose no time limit. (4) To prevent transmission of serious inheritable disease or defect to the child, e.g., if the mother has AIDS. Nine students supported this proposal, but as in the case of rape there was wide divergence of opinion as to how far abortion on this ground should be permitted into pregnancy. Of the nine, three would place the bar at 15 weeks or earlier, and six later. (5) If the mother is addicted to drugs and uses them during pregnancy. Only five students supported including this as a legal ground for abortion. Two would place the time limit at ten weeks, three at 28 weeks or never. (6) If the mother is mentally ill. Support continued to drop, this time to only four students, with one calling for a ten-week limit and three endorsing 28 weeks or later. (7) If the mother has too little money to care for the child. Only four students supported this option, but by contrast with (5) and (6) above, only one of the four would permit abortion on this ground after 15 weeks. (And that student chose 20.) Perhaps more important, 11 students said

emphatically during the debate that economic hardship should never be an acceptable legal reason for abortion.

The foregoing suggests that Ukrainian university students in this part of Western Ukraine are knowledgeable about the issue and disposed to draw morally and legally significant distinctions concerning the permissible grounds for abortion. The pattern of responses is not much different from that in many Western countries: very strong support for including threats to the mother's life and physical health, and rape (but with the need for clear time limits for the last-named), much weaker but still majority support to prevent transmission of serious inheritable diseases or defects (with a range of views about time limits), and strong majority opposition to legal abortion on grounds of the mother's mental illness, drug addiction, or economic circumstances.

#### BULGARIA

Bulgaria came under Communist rule in 1944, when Soviet forces occupied the country and engineered a transition to a one-party state. Communist rule lasted until 1991, when it was replaced by the Union of Democratic Forces (UDF). Since then, the UDF and the (former communist) Bulgarian Socialist Party have alternated in power. During the Soviet era, the Bulgarian Communist Party closely followed Soviet political guidance in all fields, foreign and domestic, and abortion policy was no exception. Most of the time, the key policy elements were abortion-on-demand at state facilities, at minimal or no cost. Occasionally, in keeping with shifts in Moscow, there were financial and propaganda incentives and mild abortion restrictions to promote a higher birth rate, i.e., a sort of soft pro-natalism.

Of course there was no question of a democratic public or legislative debate on this (or any other) matter; the rules were simply embodied in ministerial decrees. There was never a debate in the National Assembly, which in any event would hardly have been representative of Bulgarian opinion, since its members were selected by the Communist Party and routinely voted unanimously for all Party proposals. Still, in the late Communist era in some

countries, the formerly choral parliaments at least debated major public issues and in some cases became catalysts for systemic change. But not in Bulgaria.<sup>lxv</sup> The present law is a ministerial decree, having been issued by a Communist health minister in February 1990 on the night before his dismissal from government; it was the Party's farewell gift to the nation, a final blow at traditional values.<sup>lxvi</sup> That this instrument is still the controlling legal norm is due mainly to the severity and scope of the country's economic miseries and to the long, long period of passivity that, as in the USSR, led to the almost complete absence of any kind of civil society, let alone an active dissident movement. Perhaps not surprisingly, then, according to the 1991-94 Gallup poll, public acceptance of legal abortion remains high, with the usual 90-plus percent approving it for medical reasons or severe fetal handicap, but also a high 63% in cases when the mother is unmarried and 76% in cases where the couple simply wants no more children.<sup>lxvii</sup> In these circumstances, it is not too surprising that there has been little evidence so far of pro-life legislative initiatives to limit abortion. The number of abortions nevertheless fell from 119,000 in 1992 to 89,000 in 1996, and the abortion rate dropped from 67 to 51 over the same period.<sup>lxviii</sup>

Bulgaria began democratic life in the 1990s with the same inheritance as Russia of systematic atheization and de-value-ation and the resulting vacuum in political culture. Neither the Orthodox Church nor the family was fatally wounded but they were both weakened as sources of ethical guidance for society, and it is not therefore surprising that efforts to reform abortion law have only just begun; there has been some pro-life advocacy, and the issue is beginning to be discussed.

#### ROMANIA

As Gail Kligman and others have amply documented, the Ceausescu tyranny was utterly brutal in pursuing its policy objectives, including population policy; and utterly abusive of human rights in all areas, including this one. But we should not make the mistake of thinking that Ceausescu or his government

had any regard for the right to life of an unborn child. There is no evidence for such a claim, and Kligman does not assert it. Indeed, she recognizes and acknowledges that Ceausescu's draconian anti-abortion decrees and policies were motivated entirely by pro-natalist goals—he wanted to increase the Romanian population to promote his broader objective of making Romania a leading power in the Balkans and the Black Sea. For this there is abundant evidence, in public speeches and ceremonies promoting a higher birth rate, and in the terms of Ceausescu's abortion decrees.<sup>lxix</sup>

Since December 1989, abortion-on-request has been legal in Romania, when the post-communist National Salvation Front so decreed in one of its first acts. Romania quickly had the highest abortion rate in Europe.

Romanian law in fact had permitted abortion since 1957, but the regime periodically changed the specific requirements over the years, usually to an extreme degree. When it decided in 1966 to tighten the abortion law to promote more births, it also banned the sale and importation of contraceptives. The pro-natalist intent of the abortion restrictions is evident from the provision that a woman who had given birth to at least four children could obtain an abortion; the humanity of the unborn child was not a consideration for the regime. The intent was clear also from the law's eugenic provisions: abortion could be performed if either parent suffered from a hereditary or other disease likely to cause serious congenital malformation or if the mother was over 45. Handicapped children would be unlikely to be able to help build the new socialist order.

When these restrictions did not produce a sufficiently rapid population rise, the Communist Party in 1984 decided to take harsher measures. A Party directive required all women of reproductive age to undergo a monthly gynecological exam at their work place. Pregnant women were monitored until delivery; a miscarriage would cause a police investigation. Married women who did not become pregnant were also monitored closely and were taxed more heavily if they had no children; unmarried people

over 25 also had to pay an extra tax. In 1985 the age limit for abortion, which had been changed to 40 and then 42, was again raised to 45 and henceforth a woman under that age had to have five children in order to qualify for an abortion.<sup>lxx</sup>

In Romania, as in the Soviet Union and other communist states, abortion was seen as a good tool with which to break down traditional value patterns and family structures. But at certain times, some regimes, including Romania's, decided temporarily to put this goal on the back burner and emphasize instead pro-natalist goals. Kligman documents this well in the Romanian case.<sup>lxxi</sup>

It is also clear from almost everyone's accounts that throughout Ceausescu's rule, Romania had one of the most repressive regimes in Eastern Europe. The Securitate (secret police) acted with almost unparalleled cruelty against religious and political dissidents. (Kligman does not agree with this assessment, however, asserting that Ceausescu "did not rule by outright terror."<sup>lxxii</sup>) Romania ranked with East Germany as the hardest country in Europe from which to escape to the West during the Cold War: those trying to flee through the forests or across rivers were cut down by gunfire or attacked and killed by police dogs.<sup>lxxiii</sup> Villages were razed and urban districts demolished to make way for Ceausescu's grandiose development schemes. The Hungarian minority suffered additional repression, with measures aimed against Hungarian culture and language.

Kligman and other some other Western commentators have tended to conflate Ceausescu's anti-abortion policy with his overall totalitarianism, as a way to build an argument that abortion restrictions lead inevitably to a Ceausescu-esque nightmare. Kligman says that 'Romania presents us with an explicit and extreme case study of what happens when abortion is banned and equal access to contraceptives and sexual education is not provided to all women....'<sup>lxxiv</sup> She states in her concluding chapter that her book is meant to serve as a warning to other countries not to enact pro-life legislation.

The situation of the thousands of undernourished, sick, and

depressed children in Ceausescu's orphan gulag is an authentic tragedy, and their mistreatment and neglect were the responsibility of a callous totalitarian regime. But to say that they are the victims of an anti-abortion policy, even one of a heavy-handed extreme pro-natalist sort, is a bit much. The photographs of emaciated children, some of them suffering from AIDS (as a result of vaccinations and medication injected with dirty needles) evoke a deep and compassionate response. But their plight is not material for legalized abortion-on-demand; it is hard to argue that they would be better off dead, or that there is no other solution for them.<sup>lxxv</sup> In an RFE/RL report dated September 26, 1996, almost seven years after abortion was legalized, Don McCready, the head of the British Romanian Orphanage Trust, a charitable organization, said that the number of children being handed over to orphanages had not declined from the 1989 level. "The reason," he said, "is simple: sheer, grinding poverty."<sup>lxxvi</sup> Evidently legalized abortion had not helped.

None of the new democracies in the region has chosen an abortion law even remotely resembling Ceausescu's. Some countries governed by ex-Communists such as Serbia (until autumn 2000) and Belarus are indeed tyrannical, but they have permissive abortion laws.

As of 1999, Romania still had abortion-on-demand. According to official statistics, the number of abortions quintupled to nearly a million after legalization, and with it the abortion rate per 1000 women age 15-44, also shot up 500% to 200 per thousand women age 15-44, with both indices declining to 347,000 abortions and a rate of 69 in 1997.<sup>lxxvii</sup> According to the 1991-94 Gallup poll, majorities of the Romanian people favored legalized abortion. The figures are 88 % for the mother's health, 80% in case of physical handicap, 51% if the mother is unmarried, and 67% if the couple does not want more children.<sup>lxxviii</sup>

Given the identification in the minds of many Romanians of the Ceausescu tyranny with harsh abortion restrictions, it is perhaps to be expected that the centrist and conservative legislators elected in 1996 would not be quick to advocate pro-life changes.

The dark hangover of the Ceausescu era has acted as a major impediment to pro-life legislative initiative in Romania.

#### ALBANIA

The communist era began in Albania in late 1944, but without the Soviet Army on the ground. Instead, a communist movement led by Enver Hoxha took power and soon instituted one-party rule, which lasted until 1991. Since then, the post-communist Albanian Socialist Party has alternated in power with the Albanian Democratic Party.<sup>lxxix</sup>

The Albanian communist regime, like Romania but unlike its other counterparts elsewhere in Europe and the USSR, followed a hard pro-natalist policy that severely restricted abortion while encouraging a high birth rate.<sup>lxxx</sup> However, by the late 1980s these restrictions had been loosened considerably in practice. In 1991, in the first democratically elected government (of the Socialist Party), for instance, the number of approvable medical conditions for abortion was increased to 200. This led to a 15% increase in the number of abortions in 1991, and the abortion rate rose by around 30%. These figures rose further until an abortion law was enacted by Parliament in late 1995 that maintained abortion-on-request during the first 12 weeks but permitted abortion after 12 weeks for social as well as medical reasons. Absent information about the post-12 week rules, it cannot be said that this statute broadened legal protection of the unborn. While the number of abortions declined by about 20% in 1996 and the abortion rate decreased proportionately, both indices were still higher than 1990 levels: in 1990, the number of abortions was 26,000 and the abortion rate was 28; in 1996, the figure was nearly 28,000 abortions and a rate of 36.<sup>lxxxi</sup>

The Albanian Democratic Party, which had won a landslide victory in the 1992 elections, held 92 of the 140 seats in Parliament at the time the 1995 law was adopted. It was probably the memory of the horrific tyranny suffered by the Albanian people for so many years, and the fact that the tyranny had been accompanied by hard pro-natalist policy, that it was not politically

possible to move in a pro-life direction at that time. Albania is the only country that has enacted a pro-abortion choice statute since the transition. As in Romania, the pro-abortion choice policy is attributable to the unique, if comparably tyrannical, pronatalist regimes that acutely persecuted their people during the two decades before the transition. It is not that Albania in 1995 emulated Romania in 1989; each did what it did because of its own national history.

#### ESTONIA, LATVIA AND LITHUANIA

The number of abortions and the abortion rate (per 1000 women age 15-44) has dropped in all three countries during the 1990s, despite little or no change in abortion laws and regulations.

For Estonia, the figures are, for 1990, 29,000 abortions and an abortion rate of 88; for 1997, 19,000 abortions and a rate of 61. For Latvia, in 1990 there were 49,000 abortions and the rate was 87; in 1997 there were 22,000 abortions and the rate had fallen to 42. In Lithuania, there were 50,000 abortions in 1990, with a rate of 62; in 1997, the figures are 23,000 abortions and a rate of 28.<sup>lxxxii</sup>

Andrej Popov has reported that in Estonia “termination of pregnancy is regulated by decrees from the Ministry of Social Affairs of 1992 and 1993. Abortion-on-request is allowed up to 12 weeks and abortion for medical reasons up to 20 weeks in state-owned and other licensed public and private health care facilities.” Abortions for medical reasons and abortions performed during the first three weeks after a missed menstrual period are tax-funded, while other nonmedical abortions are paid at 50 percent.<sup>lxxxiii</sup> Popov does not address abortion law in Latvia or Lithuania, and neither the 1995 nor 1999 UN compilations has information on any legal or policy changes since the three republics regained their independence in 1991.<sup>lxxxiv</sup> The new Estonian regulations represent a step away from abortion-on-request as was legal and practiced in the USSR, where as noted earlier an abortion could be obtained for almost any reason until 28 weeks.

Nijole White has observed that, in Latvia and Lithuania, during

Soviet times abortion was viewed as “an injustice that the system had inflicted on women because it was unable to provide them with more humane methods of contraception. In post-independence years...a full range of [contraceptives] is now available, but they are either too expensive or unacceptable.”<sup>lxxxv</sup> She notes that “both countries have significant anti-abortion movements and support groups for women, especially single mothers, who decide not to terminate an unwanted pregnancy.”<sup>lxxxvi</sup>

In Lithuania, White says, attitudes are “partly dependent on individual disinclination to resort to [abortion]” and partly on the aforementioned pregnancy help groups and Catholic women’s and other organizations and by the Lithuanian affiliate of the World Federation of Doctors Pro-Human Life. She also describes a 1994 public opinion survey showing that both women and men disapprove of abortion in most cases. Other surveys show the same results.<sup>lxxxvii</sup> This would seem to be an example of the influence of political culture on the abortion rate.

Commenting on Lithuania’s 1992 Constitutional provision that “the right to life of individuals shall be protected by law,” Alina Zvinkliene has inferred that “owing to extremely negative public opinion towards abortion, the probability that anti-abortion legislation will be adopted is very high.”<sup>lxxxviii</sup> She attributes this negative public opinion to the Lithuanian loyalty to Catholic teaching: “Catholic views have been preserved as social attitudes even though they were not confirmed in law [during the Soviet era],” concluding that “the basis for a feminist movement is absent in the post-Soviet republics today, whereas there has always been a good basis for pro-family ideas and movements....the ideas proposed by most women’s groups and movements in the post-Soviet republics...are more often associated with the ideas of the American new familialist or new-Right movements than with feminism.”<sup>lxxxix</sup>

CZECH AND SLOVAK REPUBLICS

Before the country separated, the Czechoslovak Parliament adopted a Bill of Rights in 1991 that includes a provision that “human life is worthy of protection even before birth.” The government also appointed a commission to recommend ways to reduce the number of abortions. The commission proposed some measures to this end, including the cessation of government funding for abortions except in cases of threat to the mother’s life, rape, or incest, but it stopped short of calling for restrictions on abortion itself. Parliament adopted the recommendation to halt taxpayer funding of abortion just as the division of the country took place, and it is in effect in both republics.<sup>xc</sup>

The number of legal abortions has dropped by 60% in the Czech Republic since the Communist era, with no significant change in the law through 1999; the abortion rate likewise declined during this period, from 50 in 1989 to 19 (women age 15-44) in 1997. The same pattern can be found in the Slovak Republic, where the abortion rate declined from 42 in 1990 to 18. Some of the credit for these decreases is attributable to increased general confidence in the present and the future that has accompanied democracy and economic reform. Also, the climate of freedom has permitted the emergence of opinions on this sensitive public policy issue that had hitherto been held in silence when decisions were made Communist Party leaders and cabinet ministers.

Women’s groups in the two republics have generally been of conservative orientation, focusing on traditional values and concerns. They divide on abortion law, but only the ex-Communist, and therefore largely discredited but well-organized Women’s Union has promoted a pro-choice policy. In the Czech Republic, Nova Humanita, a group of women professionals, called in 1992 for restrictions on abortion.<sup>xcii</sup> Doctors’ groups have divided on the issue in both republics, with the pro-choice view gaining majority support in the Czech Republic and the pro-life view in Slovakia.

Both republics saw the establishment of Associations to Protect Unborn Life, and the conduct of public information

campaigns about the reality of abortion (for instance, leaflets and videos, such as *The Silent Scream*). In the Czech Republic in 1993, some 700 doctors from Bohemia and Moravia joined with the Czech Family Association, the Catholic Bishops' Conference, and the Association for the Protection of Unborn Life in providing pro-life input to a draft law that followed the lines of the new Hungarian law, while the Czech Gynecologists' Association and the Association for Family Planning and Sex Education advocated pro-choice measures. Interestingly, in the Slovak Republic the Gynecologists Association has taken a pro-life stand in debates on draft legislation there, where the Ministry of Health prepared a law almost as protective of the unborn child as Poland's 1993 statute.<sup>xcii</sup> However, as of the end of 1999 neither republic had adopted a comprehensive statute to replace the Communist-era law.

Christian Democratic parties in both countries have led efforts to enact limitations on abortion, but these have so far (2000) not been accorded high priority by other parties that might vote for such a measure if brought to the floor, and so they have languished. Prospects for success are rated higher in the Slovak Republic because of its more traditional political culture and lesser degree of secularization.

#### CROATIA AND SLOVENIA

As former constituent republics of Yugoslavia, these countries inherited the abortion-on-demand legislation of the parent state. Since independence, both countries have experienced the beginnings of pro-life and pro-abortion movements, and there have been initial attempts to enact pro-life legislation. However, as of the end of 1999 only two minor legislative changes had occurred.

In Croatia, the government of the late Franjo Tudjman was motivated mainly and quite openly by pronatalist rather than pro-life goals. Initial efforts by some pro-life parliamentary deputies to restrict abortion were scaled back, and for the time being they settled for a law providing for mandatory counseling before an

abortion could be performed. At the same time, public interest in the issue seems to be growing, and there is said to be influential opposition to abortion in the press.<sup>xciii</sup> Also, the Catholic Church operates a network of parish counseling centers and non-parish-based family life centers under the auspices of Caritas, the Church-based charitable organization. In addition to counseling, the centers provide adoption placement assistance, material goods such as diapers and baby food, and referrals for housing.<sup>xciv</sup> The number of abortions and the abortion rate in Croatia both dropped by half from 25.8 in 1992 to 12.4 in 1996.<sup>xcv</sup>

In Slovenia, a strong pro-life movement emerged soon after independence, in connection with the debate over a new constitution. Pro-abortion choice forces wanted to retain the 1974 Yugoslav provision recognizing a constitutional right to abortion (“it is a human right to decide on the birth of children”); pro-life deputies wanted to strike the provision. A compromise was reached: child-bearing is categorized as a liberty rather than a right, thus opening the way to at least limited legislation and regulation of abortion. Also, in 1992 the Slovenian parliament adopted a conscience clause to protect physicians who object to performing abortions.<sup>xcvi</sup> The number of abortions has dropped by about 30% in Slovenia since independence, and the abortion rate has fallen from 27.4 in 1993 to 21.6 in 1997.<sup>xcvii</sup>

#### PERSPECTIVES

In designing the new architecture of their public lives, many people looked for inspiration to traditional sources of value. Religion and family are primary sources of ethical formation and conviction, and both had been targeted by the communist system, which maintained a monopoly on other media of formation such as the schools, press, radio, and television. With variations as to time and place, churches and individual believers never stopped resisting the party-state attempt to gain monopoly control over minds and values. Families, battered by a state-run economy which kept everyone just above subsistence levels in overcrowded housing, and then only if all families had two (underpaid) wage-

earners, had to compete with party and state for the allegiance of their children. But compete they did.

The old order collapsed at least in part because of its denial of human dignity and human rights. As the transition era began, people in several countries began to argue that equal human dignity and rights meant just what it says, namely that it applies to all human beings, and that this requires legal protection for all, including unborn children. Pro-life activism began.

These developments coincided with national independence, and with the accompanying national enthusiasm which has sometimes gone to excessive and even tragic lengths. But it is a mistake to conflate pro-life activism with nationalism. Human rights and respect for life transcend borders and ethnicity; these values can become part of a people's heritage, but they do not owe their existence to any particular community. For the sake of increasing the country's power and prosperity, nationalists sometimes pick up the pro-life banner as a tool to serve pro-natalist goals; but the cause of protecting unborn human life is neither nationalist nor pro-natalist. There is no intrinsic link among these ideas. In fact, most pro-life organizations and individuals in the region argue the case for abortion restrictions on grounds of the equal value of every human life, not on the need to increase population to reverse a pattern of decline. Nationalist pro-natalism is nowhere the driving force behind the pro-life legislative initiatives.

Three countries in the region—Hungary, Poland and Albania—have engaged the abortion issue through full legislative debate and action since the transition from communism to democracy. The first two enacted pro-life laws, the third did not.<sup>xcviii</sup>

In Hungary and Poland, Christian Democratic parties (under various names), took the initiative to advocate legislative change when they were members of the governing coalition. In both cases they were joined by the large rural-based parties—the Smallholders in Hungary and the People's (Peasant) parties in Poland that had historically had a strong popular base. Although Christian Democratic and agrarian parties differed on economic

and other issues, their common attachment to traditional values attracted them strongly to the idea that the law should protect unborn human life. In Poland they were joined in the early 1990s by most of the small parties that had spun off from the Solidarity trade union, and by some of the predominantly urban intellectuals who had formed the centrist Democratic Union. In Hungary some members of the large and heterogeneous Democratic Forum, which held nearly 43% of the seats in the first post-transition parliament, supported strong pro-life legislation but most HDF deputies preferred a less ambitious approach. Thus the Christian Democrats and Smallholders, who together held about 17% of the seats, were unable to build majority support in Hungary for a bill as strongly protective of unborn life as the one adopted just a few weeks later in Poland. Both the Hungarian and Polish parliaments soundly rejected pro-abortion choice alternatives proposed by the libertarian Free Democrats in Hungary and by a coalition of mainly Socialist deputies in Poland.

The formula for success in these two countries was widespread adherence to traditional values, as taught by churches and families, and the organized expression of these values in the political arena through a coalition that included Christian Democrats and agrarians plus elements of at least one other significant party. In Poland, this additional support came from the parties that sprang from Solidarity and from centrist and conservative intellectuals. In Hungary, where independent labor unions had not developed nearly as far as Poland, and there was no equivalent to Solidarity as a source of political strength, although some intellectuals from the Democratic Forum supported pro-life initiatives. Because almost all countries of the region have multi-party systems, any pro-life initiatives will have to find support across a range of parties that have sharp differences in other policy areas. Building temporary issue-centered coalitions is a familiar part of parliamentary life even in two-party democracies. For instance, most Christian Democratic parties favor centrist or even moderately left-of-center economic programs; this was true also of the Solidarity-based parties in Poland and of the HDF in

Hungary. Parties normally thought of as conservative, including agrarian parties, tend to have a different economic approach than the Christian Democrats or Solidarity. Neo-communist and other socialist parties are pro-abortion choice; sometimes, they, too, find allies on abortion among those who strongly disagree on economic policy—such as the Alliance for Free Democrats in Hungary.

Future pro-life legislative initiatives are more likely to arise where churches and families are strong, where active pro-life non-governmental organizations have come into being, and where two or more political parties that express concern for the value of life win seats in parliament, especially if at least one of them is part of the governing coalition. Whether the initiative becomes law is of course another question that depends on such factors as the overall balance of parties, the strength and level of non-governmental activity (lobbying, letter-writing, demonstrations, etc.), and the skill and energy of individual leaders.

Other countries in the region have not gone as far as Poland and Hungary because one or more of the foregoing elements has been missing. However, most countries have restricted public funding of abortion to those performed on medical grounds, and some have stopped funding abortion altogether. Some have enacted laws or regulations on parental consent, mandatory counseling, and conscience protection for physicians and other medical personnel. But the debate goes on.

There are signs of enhanced public interest and discussion of the abortion issue throughout the region, including the formation of pro-life and pro-abortion choice organizations. Medical associations have debated the issue, spoken out in the press, and drafted codes of professional ethics. Some women's groups, including those of conservative orientation, have become more involved. Churches throughout the region have taken a major part in stimulating awareness and discussion.

This increased public discussion of the abortion issue may be partly responsible for the drop in abortions and the abortion rate even in countries that have not adopted pro-life statutes or

significantly tightened their regulations. Also, the political transition brought with it new hope and confidence in the future. People could envision new possibilities, new ways of dealing with the challenges of life—they were not restricted to the old ways of acting and living under the rule of a party that until 1989 showed no signs of giving up its grip, but only of partially and temporarily relaxing it.

With this new optimism, more people have been open to the idea of bringing children into the world. There has also been an expansion of sex education programs and family planning courses (including modern natural methods, which are more culturally acceptable than contraceptives in some countries) and the increased availability of contraceptives.

An important part of the decline in the number of abortions and the abortion rate is attributable to legislative and regulatory changes. Throughout the communist period the number and rate of abortions rose and fell in tune with changes in the decrees governing the legal availability of abortion. The Polish and Hungarian pro-life statutes, together with the restriction on public funding of non-medical abortions and requirements for parental consent and mandatory counseling, have certainly contributed to the decline in these countries. It is not possible to wave away these results by simply alleging vast numbers of illegal abortions. Of course there were and are some illegal abortions; individual stories can be found, because every law is sometimes broken. But to extrapolate from anecdotes to massive numbers is an exercise in pure imagination. Such evidence as we do have, for instance on Poland, points toward a finding that carefully tailored abortion laws adopted after lengthy public and legislative debate are usually obeyed. In Poland and Hungary, the debate on abortion law was thorough, public and prolonged, with all elements of society having an opportunity to weigh in. The process resulted in laws which met the people where they are in terms of ethical standards, establishing rules that most people could accept and live with.

International actors have had relatively little influence on the public debate. The International Right to Life Federation, Human

Life International, the World Federation of Doctors for Life, International Planned Parenthood Federation, and the UN Fund for Population Activities have held conferences and seminars in many of the countries, and Western foundations have funded some domestic organizations that work in this issue area.. These international actors have helped to establish networks and to increase the supply and flow of information on the issue, which has in turn helped to put it on the public agenda in some countries. However, there must be an actively interested domestic audience. Foreign visitors can inform, educate, stimulate and supplement, but they cannot do the main work. The domestic political and legislative debate in its essential features has sprung from the individual political culture and history of each of the newly democratic countries and has developed according to the main elements of that culture and history. That is why it is difficult to make strong cross-national comparisons on this subject. Most of the explanation for what happens legislatively on abortion will be found in the cultural factors and particular domestic organizations active in each country. There is little some, but little, spill-over effect from country to country, despite their common experience of four-to-seven decades of communist rule.

Throughout Eastern Europe and Russia there is broad recognition that a legal framework is needed to regulate behavior where fundamental human rights are at stake, as well as acknowledgment that law itself is a teacher of values. The rebirth of freedom in the region allowed renewed public discussion of the values of life. It seems likely that the debate will continue in those countries that have not yet adopted post-communist statutes, and that as this debate gathers momentum, it will find a particularized response through the democratic legislative process.

#### NOTES

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<sup>i</sup> Mikhail Gorbachev, *On My Country and the World*, trans. by George

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Shriver (New York: Columbia Univ. Press, 2000), p.268.

<sup>ii</sup> For instance, the work of Gail Kligman and Susan Gal in “Gendering Postsocialism: Reproduction as Politics in East Central Europe,” in *Between Past and Future: The Revolutions of 1989 and Their Aftermath*, Sorin Antohi and Vladimir Tismaneanu, eds. (Budapest: Central European Press, 2000), pp.198-216.

<sup>iii</sup> For example, the vigorous challenges to the Party line in the Sejm by Janusz Zablocki and other deputies of the Catholic *Znak* group, and by independents such as the late Edmund Jan Osmanczyk. They had to pick their fights carefully. They were occasionally able to modify legislation at the committee stage, out of the public eye, but at times they felt they needed to mount a major public debate. Osmanczyk, for instance, is remembered for his thundering defense of the freedom to travel during 1985 debates on passport restrictions and his opposition to a bill to allow summary trials, with no appeal, of dissident demonstrators. Both bills passed, but Osmanczyk’s stand, covered in the Polish and international press, provided rare instances of stimulating wide public discussion and opposition to repressive Party measures.

<sup>iv</sup> UN, *Abortion Policies: A Global Review* (New York: United Nations, 1995) III: 37-39.

<sup>v</sup> In the most extreme case, Father Jerzy Popieluszko was murdered by three secret police officers in 1984 because of his outspoken defense of human rights, particularly workers’ rights. He was also active in pro-life work with medical students and nurses, although this was not the reason he was targeted.

<sup>vi</sup> During diplomatic assignments to Poland in the 1970s and 80s, I attended meetings of the Catholic Intellectuals’ Clubs in various cities and became acquainted with some members.

<sup>vii</sup> Jolanta Plakwicz and Eleonora Zielinska, “Poland,” in Anna Rolston and Bill Eggert, eds., *Abortion in the New Europe* (Westport: Greenwood, 1994), p.201.

<sup>viii</sup> Dominic Standish, “From Abortion on Demand to its Criminalization: the Case of Poland in the 1990s” in Ellie Lee, ed., *Abortion Law and*

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*Politics Today* (New York: St. Martin's, 1998), p.120. Also, Frances Millard, *Polish Politics and Society* (New York: Routledge, 1999), ch. 5.

<sup>ix</sup> Plakwicz and Zielinska, p.201. Also, Standish, p.117.

<sup>x</sup> UN, *Abortion Policies*, III:38.

<sup>xi</sup> As a rule, democratic societies do not address the abortion issue through referenda. Only Switzerland, Italy and Ireland have held national referenda on abortion. The Swiss have rejected all popularly-initiated proposals, deferring to their legislature, which has retained a law limiting abortion to medical grounds. In 1981 Italian voters approved a first trimester pro-abortion law passed by Parliament with a conscience clause and some important procedural limitations, while overwhelmingly rejecting a more permissive proposal initiated by a fringe party. In Ireland, voters in 1983 approved a strong right-to-life amendment to their Constitution, and modified it in minor respects in 1992. But most democracies avoid the rigid, slogan-prone referendum process, in which the issue can be easily distorted, in an atmosphere where media packaging skills and advertising budgets count for more than reasoned debate. Legislative deliberation, with citizen input, is more apt to produce practicable laws that protect rights and promote the common good.

<sup>xii</sup> Millard, *Polish Politics and Society*, p.122

<sup>xiii</sup> Jill Bystydzienski, "The Effects of the Economic and Political Transition on Women and Families in Poland" in Sue Bridger, ed., *Women and Political Change: Perspectives from East-Central Europe* (New York: St. Martin's, 1995), pp.98-100. Also Barbara Einhorn, *Cinderella Goes to Market* (London: Verso, 1993), p.101, and generally on the abortion issue in east central Europe, see pp.89-103; and Frances Millard, *The Anatomy of the New Poland* (Edward Elgar, 1994), pp.106, 167.

<sup>xiv</sup> *Ibid.*, 38-39. Also Anna Titkow, "Poland" in David and Skilogianis, *From Abortion to Contraception: A Resource to Public Policies and Reproductive Behavior in Central and Eastern Europe from 1917 to the Present* (Westport: Greenwood Press, 1999), p.175; Standish, p.118; Plakwicz and Zielinska, pp.209-10. Passages in quotation marks are from the text of the law as cited by Plakwicz and Zielinska.

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- <sup>xv</sup> Millard, *The Anatomy of the New Poland*, pp.190-93.
- <sup>xvi</sup> Standish, pp.122-25. Also Titkow, p.185.
- <sup>xvii</sup> Standish, pp.124-26.
- <sup>xviii</sup> Cited in Grzegorz Weclawowicz, *Contemporary Poland: Space and Society* (Boulder: Westview, 1996), pp.127-30. Also, Stefania Szlek Miller cites a study by Renata Siemenska indicating that women tended to support conservative parties more than men in 1993: *Canadian Slavonic Papers*, 39 (March-June 1997) 78-79.
- <sup>xix</sup> Millard, *Polish Politics and Society*, ch. 5 is an excellent account and analysis of Polish parliamentary and presidential elections from 1989 through 1997, with complete results and analytical tables based on exit polls.
- <sup>xx</sup> Attila Agh, *The Politics of Central Europe* (London: Sage Publications, 1998), p.164.
- <sup>xxi</sup> Millard, *Polish Politics and Society*, pp.85-89.
- <sup>xxii</sup> Standish, p.122. Also Titkow, p.179; International Right to Life Federation *Newsletter* (November 1996).
- <sup>xxiii</sup> Millard, *Polish Politics and Society*, p.141
- <sup>xxiv</sup> Millard, *Polish Politics and Society*, pp.70-71. Titkow, p.179; Rita J. Simon, *Abortion: Statutes, Policies, and Public Attitudes the World Over* (Westport: Praeger, 1998), pp.18-19; *Washington Post* (October 25, 1996).
- <sup>xxv</sup> Agh, pp.126-28, 164.
- <sup>xxvi</sup> Jane Perlez, "Marian Krzaklewski," *New York Times* (September 23, 1997).
- <sup>xxvii</sup> Millard, *Polish Politics and Society*, p.107.
- <sup>xxviii</sup> Millard, *Polish Politics and Society*, p.134.
- <sup>xxix</sup> Cited in Plakwicz and Zielinska, pp. 203, 211 (n.16).

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<sup>xxx</sup> UN, *Abortion Policies* III: 39; Standish, p.118; Titkow, p.176.

<sup>xxxi</sup> Standish, p.118.

<sup>xxxii</sup> J.C. Willke, MD, "Clear Evidence: If Forbidden, Abortion Will Not Return to the Back Alley", *Life Issues Connector* (April, 2000).

<sup>xxxiii</sup> Willke, drawing on Polish government figures.

<sup>xxxiv</sup> Standish, p.118; Titkow, p.176.

<sup>xxxv</sup> Willke.

<sup>xxxvi</sup> Simon, pp.55, 60 for question phrasing; p.103 for table on Poland.

<sup>xxxvii</sup> Eva Fodor, "The Political Woman?" in Marilyn Rueschemeyer, ed., *Women in the Politics of Postcommunist Eastern Europe* (Armonk: ME Sharpe, 1998), pp.156-162, has an extended discussion of the role of women in the principal Hungarian political parties.

<sup>xxxviii</sup> Adam Balogh and Laszlo Lampe, "Hungary," in Rolston and Eggert, pp.140-52.

<sup>xxxix</sup> Balogh and Laszlo, pp.152-54. Fodor, pp.161-62.

<sup>xl</sup> David and Skilogianis, 148-49 (table). "Abortion rate" means the number of abortions per 1000 women age 15-44.

<sup>xli</sup> Eva Fodor, pp.156-64.

<sup>xlii</sup> Sharon L. Wolchik. "Women and the Politics of Gender in Communist and Post-Communist Central and Eastern Europe" in Sabrina P. Ramet, ed., *Eastern Europe: Politics, Culture and Society since 1939* (Bloomington: Indiana Univ. Press, 1998).

<sup>xliii</sup> Simon, p.107.

<sup>xliv</sup> Andrej Popov, "The USSR" in Rolston and Eggert, p.274. See also Irene A. Boutenko, "Norms of Conduct" in Irene Boutenko and Kirill E. Razlogov, eds., *Recent Social Trends in Russia, 1960-65* (Montreal: McGill-Queen's Univ. Press, 1997), pp.124-27.

<sup>xlv</sup> Popov in Rolston and Eggert, p.276.

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<sup>xlvi</sup> Andrej Popov and Henry David, "Russian Federation and USSR Successor States" in Henry David and Joanna Skilogianis, pp.240-42. Also see *UN Abortion Policies: A Global Review*, Belarus (I:191-93), Russia (III:54-57), and Ukraine (III:150-52).

<sup>xlvii</sup> Popov and David, in David and Skilogianis, pp.241-42.

<sup>xlviii</sup> Various surveys, presented in Christopher Williams, "Abortion and Women's Health in Russia and the Soviet Successor States" in Rosalind Marsh, ed., *Women in Russia and Ukraine* (Cambridge: Cambridge Univ. Press, 1996), pp.140-41.

<sup>xlix</sup> Williams, pp.139-43. Also, in early 1999 Deputy Health Minister Tatiana Stukolova told the Tass news agency that 15-20% of Russian couples cannot have children. "In more than half the cases, this sterility is due to abortions carried out too early on the woman." *IRTLF Newsletter* (February/March 1999).

<sup>l</sup> Popov, in Rolston and Eggert, p.275.

<sup>li</sup> Popov and David, in David and Skilogianis , pp.232-33, 243-44.

<sup>lii</sup> David and Skilogianis, pp.264-65 (table).

<sup>liii</sup> Elena Sargeant, "The 'Woman Question' and Problems of Maternity in Post-communist Russia" in *Women in Russia and Ukraine*, p.269.

<sup>liv</sup> Sargeant, p.269.

<sup>lv</sup> L.Y. Petrunina, "Religious Institutions" and "Religious Beliefs" in *Recent Social Trends in Russia*, pp.159-161, 211-212.

<sup>lvi</sup> Anne Murcott and Annie Feltham, "Beliefs about Reproductive Health" in Hilary Pilkington, ed., *Gender, Generation and Identity in Contemporary Russia* (London: Routledge, 1996), pp.152-53, 162-63.

<sup>lvii</sup> Alessandra Stanley, *International Herald Tribune* (May 20, 1994). For an overview of the role of women's organizations in Russian political life, see Carol Nechemias, "Women and Politics in Post-Soviet Russia " in Marilyn Rueschemeyer, ed., *Women in the Politics of Postcommunist Eastern Europe*, pp.8-23; also Olga Lipovskaya, Women's Groups in

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Russia,” in Mary Buckley, ed., *Post-Soviet Women: From the Baltic to Central Asia* (Cambridge: Cambridge Univ. Press, 1997), pp.186-99. It is telling that Anastasia Posadskaya, a leading Russian feminist, published *Women in Russia: a New Era in Russian Feminism* (London: Verso, 1994) without discussing abortion.

<sup>lviii</sup> *USA Today*, Health Section (November 10, 1995).

<sup>lix</sup> RFE/RL NewsLine (May 13, 1998).

<sup>lx</sup> *IRTLF Newsletter* (February/ March 1999 and May/June 1999).

<sup>lxi</sup> “Freedom or ‘Life’—Secular and Russian Orthodox Organizations Unite in a Struggle against Reproductive Freedom for Women” by Natalya Babasyan, *Izvestia* (Feb. 26, 1999). Excerpted in *Current Digest of the Russian Press*, 51:14, no. 12 (April 21, 1999).

<sup>lxii</sup> Solomea Pavlychko, “Progress on hold: the conservative faces of women in Ukraine” in *Post-Soviet Women*, pp.220-25, 229-31.

<sup>lxiii</sup> [www.nadzeya.org/index.htm](http://www.nadzeya.org/index.htm). Hope and other political parties in Belarus have been effectively excluded from power since the imposition by Aleksander Lukashenko of an authoritarian regime in 1996.

<sup>lxiv</sup> Simon, pp.84-86, 100-02.

<sup>lxv</sup> Dimiter Vassilev, “Bulgaria” in David and Skilogianis, pp.69-82.

<sup>lxvi</sup> Vassilev, p.78. For a chronology of the political transition, see Agh, *The Politics of Central Europe*, pp.99, 137, 193, 198-99. For a summary of the decree, see UN, *Global Policies on Abortion*, Bulgaria, 1:62-64.

<sup>lxvii</sup> Simon, p.109.

<sup>lxviii</sup> David and Skilogianis, pp.72-73 (table).

<sup>lxix</sup> Gail Kligman, *The Politics of Duplicity: Controlling Reproduction in Ceausescu’s Romania* (Berkeley: Univ. of California Press, 1998). While Kligman’s study is the only book-length treatment of abortion in Romania, briefer sources of information are also available, also written from a pro-abortion choice viewpoint. For instance, Adriana Baban, ‘Romania’ in David and Skilogianis, pp.191-221, esp. 196-206.

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<sup>lxx</sup> UN, *Abortion Policies* III:52-53.

<sup>lxxi</sup> Kligman, esp. chapter 1.

<sup>lxxii</sup> Kligman, p.14.

<sup>lxxiii</sup> When I served in the Refugee Programs Bureau of the State Department from 1986-89, we received a number of credible reports of bullet-riddled or bite-mangled bodies along Romanian borders.

<sup>lxxiv</sup> Kligman, p.18.

<sup>lxxv</sup> Kligman, pp.221-39.

<sup>lxxvi</sup> RFE/RL *Newsline* (Sept. 26, 1996)  
[www.rferl.org/nca/features/1996/09](http://www.rferl.org/nca/features/1996/09).

<sup>lxxvii</sup> David and Skilogianis, pp.194-95 (table).

<sup>lxxviii</sup> Simon, p.105

<sup>lxxix</sup> Agh, pp.99-100, 139, 194, 201.

<sup>lxxx</sup> Amilda Dymi and Pamela Pine, "Albania" in David and Skilogianis, pp.53-56, 61-64.

<sup>lxxxi</sup> Dymi and Pine, p.55.

<sup>lxxxii</sup> David and Skilogianis, pp.260-61 (table). I have rounded all figures for ease of reading..

<sup>lxxxiii</sup> Popov, in David and Skilogianis, pp.261-62.

<sup>lxxxiv</sup> UN, *Global Policies on Abortion*, respective country sections, 1995; UN Population Division, *World Abortion Policies 1999*.

<sup>lxxxv</sup> Nijole While, "Women in Latvia and Lithuania," in Mary Buckley, ed., *Post-Soviet Women*, p.207.

<sup>lxxxvi</sup> White, p.207.

<sup>lxxxvii</sup> White, p.208. Also Alina Zvinkliene cites surveys done in 1991 and 1993 indicating the same pattern, with majorities favoring legalized

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abortion only in cases of threat to the mother's or child's health; see "Neo-Conservatism in Family Ideology in Lithuania" in Sue Bridger, ed., *Women and Political Change*, p.145.

<sup>lxxxviii</sup> Zvinkliene, p.143.

<sup>lxxxix</sup> Zvinkliene, pp.146, 148.

<sup>xc</sup> UN, *Abortion Policies* I:199, III:85. Also see Radim Uzel, "Czech and Slovak Republics," in Rolston and Eggert, p.64.

<sup>xc</sup> Sharon Wolchik, "The Czech and Slovak Republics" in Rueschemeyer, pp.124-26. Regarding Nova Humanita, see Barbara Einhorn, p.96.

<sup>xcii</sup> Uzel, pp.63-67.

<sup>xciii</sup> Jill Irvine, "Croatia" in Rueschemeyer. Pp.222-24.

<sup>xciv</sup> Chet Lewandowski, Human Life International, "Fighting the Culture of Death in Central and Eastern Europe" at [www..hli.org/publications/hlir/1997](http://www.hli.org/publications/hlir/1997).

<sup>xcv</sup> David and Skilogianis, p.293 (table).

<sup>xcvi</sup> UN, *Abortion Policies* III:89.

<sup>xcvii</sup> David and Skilogianis, p.294 (table)

<sup>xcviii</sup> The Hungarian and Polish electoral laws have a strong element of proportional representation, which tends to produce multi-party legislatures. Albania has essentially a two-party system.