Dziewuchy Dziewuchom für sexuelle Selbstbestimmung.

(Girls for Girls for sexual self-determination.)

The impact of political opportunity structures on pro-choice movements in Germany and Poland.

Bachelor Thesis

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Abstract

Differences in Political Opportunity Structures (POS) pose individual challenges and opportunities for social movements operating within them since these structures determine, to a great extent, their environment. Kriesi et al. (1995) developed a framework investigating the impact of POS on respective movements, which will be analyzed in this paper concerning pro-choice movements. The 2016 and 2020 pro-choice movements in Poland raised international awareness on the political environment in Poland and the issue of abortion in general. In the literature on POS, Germany is often used as a Western European example while Eastern European states are hardly involved in the research. In order to gain more knowledge on the Eastern European POS impacting movements and to investigate the Western European POS' impact on a movement dealing with a controversial topic, the following research question is formulated:

To what extent are the political opportunity structures in Western Europe (Germany) and Eastern Europe (Poland) able to explain the mobilization of pro-choice movements?

Three steps are taken in order to answer this research question with relevant literature and collected data through interviews: First, concrete opportunities deriving from the formal and informal structures in the respective countries are analyzed, second, the approach of both pro-choice movements to the available POS will be investigated and third, the meaning of the policy issue abortion on the POS' impact on pro-choice movements is analyzed.

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1. Introduction

The protests on the abortion ban in Poland in 2020 caught international attention, raising awareness about the political environment of the protests and the topic of abortion. International media stated the protests to be 'a fight for democracy' (Al Jazeera, 2020) and a 'feminist revolution (Gessen, 2020). After the constitutional court of Poland published its reasoning for tightening one of the already toughest abortion laws in Europe on October 27th and the following mass protests, the European Parliament adopted a resolution that 'strongly condemns' the tightening of abortion rules (European Parliament, 2021). The parliamentary elections in 2015 with *Prawo i Sprawiedliwość* ('Law and Justice', '*PiS*') becoming governing party led to several changes, including 'a revolutionary transformation of the democratic institutions into illiberal democracy' (Lendvai-Bainton & Szelewa, 2020) and a tensed relation between Warsaw and Brussels.

Recent developments in Germany like the compromise in 2019 on §219a StGB (German penal code), which defines the legal framework for the *promotion* of abortion, and the big criticism, for instance raised by the *Bündnis für sexuelle Selbstbestimmung* ('Alliance for sexual self-determination') on the compromise show that there is also a need to study pro-choice movements and their relation to the political system in Western Europe. Even though §218 StGB (determining the legal regulations for abortion in Germany) was among the basis of the protests in the 1970s, likewise the continuing §218 and §219a protests today (Lenz, op. 2008), scholars focus on *the women's movement* in general in most cases.

In order to understand how the political situation and institutional structures impact pro-choice movements, a comparison is helpful. The analysis of the current situation is insufficient and pro-choice movements as such are not widely studied in Germany and in Poland. Additionally, the topic of abortion is different from other topics in general: 'Numerous once-controversial issues concerning women (such as property rights) are now widely accepted around the world. The issue of abortion is not among them' (Boyle, Kim, & Longhofer, 2015, pp. 882–883). The uniqueness of the issue abortion is underlined by the fact that abortion is always connected to conditions such as the woman being a victim of rape, and never seen as a pure human right without conditions.

Comparing both cases can help to carve out differences and similarities between the pro-choice movements and how they are impacted by their environment. To conclude, the impact of the POS on pro-choice movements in Western and Eastern Europe is scientifically relevant since the problem is not sufficiently addressed in the existing literature. The social relevance of the whole issue is also stressed: Besides the uniqueness of the topic and widespread repressive tendencies, the issue is part of the reinforcement of traditional values which especially affect women and minorities like LGBTQIA[1].

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[1] The term LGBTQIA is an abbreviation for a community: Lesbian, Gay, Bisexual, Transgender/Transsexual, Queer, Intersex and Asexual and/or Ally.

1.1. Research question and sub-questions

In order to analyze the impact of the POS in Germany and Poland on the pro-choice movements in the respective countries, the explanatory research question (RQ) for this paper is:

> *RQ: To what extent are the political opportunity structures in Western Europe (Germany) and Eastern Europe (Poland) able to explain the mobilization of pro-choice movements?*

Three sub-questions (SQ) are developed in order to answer the RQ:

> *SQ 1: Which concrete opportunities for social movements can be derived from the formal and informal political structures in Germany and Poland?*
>
> *SQ 2: Which approach to the POS do pro-choice movements in Germany and Poland have?*
>
> *SQ 3: How is the policy issue abortion affecting the POS' impact on pro-choice movements in Germany and Poland?*

2. Current state of research

The theoretical background is mainly based on concepts introduced by Kriesi et al. (1995). Kriesi et al. (1995) built a framework with various characteristics of the POS' impact on social movements which is tested in four Western European countries: The Netherlands, Germany, Switzerland and France.

The authors differ from previous POS theories: The theory is based on the assumption that political structures do not directly impact the mobilization of movements, but it impacts specific mechanisms and these, in turn, impact the mobilization of movements. Hence, a bridge between structural settings and mobilization of social movements is introduced. Kriesi et al. (1995) were cited over 850 times (Researchgate, n.d.) and provide a theoretical background, which is well-known and widely applied in sociological and political studies. It is sensible for this paper to rely on Kriesi et al. (1995) because of the complex framework created on the POS' impact on social movements and the involvement of findings provided by previous studies by other popular scholars like Kitschelt (1986), Tilly (1978) or Rucht (1988). As a limitation, Western European countries and the US are the focus of the theory while the theory on Western European countries is lacking in general. Hence, this paper i.a. aims to provide knowledge on the impact of POS on social movements in Eastern European countries and to critically test whether the theory by Kriesi et al. (1995) can be applied to Poland. Also, since the theory provided by Kriesi et al. (1995) is very complex, a few elements, like national cleavage structures, will not be discussed in this paper.

In order to dismantle Kriesi et al. (1995), the theory section in this paper consists of three parts explaining the different layers leading to an impact on social movement mobilization. The first part (chapter four) focuses on formal and informal institutional structures of political systems and their impact on social movements. This chapter is the theoretical background for answering SQ 1. Formal and informal institutional structures are usually relatively stable (Kriesi, 1995). However, in the Polish case this might be changing because of the rise of 'new authoritarianism' (Lendvai-Bainton

& Szelewa, 2020). This chapter also involves a subsection on concrete opportunities, which link the structural factors to the concrete opportunities for social movements within their environment (Kriesi, 1995).

In the second step, the classification of new social movement types by Kriesi et al. (1995) is presented, which is relevant in order to understand that social movements react differently to the POS surrounding them. Hence, chapter five provides the theoretical background to answer SQ 2.

Opportunities for movements in political systems are varying according to the policy domain and therefore, the aim of chapter six is to provide the theoretical background for SQ 3 in order to find out if the policy issue abortion is a high- or a low-profile issue. Together with the social movement type, these classifications help to distinguish and to draw similarities between movements.

Additional literature will be introduced in order to complement the presented theory with relevant information on the German and Polish political structures today and the pro-choice movement operating within the respective systems. In applying Kriesi et al. (1995) on the German case, a mix between scientific works (Arnauld, 2001; Lenz, op. 2008; Penning, 2020; Rudzio, 2019; Sommer, Rucht, Haunss, & Zajak, 2019), online newspaper articles (Kost, 2005; Köver, 2019) and statements of organizations (Bündnis für sexuelle Selbstbestimmung, n.d.), institutions (Bundesamt für Justiz; Bundestag, 2019; Institut für Weltanschauungsrecht, 2021) and parties (Bündnis 90 / Die Grünen, 2019; Bündnis 90/Die Grünen Bundestag, 2020; Die Linke Bundestag; FDP Bundestag, 2018; SPD Fraktion Berlin, 2018), as well as legal sources, §218 and §219a StGB are used. In the Polish case, the amount of scientific literature, especially regarding the protests, is higher and therefore, the application relies more on scientific papers on the Polish structure (Kulesza & Kim, 2017; Lendvai-Bainton & Szelewa, 2020; Ziemer, 2013), the movements and the policy issue (Cullen & Korolczuk, 2019; Hussein, Cottingham, Nowicka, & Kismodi, 2018; Korolczuk, 2016; Sieradzka, 2020), supplemented by online newspaper articles (BBC News, 2021; Ketter, 2021) and statistical data (Bertelsmann Stiftung, 2020; Fowid, 2020).

3. Methodology

In the following, the research design and the method of the research will be presented. Limitations and threats are addressed in the discussion (chapter nine).

3.1. Research design

The qualitative research design of the paper is a comparative case study, which helps to determine differences and similarities between different cases and to gain knowledge about a topic which is not widely studied so far (Goodrick, 2014). Hence, conducting a case study makes sense here since the Eastern European POS and temporary pro-choice movements in Germany and Poland are not widely studied yet. The cases are characterized by a 'defined case and time frame' (Schoch, 2020): The Polish case is defined by the pro-choice movements in 2020 organized by various groups like *Czarny Protest*

(Black Protest), *Ogolnopolski Strejk Kobiet* (All Polish Women's Strike), *Dziewuchy Dziewuchom* and many other groups. The German case includes protests on §218 and §219a StGB which were highly present in 2019, mainly pushed by *Bündnis für sexuelle Selbstbestimmung* (Alliance for sexual autonomy, '*The Alliance*') and other, smaller groups. Since comparative case studies are especially helpful when exploring a phenomenon (the pro-choice movements) within a specific context (the POS of each country) to find similarities and differences, this research design is a suitable choice (Schoch, 2020).

The independent variable, *POS*, is extensively discussed: The formal and informal structure and the concrete opportunities deriving from those structures (chapter four). Referring to Kriesi et al. (1995), the dependent variable 'mobilization of pro-choice movements' is not specifically conceptualized in Kriesi et al. (1995) but rather classified as moderate/strong mobilization and also the action repertoire, which is addressed in chapter five. Of more importance are, as addressed by Kriesi et al. (1995), the conceptualizations of the elements building a bridge in the impact of POS on social movement mobilization: For instance, the social movement types and the policy domain addressed in chapter five and six. In answering the research question, the presented theory by Kriesi et al. (1995) is applied to the German and the Polish case with relevant literature and those theoretical assumptions are tested with data collected from interviews.

The sampling in this study is twofold because of the cases (countries) and the interview partners. For both sampling steps, purposive sampling is conducted which 'allows you to focus in depth on a phenomenon (Patton, 2002, p.46)' (Schoch, 2020, p. 248). The pro-choice movements in Germany and Poland are picked because of various reasons expressed in this paper, one of them being that they are representatives of movements operating under Western / Eastern European POS addressing the same, sensitive issue (abortion). Purposive sampling also involves the principle of maximum variation (Flick, 2020): The Polish and the German movements are operating within different POS which contributes to make differences accessible. However, since scientific work on the POS' impact on pro-choice movements in Eastern and Western Europe is rare, the technique of theoretic sampling is also taken into account, which aims to generate new knowledge based on the current state of available theory (Flick, 2020).

3.2. The method: Interviews

For the analysis, semi structured qualitative guideline interviews with experts were conducted which aim to capture the individual perspective of the interviewee on a specific topic (Flick, 2020). Experts have specific knowledge ('Rollenwissen') which provides them with a certain type of competence (Helfferich, 2019). Regarding the selection of interview partners, experts on the political structure in both countries and experts on the pro-choice movements and the policy issue abortion were interviewed, purposively selected by the principle of maximum variety (Flick, 2020). For the German part, six interviews were conducted while one interview with a politician did not involve additional,

relevant information for the analysis. Therefore, it is not involved in the research. Three interviews were conducted with pro-choice activists, RG1 and RG4 from Münster (population: 315.000) and RG2 from Hamburg (population: 1.8 million), and two interviews were conducted with politicians, RG5 from the *FDP* and RG6 from *Bündnis 90/Die Grünen*. Both politicians are MEPs at the federal state level and both are part of the commission for women and equality. For the Polish part, three interviews were conducted: Two interviews with activists, RP1 (with Polish origin) currently living in Berlin, being active for *Dziewuchy Berlin,* and RP2 from Warsaw (population: 1.8 million) and one interview with a MEP at the state level (Sejm) for *Platforma Obywatelska* (PO). All interview partners were informed about the aim of the scientific work, the recording and transcription of the interviews, the anonymization of personal data and the destruction of the recordings after the thesis is finished. The interviews took 30 minutes to 1 hour and 15 minutes and the same guideline was applied to all interviews. The structure of the interview questions was adapted according to the conversation. Also, sometimes not all questions were asked explicitly since the respondents answered them while answering other questions. The guideline involves fixed questions reflecting the sub-questions, while some questions were introduced during the course of conversation. All interviews can be found in the appendix which will be presented in a separate document.

Since the collected data is qualitative, reviewed literature and interviews will be analyzed through qualitative content analysis which usually involves a specific structure of steps: Descriptive content analysis and explanatory content analysis (Flick, 2020). The interview material was summarized first, then analyzed regarding the respective sub-questions and tested regarding their conformity with the theoretical assumptions. Comparing data in the content analysis helps to draw conclusions and to find differences. Hence, the comparative case study contributes to the analysis.

PART I: THEORY

4. Institutional framework

Kriesi et al. (1995) provide a framework to classify formal and informal structures of states, which helps to clarify concrete opportunities for social movements. At the end of chapter four, a simplified model of the political context and impact on the mobilization of social movements in accordance with Kriesi et al. (1995) is presented to illustrate the theoretical background.

4.1. Weak and strong states

Two parameters are relevant in dividing states into weak and strong: The territorial and the functional separation of a states' power. The higher the degree of separation of power, territorially and functionally, the weaker the state and the higher the capacity to act for social movements. Territorial separation of power is dependent on the states' degree of centralization: 'Decentralization implies a multiplication of state actors and, therefore, of points of access and

decision making in each one of the three arenas' (Kriesi, 1995, p. 29). Functionally, power is divided between the legislature, the executive and the judiciary and within the parliamentary, the administrative and the direct-democratic arena (Kriesi, 1995). Strong states are more autonomous than weak states and are more capable of dealing with issues fast, while weak states usually need more time to discuss issues with the different territorial arenas, but also because the functional arenas need more time for coordination (Kriesi, 1995).

4.2. Open and closed states

Regarding the parliamentary arena, parameters like the number of parties enhance openness because these involve the opportunity for social movements to find allies within the formal system (Kriesi, 1995). Proportional electoral systems also create an easier access for challengers of the system than plurality or majority methods (Kriesi, 1995).

The administrative arena is more closed to challengers in case the resources are high and the degree of internal coordination and professionalization is high, while the contrary as well as structural fragmentation enhance the accessibility for challengers (Kriesi, 1995). However, the access for social movements is only enhanced if established interest groups and private interest associations are also weak (Kriesi, 1995).

Institutionalized direct-democratic procedures enhance the openness of a state and therefore the access for challengers (Kriesi, 1995). Direct-democratic instruments are for example the popular initiative or compulsory and optional referenda (Kriesi, 1995).

4.3. Informal procedures

In their impact on challengers of the system, Kriesi et al. (1995) make a distinction between exclusive or integrative informal procedures. Exclusive procedures are characterized through their repressive, confrontational and polarizing interaction with challengers while integrative procedures are rather facilitative, cooperative and assimilative (Kriesi, 1995). Informal procedures, or also called 'prevailing strategies', are established within the political systems for a long time (Kriesi, 1995). 'In the parliamentary arena, in particular, the prevailing strategy has important repercussions in the politics of coalition formation. In countries with exclusive strategies, the governing coalitions tend to be ideologically rather homogeneous and the polarization between the government and the opposition tends to be rather acute' (Kriesi, 1995, p. 36).

4.4. Concrete opportunities

Kriesi et al. (1995) make a distinction between 'means' and 'ends'. Concerning the 'means', Kriesi et al. (1995) use Tillys (1978) theory in distinguishing 'between facilitation, standing for any action by other groups that lowers the costs of collective action, and repression, which includes any external action that increases such costs' (Kriesi, 1995, p. 38). A facilitative environment can be observed in weak, open and inclusive states (Kriesi, 1995). Facilitation is visible by having direct

access to decision making through informal consultation or direct-democratic procedures (Kriesi, 1995). The effects of repression are more selective and will be explained in chapter five. In strong, exclusive states, political authorities can afford to ignore social movements while in weak, exclusive states, political elites are more tempted to conduct repressive actions in order to react to threats caused by social movements (Kriesi, 1995).

Regarding the 'ends' Kriesi et al. (1995) refer to Koopmans (1992) understanding of success chances, 'which refer to the likelihood that collective action will contribute to the realization of a movement's goals' (Kriesi, 1995, p. 38). A movements' success is largely dependent on the priorities of the government (Kriesi, 1995). Additionally, the success chances are generally higher in inclusive states where high, but moderate, mobilization is expected (Kriesi, 1995).

5. Social movement types

Kriesi et al. (1995) use Koopmans (1992a) classification which distinguishes three movement types: Subcultural, instrumental and countercultural movements. The impact of the POS on each type differs according to the logic of action, which can be rather identity-oriented or instrumental and also to their general orientation, which is internal or external (Kriesi, 1995). Countercultural movements will not be discussed since pro-choice movements clearly do not fit into that movement type, which is very radical and can be found i.a. in terrorist groups.

Subcultural movements are rather identity-oriented and concerned with internal interaction, 'primarily directed at collective identities that are constituted and reproduced in within-group interaction' (Kriesi, 1995, p. 85). For identity-oriented movements, 'the medium is the message' (Kriesi, 1995, p. 85), which shows that for these movements the 'means' side is of high importance, while the 'ends' side is of little importance since they are less affected by their environment (Kriesi, 1995). Repression and facilitation are of higher importance for these movements since these factors influence the 'means' side (Kriesi, 1995). Regarding their action repertoire, subcultural movements are likely to withdraw from political activities in case the environmental conditions become too repressive and they are likely to avoid sharp confrontations with established authorities (Kriesi, 1995). With a moderate action repertoire, subcultural movements have the highest success when the repression level is low (Kriesi, 1995). The mobilization of subcultural movements is the least frequent but it can still be massive, while the relations within the movement are very strong because of the movements' internal character (Kriesi, 1995). The access to subcultural movements is exclusive since participants have to have specific characteristics in order to join and therefore, the mobilization level is smaller than for instrumental movements (Kriesi, 1995). If the system is rather closed, subcultural movements are likely to refrain from political action (Kriesi, 1995).

Instrumental movements are strongly motivated by achieving goals in their environment which constitutes an instrumental logic of action and an external orientation (Kriesi, 1995). Because of

their external orientation, the mobilization of instrumental movements is highly affected by external factors (Kriesi, 1995). The access to instrumental movements is inclusive and the ties within the movement are loose (Kriesi, 1995). Success chances, the 'ends', impact instrumental movements in particular because they 'aim primarily at changing existing politics' (Kriesi, 1995, p. 89). Facilitation increases levels of mobilization (Kriesi, 1995). High levels of repression make collective action unattractive concerning the high costs for the movements, while the effects of lower levels of repression can lead to higher media attention and to an increased support (Kriesi, 1995). Riidig (1990, p.235) concludes that 'partial success is 'the condition which is crucial to a sustained development of protest groups'' (Kriesi, 1995, p. 40). High success chances lead to moderate actions like petitions, while low success chances can lead to a more radical action repertoire (Kriesi, 1995). '[Instrumental] movements are likely to choose their action repertoire to the rule 'as moderate as possible, as radical as necessary' (Kriesi, 1995, p. 40). Reform leads to collective action being rather unnecessary, while threat leads to higher levels of collective action because it is needed (Kriesi, 1995). A higher fluctuation of mobilization in strong states can be expected 'with strong upsurges in times of threat and pronounced decreases in periods of reform' (Kriesi, 1995, p. 43).

6. Policy domain

In order to make a distinction between the impact of POS on policy domains leading to differing mobilization levels, Kriesi et al. (1995) use Duyvendak's (1992, p-248-250) classification of high- and low-profile policy domains.

High-profile policy domains are related to a high relevance on the political agenda and high resources involved (Kriesi, 1995). Being high-profile means that the policy domain challenged by a social movement endangers the power of established authorities or that it concerns a national interest (Kriesi, 1995). In this case, the political system is relatively closed and concrete opportunities for social movements are small. In these domains the most powerful interest groups are operating (Kriesi, 1995). The facilitation is limited, repression can be expected when social movements conduct radical actions and the success chances are low (Kriesi, 1995).

The opposite applies for low-profile policy domains which leads to the political system being more open and responsive to challengers (Kriesi, 1995). Facilitation is higher regarding this type of policy issues, leading to higher success chances, and the level of repression being very low (Kriesi, 1995).

Whether an issue is high- or low-profile is of high importance for instrumental movements, subcultural movements usually deal with low-profile issues (Kriesi, 1995).

In states with a closed formal or informal structure, social movements dealing with high-profile issues have higher mobilization levels than social movements dealing with low-profile issues, while in open systems, social movements rather deal with low-profile issues (Kriesi, 1995). In closed systems, only

high-profile issues dealt with by social movements have a real chance to get a response from the government and therefore challengers use their resources on high-profile issues (Kriesi, 1995).

Fig. 1

Simplified model of the political context and its impact on the mobilization of social movements
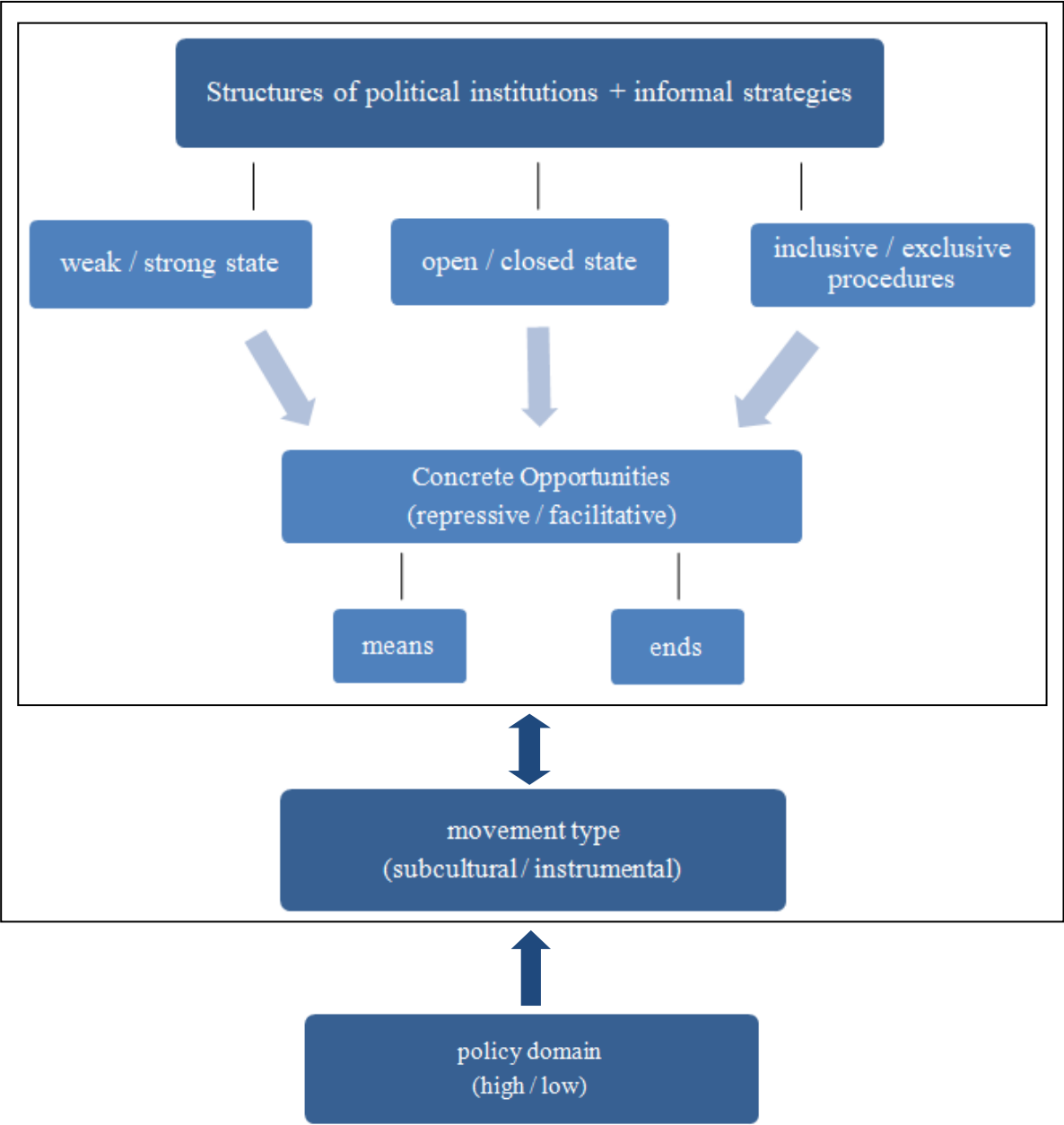
Note. Adapted from Kriesi et al. (1995).

PART II: GERMANY

7. The German case

In this chapter, the theoretical background will be applied to the German case. After answering each SQ with relevant literature, the analytical findings from the interviews will be presented.

7.1. SQ 1: The POS

Germany is divided into 16 federal states and therefore it has a lot of access points in the formal political structure (Kriesi, 1995) because the regional and local levels have much autonomy. Even the legislation differs since the federal states need to rely on the federal constitution but individual deviations are common, which emphasizes this point (Rudzio, 2019). In Germany, distribution of power plays a big role for the stabilization of democracy since 1945 (Rudzio, 2019) which is not only visible territorially, but also functionally. Germany divides power functionally between the executive, the legislative and the judiciary, which provides a system of checks and balances and seeks to distribute competences efficiently (Arnauld, 2001). Hence, power is divided between the parliament, the government and the jurisdiction with necessary power restricting elements (Arnauld, 2001) and therefore the state is rather weak.

Germany uses a proportional representation system and is known for its multiparty system, usually governed by a coalition of parties in which one party has the majority (Rudzio, 2019). However, the number of parties in the *Bundestag* (parliament) is limited through a five percent threshold (Rudzio, 2019) which is one sign of closedness.

Regarding the openness of the administrative structure, Germany is an intermediate case because the federalism and a relatively high number of parastate institutions like the Bundesbank lead to a weak and therefore open administration, while the relatively stable and centralized interest group system shows more closed tendencies (Kriesi, 1995).

On the national level, petitions and two rare exceptions, a change of the constitution or a reconstruction of the state territory, build the direct-democratic arena (Kost, 2005). However, on the federal state level, more direct-democratic tools are accessible: For instance public initiatives or referenda (Kost, 2005). On the local level, the direct election of the mayor is another direct-democratic tool (Kost, 2005). Hence, the federal state and local level provide higher access. However, the overall direct-democratic level is low and therefore more closed tendencies are visible with rather open tendencies at the smaller levels.

Having outlined all three arenas, the German system is an intermediate case and shows tendencies of both, closedness and openness.

In the literature, Germany is seen as a rather exclusive and repressive state concerning the informal procedures because of historical reasons: After World War II, the Western German authorities built a system which made it difficult for radical challengers to enter the political stage (Kriesi, 1995).

However, it is important to look at recent developments: *Fridays For Future* for instance gained a lot of attention by politicians after being popular in the media and society. The spheres between movements and established politicians and parties opened up and politicians are also part of social movements. These integrative tendencies can be also observed when looking at the pro-choice movement: For instance, in 2019, *Bündnis 90/Die Grünen*, and *the Alliance* conducted an action week for the decriminalization of abortions (Bündnis 90 / Die Grünen, 2019). Also governing parties like the SPD publicly state their support for the organization by demanding the abolishment of §219a (SPD Fraktion Berlin, 2018), which will be further discussed in the interview analysis. Hence, the informal structures got more integrative in recent years.

To conclude, the German state is rather weak, intermediate formal and has developed more inclusive tendencies in its informal structure throughout recent years. Hence, according to Kriesi et al. (1995), social movements face a rather facilitative environment. Additionally, the success chances for social movements are generally higher. Also, the opportunities for social movements are assumed to be higher with a more stable mobilization.

7.2. SQ 1: Findings from the interviews

All respondents point to the development of more inclusive, informal structures in recent years, which also impact the formal sphere. The internet and social media is stressed, since this increases and facilitates contact opportunities for movements and politicians to connect (RG4, 2021; RG5, 2021). It is stressed that the distance between politicians and movements became smaller. One respondent, a former federal state parliamentarian of *the Left* and pro-choice activist states that thinking about politicians and movements as two separate categories, belonging to different spheres, is too hierarchical since, especially nowadays, the division between those spheres is not very clear (RG2, 2021). This strengthens putting the issue on the political agenda. Regarding the direct-democratic sphere it is mentioned that online petitions on websites like *change.org* gained a lot of attention throughout recent years which impact the formal political sphere as well (RG5, 2021). Also, the German federal structure is referred to as one characteristic contributing to a better access for social movements: The smaller the level, the closer the connection between politicians and civil society and the less clear-cut the divisions between the spheres (RG2, 2021). However, it is critically stated that even though the formal structure became more inclusive generally speaking, the practical access is still dependent on resources and status (RG2, 2021; RG4, 2021). The pro-choice movement has higher access chances because a lot of doctors and lawyers are involved in the movement (RG4, 2021). However, it is also mentioned that the decision-making structures are very rigid and therefore it is not very easy to really penetrate these structures (RG4, 2021).

Regarding success chances, it was highlighted by several respondents that recent developments contribute to the success chances of the pro-choice movement. Especially the public perception on the issue changed, since sexual self-determination and §219a are discussed in the media because of

accused physicians, headed by the popular case Kristina Hänel (RG1, 2021; RG2, 2021; RG4, 2021; RG5, 2021; RG6, 2021). The trials regarding §219a also led to the establishment of Pro Choice e.V. (RG2, 2021). The already addressed federal structure also contributes to the success chances (RG4, 2021). Additionally, the current atmosphere was highlighted, generally directed towards change, which is for instance visible in the former opposition party *Bündnis 90/Die Grünen* having realistic chances with their chancellor candidate *Annalena Baerbock* (RG2, 2021).

The theoretical assumptions on more inclusive tendencies in recent years, social movements facing a rather facilitative environment and generally higher success chances for social movements in Germany are largely confirmed.

7.3. SQ 2: Social movement types: The pro-choice movement

The pro-choice movement in Germany always expressed their demands clearly. In 1905, the *Alliance for Protection of Mothers and Sexual Reforms* 'demanded free access to contraceptives, more information and education services as well as the abolishment of §218' (Penning, 2020, p. 72). Until today, the demands are very similar: The total abolishment of §218, which defines the ground on which abortion is unpunished, as a secondary goal, with the repeal of §219a, which defines that the promotion (and information) of abortion is illegal, as a primary goal (Penning, 2020). In 2017, the German physician and general practitioner *Kristina Hänel* was accused by the prosecution after a third party reported her for informing women on the conduction of abortions (Institut für Weltanschauungsrecht, 2021). This, as well as prosecutions of other physicians, was probably the biggest trigger for a rise in mobilization with tools like the online campaign *#wegmit219a* by *the Alliance*, protests on the streets, public discussions and petitions like the *Hänel* petition published by *the Alliance* on *change.org* (Penning, 2020). Hence, the movement is dependent on its environment and particular events cause a strong rise in mobilization. The clear demands and the movements' reaction towards its environment are characteristics of an instrumental movement. Also, the effects of the repressive environment on physicians conducting abortions which led to high mobilization fit instrumental movement characteristics. The effects of the compromise on §219a in 2019 can be seen as a partial success. Doctors like *Hänel* and activists openly express their dissatisfaction with the compromise since it allows physicians to publish information about the fact that they conduct abortions, but it is not allowed to publish information on the procedure (Köver, 2019).

The access to the movement is relatively barrier-free: On their website, *the Alliance* states that they are a broad alliance, composed of different feminist groups, networks, parties and trade unions and they also call for new members with an opportunity to contact them directly and information on their meetings (Bündnis für sexuelle Selbstbestimmung, n.d.). Hence, *the Alliance* is very inclusive and they work together with anyone supporting their goal, which also fits the scheme Kriesi et al. (1995) developed for instrumental movements. The ties within the movement seem to be strong,

visible in the fact that *the Alliance* consists of 40 different groups (Bündnis für sexuelle Selbstbestimmung, n.d.). Strong internal ties are a characteristic of subcultural movements.

Hence, it is assumed that the pro-choice movement in Germany is an instrumental movement with some subcultural characteristics. Therefore, the movement is highly affected by external factors and available success chances. Also, the movement is characterized by strong internal ties and inclusivity. Deriving from the German institutional framework, the conditions for pro-choice movements are expected to be rather positive.

7.4. SQ 2: Findings from the interviews

The findings show that the pro-choice movement in Germany is highly affected by external factors. First, the movement is affected by external factors deriving from the formal political sphere. For instance, the compromise on §219a which came into force in 2019 strongly impacted the movement (RG1, 2021; RG2, 2021; RG4, 2021). The movement was unsatisfied by the compromise, however, the impact on mobilization was diverse: While it led to frustration on the one hand (RG2, 2021; RG4, 2021), the small change in the legislation also was seen as success for the movement, since the pro-choice movement's actions posed pressure on the governing parties (RG4, 2021). This also makes it possible to draw conclusions on how setbacks impact the movement. On the one hand, frustration led to a withdrawal of actions by some activists since especially young activists felt like they 'lost' (RG2, 2021). On the other hand, the setback led to higher media attention on the issue and therefore the movement recouped fast (RG1, 2021; RG4, 2021). One respondent states: 'When *Kristina Hänel* started her petition in November 2017, a new generation of young women and men was politicized[2]' (RG2, 2021, p. 2). This shows that partial success strengthened the movement.

Second, *the Alliance* was mainly founded as a reaction to the intensified pro-life movement, underlining the dependence on external factors. The pro-life movement was described as confrontational (RG1, 2021; RG2, 2021; RG4, 2021; RG5, 2021) and 'maximum hostile' (RG4, 2021, p. 2). To counteract bias, the *FDP* politician underlines this argument by explaining that there are two types of movement-'lobby groups': The first trying to convince by expressing their demands in a positive and respectful manner with the pro-choice movements as an example, and the second trying to succeed by exerting pressure on elected officials, leading to rejection, with the pro-life movement as an example (RG5, 2021). All respondents state that the main goal of the pro-choice movement is to achieve political changes, focusing on the abolition of §218 and §219a, especially on §219a since the success is expected to be higher, and the improvement of the medical undersupply. In addition, all respondents state that raising awareness on women's rights and

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[2] The interviews with RG1-RG6 and RP1 were conducted in German. However, direct citations are translated into English in order to make the interviews accessible for the reader and to not disrupt the reading flow. The original text can be looked up in the appendix.

abortion and to empower women is of course the wider goal, but the changes in the legislation are in the foreground.

The movement also has a strong external orientation when it comes to the connection it has with established political authorities, as already expressed in chapter 7.2. This was especially stressed by the *Bündnis 90/Die Grünen* politician (RG5, 2021). Especially, *the Alliance* defines itself as a civic movement which underlines inclusiveness, however, one respondent also states that there are of course groups within the pro-choice movement who are more radical and more isolated, which is not the majority (RG4, 2021). In general, the action repertoire is described as diverse, exemplified by the petitions, campaigns and protests addressed (RG1, 2021; RG2, 2021; RG4, 2021). One respondent also states that the movement always aimed at providing different activities to enhance inclusivity and connections to others, for instance to trade unions in the 1980s (RG1, 2021). The relations within the movement are strong and defined as appreciative and empowering (RG4, 2021).

Hence, in general, the findings largely confirm the theoretical assumptions and the pro-choice movement can be considered being an instrumental movement, strongly impacted by external factors and success chances, with some characteristics of subcultural movements, indicated by the strong internal ties the movement developed.

7.5. SQ 3: Abortion as a policy issue in Germany

In Germany, the issue of abortion can be generally seen as a low-profile issue, even though the issue is gaining growing importance in the public sphere (Penning, 2020). Looking at the historical background of the issue, there were times when the issue was considered being high-profile: For instance in Nazi Germany, the legislation was strongly tightened and 'women getting abortions could be imprisoned for up to two years' (Penning, 2020, p. 71), with even more severe penalties later on. In order to preserve the 'Aryan' race, women were central in providing children 'for the sake of the German family and nation' (Penning, 2020, p. 70), which shows that the issue was of national interest. In the reunification process after 1989, the more liberal East German law and the more restrictive West German law were combined, while the outcome was a revision of the former West-German law: Abortions were permitted after an compulsory 'pro-life counseling' within the first twelve weeks (Penning, 2020). Until today the law is more or less the same: §218a of the German penal code (StGB) defines the framework, under which abortion is unpunished which still involves compulsory counseling, a maximum period of twelve weeks from the date of conception and that the abortion is conducted by a doctor (Bundesamt für Justiz). However, in 2019, §219a StGB was reformed: The prohibition of doctors informing their patients about the conduction of abortions under the conditions of §218a StGB was repealed (Bundestag, 2019).

The fact that the legislation today resembles, with a few small changes, the legislation of West Germany before 1989 is not really a sign for the issue of abortion being of high relevance for the government. An interesting perspective on the legislation is that after the reunification, West Germany

was seen as the liberal 'winner' of a contest between liberal capitalism and Soviet socialism and that the legislation around abortion demonstrates one of many cases, in which the West expressed its super ordinate position towards the East (Penning, 2020).

As addressed in chapters 7.3. and 7.4., the pro-choice movement has a long tradition in Germany which, besides the small changes mentioned above, had no big impact on the legislation. Also the reformed §219a 'remains a relic from Nazi Germany', which is highly problematic (Penning, 2020, p. 74). Even though the reform of §219a was a compromise highly criticized by many activists and the opposition, it shows that the political sphere is open to (small) changes. Also, the issue is not connected to high resources or national interests, compared to issues like climate protection or defense. Considering the parliamentary elections in September 2021 and the chances for new governing parties, the success chances for the abolishment of §219a are high, since *Bündnis 90/Die Grünen, the FDP, the Left* and *the SPD* are in favor of abolishing §219a (Bündnis 90/Die Grünen Bundestag, 2020; Die Linke Bundestag; FDP Bundestag, 2018; SPD Fraktion Berlin, 2018) and some are also in favor of abolishing §218 (Die Linke Bundestag), in contrary to the current government led by the *CDU*.

Hence, it is assumed that abortion is a low-profile issue in Germany. Therefore, the pro-choice movement in Germany faces a rather open, facilitative system and inclusive strategies taken by political authorities, at least concerning §219 a.

7.6. SQ 3: Findings from the interviews

All respondents state that the issue was gaining more attention in recent years due to events already addressed and is becoming more important to the public, which in turn affects elected officials. Both politicians state that the issue abortion gained visible importance in the recent years in the commission for women and equality (RG5, 2021; RG6, 2021). Especially the discussions regarding §219a and the issue of medical under supply are highly present (RG4, 2021; RG5, 2021; RG6, 2021). The findings reflect the theoretical assumptions: The system is open to changes of §219a since all parties, besides the *CDU* and the *AfD,* are in favor of reforming or abolishing the paragraph (RG5, 2021). However, it was also confirmed that there are no realistic chances at the moment to change the *three-month rule* in §218 (RG5, 2021). One respondent explicitly states that even though the issue gained a lot of attention, it is not an important issue concerning power political reasons, for instance, the issue has generally no big effect on elections (RG4, 2021). Even though the Church also plays a role in Germany and can be seen as an interest group in that field, impacting political parties like the *CDU* and the pro-life movement (RG1, 2021), the influence lost its weight.

Since movements dealing with low-profile issues generally tend to face rather open systems and inclusive strategies, which is visible in chapters 7.4. and 7.5., the issue abortion largely fits into that scheme and the findings confirm the theoretical assumption: Abortion is a low-profile issue in Germany.

PART III: POLAND

8. The Polish case

In this chapter, the theoretical background will be applied to the Polish case. After answering each SQ with relevant literature, the analytical findings from the interviews will be presented.

8.1. SQ 1: The POS

Polands constitution was developed in 1997 after the transformation to a democratic state (Ziemer, 2013). With the new constitution, decentralization took place involving the distribution of property and the development of power distribution and self-government through *voivodeships* (*federal* states) (Ziemer, 2013). However, even though Poland is territorially decentralized today, it is not a federal state since it is still mainly controlled by Warsaw because the *voivodeships* do not have legislative powers (Ziemer, 2013). Since 1997, power is functionally distributed between the executive, the legislative (the *Sejm*, parliament) and the judiciary. The parliamentary elections in 2015 and 2019 with *PiS* gaining majority led to relevant changes in the judiciary (Lendvai-Bainton & Szelewa, 2020). Additionally, power centralization tendencies were expressed, for instance through 'the centralization of the financing and governance of the NGO sector' (Lendvai-Bainton & Szelewa, 2020, p. 9), which is of special importance in this case, since in a second step, the right to gatherings was limited with a decision by the parliament prioritizing gatherings by the government, churches and denominational associations (Lendvai-Bainton & Szelewa, 2020). Separation of powers and independent judiciary are both rated 6 out of 10 by the Bertelsmann Transformation Index[3] while stating that 'the institutional accountability of the government is limited, and judicial review is barely possible' (Bertelsmann Stiftung, 2020, p. 10). The reform of the judiciary is necessary, according to *PiS*, in order to fight corruption and injustice which is only seen as a pretence by critics (Lendvai-Bainton & Szelewa, 2020). Poland is known for its weak administration: For instance, the governance index for Poland, raised by the Bertelsmann Transformation Index 2020, is 6.15 out of 10, even lower than in the previous years (Bertelsmann Stiftung, 2020). Hence, because of the tendencies to centralize power in recent years, the Polish state got stronger.

Poland also has a five percent threshold and a proportional representation system (Ziemer, 2013). However, the Polish party system is characterized by constant changes of the number of parties as well as politicians changing their parties (Ziemer, 2013). 'They have not yet developed stable roots in society [and] are hardly considered legitimate by the citizens of their countries" (Hutter &

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[3] The Bertelsmann Transformation Index (BTI) 2020 'covers the period from February 1, 2017 to January 31, 2019. The BTI assess the transformation towards democracy and market eceenomy as well as the quality of governance in 137 countries' (Bertelsmann Stiftung, 2020, p. 2).

Kriesi, 2019), which shows that the Polish party system is more open to challengers in this respect than the German one.

As addressed above, the administration in Poland is relatively weak. Even though the staff recruitment formally has to rely on competition criteria, practically this is not the case: Under different governing parties, for instance under *SLD* government from 2001 to 2005, or under *PiS* government from 2005 to 2007, the Polish administration was hugely criticized for political clientelism (Ziemer, 2013). Paradoxically, the *PiS* government accused the administration being part of a communist network of political and business elites and then developed a law for the recruitment of 2000 new employees without the involvement of the precondition of political neutrality (Ziemer, 2013). Additionally, the *PiS* government withdrew the position of the leader of the public sector and the prime minister took control over the administration (Ziemer, 2013). This hugely undermined Poland's separation of powers and enhanced the *PiS'* plan of a centralized Poland, controlled top-down (Ziemer, 2013). However, compared to Western states, the structure of interest groups is weak because of historical reasons: Postcommunist states usually have to catch up on structures which are relatively new to them (Ziemer, 2013).

The tools for direct-democracy are small, referenda can be held but the rules are very explicit and limit the opportunities to a large extent (Ziemer, 2013). Likewise as in Germany, direct-democratic tools are more common at the local level: However, bottom-up legislatives and referenda, which happen more frequently, don't have much success (Kulesza & Kim, 2017). Therefore, the direct-democratic level is even lower than in Germany which increases tendencies of state-closedness.

Because of the young constitution, informal procedures do not have a long tradition in Poland. Also, connecting the government with 'those at the top' is still widespread (Ziemer, 2013), which leads to continuing skepticism towards the government and established politicians. Ongoing criticism about the constitution because of various reasons like the missing 'decommunisation' regarding public positions as well as established politicians changing their parties (Ziemer, 2013) show that developing prevailing strategies in 24 years is difficult. In general, the polarization between the political parties in Poland is strong because of various cleavages which will not be further discussed. Coalition building is sometimes difficult to predict: For instance, in 2005 *PiS* built a coalition with *PSL* (the Agrarian Party), instead of the expected coalition with *PO* (the 'Civic Platform') (Ziemer, 2013). Based on these assumptions the conclusion is drawn that the informal strategies are rather exclusive, especially because of common confrontations between the political parties. However, because the informal structures are less stable and relatively young, the assumptions are quite vague.

Hence, according to Kriesi (1995), social movements are assumed to face a rather repressive environment because the Polish state is an intermediate case but with higher tendencies of closedness. Additionally, social movements have lower success chances. However, the assumptions are vague because of the young formal and informal structures.

8.2. SQ 1: Findings from the interviews

It was stated by all respondents it got easier in recent years to get in touch with politicians because of social media (RP1, 2021; RP2, 2021; RP3, 2021). The interviewed *PO* politician also states that it is especially easy to get in touch with the opposition because '[they] are interested in finding people, normal people, who can say something wrong about the government' (RP3, 2021, p. 4). On the other side, it is highly visible that the activists are very skeptical towards connections with politicians which will be further discussed in chapter 8.4. The centralization tendencies induced by the governing party *PiS* were also confirmed in the interviews which leads to more closure of the system and more exclusive informal structures. Also, a strong polarization between the government and the opposition, which increased in recent years, was confirmed (RP2, 2021; RP3, 2021). The opposition, led by *Koalicja Obywatelska (KO)*, involving *PO*, is weak according to the activists, stating that theoretically an opposition is there, but practically characteristics making the opposition more powerful exerting more pressure on *PiS* are missing (RP1, 2021; RP2, 2021). However, the *PO* politician states that polarization is strong, which might be biased. One activist states that 'the opposition in Poland is weak, this is a shortcoming, feminist movements and LGBT+ movements have no support, they are constantly searching' (RP1, 2021, p. 4).

The theoretical assumptions concerning direct-democratic tools are confirmed, stating that 'when it comes to things like petitions or letters or more official things then there's been a lot of like petitions and stuff during the past few years but they haven't been effective, at least on the feminists, on the pro-choice side' (RP2, 2021, p. 2). One respondent states: 'Democracy in Poland is kind of sick. [...] Poland as a state is very, very young. We never had the time to learn – Freedom, Democracy. We were always quickly pushed into something, like after *Solidarnosc*[4] times. Like: Now we live in a democratic state. But what is democracy?' (RP1, 2021, pp. 3–5). This underlines that it is difficult to draw a conclusion on how the formal and informal structure is composed, because structures are not very stable and rehearsed, but rather changing and still object to possible shifts, for instance in the centralization measures taken by *PiS*. RP1 states that the success chances for the pro-choice movement in Poland are *generally* high, provided that there is a fast government change, because the success chances under the *PiS* government are very low. Hence, it is not easy to conclude how the system is generally composed; however, the analysis of the current situation is more fruitful in this case.

Therefore, the findings generally confirm the theoretical assumptions on the impact of the formal and informal structures in Poland. The Polish system is currently more closed, exclusive and repressive towards challengers.

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[4] *Solidarnosc* refers to the Polish independent, self-governing trade union which arouse in 1980 out of the strike movement and mainly characterized the revolution and reform in 1989 (Ziemer, 2013).

8.3. SQ 2: Social Movement types: The pro-choice movement

The goal for the Polish pro-choice movement is similar to the goal in Germany, however, especially after the *first*[5] attempt to ban abortion in 2015, the mobilization level rose up to a level which was never seen before: The movement mobilized so many women (and men), that the protests are often described as the biggest protests in Poland since the transformation from communism (Korolczuk, 2016). The main goal was to protest against the proposal for the abortion ban, however, sideeffects were to raise awareness on the issue which both turned out to be successful: The proposal was outvoted and the public opinion on the abortion issue shifted since even the support towards the liberalization of the existing legislation increased (Korolczuk, 2016). Hence, the strong mobilization after a specific event shows that the pro-choice movement in Poland is strongly impacted by external factors which is a characteristic of instrumental movements. The protests following the abortion ban also received high media attention (Korolczuk, 2016), which shows that the repressive proposal helped to mobilize many people which is also one characteristic of instrumental movements (Kriesi, 1995).

The mobilization repertoire of the movement is manifold which, as stated by Korolczuk (2016), is one of the main reasons why the movement is so successful in mobilizing people: Social media and communication technologies enhanced the connective action of the movement and strengthened the collective identity as well as the mobilization potential (Korolczuk, 2016). Hence, as in the German movement, social media campaigns played a big role here but in Poland, networks became even more important with the protests in 2020 when a new ban on abortion was proposed and succeeded. The movements' actions became more radical, especially fostered by Church supporters like pro-life activist *Kaja Godek* or the *Ordo Iuris Institute*, which drafted many legal texts, like criminalizing sexual education or the abortion ban which legally came into force in January 2021 (Datta, 2021; Sieradzka, 2020). Besides the mass protests organized by many different groups, which shows that the different groups work together on their goals, activists also made a huge statement in taking the protest to the Churches: Many of them had the walls painted and sprayed by activists and worships raided (Sieradzka, 2020). In addition, the repressive environment was exacerbated by the police's reaction to the protests, which used tear gas and arrested many protestors (Sieradzka, 2020). The low success chances in 2020 with the governing *PiS* party and the threat situation also lead to more radical actions. The entire described characteristics largely fit into the instrumental movement scheme. However, it is supposed that the pro-choice movement in Poland is more exclusive than the German movement because of skepticism towards the government deriving from the informal structures on the one hand, and the very strong pro-life groups impacting the government on the other hand, which probably also increases the skepticism

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[5] It was not the first attempt to ban abortion in Poland, other attempts, in particular prepared by Ordo Iuris, supported by the Catholic Church, were made before. The attempt in 2015 will be referred to as the *first* attempt in this paper since it caused the *Black Monday* in 2016.

towards new members and makes the movement more cautious towards outsiders. Exclusiveness is a characteristic of subcultural movements.

Hence, it is hypothesized that the pro-choice movement in Poland is instrumental with some characteristics of subcultural movements. The movement is expected to be highly affected by external factors and available success chances. Low levels of repression are expected to lead to an increased attention, support and mobilization. The access to the movement is exclusive, which is a characteristic of subcultural movements, while the ties within the movement need to be analyzed. Deriving from the Polish institutional framework, the conditions for pro-choice movements are currently expected to be rather negative since in Poland, (those) movements face a rather repressive environment. Additionally, the success chances for social movements are generally lower, which was highly intensified by the presented changes of the formal political structures within the last years. Also, the opportunities for social movements are assumed to be lower; nevertheless, the rather repressive environment leads to a stable mobilization.

8.4. SQ 2: Findings from the interviews

The analysis of the Polish pro-choice movement shows that the movement is highly affected by external factors. It is confirmed that in 2016 and 2020 the protests of the pro-choice movement were largely characterized by an action-reaction pattern (RP1, 2021). The government's attempts in 2016 and 2020 led to high mobilization levels, while these strong protests led to counter-reactions by the government like detaining popular protestors (RP1, 2021). One respondent also states that 'the movement is definitely stronger when something happens, for example the government tries to restrict some rights. I think a lot more people, like, share information about certain collectives and NGOs when something is happening' (RP2, 2021, p. 2) which shows that low levels of repression enhance the movement's mobilization. RP2 also states that there are certain groups who constantly mobilized, also before the repressions from 2016 onwards, which shows that in times of facilitation mobilization still takes place, while threat situations lead to higher collective action levels. RP2 describes the varied action repertoire in 2020 after the change in abortion legislation as expressed in 8.3., adding blocking of churches and spraying abortion helpline numbers on them and protesting in front of *Jaroslaw Kaczynski*, the *PiS* party leaders', house. An activist for *Dziewuchy Berlin*[6] confirms that and states that in comparison to Poland, the German protests are very 'well-behaved', while the Polish pro-choice movement faces more repression and therefore uses more radical actions, visible in the popular shout of protest *'To jest wojna'* ('This is a war') (RP1, 2021, p. 5). The Polish government also involved the military policy in the pro-choice protests in 2020 which shows repression on the one hand, and as the respondent states it shows also how the government articulates its power since 'it was

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[6] Dziewuchy Berlin states on their website: 'We want to raise awareness on the political situation in Poland through appearance in mass media, actions, performances and collaboration with other feminist groups in Berlin. We also support Polish feminist organizations in their actions. Especially now, the solidarity is important due to the cutting of governmental subsidies for feminist NGOs in Poland that help women in precarious situations and constant attempts to limit women's reproductive rights' (Dziewuchy Berlin, n.d.).

like a scare tactic because military sounds scary but they don't really have more rights than regular police when it comes to protests' (RP2, 2021, p. 7).

All respondents reflect on the role of the Church and on the *Ordo Iuris* institute addressed earlier, in the context of pro-choice protests. As a powerful interest group, the Church, the *Ordo Iuris* institute and pro-life groups highly impact the government's reaction towards pro-choice protests (RP1, 2021; RP2, 2021; RP3, 2021). For instance, *Jaroslaw Kaczynski* made an announcement in 2020 that 'the churches need to be protected […] and to stop the spread of COVID 19 at any costs' (RP2, 2021, p. 7). The pro-life movement and the *Ordo Iuris* institute are described as very aggressive in their actions, for instance by publicly making propaganda against individual people active in the pro-choice movement, for instance the *Abortion Dream Team*[7] or suing pro-choice organizations and activists (RP2, 2021). Also, *Dziewuchy Berlin* faces attacks: RP1 states that their telephone line has been cut and that they were confronted with insults and Christian songs through their own telephone line. The confrontations with the pro-life movement cause a lot of skepticism towards new people seeking to join the pro-choice movement (RP1, 2021; RP2, 2021). Hence, 'it's [not] easy to join the movement if you want to be involved in an actual organization or in a collective. […] Polish activists form groups that are very closed up and you kind of have to know someone from that circle to get in' (RP2, 2021, p. 1). This shows that the movement is rather exclusive, which is also confirmed by RP3 who states that connections to politicians, besides politicians from the Left, are not really existent.

According to RP1 and RP2 politicians use the pro-choice movement as a tool for their own goals. They state that the pro-choice movement is referred to being vulgar and radical by established politicians. Both facts are confirmed by RP3 who states the pro-choice movement using 'vulgar language' (RP3, 2021, p. 3) while also stating to like the actions taken by the movement against the *PiS* government as a *PO* politician.

Regarding ties within the movement, RP1 states that the groups pull together and communicate their demands in union, while RP2 also states that there are really strong ties within one organization. However, there exists a lot of distrust towards other groups within the pro-choice movement and conflict between more moderate and more radical groups. A division of responsibilities between the activists was observed, while many generations are active in the movement and the division of tasks shows the forward-looking approach of the movement (RP1, 2021). All three respondents state that a change of the legislation regulating abortion is the main goal of the movement which underlines its instrumental character. Despite the strong movement, the current situation leads to a repressive environment and low success chances.

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[7] Aborcyjny Dream Team (Abortion Dream Team) provide help for women seeking abortions by sharing information and advice (Aborcyjny Dream Team, n.d.).

All in all, the findings confirm the theoretical assumptions of the pro-choice movement being an instrumental movement. The strong exclusivity deriving from skepticism towards outsiders pushed by the pro-life movement and experiences with politicians, using the movement as a tool to gain power, is a subcultural movement characteristic.

8.5. SQ 3: Abortion as a policy issue in Poland

In the transition phase from communism, the legislation liberalization process under communism was stopped and new restrictions were debated and enacted. In 1990, abortion legislation became a highly controversial issue again, 'rising to the top of the political agenda' (Hussein et al., 2018, p. 11). One of the main reasons was the rising impact of the Roman Catholic Church: Hussein et al. (2018) state that this was an 'unexpected side-effect of the democratic transformation of Poland' (p.11), however, it was not really unexpected. Before and in the transition phase, the Catholic Church was the main support for the opposition movement operating underground: The Church provided material resources like premises for events conducted by the opposition movement and parts of the opposition movement felt obligated to values propagated by the Church (Ziemer, 2013). The Polish *Round Table Talks* in the transition phase led to agreements on pluralism, free elections and a multiparty system and the Church played an important role for this: Two bishops were active as observers and mediators (Ziemer, 2013). Today, Poland is the most Catholic state in Europe with 88 percent of Catholic population (Fowid, 2020).

With its high influence, the Catholic Church influenced the governing party *PiS* in 2015 to not develop a more progressive abortion legislation and 'soon after the 2015 elections, religious fundamentalists and anti-choice groups launched the campaign for a total ban on abortion' (Cullen & Korolczuk, 2019, p. 11). However, the 2016 pro-choice protests changed the public opinion on the issue: 'In 2016, 37% of respondents were of the opinion that the current law should be liberalized, but in 2018, 46% of respondents declared that abortion should be available 'on demand'' (Cullen & Korolczuk, 2019, p. 11). The abortion legislation before 2020 included unpunished abortions for women in the cases of incest, rape, if the women's life was in danger and fetal impairment. The Catholic Church's lobbyism in this policy field is also highly visible in their framing of the topic: The attempt in 2016 was framed as 'protecting the society's weakest groups: the women who allegedly suffer from 'abortion syndrome' and fetuses, especially those with diagnosed abnormalities' (Cullen & Korolczuk, 2019, p. 12). The *Ordo Iuris Institute* frames abortion as murder, publishes photos of bloody, dismembered fetuses online and in the streets and usually uses the world 'child' instead of 'fetus', which emotionally charges the discussion (Cullen & Korolczuk, 2019). However, in January 2021, the national conservative *PiS* government implemented a judgment which almost completely bans abortion: Fetal impairment is not longer a ground for abortion since it would be incompatible with the constitution which underlines Christian values impacting the government (Ketter, 2021). The ban is an almost complete ban since in 2019, 98 % of abortions were conducted on the ground now being banned (BBC News, 2021).

In Poland, the influence of the Catholic Church is highly visible in the whole family and gender policy sector, including strong support of traditional families and the invention of LGBTQIA-free zones, which will not be further discussed (Lendvai-Bainton & Szelewa, 2020).

Hence, it is hypothesized that abortion is a high-profile issue in Poland based on the issue being of national interest because of the high influence of the Catholic Church and the promotion of traditional family values. This leads to strong interventions in women's rights since reproduction is a main element in stabilizing the states', Catholic influenced, values. Thus, the political system will be relatively closed and concrete opportunities for the pro-choice movement are small, also because in these domains the most powerful interest groups are operating (Kriesi, 1995), embodied in this case by the Catholic Church.

8.6. SQ 3: Findings from the interviews

The findings largely confirm that abortion can be seen as a high-profile issue in Poland. Besides the Church's influence, the issue of abortion is seen as a tool by politicians to gain power (RP1, 2021; RP2, 2021; RP3, 2021). Regarding the first, one respondent states 'the people mix up institution and belief and are being manipulated by the institution, by priests and these people who operate at the Church' (RP1, 2021, p. 6). RP1 also refers to the role of the Church in Poland caused by the *Round Table Agreement* referred to earlier. RP3 states that she does not think that there will ever be a liberal abortion law in Poland 'because we have a lot of conservative parties in Poland' and 'with the Church [it's very hard] because every village […] has a big church and every one comes to that church […]. So every week they have a place where a lot of people come and listen to them' (RP3, 2021, p. 4).

Additionally, one respondent states that 'abortion is one of the things that the ruling party wants to restrict and that it's actually relevant to them in the long run. Because the ruling party [*PiS*] is very Christian and traditional and so abortion is a big topic for them' (RP2, 2021, p. 3). Furthermore, RP2 also states that reproductive issues are always discussed in the family and tradition frame when discussed in the formal political sphere and not in the women's rights frame. RP2 mentions that abortion is like a scapegoat[8] for the government: First, refugees took that role, caused by the big protest wave in 2014 and 2015, and with the pro-choice movements in 2016 and 2020, abortion and women fighting for reproductive rights took over that role (RP2, 2021). Hence, elected officials seem to use the policy issue abortion as a tool to blame problems on, e.g. the connection *Jaroslaw Kaczynski* has drawn between the pro-choice protests and Covid 19 or to enforce other policies while the public attention is on the pro-choice protests (RP1, 2021), or to gain support of voters. The PO politician mentions that the issue is of relevance for electoral processes at the moment because of the attention the pro-choice movement raises in the society even though 'it is not a basic thema of *PO'* (RP3, 2021, p. 2).

Concluding, the findings largely confirm the theoretical assumptions of the issue abortion being high-

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[8] 'A person [or issue] who is blamed for something that someone else has done' (Cambridge Dictionary, n.d).

profile in Poland.

PART IV: DISCUSSION AND CONCLUSION

9. Discussion

In this chapter, the findings on the sub-questions, the overall research question as well as reflections on the research and limitations are discussed.

9.1. Discussing the sub-questions and the research question

SQ 1: Which concrete opportunities for social movements can be derived from the formal and informal political structures in Germany and Poland?

It was confirmed by the interviews that the German state is rather weak, intermediate formal and in contrast to being rather exclusive in its informal structure it has developed more inclusive structures within recent years. This conclusion is derived from the German federal structure, the proportional representation system and recent developments which lead to more facilitation, since many closed structures were transformed in recent years. The weakness and enhanced inclusivity lead to lower costs for social movements to act in general and to create opportunities in particular. These opportunities become visible in the addressed consultation and cooperation between the pro-choice movement and established political parties (opposition and governing parties) or established politicians being part of protests and penal discussions confirmed by all German respondents. Additionally, enhanced direct democratic tools like change.org exerting pressure on the government and the states' opportunities for petitions are utilized by the pro-choice movement. These tools, in combination with many other actions, led to the §219a reform which underlines enhanced inclusivity of the state referring to the 'ends' (success chances).

In the Polish case, it was confirmed by the interviewees that the state got more centralized in recent years under the *PiS* government while it is structurally also an intermediate case. However, recent developments lead to more closedness, exclusivity of the informal structures and lower success chances, involving repressive tendencies towards challengers. This conclusion is drawn because of recent centralization measures (e.g. centralizing the financing of the NGO sector, limiting gatherings, making the Prime Minister head of the public sector) and since many structures *look* more open at first sight, but reality shows the opposite. For instance, the administrative system *seems* to me more open, but it is characterized by clientelism; direct-democratic tools like petitions *are* available, but the literature and the interviewees confirm that they do not lead to results. Hence, concrete opportunities for social movements are limited because these tendencies are repressive and increase the costs ('means') for social movements. Despite structural settings enabling the Polish state to be rather weak and inclusive, reality and recent developments show centralization tendencies and clientelism leading to a stronger, more closed state. Hence, social movements challenging those in power probably face a mix between being ignored by and witnessing repressive actions by the state, depending on the

movement type and its policy domain. The state's exclusive tendencies and the stable key role of the Catholic Church lead to lower success chances (ends) for social movements. However, to get in touch with politicians got easier, which usually is a characteristic of inclusivity, but compared to Germany this does not necessarily extend the access to formal political structures because the skepticism towards established authorities is high.

SQ 2: Which approach to the POS do pro-choice movements in Germany and Poland have?

Social movement characteristics and POS are in a reciprocal relationship in both countries. The pro-choice movement's approach to the POS in Germany is very inclusive, while the POS create a facilitative environment for the movement. The interviews confirmed that in Germany the pro-choice movement is mainly instrumental because it is highly affected by external factors and available success chances. Additionally the movement is inclusive; especially the connections with various established political actors are highly visible. Strong internal ties within the movement were also confirmed, especially visible in *the Alliance* consisting of 40 different groups and stating to seek support by anyone supporting their goal. The ties within the movement are usually a subcultural characteristic reflecting a focus on within-group interaction. However, in the German pro-choice movement's case this characteristic rather indicates a strong cooperation of different groups within the movement to achieve goals together, which in turn is an instrumental characteristic. Kriesi et al. (1995) stated the women's movement to be subcultural which cannot be confirmed through the analysis of the pro-choice movement, being a part of the women's movement. Hence, it can be concluded that it is more sensible to focus on specific movements than on the women's movement as such because the findings are sharper.

The Polish pro-choice movement is also mainly instrumental because it is highly affected by external factors and available success chances with low levels of repression leading to a very strong mobilization and support. However, the movement is very exclusive, which is a subcultural characteristic. Hence, the Polish pro-choice movement's approach to the available POS is exclusive, while the POS also creates a rather repressive environment for the movement. This was confirmed by the interviews which reflect strong ties within the movement. Thus, the Polish pro-choice movement is more subcultural than the German pro-choice movement despite the Polish movements' strong external orientation. Nonetheless, as stated above, the relation between the movement and the POS is reciprocal. As a consequence, it was found out that the exclusivity of the Polish pro-choice movement is a characteristic of many social movements in Poland because the skepticism towards established politicians is high and the experience of being used as a tool to gain power strongly shapes the Polish pro-choice movement. At the same time, the POS, historically but enhanced through the current government, is strongly connected to the Catholic Church which leads to a closed and repressive environment for pro-choice movements. These two points were assumed and confirmed by the interviews and highlight the reciprocal relationship of the POS and social movements. Kriesi et al.

(1995) classification lacks important explanatory approaches for the Polish case, for instance regarding its history shaping structures until today.

SQ 3: How is the policy issue abortion affecting the POS' impact on pro-choice movements in Germany and Poland?

Abortion is a low-profile issue in Germany which means that the pro-choice movement faces a rather open, facilitative system and inclusive strategies taken by political authorities, at least concerning §219a, which was confirmed by the interviews.

In the Polish case, abortion is a high-profile issue because it is of national interest since its liberalization would contradict with Christian values promoted by the Catholic Church, which plays a huge role in Poland. This was confirmed by the interviews since especially the current government enhances the role of traditional values in the legislation. Hence, the pro-choice movement dealing with abortion faces a closed system currently. This could change; visible in the big protests in 2016 preventing the abortion ban, but it is questionable whether a government change could really contribute to a stable liberalization of abortion laws because of the Church's influence in Poland. This was also confirmed by one respondent who states 'also in the future I don't think that we would have in Poland very liberal law' (RP3, 2021).

Summarizing these findings, the policy issue abortion highly affects the POS' impact on pro-choice movements in Germany *and* Poland. In the former case, abortion being low-profile contributes to higher success chances and a more open system for the pro-choice movement, which is in line with the findings on SQ 1 and SQ 2. In the latter case, abortion being a high-profile issue contributes to lower success chances and a more closed system for the pro-choice movement, which is also in line with SQ 1 and SQ 2.

RQ: To what extent are the political opportunity structures in Western Europe (Germany) and Eastern Europe (Poland) able to explain the mobilization of pro-choice movements?

In both countries, differing POS and their approaches towards the policy issue abortion lead to high mobilization levels of pro-choice movements. This is in line with the framework built by Kriesi et al. (1995) since especially for instrumental movements, low levels of repression (Poland) as well as facilitation (Germany) can lead to high mobilization levels. However, the importance of how the system deals with a policy issue becomes clear in the analysis and the findings are in line with what Kriesi et al. (1995) expect: While in states with a rather closed or exclusive formal and informal structure, social movements dealing with high-profile issues have higher mobilization levels (Poland), social movements dealing with low-profile issues show higher mobilization levels in rather inclusive systems (Germany). While for the German case the analysis shows that the state developed more inclusive strategies in recent years, the Polish state developed a higher degree of centralization and exclusiveness. Only movements dealing with issues of high importance get a response from the government in rather closed states and therefore challengers user their resources on high-profile issues, illustrated by the pro-choice movement in Poland (Kriesi, 1995).

9.2. Reflections and limitations

The interviews show that in Germany, informal structures were already more inclusive to challengers in the 1980s and the lines between social movements and established authorities were less clear-cut than what the authors expected (RG1, 2021; RG2, 2021). It was stressed that in contrast to Germany, the formal and informal structures in Poland are not stable because of the transition in 1997 and therefore it is questionable whether the findings of Kriesi et al. (1995) are applicable in the Polish case because they assume formal and informal structures to be stable. A new government could also create opportunities which are more facilitative for the pro-choice movement. However, it is not possible to make predictions here because the Catholic Church's influence is high, the interviewees state that there is currently no realistic option for a new governing party since the opposition is weak (RP1, 2021) and there is the addressed skepticism of social movements towards established politicians, even if structurally more control of facilitative measures would take place. Therefore, it would be necessary to revise Kriesi et al. (1995) for Eastern European states, for instance by conducting a larger study of social movements in Eastern European states like Poland or Hungary in order to study which effects younger POS have on social movements and to study the impact recent developments like authoritarian tendencies (Lendvai-Bainton & Szelewa, 2020) have on the POS and their impact on movements. Kriesi et al. (1995) also mention that their framework is not applicable to all cases since their model assumes a stable political structure. However, the conducted comparative case study of Germany and Poland allows, as presented, to draw conclusions regarding the POS' impact on both pro-choice movements and many findings fit Kriesi et al. (1995), which shows that it is sensible to make use of existing knowledge.

Kriesi et al. published their framework in 1995 and it is questionable whether it is still appropriate in analyzing social movement mobilization since new movements developed within the 25 years time span. Kriesi et al. (1995) refer for instance to *the gay movement* or *the women's movement* as new social movements, which are today more divers and more specific in their goals, leading to differing ways of protest and mobilization and are not seen as *new* movements anymore. To counteract this limitation, the pro-choice movement referred to in this paper is more specific. However, because these specifics are not addressed in the 1995 built framework by Kriesi et al., there are probably factors which cannot be addressed in the current research. In addition, a rise in populism and enhanced globalization also affect national POS and therefore it is appropriate to take these factors into account. Hence, there are limitations deriving from the fact that the used theory is a rather 'old' framework.

In addition, since Kriesi et al. (1995) use POS deriving from the state's structure as the base for their framework, some important factors in explaining mobilization and success of social movements are barely taken into account. For instance the public as a factor in explaining mobilization processes (Rucht, 1994) or the framing concept (McAdam, 2012) are not involved. To reflect on the research of this paper, these concepts would have brought helpful, additional information in regard to the pro-

choice movements. The framing concept for instance could be helpful in explaining mobilization of the pro-choice movement in contrast to the pro-life movement since many respondents state that it plays a huge role how the different movements frame abortion, speaking about a 'fetus', a 'child' or even 'unborn life', which emotionally charges the discussions. Hence, involving additional concepts could be helpful in explaining mobilization while focusing more on the movement's environment outside the formal political sphere but within the civil society.

In conducting this research, principles of the *Netherlands Code of Conduct for Research Integrity* were taken into account, for instance the principle of independence which refers to evaluating things exclusively on a scientific basis and to be impartial (KNAW et al., 2018). Limitations of the principle in this research are for instance that the researcher is female, which involves bias, and has a personal opinion on the issue abortion. However, the different data collection methods used help to counteract threats to the principle and the findings reflect scientific arguments and not personal opinions: For instance, the findings on the German case involve that the compromise on §219a in 2019 can be seen as a success when using the framework provided by Kriesi et al. (1995), while many pro-choice activists were highly unsatisfied with the decision.

The language barrier is a limit of the literature review: There might be relevant literature in Polish language which cannot be involved in the thesis. Also, limited control on the quality of the data is an issue (Flick, 2020). This involves decisions regarding which theory is used. However, in order to address this threat, the theoretical findings were double-checked with collected interview data. The method of interviews involves the threat of not dealing with the most suitable interview partners for the project, the issue that interviews in general are not a highly predictable method and the fact that findings from interviews are always connected to the perspective of the interviewee (Flick, 2020). Also, language barriers can lead to misunderstandings and difficulties (Flick, 2020). However, double-checking the data and the two involved complementary methods of data collection enhance the amount and the variety of data (Flick, 2020). Additionally, since the researcher lives in Germany and speaks German both, the literature review, the understanding of the national structure and finding interview partners is easier than in the Polish case. A lot of time was invested in contacting Polish politicians but only one replied. In the German case more politicians answered the e-mails and were willing to speak about the issue. Since the study only involves a small sample of five German and three Polish interviews, the generalization of data is limited and threats to external validity occur (Flick, 2020). However, validity is a common problem in conducting case studies and doing qualitative research. The aim of this research is to create in-depth understandings of the two presented cases (Flick, 2020).

10. Conclusion

The comparison of the pro-choice movements in Germany and Poland shows that POS are crucial in explaining the mobilization and capacity to act of movements. The analysis also shows that POS do

not affect each movement in the same way: The movement type and the policy domain the movement is dealing with largely determine how POS impact social movements. The pro-choice movements in both countries are mainly instrumental. Nonetheless, the German rather facilitative and the Polish rather repressive POS, which are highly connected to abortion being a low-profile issue in Germany and a high-profile issue in Poland, create completely differing opportunities for the movements' mobilization and impact. The Polish repressive structure on the policy issue abortion led to high mobilization levels in 2016 and 2020, however, even though the mobilization level was high, the success chances for the movement got lower within recent years because of the changing POS in combination with the Church's influence. In Germany, the issue abortion is low-profile and the POS are generally more open towards challengers, reflected in the weakness of the state and the increase of access to the informal political structures.

Analyzing the German and the Polish pro-choice movement shows that even though both movements are externally oriented and impacted by success chances because the goal of both movements is a change of the legislation, the POS impacting them lead to different approaches in accessing the formal political system. While the German facilitative conditions lead to high mobilization and support within the system, the Polish repressive environment leads to more radical actions and also to high mobilization levels, but also to skepticism towards established politicians. Additionally, RP1 (2021, p.5) illustrated that high mobilization levels in Poland are historically shaped as the *Polish-typical* 'fight for freedom', even though the success chances might seem low as in the current pro-choice movement's case.

Respondents from the German and the Polish side expressed the need of discussing the issue abortion on the supranational and international level (RG5, 2021; RP1, 2021). In the German case, it was stated that discussions about the European and international abortion situation on the EU level are missing (RG5, 2021). In the Polish case, it was explicitly stated that the EU needs to exert pressure on Poland regarding the abortion ban, for instance through financial sanctions (RP1, 2021). EU contracts like the Treaty of Lisbon explicitly regulate EU and member states' competences. Abortion legislation is the competence of member states (Ärztekammer für Wien, 2020) which makes it difficult for the EU to act. However, there are opportunities for the EU to act in no-competence fields: Member states of the EU are obliged to respect fundamental human rights when enacting national laws and the Polish abortion ban violates human rights according to the Council of Europe human rights commissioner and UN human rights special mechanisms (Euronews, 2021). Hence, the EU could exert more pressure on Poland than it is currently the case. The possible impact of pressuring Poland is difficult to assess because this largely depends on whether the *PiS* government will exert its centralization tendencies, involving diminishing of democratic measures, and therefore turns away from the EU or not. Poland benefits from being an EU member state. This is for instance visible in the fact that 80% of Poland's exports are received by EU member states, while Russia and the US are both receiving

only 3% of Polish exports being the most important trading partners outside the EU (Europa.eu, n.d.). Hence, more pressure from the EU on the Polish government is very likely to be helpful concerning Poland's centralization measures and regarding the passing of laws which violate human rights. Higher pressure from the EU on Poland in regard to the abortion ban would lead to even more attention on the issue and possible allies for the pro-choice movement within and outside of Poland. Since the movement is very sceptical towards outsiders, especially within the established political sphere in Poland, taking partnerships and support from organizations and political actors on the EU level or other EU member states could be a way of finding allies because the scepticism might be smaller. Hence, pressure on Poland in respect to its authoritarian tendencies (Lendvai-Bainton & Szelewa, 2020) and the abortion ban could lead to a reform of the recent legislation, for instance the financing of the NGO sector and preferring certain groups when it comes to gatherings, which in turn would lead to higher access for pro-choice movements. Additionally, EU-pressure can bring the policy issue abortion on the Polish government's political agenda again.

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13. Table of figures

Figure 1. Adapted from Kriesi, H. (1995). *New social movements in Western Europe: A comparative analysis. Social movements, protest, and contention: v. 5.* Minneapolis: University of Minnesota Press.

14. Data appendix

The data appendix including the anonymized transcripts of all conducted interviews is available in a separate document.