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Comment: Struggles for Rights and Participation in Eastern European Periods of Transition

Participation in decision-making is the common theme of the three articles to be discussed; decision-making in areas that concern the political sphere while also challenging the traditional private-public divide, with a particular focus on religion and gender. What is equality based on? Who is included in decision-making processes, and who is excluded? Which power relations determine these processes, and how are they related to freedom? These are the questions the three articles try to address for collective groups in Eastern European regions unsettled by political transitions at various points during the long twentieth century.

Bosnia and Herzegovina under Habsburg rule – a topic that is generally under-researched – turns out to be a specifically complex case study in this regard. This is due to its special status, which historians have defined as a "proximate colony" within the structure of the Dual Monarchy. The authorities responsible for the dual affairs of Austria-Hungary – that is, the joint Ministry of Finance – opted for bureaucratic rule and efficient administration to integrate the region into the Habsburg Monarchy. However, Bosnia and Herzegovina had a specific social structure that differed from that of other regions of the Monarchy: diverse religious communities that had enjoyed special rights under Ottoman rule. The Treaty of Berlin of 1879 had guaranteed freedom of religious practice to all "existing cults" in Bosnia-Herzegovina, with particular consideration given to Muslims, who had not previously been officially recognized as a religious community within the Habsburg Monarchy.[1] However, as Heiner Grunert points out, the Habsburg administration was primarily interested in exerting control, including over religious institutions. It established new religious organizations for Muslims, Orthodox Christians and Catholics,

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1 Experience with Bosnia-Herzegovina ultimately resulted in the Islam Act of 1912, which officially recognized Islam in the Austrian half of the Habsburg Monarchy. Other faiths had already been recognized gradually from the late eighteenth century onwards. See Richard Potz, Das Islamgesetz 1912 und der religionsrechtliche Diskurs in Österreich zu Beginn des 20. Jahrhunderts, in: Thomas Olechowski/Christian Neschwara/Alina Lengauer (eds.), Grundlagen der österreichischen Rechtskultur. Festschrift für Werner Ogris zum 75. Geburtstag, Vienna 2010, 385–408.

appointing their officials who were paid by the state, leading to what Grunert refers to as a "confessionalization" of the public sphere. These politics were not welcomed by the local elites, who challenged this course of action by basing their arguments on a discourse "of modern rights to freedom and participation" (p. 114), as well as on their customary traditions. These struggles were successful to some extent when the government made some concessions, for example regarding religious education. Political representation was another matter, however. Early municipal councils were appointed (although some councils were permitted to elect representatives from the mid-1880s) and their decisions required government approval. In contrast, rural communities, in which the large majority of the population lived, were considered politically less important and only received regulation in 1907. Participation rights within these communities were broader and more customary, with Ottoman rules largely prevailing.

Interestingly, the early 1900s, especially 1907, marked a turning point in the liberalization of both civil and political rights. For example, press censorship was abolished. Mayors of municipalities were now elected, and political organizations, even nationalist ones, were tolerated. After annexation, this culminated in the 1910 constitutional law (*Landesstatut*), which included extensive civil rights and freedoms, as well as the establishment of a diet (*Landtag/sabor*). Generally, it is striking that this tendency to expand rights and representation seems to mirror developments in the Austrian crownlands, specifically relating to broader enfranchisement and partly more equal representation. Furthermore, the composition of the Bosnian diet bore a strong resemblance to the diets of the Austrian crownlands, including religious and secular high officials as non-elected members (*Virilisten*) and representation by curiae – "the wealthy and educated, the urban, and the rural population" (p. 118). As in Austria, wealthy women were included as voters for the first curia, albeit by proxy. In Bosnia and Herzegovina, however, the number of seats in each curia were allocated proportionately to the size of the religious communities – the Muslims, Orthodox Christians, Catholics, and Jews, a method that had already been applied before in the municipal councils. Nevertheless, also this measure had its parallels with new Austrian developments when separate electoral bodies began to form a strategy to ensure more equal representation of language groups, for the first time in the Compromise for Moravia of 1905.[2] This strategy was intended to appease nationalist calls for equal representation in some crownlands, but also in Bosnia and Herzegovina. The idea behind ensuring the representation of the religious communities was, as Grunert argues (p. 112), "to contain nationalism and separatism".

2 See also Jana Osterkamp, Vielfalt ordnen. Das föderale Europa der Habsburgermonarchie (Vormärz bis 1918), 2. edn., Göttingen 2020, 383–385.

Overall, the case of Bosnia and Herzegovina seems to reflect an ambiguity of the Habsburg government, which was probably also a reaction to experiences in Austria-Hungary itself. While conflict, specifically nationalist demands, was met with some concessions in some more peaceful Austrian crownlands, the government in Hungary stolidly repelled violent struggles for broader enfranchisement and social rights. Thus, there was no common level of participation and freedom rights in Austria-Hungary, as Grunert might think (p. 99). Nevertheless, the government saw concessions, at least to a certain degree and particularly regarding participation in religious administration, also as an option for Bosnia-Herzegovina. At the same time, the government was intent on securing political control. It did so, for example, by insisting on its approval of drafts of the laws to be discussed in the diet. Above all, as Grunert emphasizes, any concessions "were more an expression of an attempt to co-opt elites than to actually diversify the exercise of power" (p. 120). And this is probably also true for governments in Austria-Hungary itself.

Let us now move from the recognition and representation of religious community elites around 1900 to the recognition and representation of women in Eastern European regions, which were similarly affected by political transitions several decades later. The period 1945-48 saw intensive debates among women intellectuals who were also political activists about women's rights and democracy in Hungary and Yugoslavia. Both countries introduced equal suffrage for women in 1945,[3] which was followed by further reforms of family law, educational opportunities, and labour protection. The contexts in which these debates took place were, however, very different: Yugoslavia opted for a socialist path without aligning itself with the Soviet Union, while Hungary became a parliamentary democracy for a brief period before evolving into a People's Republic.

The fundamental question of what equality would mean for women, and how legal political equality could lead to the inclusion of women in politics in practice, shaped the political thinking of these women intellectuals. An important observation by Zsófia Lóránd is the continuity of political thought in the pre-war period, suggesting that 1945 was not the total break often argued by historians. All of the women had encountered liberal feminism in the 1920s and 1930s, even though some had already turned to communism by that time, and they were all connected transnationally through international women's organizations. While liberal feminists essentially understood women's right to vote in a democratic context as "a key to equality for all women" (p. 133), socialist feminists were critical of traditional

3 In 1919 and 1922, Hungary had granted voting rights to a limited number of women based on factors such as a higher age limit and education. Meanwhile, Yugoslavia had enshrined the enfranchisement of women in its constitution of 1921, but failed to fulfil this promise before World War II.

democratic theory early on. This rift continued after 1945, with socialist criticism expanding in the context of debates over the transformation into people's republics. The focus was on Marxist-Leninist views of the newly enfranchised "masses" and the representation of their interests and rights. This was specifically understood as the representation of the working class and its collective economic and social rights, as opposed to individual freedom, which was considered to cement hierarchies (although freedom of speech was deemed valuable). The need to protect these collective rights through violent measures, as perceived by Stalinists, was discussed as well. As Lóránd writes, these debates were also determined by "the plurality of democratic traditions between agrarianism, liberal and social democratic, and civic radical traditions both in Yugoslavia and Hungary" (p. 131). The complex interplay of discourse and continuities with the pre-war period can only be fully explained in a larger publication based on Lóránd's ERC-project HERESSEE "The History of Feminist Political Thought and Women's Rights Discourses in East Central Europe 1929–2001".

What is clear for now is how socialist feminists countered liberal feminists' expectations that democratic suffrage alone would be a panacea for all of society's problems, specifically those relating to capitalism. Rather, as Angela Vode from Yugoslavia put it, securing collective economic and social rights for women, particularly regarding employment and the representation of working-class women, was essential to "achieving general human emancipation" (p. 135). While she favoured a multi-party system, communist feminists such as Hungarian Boris Fái stressed the potential of communism to successfully end capitalism and oppression. The debate was also influenced by the different experiences of Yugoslav feminists during the war, which allowed them to relate to their active participation in anti-fascist partisan warfare. They based their claim to democratic equality on their sacrifices and contributions to the struggle. Incidentally, this argument had previously been used by liberal feminists in Europe and North America within the context of their war efforts during World War I. Hungarian feminists, however, could not resort to such arguments due to Hungary's alliance with Nazi Germany, instead emphasizing peace and non-violence.

A topic that requires further analysis, but which has long been ignored in Marxist thought, is the role of reproduction with regard to the relations of production, and thus gender equality and the right to full participation. "The politicization of domestic work", as Lóránd calls it (p. 147), points to the problematic private-public divide that feminist intellectuals did address to some extent. Socialist feminists drew attention to the significance of motherhood and the double and triple burdens faced by women in terms of participation, which is similar to feminist discourse around 1900. Clearly, the emphasis on collective economic equality and social rights

resulted in limitations to women's participation in practice. Did socialist feminists in the mid-1940s devise solutions for achieving full participation in light of their newly granted equality of rights, and if so, what were they?

Finally, Poland's abortion law has undergone many changes, from liberalization under communist rule in the 1950s, to restriction in the period of early democratic transition after 1989, to a brief interlude of liberalization in 1996/97, and finally to restrictions on access to abortion in 2020 following the ruling of the Constitutional Tribunal. These changes highlight the significance of power relations for equality in contexts that were initially perceived as democratic, but then slid into illiberalism. Marta Bucholc and Iskra de Vries focus on the interplay of anti-communist opposition and the topic of abortion, a strategy used especially by the Catholic Church already in the communist era. The Church's struggles for recognition of power were underpinned by disregard for women's wishes and needs, also after 1989. Conservative forces within the Church equated the women's movement, which aimed to achieve equal participation in a newly ordered society, with the now discredited Communist Party. The conservatives' critique of the movement's pro-Western feminist and pro-abortion stance included the claim that feminists had excluded themselves "from the Polish 'true' identity" (p. 166) and thus from the nation. From the authors' perspective, the Church gambled on further restrictions on abortion after 2015 by allying itself with the illiberal and anti-gender PiS movement, a strategy or "gambit", however, that backfired, proving detrimental to any recognition of the Church's power. Instead, it produced a new "wave" of feminism and a new impetus for organizing and mobilizing large numbers of women who had been subjected to "repeated acts of political subordination and cultural-political misogyny and homophobia" (p. 166). Hence, those excluded from full rights fought back. Nevertheless, whether power relations have permanently shifted remains to be seen. The struggle for abortion rights has also turned to available supranational strategies, such as taking complaints to the European Court of Human Rights.

In conclusion, what can we deduce from these articles regarding the broader issue of struggles for participation and rights in periods of transition? In the context of a "proximate" colony with authoritarian rule, rights could only be petitioned for, and were either denied or obtained through negotiation. Despite the government's fundamental desire to control and maintain power, it is not always exactly clear why it made concessions for rights and allowed participation, or why it denied them. The contexts of decision-making and ongoing discourse play a major role in assessing the successes and failures of those fighting for rights and participation. The interests behind decisions on inclusion and exclusion, and on strategies, are crucial. In the Bosnian case, the government perceived local elites as the section of society most likely to realize its administrative goals, and due to its experience with separatism,

it took religious communities and nationalism into account. Thus, when confronted with a society based on unfamiliar cultural traditions, the government's "civilizing mission", which included civil rights, adapted its rule, but also applied the knowledge on participation it had acquired through administration in Austria-Hungary itself.

Post-World War II societies, on the other hand, experienced a surge in legal and economic equality. In communist settings, women emerged with full access to economic and social rights as parts of the working-class collective. This inclusion, however, also proved detrimental in terms of women's workload. Gendered power relations remained unequal due to the disregard of the significance of reproduction. This limited full participation, a dilemma that remains relevant today. Equally relevant is the topic of abortion, which is encumbered by ethical and moral debates over the right to life and women's rights. Despite legal equality for women in a democratic context, this right remains contested. As the examples of Poland but also the United States show, is has become a battleground for power struggles. However, these struggles can also encourage participation. Thus, while power relations determine how rights and participation are defined, they are also always subject to contextual factors and challenges to freedom.