2. The discursive dimension of human rights: a discourse analysis of contemporary Polish debates

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Human rights as a discourse and as a language

The system of human rights is an integral part of modern political culture, and the formulation, development and promotion of norms of international human rights law are part of a cultural (rather than merely legal) evolution, which was imposed by the tragic events of the last century. The universalistic ambition for human rights, however, is sometimes rejected as imperialistic and opportunistic or – according to the cultural relativism argument – indifferent to cultural specificity and to traditional social patterns. Despite these disputes, it is commonly held that one of the contemporary objectives of promoting respect for human rights is to reconcile the diversity of individuals – their different cultural identities – with what is thought of as universal for all people, that is, a minimum standard of respect for inherent human dignity. Human rights should thus become what Ignatieff (2001, p. 53) calls "the lingua franca of global moral thought". Nonetheless, as Ignatieff further clarifies:

Human rights is universal not as a vernacular of cultural prescription but as a language of moral empowerment. Its role is not in defining the content of culture but in trying to enfranchise all agents so that they can freely shape that content. (Ignatieff, 2001, p. 73)

Departing from the recognition that the universalistic ambition of human rights as a "language of moral empowerment" is often challenged by cultural objections and – even within the same society – by different perceptions as to entitlements, content, and the meaning of certain rights, this article investigates how the broad category of human rights is ascribed meaning discursively, and how an increasing pluralisation of meanings testifies to a progressive shift in human rights discourse from utopia to ideology. Drawing on Ignatieff's position, this work aims to analyse human rights as a language or – to be more precise – as a discourse, through the methodology known as discourse analysis. In this approach, the word discourse has the underlying idea that language is structured according to different patterns that people follow when they participate in different domains of social life (Fairclough, 1992, pp. 2-4). Discourse analysis is the analysis of these patterns (Phillips and Jørgensen, 2002, p. 2) through an analysis of the written, spoken

or figurative product of any discourse – the text. An interest in the discursive dimension of social processes and claims about the importance of its study are not new. Since Michel Foucault's (1972)¹ elaboration of a theory of the "power-knowledge relationship", an analytical stress has been placed on the processes through which discourses are constructed in ways that give the impression that they represent true or false pictures of reality. For Foucault, this "performative" (creative) power of discourse is extended to the subject. Steinar Kvale expressed this position as follows:

The self no longer uses language to express itself; rather language speaks through the person. The individual self becomes a medium for the culture and its language. (Kvale, 1992, p. 36)

Nevertheless, most modern discourse analytical approaches – such as those of Wetherell and Potter (1987) and of Norman Fairclough (1989, 1992, 1995) – taking as their starting point the claim of structuralist² and post-structuralist³ linguistic philosophy, reject such understanding of the social and the self as governed by one totalising ideology and rather examine how contrary themes of social knowledge are revealed and constructed in discourse (Gergen and Davis, 1985). According to Fairclough, in particular, different types of discourse in different social domains or institutional settings may come to be politically or ideologically "invested" in particular ways, and then "re-invested". To understand how this process occurs we shall use the Foucaldian concept of "order of discourse" (Foucault, 1971, p. 7), which conceptualises a terrain – in the case of the present analysis the domain of human rights - that different discourses compete to fill with meaning in their own way. By concentrating on different, competing discourses within the same domain, it is possible to investigate where a particular discourse is dominant, where there is a struggle between different discourses, and which common-sense assumptions are shared by all the prevailing discourses (Phillips and Jørgensen, 2002, pp. 150-169).

Furthermore, in analysing human rights discourse(s), we shall soon find a necessary engagement with other discourses on identity, diversity, values and morals; these sub-themes are what Fairclough calls elements of the order of discourse. It should not be assumed that these elements are themselves homogeneous; on the contrary, they are potentially experienced as contradictorily structured and thereby open to having their existing political and ideological investments become the focus of contention in struggles to de-invest or re-invest them. These significations/constructions of reality are what Fairclough calls ideologies. At this point a clarification is due. Following Van Dijk, we do not assume that only dominant groups have an ideology used to legitimate their power or to manufacture consent. Human rights discourse represents a perfect example of a terrain where dominated or discriminated groups may also access a necessary ideology to organise effectively their social representations, resist the majority and claim their rights.⁴ Opposing the classical view of ideology as a coherent system of thoughts, beliefs and values subjugating the person and providing a socially shared schema of action (Althusser, 1971), we share Billig's (1988) "dilemmatic" approach to ideology, which assumes the existence in any ideological thinking of contrary themes and inner inconsistency, which can be re-elaborated in common sense and recreated in discourse.

Thus, modern discourse analysts – through the analysis of texts produced in a given social context within a given order of discourse – ought to look for the contrary or dilemmatic aspects of social beliefs and try to deconstruct them.

Contemporary social debate in Poland has been regarded as a particularly significant case to analyse because, in common with many post-communist countries, Polish society – both the ruling elite and ordinary people – is now engaged in an introspective search for its uniqueness and distinctiveness (Taras, 1995, p. 84). This discursive analysis of some contemporary Polish debates shall focus on some of those substantive dimensions in the formation of national/social identity and the categorisation of diversity – tradition, nationality, ethics, religion, ethnicity, gender – which are particularly prone to "ideologisation" processes and directly affect human rights discourses. The overall ambition of our research is to foster – through the analysis of a specific but paradigmatic case – a critical reflection on the consequences of particular fixations of meanings. In particular, in the realm of the human rights/local values dilemma, such an exercise turns out to be crucial to unmasking taken-for-granted, common-sense understandings and transforming them into potential objects for discussion and criticism, thus opening up other ways of understanding the world.

In other words, we shall see how human rights discourse is not – and cannot be – conducive to one single moral truth: rather, in a world destined – luckily, one could add – to grow more and more pluralistic, human rights must reaffirm their role of lingua franca.

-----> Poland: from diversity to homogeneity

Departing from the conviction that the potential interplay between ethnic, citizen, national, social and European identities cannot be understood in a cultural vacuum, we deem it necessary, before we proceed to the analysis *sensu stricto*, to briefly outline some salient socio-historical aspects of the indissoluble link between identity, or identities, and the politics of historical construction in Poland.

Despite the dramatic process of socioeconomic transformation experienced by former communist countries under Soviet domination, it would be misleading to think that national traits and histories were eradicated (Berglund et al., 1998). Poland, in particular, derived and still derives its peculiarity from the fact that, since its very creation, the Polish state was accompanied and strengthened by the erection of Catholic Church structures. Thus the development of both the Polish State and the Polish Church hierarchy were intertwined and the latter, on numerous historical occasions, supported state structures (Romaniszyn and Nowak, 2002, p. 255). By the 15th century – given the position of the country in the geopolitical centre of Europe – Poland's ruling magnates became conscious of the country's international role as antemurale christianitatis - Roman Catholicism's easternmost bulwark. In political terms, Poland was viewed as the outpost of European civilisation beyond which Asian culture began.⁵ At the same time, despite the undeniably prevailing role of Roman Catholicism, the history of Poland has been characterised for centuries by a great ethnic, religious and cultural diversity (Mironowicz, 2001).⁶

Between 1764 and 1775, during the three partitions of the country,⁷ the nation without a state developed a new view of itself and a new vigour for its restoration (Zamojski, 1994). In this context, the role of the Roman Catholic Church was that of defender of *polskość* (Polishness).⁸ In 1918, the Polish Republic, after a hundred and twenty years of partition, almost miraculously re-emerged as a sovereign state manifesting the linguistic, religious and cultural features of a national state – foreigners and minorities were expected to assimilate into the dominant Polish

culture. Indeed, in early post-war Poland, after the traumas of domination under Nazi Germany and the Soviet Union, the stage was clearly set for identity politics and state-building, but also for a revival of the religious/secular dimension.

The church had been a self-appointed guardian of the Polish national tradition throughout the entire post-war period and had further increased its political influence following the election of a Polish Pope in 1978. This, together with the Helsinki process,⁹ put increasing pressure on the party system and opened the way to the birth of *Solidarność*, in August 1980 (Krok-Paszkowska and Zielonka, 2004). Nonetheless, despite the increasing permeation of European values and models – democracy and prosperity, above all – citizens' political preferences after 1989 were largely determined by "cultural politics" rather than by interests related to their individual position in the social structure. The predominance of the cultural element at the early stages of transition still testifies to the rather strong emphasis on ethnicity, secular/religious aspects and, in some cases, urban/ rural location in identification processes (Gowin, 1995).

Nowadays these cultural elements are once more gaining saliency as the country is invested by strong processes of particularisation and globalisation, and as the society at large is therefore forced to reflect upon its identity. The alleged cultural, ethnic and religious homogeneity of the country is indeed challenged both from below (by groups claiming status and rights) and from above (due to the integration into the global economy and in the European Union). This research shall thus analyse the way Poles – both the political elite and ordinary people – discursively deal with these contemporary challenges, raising the saliency of multiple and often conflicting identities. Through the analysis of samples taken from recent official and non-official debates, our overall ambition as discourse analysts is to demonstrate the process of particular fixations of meanings, to highlight the dilemmatic aspects of this process and to foster a constructivist (non-absolutist) approach to any discourse, including that on or of human rights.

-----> Human rights discourse in action

In the study of discourse as action and interaction, the notion of context is crucial:¹⁰ indeed, discourse is described as taking part or as being accomplished "in" a social situation. Aware of the fact that the researcher's first step must be to capture the widest possible variations in accounts (Potter and Wetherell, 1987), we collected the corpus presented hereafter in order to give account of different processes of text production, distribution and consumption (Van Dijk, 1997a).¹¹ All the samples analysed here are "naturalistic" in the sense that there was no direct intervention of the analyst in their production, and they were all analysed in their original Polish version.

Drawing on the literature, including recent international reports on the human rights situation in Poland,¹² we firstly identified "sensitive" categories – ethnic, religious and gender minorities – and afterwards we selected two parliamentary debates concerning status, rights and claims of some of these groups within contemporary Poland. This material has further shaped our analysis: the issues raised in the parliamentary debates – first and foremost Polish identity vis-à-vis Europe – made it necessary to expand the corpus and embrace texts more directly linked to the Polish attitude towards Europe.

The whole corpus – if it has been selected properly – shall provide evidence and empirical verification to the theoretical issues found in the literature or in personal observations (Fairclough, 1992).

".....> "Others" in Polish parliamentary debates

Ethnic and national minorities

Our analysis departs from two parliamentary debates, held respectively in September 2004 and in January 2005, on a bill on national and ethnic minorities.¹³ The samples analysed are represented by two speeches delivered by a representative of the Belarusian minority, presenting and defending the above-mentioned bill before the Sejm – the lower house of the Polish Parliament - and by other MPs' interventions and questions on the same issue.¹⁴ The access to prestigious discourse types, and prestigious and powerful subject positions within them for speakers of minority groups, can be considered as the first macrofeature of the text, the so-called the "democratisation of discourse" (Fairclough, 1992). Nonetheless, along with Fairclough (1992, p. 201) we argue that as overt markers of power asymmetry become less evident, covert markers become more potent, with the result that power asymmetry becomes more subtle as opposed to disappearing. As a matter of fact, in the speeches analysed, the minority's representative is forced to adopt a defensive attitude towards the "tolerant" but sceptical majority and to reassure its members about the harmlessness of the proposed law. His discourse thereby softens some otherwise controversial points (such as the inadequacy of current Polish legislation on minorities) and inoculates possible objections ("lack of loyalty to the Polish State", "threat to the integrity of the territory", "attacks against Polish language and culture"). He introduces his claims only gradually, presenting them as the natural outcome of "traditional Polish tolerance". A law for minority groups, which are numerically small, and see themselves as part of "our" Poland, is not even claimed in terms of a legitimate human right; nor is the government called upon to respect its international obligations, but rather to act "friendly". The social and hegemonic structures implicit in the approach chosen by the speaker are quite clear: the language of rights is substituted by a mild request for benevolence:

The approval of this law ... would be for these groups a friendly gesture; it will be a confirmation that the [Polish] Republic is a democratic state, well disposed towards citizens willing to maintain their mother tongue, their traditions and culture. [sample 1]

When the floor is given to the opponents of the law, their disagreement is never presented as a clear-cut denial of rights but rather as the rational outcome of objective evaluations (Van Dijk, 1997b).¹⁵ Thus, the MP of the Liga Polskich Rodzin,¹⁶ S. Gudzowski, frames his reasons for opposition in the more traditional structure of what is often referred to as "subtle" or "modern" racism.¹⁷ First of all, the rejection of the law is presented as "the only rational thing" to do. Any prejudiced attitude is denied, while the strategy of "reverse prejudice" is enacted through the presentation of the Polish people as the real "victims":

Then it will be necessary to claim for equal rights for Poles ... in Poland, in order for us to have equal rights with foreigners and guests, who have been accepted under our roof, in the Polish home. [sample 2] The opposition to the law is declared more straightforwardly by the party Polskie Stronnictwo Ludowe¹⁸ but the argumentative structures refrain again from a blatant denial and rather draw on the mainstream discourse of patriotism.

Our group has never given and will never give its approval to the tearing of Poland. For us, our mother language is a national value and Poland is a superior value while the law proposed is anti-national. [sample 3]

Obviously, what we are faced with is not simply a confrontation between prejudiced and discriminated speakers. Prejudice, as we could appreciate, is rarely undilemmatically straightforward: the very term refers today more than ever to irrational feelings or attitudes which are more likely to be expressed by the poorly educated. Nowadays, discrimination is rather "symbolic" and is mostly framed in terms of either traditional values or equality and fairness. Any attitude blaming diversity is thus rationalised. Therefore, what we are confronted with in these first samples is rather the dialectics of prejudice, a need for constructing one's position so as not to appear prejudiced or irrational. The typical discursive strategy of accusation against minorities – often accompanied by self-victimisation of the majority – and consequent disclaimers of any prejudiced attitude suggests the presence of a dilemma of ideological proportions (Billig, 1988, p. 100). For example, the common reference to "our Polish Constitution" aims at supporting with a legal argument some otherwise very emotional (irrational) statements. It is the constitution that "does not accept exceptions" and "we" - the whole Polish nation - have the "duty" to protect it.

Other evidence of the complex ideological nature of such kinds of debates is provided by more purely linguistic aspects of the text, first and foremost the relationship between words and meanings: a "many-to-one" rather than "one-toone" relationship (Fairclough, 1992, p. 170). This is true in both directions: words have various meanings, and meanings are worded in various ways.¹⁹ Let us single out some examples of this process in the debates analysed so far. Both the claims of the minority's representative and those of the conservative majority are framed in terms of identity. The minority's identity is expressed in terms of "achievement", "concession", rarely "right", thus underlying its nature of an "innocuous" project of identity, not fully realised yet. On the contrary, the majority's identity is rather treated as an asset, a "value" to be proud of and to defend and protect from a range of enemies, "inside and outside the country". The very pronoun "we" is experienced as ideologically invested, and reflects the contrast described above. On the one hand, when used by the Polish ethnic majority, "we" is treated more than once as a selective-entry club where no access can be granted to "them". On the other hand, the "we", as discursively constructed by minorities, is an attempt to be included as equal but different, in the name of a common history and a Polish citizenship shared by groups of different ethnic and religious origins.

The same is true for "national values". "Diversity" and "tolerance" appear to the minority's members as the most desirable values of a democratic and multicultural country – values rooted in Poland "since the Jagellonian epoch" – whereas those who stick to a non-inclusive view of Polish identity claim territorial and linguistic "integrity" and "homogeneity" as superior national values. The very word "equality", when used by the majority's MPs, underplays an idea of homogeneity implying that no privileges for special groups can be tolerated. Not surprisingly, for minorities, it turns out to be a condemnation to assimilation, very far indeed from their idea of equality as "respect for diversity". In the debates analysed,

even the word "discrimination" is open to struggle: the majority's representatives use this word – curiously more often than the minority's – to denounce the condition of the Polish people, discriminated by foreigners and guests, victims of "betrayers" and "liars", within their own country.

The self-victimising discourse goes together with the discursive construction of Poland as a peaceful country free from ethnic conflicts, unlike many other countries. The metaphor of "illness" and "infectious disease", generally used in political discourse to describe any problem coming from outside, is here used to talk about Europe, described as "an ill person, with sparks of ethnic conflicts smouldering inside". According to conservative MPs, Poland must escape from the European illness and avoid the "infection" envisaged by the proposed law. Consequently, those Poles who are in favour of a law on minorities are blamed for "cheaters and swindlers' activities" against Poland. The opposition's arguments thus blame, climactically, internal and external enemies, ultimately echoing the well-known debate on the so-called "double standard" ("Western Europe itself does not know any such an odd thing as a law on minorities"). The features outlined so far, of identity and diversity discourses and the ideological construction of human rights discourse, are confirmed by the analysis of the way people talk when involved in even more values-oriented debates, where alternative models are perceived as direct attacks against the heart of cultural (and moral) identity.

Gender issues

In this section, the analysis shall be focused on a very long and dense debate, which took place in the Polish Sejm on 5 March 2004, on the occasion of the official presentation of a report on the situation of women in Poland. As emphasised by the first speaker, the Minister for Gender Equality, Mrs Jaruga-Nowacka, it is the first time since 1989 that this issue had been debated in the Sejm.

If compared with the previous debate on minorities' rights – despite the similarity of claims for equality, non-discrimination and positive actions – this debate presents some original aspects. First of all, the tone of the speeches: while minorities asked the majority for benevolence and "good will", here the claims are formulated in the "language of rights and responsibilities".²⁰ In introducing the report, the minister refers to specific rights and entitlements, making detailed inter-textual references to international law. At the same time, the Polish "mentality" is blamed, more or less explicitly, as one of the root causes of women's status in Poland. On the contrary, the European Union and its directives are presented as the awaited opportunity for gender mainstreaming in Poland. The obstacle is however identified in the "lack of political will" at the national level, and not only this, a general reflection on the nature of the self and the other leads gradually to a condemnation of the whole society:

Women and men have different cultural identities. Our difference is a value in itself. It is however impossible to build a good quality democracy ... without a system of values.

[sample 4]

The word "value", as we noticed in the previous analysis, is highly ideological and extremely open to different hegemonic struggles. The same is true for "equality". Here the lexical construction of the concept of equality pushes the gender discourse in the same direction as that of minorities: After all, we know that treating equally people who are in fact different leads to discrimination.

[sample 5]

Needless to say, in the hands of the opposition, "values" and "equality" become powerful weapons against this alleged "feminist rhetoric". Thus, in the intervention of right-wing parties the identity of women and their rights are discursively constructed according to ideological stances opposite to those of "feminist" speakers. MP Elżbieta Kruk of Prawo i Sprawiedliwość transfers the core of the debate from woman as a bearer of rights to the family as the "real victim". This shift, and with it the construction of women's identity as functional to the family, is testified in more than one place:

The policy of the current government so far does not offer any help to the family ... and rather propagates anti-family ideologies Mrs Minister – alienated, as she seems, from reality – doesn't pay attention to the high value and importance of family life in the hierarchy of values in our society and the features of women's identification By limiting the analysis of women's status to the realm of social rights or participation in public life, you are ignoring the issue of their other roles in the society The aim of this report is not the improvement of women's status and situation; it is rather an expression of feminist ideology. [sample 6]

The very word "emancipation" is used instrumentally and transformed into "alienation", "loss of identity". The hegemonic struggle between two ideologies (and discourses) is summed up in one statement:

The real ambition of this left-wing ideology is not women's emancipation but the emancipation of the person from traditions and culture. [sample 7]

The construction of "our identity" as in danger, together with the appeal to the supreme value of the Polish family seems to win great praise within the hall. The stenographic transcription testifies to repeated applause from the audience, at the end of almost every sentence.²¹ The ideological and political nature of the debate is however denied also by this speaker ("There's no place for ideology here"); the opposition, as she says, is cultural ("culture separates these two parts of the parliamentary hall").²² The dialectic of opposition – so far mostly constructed by focusing on the ideological gap between "we" and the dangerous "anti-family" and "anti-cultural ideologies" coming from "the other part of the hall" – gradually embraces other anti-models, defined as the "real problem":

In this hall we see a great enthusiasm about Europe and modernity, a strong support for super- and hypermarkets. But are we paying attention to the fact that in these so praised supermarkets, woman has a Third World status? [sample 8]

Supermarkets are here treated not only as a real place, where working conditions are poor; the word is also employed as a synecdoche.²³ Obviously, "supermarkets" stand here for modernity and globalisation, as well as the use of a concrete geopolitical concept, such as "Third World", as an effective substitute for the adjective "degrading".²⁴ Europe and its model of civilisation are thus assimilated to the worse aspects of modernity. Of course, this view is not the only one: the issue is indeed experienced as highly controversial within the contemporary

Polish elite and a few lines further down Europe is talked about as a model of evolution and equal rights:

In countries were the national economy is respected, in the developed European countries, there, where minor entrepreneurs enjoy great appreciation, ... where the peasant is not disregarded, in these countries also women's status is very high. [sample 9]

Still, the cultural and ideological dilemma between our model and theirs is clearly there and is formulated *expressis verbis* by a woman speaker of the Liga Polskich Rodzin, Anna Sobecka:

Poland, and consequently women in Poland, is at an important mental and cultural crossroad. On the one hand, the majority of us, women, consider that a successful marriage and family life are the most important things in their lives, but in some other women, at the same time, there is a growing acceptance of concubinage, premarital sex, lonely motherhood or killing of unborn children. This is obviously related to the crisis of faith and morality and to the attack of what the Holy Father calls the civilisation of death. We are Polish women, lost in our identity. History assigned to us the role of heroic defenders of the nation, while contemporary society turned women into sad products of civilisation, pleasure and money. [sample 10]

We could go further and analyse other not less interesting samples of this very long debate. Though, at this point many elements have been already pushed to the forefront and need to be systematised. The ideological attribution of meanings to such words as "equality", "discrimination", "values" has been addressed before. Here, however, this one-to-many relationship between a word and its possible different and opposite meanings is even more evident. The reverse process – that of wording the same concept in different ways – is also largely present. The "best interest of women", for example, is worded by different speakers in a number of different and contrasting manners ("participation", "equality", "empowerment", "motherhood", "family") all of them ideologically constructed. Similarly, "abortion" is for some synonymous with "conscious parenthood", and is treated as a right ("reproductive right", "women's right to health"); for others it is nothing more than the "unforgivable sin" of killing an unborn child.

Within discursive and social practices, success in winning acceptance for particular meanings for words and for a particular structuring of their meaning is interpretable as a matter of achieving hegemony, that is imposing one group's version of the world. At first sight then, the analysis made so far could lead one to state that the prevailing character of the national/traditional discourse or the hegemonic role of the church in Poland are so strong that no real debate can come out of the society. Religious beliefs and national rhetoric proved indeed to have great weight in shaping discourses about values, identity and even rights. Nonetheless, this hegemony is not uncontested and the need to challenge it lies at the very core of contemporary struggles for definitions of Polish identity visà-vis itself and various instances of diversity, which are gaining more and more ground in the public debate and push their own discourses to the forefront.

Another point we want to make here is related, again, to ideology and its weight in shaping opposite, often conflicting discourses. Different ideologies are indeed explicitly mentioned more than once, mostly in order to keep distance from them.²⁵ Each speaker denies the ideological character of his or her intervention but then constructs his or her position as an individual (and his or her identity as a group member) in opposition to someone else's ideology or social model. The dynamic of oppositions is the most often used device to define oneself and one's specificity – be it a majority or a minority's specificity – and therefore should not surprise. What however deserves the attention of the analyst is the choice of the entities involved in this process. Polishness and Polish values are opposed not only to the communist past but above all to modernity. Globalisation is never mentioned explicitly; the USA is blamed only once for an "exaggerated political correctness". Europe instead is often treated as "the" antithetical model. A conservative MP sums up this opposition as follows:

Are abortion, euthanasia, homosexuality the brilliant achievements of European humanism, or rather their denial? ... We don't need foreign models, orders and rights ... Don't lead us towards the civilisation of death, represented by the symbol of many stars ... These foreign models will kill children and women, first of all. [sample 11]

The President of the Sejm emphasises that these are "the views of a minority" of the MPs. Still, Europe is often mentioned in the debate as a source not only of deep ideological oppositions in the parliamentary hall but also, and above all, of very opposite feelings out there, among Polish-European citizens.

European dilemmas

The overall perception one gets from the analysis of the dilemmatic aspects of discourse is that they involve the clash of contrary values, as the speakers themselves repeatedly claim. It might be argued that the texts selected so far, both due to the topic and to their setting, would seem to call out for ideological themes. In fact, some of the grand themes of ideology can be seen to flow through the thoughts of everyday life. This is the case of the last set of samples, this time about the European Union (EU), understood both as a geo-political entity and as an identity project. The topic has been chosen to respond to the "demand" of the previous analyses. We saw Europe emerging from both debates as a highly controversial topic, especially with regard to the social and cultural models it exports and the standards the EU imposes on new member states. Among these standards (known as acquis communautaire), human rights and democratisation are the ones that have more relevance for our study. Indeed, during and after the enlargement process, the Polish elite and the society at large were forced into a revision of more than just the political structure. At the same time, this revision (and reflection) process inevitably involved the whole system of values and traditions: a process which led to very opposite reactions, ranging from acceptance - passive or enthusiastic - of the "only possible future" within the EU, to clear-cut refusals of the European "civilisation of death".

The samples analysed hereafter are taken from an Internet debate, which took place in May 2005 on a widely known Polish website.²⁶ The forum, under the heading "French people said NO", invited the participants to comment on the negative result of the French referendum for the adoption of the European Constitution. This discursive material appeared to us as extremely interesting for various reasons. First of all, the timing: roughly one year had passed since the formal Polish accession to the EU (through a referendum held in May 2004). Indeed, participants in the forum did not discuss all that much about the French choice; they rather speculated on how they would behave if they were asked to express their opinion on a further integration into the EU system. The nature of the debate thus led progressively to a reflection on what Poland is and is not.

One of the most recurrent themes is the image of Europe as the project of a few states (France and Germany in particular) "imposed" on the others; a project where Poland will always be a "vassal state". Thus, while in the official pro-European speeches, integration is often talked about as a need, here nonpoliticians interpret this "need" as a status of "subjugation", where no equality is foreseeable.

France was the first, and then other states will refuse the Euro-paper. Hundreds of pages of chattering which just hide the division between better and worse members of the Union.

[sample 12]

The choral outcome of these considerations is that Poland should behave like France, that is, refuse further integration into the EU system – but for different reasons. Indeed, according to many interventions, the French non is mainly to be interpreted as the "victory of communists and leftists"; above all of those who want a more social Europe. For others, it is a reaction to contemporary threats. In particular, the "Muslim cultural invasion" and the "communist revival" are identified by some participants in the forum as the menaces threatening French society and, implicitly, as the outcomes of a process of globalisation of which European integration is one aspect. This analysis automatically leads to a reflection on the future challenges Poland will be faced with. There is a certain awareness about the fact that Poland is also getting involved in supranational processes. What seems to be less clear is the way of dealing with this incoming new reality. The position of pro-European propaganda, which presents Europe as the only possible answer to globalisation, is here completely reversed. The refusal of the EU appears as the right point of departure "to mend the wrong way", a way which would otherwise lead to cultural hybridisation and economic crisis. The threat to cultural identity is linked to immigration and Poland, historically a country of migrants, is already imagined as a recipient country. In general, cultural opposition is framed in religious terms:

NO TO MASON EUROPE!!! FINALLY THE CRADLE OF THE HOLY CHURCH, FRANCE, STARTED THE PROCESS OF RENAISSANCE OF THE OLD CONTINENT. NO TO: SATAN, ABORTION, COLOURED AND COMMUNISTS! [sample 13]

This "scream"²⁷ – which echoes some of the arguments heard in the Sejm – changes the focus of the discussion: it is not anymore about yes or no to the European Constitution as such but rather to a "constitution without God". Although a few participants do address the crucial distinction between religious values and political secularism ("after all God is not interested in being included in human pacts. He is concerned whether we pray and we live morally"), the majority of the participants do not support this distinction. The reason is – as confirmed by more than one voice – strictly related to identity issues, to the idea that "God's means ours!!!". Thus, God becomes the object of various opposing discourses, and is used interchangeably as a synonym of church, religion, and values or is even equated with "we". God and Catholic moral principles are talked about as the primary source of values and even of (human) rights:

A reference to the Ten Commandments doesn't mean restriction to freedom; on the contrary it helps in the creation of rights within the union. It avoids the increase in different kinds of anomalies, such as abortion, euthanasia, homosexuality, crimes, excess and so on. [sample 14] More than one participant realistically addresses the role of the church – rather than that of God – as the primary source of national identity, and as main factor of continuity for the Polish nation. At this point the dilemma is not so much spiritual but rather social and historical: would Europe provide for Poland another equally strong source of cultural continuity? Would this "new union" be different from the ones Poland has been tragically and repeatedly involved in during the past? The answer of the participants seems clearly to be "no":

Thanks to the church, Poland survived for more than a thousand years, with the [European] Union it won't last more than ten. It is already in pieces. Do gays, lesbians, abortion, euthanasia have to decide about the future of the union? [sample 15]

For many participants the very existence of a common constitution – although the majority admits to ignoring its content – is seen as a menace to cultural integrity, to a genuine Polish system of values. This issue gives account of the fact that any political change supposes for Poland, and indeed for the whole eastern European region, a dramatic ideological vacuum. Catholicism has recently replaced Communism. What would replace Catholicism? Europe does not seem to provide strong elements for identification:

Here it is not about the opinion of God on this issue but rather about a system of values. If we don't make reference to Christendom then to what ...??? (For example, to euthanasia like in Holland) [sample 16]

One participant in the forum creatively sums up all the reasons of concern about the EU Constitution (and the whole European system) expressed throughout the forum:

The New Euroconstitution in 10 points:

- 1. God does not exist, there are only tolerance and political correctness.
- 2. European history begins with the Renaissance and the French Revolution.
- 3. All people are equal, but gays and lesbians are more equal.
- 4. Tolerance for all, but not for Christians and Jews.
- 5. All religions are equal, but Islam is more equal.
- 6. Free competition and markets are OK, but someone has to regulate them and grant concessions.
- Social Europe defends the weakest and for this reason abortion and euthanasia are permitted and encouraged.
- 8. All countries are equal, but France and Germany are more equal.
- 9. It is forbidden to use such words as "Muslim terrorist" or "homosexuals" and it's mandatory to use the dictionary of politically correct language.
- 10. The authors of the constitution express their satisfaction and impose it unanimously (otherwise you missed the opportunity to shut up).
 [sample 17]

In this ironic though harsh intervention, principles such as "tolerance" and "secularism" – nowadays representing fundamental assets of an enlarged union and the very core elements of any human rights-oriented policy – are listed in a sort of black list of anti-values. They seem to embody the essence of a Europe "which will control each person and has no moral borders". The use of the word "border" deserves a closer analysis. For years, the Poles have perceived European

borders as a barrier separating them from wealth and democracy. Crossing these borders and finding a job or studying in the "West" has represented and represents for many Poles a dream. Interestingly enough, the very concept of border/limit is used by the anti-European propaganda as *vox media*, or a word that can mean two opposite things at the same time. Thus, beyond the borderline – both material and ideal – Poles expect to find freedom, the beginning of a new era; what they are to find is however – according to the conservative imaginary – the "absence of any moral limit", an "unconditioned freedom" made of excess. In a word, it is not the beginning but rather the end of a system of beliefs and values. Europe's most effective slogan of a space "without borders" is thus discursively recontextualised and directed against the very core of European propaganda.

-----> Conclusion: human rights with modesty²⁸

Epistemologically, at the very core of this study lies a sceptical attitude towards any approach that assumes that there can be established a single truth about a phenomenon. These absolutist approaches rarely consider the position of the observer (or the speaker); on the opposite side, relativists suggest that knowledge can never attain high degrees of objectivity because of the social rootedness of the observer. To escape this diametrical opposition, we have argued throughout this study in favour of a dilemmatic approach to ideology, stressing the presence of ideological structures in common sense and, consequently, in discourse. The methodology of discourse analysis has been applied to an order of discourse - that of human rights - and its many elements: prejudice, as well as identity, diversity, ethics. We identified hegemonic discourses within Polish society - above all that of Catholic morality and, inextricably linked to it, that of national values and emerging discourses striving to impose their own worldview. The fixation of meanings, implicit in this struggle, has as its outcome not only the "ideologisation" of social discourse at all levels but also of social practice, ultimately affecting not only the perception but also the very enforcement of certain human rights.

Nonetheless, this framework does not want to foster a vision of human rights either as a superior, atemporal and ahistorical set of values, or as a sort of modern utopia (Mannheim, 1985),²⁹ towards which any social discourse should be directed. Along with Dimitrina Petrova (2004), we rather propose to consider human rights discourse as a utopian-ideological nature by its very *raison d'être*. The two "witnesses" of this fact, identified theoretically by Petrova (2004, pp. 187-212), are confirmed by our analysis. The first "witness" is what Petrova calls liberal fundamentalism, or the tendency to posit certain values as metaphysical entities and to universalise them. Thus, even in deeply (politically) antifundamentalist human rights paradigms, we can note the development of a (philosophically) fundamentalist tendency.

In particular, we dealt in our samples with the discursive opposition of "our" models, traditions, culture versus "their" capitalistic, liberal, communist, secular models, perceived as "imposed". It is frequent in cross-cultural discourse that the spokespersons of other cultures move critics to the validity of human rights because, despite their claim of universality, they remain imprisoned in the original European context, mostly blamed by other cultures for its exaggerated individualism. This emphasis on the necessity to acknowledge the cultural rootedness of any values/rights-oriented discourse – the so-called "cultural relativism" argument – tend to be used exclusively when talking about Islamic values as opposed to Western

ones (Habermas, 1998, pp. 163-165).³⁰ While reaffirming the great relevance of this aspect in a contemporary context dominated by the frightening slogans on the "clash of civilisations", we would argue that this vision is partial. Indeed, the Western conception of human rights is open to attack by the spokespersons of other cultures both because the concept of autonomy gives human rights an individualistic character as opposed to communitarian societal models and also because autonomy implies a secularised political authority uncoupled from religious and cosmological world-views (Habermas, 1998, p. 168). In the view of many believers, especially fundamentalist – be they Islamic, but also Christian or Jewish - their own religious claim to truth is absolute in the sense that it deserves to be enforced even by means of political power, if necessary. The very case of Poland shows that, even within "our" Western societies, there exists a phenomenon – emanating from Western (Catholic, above all) morality and deeply rooted in social discourse - that we propose to call "next-door cultural relativism". One could argue that Poland is a peculiar case; we could then reply by referring to two recent debates in Europe. The first, which took place in May-June 2005 in Italy, was about a public referendum on artificial fecundation; the second, in Spain, was raised on the occasion of the government's decision to pass a law allowing for homosexual marriages. Both debates were articulated in terms of Catholicism versus secularism and values versus rights: in the Italian case the debate involved Catholic warnings against an emergent "civilisation of death"; ³¹ in the Spanish case, the new law was defined "a triumph of secularism which wants to transform passions and whims into human rights".32

Let us move to the second "witness". An analysis of the contemporary international political and social scene would easily show how the rhetoric of universals fails to translate to all cases consistently, applying what is popularly known as the politics of a "double standard": a phenomenon which has been and still is blamed by the mainstream anti-European propaganda in candidate (by now already member) states. Coming back to our samples, not only was this argument discursively constructed, in the Internet debate, through a chain of claims against Polish "vassalage" within the European Union; the issue was also addressed in parliamentary debates on more than one occasion. A few speakers, for example, draw attention to the unfair EU imposition on Poland, and on all the newcomers, of human rights standards higher than those enforced in Europe itself (in particular those concerning minorities). Others pointed to the gap, in developed European countries, between gender equality propaganda and the real conditions of women in Western societies.

Thus, the theory and the discursive practice confirm the suspicion that human rights discourse is undergoing a change from utopia to ideology. Namely it is what Petrova calls a gradual usurpation of the utopian discourse by the forces of the status quo, by the social and political elite at the global and national levels. From a discursive point of view, the process of "ideologisation" takes place through a gradual but irreversible pluralisation, and consequent colonisation, of the core value expressions of the human rights discourse (Petrova, 2004, p. 195). We have witnessed how opposing ideologies compete over the interpretation of the same events or processes, how each ideology strives to herd expressions towards its own ideological pen (Petrova, 2004, pp. 201-203). Thus it may easily happen that contrary claims are being expressed in human rights terms: the identity and the safety of the majority as incompatible with the claims of minority groups for special rights; the right to life of the foetus as opposed to the right of women to health or to conscious parenthood, etc. As a result, we see that human rights

are not conducive to moral truth; rather, the human rights/local values dilemma must be seen as an ongoing dialogue that presupposes some understanding of the other. The result of this position is very different from the present human rights system: a new system made of reciprocal understanding of perspectives, a shared willingness to consider one's own tradition with the eyes of the stranger (Habermas, 1998, p. 169), a system in which we will have to learn to live with the instability of plurality (Sajò, 2004).

Against this background, our ambition is to contribute to a critical reflection, which goes against a "consistent avoidance of examining social life as dilemmatic" (Billig, 1988, p. 150) and challenges the alleged universality of human rights discourse(s) at all levels. For, if we agree that human rights are "a language of moral empowerment", we need first to acknowledge that they are nothing more and nothing less than a "language", with its expressive and empowering potential as well as its contingency and inherent limitations.

-----> Remarks and acknowledgements

This work tries to respond to the increasing need of a more multidisciplinary approach to human rights. Starting with the conviction that by their very nature human rights are indeed more than a compilation of legal norms and should therefore cover all the areas of human life and involve very different research fields, this project opted for a multidisciplinary and multiperspective methodological approach. This would have been much harder if I had not had the opportunity to work in recent years in multidisciplinary environments and with inspiring people, among them Prof. Gianfranco Giraudo (Università degli Studi di Venezia), Prof. Patxi Lanceros (Universidad de Deusto, Bilbao), Prof. Dimitra Papadopoulou, Prof. Anastasia Grammaticaki and Dr Nikos Bozatzis (UNESCO Chair, Aristotle University of Thessaloniki), and the teaching staff of the European Inter-University Centre for Human Rights and Democratisation (EIUC). My warmest thanks go to them and all those people who have strengthened in me the belief that there can be no human rights without humanity.

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----> Endnotes

- 1. Michel Foucault's concern about discourse analysis is present in all his work, both in the early "archaeological" and the later "genealogical" phase.
- 2. Around the beginning of the 20th century, Ferdinand de Saussure, a pioneer in this field, argued that signs consist of two sides, form (*signifiat*) and content (*signifié*), and that the relation between the two is arbitrary. The meaning we attach to words is not inherent in them but is the result of social conventions and so is changeable over time. This implied that the relationship between language and reality is also arbitrary. Saussure's famous distinction between two levels of language, *langue* and *parole*, gives further account of his pioneering ideas. *Langue* is the structure of language, the network of signs that give meaning to one another, and it is fixed and unchangeable. *Parole*, on the other hand, is situated language use, the signs actually used by people in different situations. *Parole* must always draw on *langue*, for it is the structure of language as an organised system of graphic and phonetic elements that makes specific statements possible. It is the fixed, underlying structure, the *langue*, that has become the main object of linguistics.
- 3. Post-structuralist theory while maintaining de Saussure's idea that signs derive their meanings not through their relations to reality but through internal relations within the network of signs rejects structuralism's view of language as a stable and unchangeable structure. Post-structuralists theorise that signs still acquire their meaning by being different from other signs, but those signs from which they differ can change according to the context in which they are used. Furthermore, structuralists considered that *parole* (situated language use), unlike *langue* (the structure of language), cannot be an object of structural study because it is too arbitrary to be able to say anything about it. On the contrary post-structuralists believe that it is "in" concrete language use that the structure is created, reproduced and changed.
- 4. For discussion, see J.C. Turner (1981) Some Considerations in Generalising Experimental Social Psychology, in Stephenson, G. M. and Davis, J. H. (eds) *Progress in Applied Social Psychology*, 1. London, Wiley.
- 5. Indeed, the concept of *antemurale* continues to have relevance today as Polish political and intellectual leaders debate what the country's role in Europe in the 21st century should involve. Different orientations advocate that Poland's speedy admission into organisations such as the European Union and NATO reflects Poland's status (and "mission") as a bulwark of Western civilisation. For a summary of the evolution of national identity in Poland, see A. Jasińska-Kania (1982).
- 6. During the combined kingdom with Lithuania (Union of Lublin, 1569-1776), the country was known to foreigners as *Serenissima Respublica Poloniae* or the Polish Commonwealth: its population was around 10 million inhabitants, with only 40% of Poles, concentrated in about 20% of the territory. On this great variety of peoples and religions, the Jagellonian dynasty built its enormous power, refusing the Western model of mono-confessional states (*cuius regio eius religio*) and transforming the Commonwealth into a sort of asylum for religious dissidents from all over Europe.
- 7. The nobility's decline and the gradual disintegration of the Commonwealth were seen by its neighbouring autocratic powers Russia, Prussia, and

Austria – as an opportunity for expansion: between 1764 and 1775 the "Three Partitions" of the country took place, turning soon into a real colonisation.

- 8. In the face of the continuous attempts at germanisation and russification of the Polish culture, the population turned to religious songs and prayers and the clergy took a leading role in the fight for the survival of the national identity. In the mid-18th century, the Polish Republic re-appeared and presented, as in the past, the traits of a multi-religious and multi-ethnic country. This atmosphere of tolerance, threatened by the wave of the Counter-Reformation when the stereotype of *Polak–katolik* (Pole–Catholic) appeared for the first time was fostered by the spirit of the Polish Constitution, which became law on 3 May 1791, being thus the first written constitution in Europe (second internationally only to the American one).
- 9. In 1975, the Helsinki Final Act was finally adopted: this document provided the foundation for recommendations, commonly referred to as the "three baskets". Human rights were among the 10 fundamental principles of the CSCE. Based on this basket, virtually all central and eastern European states began to establish Helsinki Committees and non-governmental institutions. They soon became the nucleus of a civil society that ultimately triggered the 1989 political changes. For details see M. Nowak (2003) *Introduction to the International Human Rights Regime*. Leiden/Boston, Martinus Nijhoff Publishers, p. 215.
- 10. Apart from the socio-historical setting, context may involve such parameters as participants, their roles and purposes, as well as properties of a setting, such as time and place.
- 11. In the selection of samples we have been guided by the awareness that discourse structures vary as a function of the structures of context, and may at the same time be explained in terms of these context structures. Conversely context may be shaped and changed as a function of discourse structure.
- 12. In particular, we have used the following official documents: Agenda 2000. Commission's Opinion on Poland's Application for Membership of the European Union, DOC/97/16, Brussels, 15 July 1997; European Commission's reports on Poland's progress towards accession from 1998 to 2003; Report of the Commissioner for human rights, Mr Alvaro Gil-Robles, on his visit to Poland (18-22 November 2002), Office of the Commissioner for Human Rights, Strasbourg, doc. CommDH (2003) 4, 19 March 2003; Human Rights Committee considers Report of Poland, UN Press Release, 28 October 2004; Fifth periodic report of Poland to the Committee on Civil and Political Rights (CCPR/ POL/2004/5), 2004; Concluding observations of the Human Rights Committee: Poland (CCPR/CO/82/POL/Rev.1), 5 November 2004; The 2004 United States Country Report on Human Rights Practices in Poland; Annual Report on Human Rights Violations issued by the International Helsinki Federation for Human Rights, 23 June 2004; Amnesty International Report on Poland, covering events from January to December 2003; Concluding Comments of the *Committee on the Rights of the Child: Poland*, United Nations (doc. CRC/C/5/ Add.194), 30 October 2002; The Effects of Anti-Abortion Law in force in Poland since March 16 1993. Report No. 2, February 1996; Women in Poland - Report by the Helsinki Foundation, 2004.
- 13. The law, already proposed in 1989 and then repeatedly amended and never passed, touches upon different substantive points, amongst them the

introduction of a second administrative language and double geographical denominations in municipalities inhabited by minority groups. The percentage of minorities living in Poland varies – depending on the source – from 1.3% (official statistics of the year 2002) to 4% (non-official data). The biggest groups are represented by Germans (officially 400 000-450 000; other sources: 800 000), Ukrainians (officially 250 000-300 000; other sources: 450 000), Belorusians (officially 200 000-250 000; other sources: 500 000). Other important groups are represented by Roma, Lithuanians, Jews, Ruthenians, Slovaks, Czechs, Russians, Greeks and Macedonians, Tatars and others. Non-official data, provided by NGOs and academia, are quoted in C. Pan and B.S Pfeil (2003) *National minorities in Europe*. Vienna, Etnos 63.

- 14. It is worth emphasising that all the samples analysed hereafter have been analysed in their original Polish version and afterwards translated from Polish into English. We are of course aware of the fact that any translation is indeed a first interpretation and for this reason we have tried to stick as much as possible to the original version, despite the objective terminological and syntactical discrepancies between English and Polish.
- 15. As pointed out by Van Dijk in his analysis of some general strategic properties of institutional talk about "others", most interventions in parliamentary debates are for the record and are usually read and prepared in advance. Some topics – such as those treated in this debate – are particularly sensitive, given their moral and political implications, and talk about them is generally highly self-controlled.
- 16. League of Polish Families. Established in 2001, this party unified different Catholic parties such as Stronnictwo Narodowe, Porozumienie Polskie, Ruch Katolicko-Narodowy, Przymierze dla Polski. The main point of their programme is opposition to the sale of Polish property to foreigners. They also oppose accession to the EU and propose instead a broader co-operation with the US, Russia, or with the EU, provided that Poland is given fair and equal rights and conditions. Official webpage: www.lpr.pl
- 17. Such traits have been highlighted by Van Dijk in his studies on parliamentary debates in England, in the Netherlands and more generally in Western parliaments, that is in societies where the public concern about ethnic minorities and particularly those arising from migration is particularly strong and represents a source of social conflicts. The Polish case represents a further challenge for a researcher, due to the low profile adopted by minorities be they ethnic, sexual or religious in claiming special rights and the still low incidence of migratory fluxes. The discursive construction of minority identities and claims through the voices of their representatives, and the majority reactions to these claims gives account of this societal structure. See also J. Dovidio and S. Gaertner (1986).
- 18. The Polish Popular Party is a "Christian-popular-democratic political party, which brings into contemporary and future society the patriotic traditions of the Polish popular movement and which recognises Christian values". Official page: www.psl.org.pl/
- 19. From a theoretical point of view, this means that text producers are faced with choices about how to use a word and how to word a meaning, while interpreters and analysts are faced with decisions about how to interpret the choices producers have made.

- 20. Linguistic features expressing moderation, such as modal verbs which in the speech of the minority's representative were predominant are almost absent here, while the assertive tone is predominant.
- 21. This bodily involvement, whose intensity and spontaneity are not easy to judge from a written record, is a more or less constant feature of the whole debate, which further gives account of the high emotional nature of the topic.
- 22. This distinction reminds us very much of that proposed by Billig (1988) between the elitist aspect of ideology (intellectual ideology) and its lived version, which indeed overlaps with culture but that still is a form of ideology. The clear-cut distinction between ideology and culture, insisted on in the speech, sounds indeed very ideological itself.
- 23. This is a figure of speech that refers to a wider concept through the use of a word, which is related to this concept.
- 24. This figure of speech is known as antonomasia.
- 25. In particular, Communism and feminism but also liberalism and Catholic morals are mentioned very often.
- 26. Accessed 30 May 2005. Available from: http://info.onet.pl/4,15,11, 1618865,0,0,forum.html>. Only forty-eight hours after the result of the referendum was made public, 770 messages had already been posted in the forum, which testifies to a certain interest about the topic.
- 27. Spelling and punctuation can be objects of analysis as well; in this context, the use of capital letters by one participant could be easily interpreted as a way to be heard amongst many other voices, just as when one screams.
- 28. We use here an expression, particularly appropriate for our perspective, taken from the title of the recent publication András Sajó (2004) *Human rights with modesty: The Problem of Universalism.* Leiden, Konikklijke Brill NV.
- 29. According to Karl Mannheim's distinction between utopia and ideology, ideological concepts are forms of interpretation and justification of the status quo in the disguise of normative values which may be former utopias "come to power", and therefore are no longer tools of social change.
- 30. The criticisms that invoke traditional "values", especially in the case of fareastern cultures shaped by Confucianism, often point to the negative effect that an individualistic legal order has on the social cohesion of the community.
- 31. In Italy, the church and the Vatican itself got very much involved in the referendum propaganda through public speeches delivered by ecclesiastic authorities, distribution of leaflets, etc. The leader of the Italian Radical party, Marco Pannella, talked on that occasion of an "unbearable menace to the Italian lay state".
- 32. Words of an MP belonging to the centre-right Italian political party Forza Italia, commenting on the new Spanish Law, passed in June 2005 by the government headed by the socialist J.L. Rodriguez Zapatero.