

The Implications of Abortion Underground's Institutionalization for the Management Studies

Bartosz PŁOTKA¹
Cristina-Iulia GHENU²

Abstract

In a vast part management studies focus on the formal aspects of organizing and controlling the environment. These elements include various models of managing, types of leadership, kinds of organizational culture and so on, which are maintained, communicated and enforced within officially sanctioned channels. Their operationalizations are either direct or indirect results of the formal principles implementation, such as internal regulations, the actual law, customs, tradition, values. On the contrary, there are practices considered informal which, dependently on their social functions, may be institutionalized. An example of such a practice is illegal abortion. It engages people performing specific tasks and, in some cases, even social movements sometimes supporting the procedure which is legally dubious in some countries. The aim of this article is to investigate what do the different aspects of illegal abortion imply to the management, human resources and political studies from the perspective of informal institutions taken as theoretical category. The analyzed data comes from Polish cases of illegal abortions, demonstrating unconventional ways of managing medical personnel and preparing a background for realization of political goals.

Keywords: *biopolitics, abortion underground, informal institution, political science, management*

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1. Introduction

In a vast part management studies focus on the formal aspects of organizing and controlling the environment. These elements include various models of managing, types of leadership, kinds of organizational culture and so on, which are maintained, communicated and enforced within officially sanctioned channels. Their operationalizations are either direct or indirect results of the formal principles implementation, such as internal regulations, the actual law, customs, tradition, values. On the contrary, there are practices considered as informal. In 2004, Helmke and Levitsky defined them as informal institutions referring to which as “socially shared rules, usually unwritten”, that belong to a society’s gray zone. They may be perceived according to the author’s intention as the already

¹ Bartosz PŁOTKA, Nicolaus Copernicus University, Poland, E-mail: bplotka.umk@gmail.com

² Cristina-Iulia GHENU, The Bucharest University of Economic Studies, Romania, E-mail: cristina.ghenu@man.ase.ro

functioning institutions, but also, depending on their social functions, as practices that may be institutionalized. An example of the latter perception is illegal abortion. It engages people performing specific tasks and, in some cases, social movements sometimes even supporting the procedure which is legally dubious in some countries. Such a situation occurs in Poland in which abortion was legally banned in 1993. Since then the abortion underground emerged as a market driven mainly by professional gynecologists who were legally providing the service before the ban. In such way illegal offices were created. The aim of this article, therefore, is to investigate differences between legally functioning organizations and illegally founded offices in terms of management studies but from the perspective of informal institutions, and in order to demonstrate the differences' implications for political science. To realize that goal, data chosen for analysis comprised the testimonies of women who had an illegal abortion and a documentary movie, "The Underground State of Women", directed by Polish feminist movement. The results demonstrate the ways of illegal management of medical personnel, the possible use of the procedure for the realization of political goals, and eventually a possible way of its conceptualization within the aforementioned disciplines.

2. The Legal Status of Abortion in Poland

While deliberating on the abortion in Poland one has to be aware of that there were two periods: socialist (1956-1989) and post-socialist (after 1989). During the first one abortion was legal and available on demand with an official state support. The estimated number of abortions performed in that time was around 160 000 (Okólski 1983). Nowakowska and Korzeniowska (2000) mentioned that this number decreased in 1980's due to the gradual introduction of restrictions. For example, women had to acquire a permission from a psychologist and three doctors instead of one, which, since that time, pushed them outside of the time limit for having a legal abortion.

The post-socialist period was initiated in 1988 by a debate which proved that biopolitical convictions, i.e. about political entanglement of life issues, do not often comply with the other political views and create a qualitatively different dimension of politics (for more see Hughes, 2004). The debate ended January 7th, 1993 by the establishment of the 1993 Act on Family Planning, Human Embryo Protection and Conditions for Legal Pregnancy Termination. According to the new law an abortion could be performed only in one of the following cases: a) when a woman's health or life was endangered by the pregnancy, b) if there was an incurable deformity of fetus which endangered its life, and c) if the pregnancy was the result of rape or incest reported to the police. The 1993 Act was called as the 'abortion compromise', although Girard and Nowicka (2002) argued that it was far from that and should be called, as in fact is, the Polish Anti-Abortion Act. The author's standpoint was supported by Nowakowska and Korzeniowska (2000) who observed that in the socialist period, when abortion was legal, only 3% of all

abortions were performed for the reasons contained in the Act. That made it almost the complete ban of the procedure. This is the main reason why an abortion underground emerged in Poland.

3. Theoretical Background

Whenever one wants to analyze some phenomenon, the first thing that should be done is a proper identification of a theoretical category that describes the phenomenon in the most accurate way. In the case of illegal abortion such a category is an informal institution, proposed by Helmke and Levitsky (2004). To understand its meaning we need to be aware that in every society there are deviations from the desired order of things expressed in legal provisions. Here crimes, the ointment of some parts of bureaucratic procedures or their creative interpretations and implementations can be mentioned. Some of these deviations are socially accepted and as such they can become unwritten principles of a given society. These principles may be resist against formal rules or be their supplement. In both cases these deviations are called as informal institutions. Libman (2016) summarizes the authors' idea and argue that informal institutions either violate formal norms, introduce new solutions in the areas not comprised by existing law or implement existing rules in a creative way. Following the authors' logic we can distinguish two ways of perceiving informal institutions. First, as institutions that already function in a society, and second, as practices that may become institutionalized. The latter process may occur either formally: through a) the recognition of something as important, b) the organization of knowledge about it (e.g. seeking for its origins, applications, contexts, etc., verification of how something correlates with a subject's beliefs), and c) establishing control over it; or informally: by becoming an established practice within a society but externally to the officially sanctioned channels. It is important to underline that the concept of informal institutions achieves its full explanatory potential only when related to expectations and values shared in a given society. As such, they can modulate an informal institution's meaning or become an informal institution by itself.

The attempts to indicate a theoretical category from management studies that would be useful to analyze the abortion underground phenomenon were mostly unsuccessful. The cause is that the procedure sneaks out from the classical conceptualizations. A category that may serve as a focal point to demonstrate that deactualization is organizational culture. Schein (1997) tried to define it by pointing out that it consists of shared norms, values, assumptions, understandings and methods of communication in a given human organization. Hofstede (2001) stated that organizational culture is holistic, rather stable and related to other anthropological concepts. Schreyögg (1991) added that organizational culture is a kind of social knowledge which facilitates finding sense and stable perception of dynamic world. Szczepanska (2014) tried to approach it as a company's 'personality'. These are only few definitions allowing to understand what is organizational culture. Yet their elements are almost always somehow actualized

while considering illegal abortions, and some of them simply remain without a possibility of application, as it is in the case of leadership. The next sub chapter contains empirical examples.

4. The Abortion Underground in Poland

Since the 1993 ban gynecologists, who were performing legal abortions in the socialist period, started to provide the procedure clandestinely in their private offices. Surprisingly, finding an information where to find a doctor willing to conduct the process was and still is not hard. Mishtal (2015) demonstrated that it is possible simply: through the advertisement section in newspapers. As an example, she used a random issue of *Dziennik Bałtycki* (August 9, 2012, local range) and *Gazeta Wyborcza* (May 12, 2014, national range) in which abortions were advertised euphemistically as ‘gynecologist safe, inexpensive’, ‘gynecologist discreet’, ‘gynecologist all services’, or ‘pharmaceutical restoring the menstrual cycle’. Finding these information is still easy nowadays, also in the local newspapers. Examples abound (*Gazeta Wrocławska*, August 11, 2017, local newspaper; *Nowości*, August 14, 2017, local newspaper).

Considering the given examples, an astounding phenomenon is the availability of the procedure. It is widespread across the whole country, available even for people who do not use Internet, and basically for everyone who has money needed to pay a fee for the service. Mishtal (2015) wrote that the cost ranges from 1000 to 4000 Polish złotych (the equivalent of 220-890€). However, according to the journalists from *Kurier poranny* (Klimowicz, 2003) who made their own investigation, the relatively high cost (the price equals to a medium Polish monthly or two months fee) of abortion is a result of engagement of other third-parties such as a driver, who usually is also a person of first contact and verification, a nutrition and accommodation provider, and a physiotherapist, if needed. Some women decide for abortion tourism and in these cases the price increases accordingly to the other factors including the distance, clinic, and the general level of complexity of the whole process. Surprisingly, the clandestine abortions are relatively safe in terms of legal penalty risk. According to Muszala (2004), who compared the number of advertisements with the number of criminalized abortion cases, the Polish police makes no more than few investigations per year. Police officers respond that the abortion underground is organized too well and capturing a doctor providing the service is nearly impossible unless a woman who had an unfortunate abortion reported a crime.

Federation for Women and Family Planning estimates that there are 80 000 – 200 000 illegal abortions performed annually while the Polish Society of the Defenders of Life (pl. *Polskie Stowarzyszenie Obrońców Życia Człowieka*) argues that the number is 7 000 – 14 000. Therefore, despite the discrepancy between the views of these organizations, they agree that the abortion underground is a matter of fact. They differ however in the methods of assessment and results. Not without

meaning is also a fact that both organizations use them accordingly to their aims. Henceforth, the estimation itself becomes a tool of ideological conflict between the sides. On the one hand, the Federation argues that banning abortion is pointless because it does not eliminate the illegal phenomenon and puts women having clandestine abortions on various health risks. On the other hand, the Society claims that the Federation's estimation is wrong because of decreasing number of women's deaths connected with pregnancy, improving reproductive health, and decreasing number of newborns' deaths. According to Muszala (2004), if the Federation's claim was valid, the given factors would be worse.

Helpful with the assessment of the abortion underground's scale is a consideration of the Society's argument about decreasing number of women's deaths connected with pregnancy. In other words it poses a question about safety of the illegal abortion. According to Mishtal (2015) it is mostly provided by the professional doctors who were making legal abortions in the socialist period. According to the author the most popular procedure amongst them is dilation and curettage (D&C) (in Poland known as skrobanka) – which depends on making first the general anesthesia and then a surgical process which is indeed danger – because this is the only method they learned while abortion was legal. The Society's argument therefore would be valid but amongst the advertisements many of them say about 'pharmacology' or 'new procedure'. In fact, they mean either a nonsurgical medication use or a vacuum method (surgically induced abortion) which are significantly safer than the classic D&C – and that contradicts the Society's main argument and allows to assume that the actual size of the abortion underground is bigger than estimated 7 000 – 14 000. A significant meaning for studying the abortion underground in Poland has also another fact. According to Mishtal's (2015) interviews with physicians, although they refused to perform abortions legally, they were doing that clandestinely in their private offices, just to avoid unpleasant situations in their workplaces and more generally, social criticism. They used for that the 'conscience clause' institution, legally introduced in Poland in 1996. If a woman meets the criteria from the 1993 Act to have a legal abortion a doctor can still refuse to perform the procedure if it violates his or her personal moral beliefs. If a doctor does that then has to direct a patient to another doctor. In Poland however, it does not happen always as showed the case of prof. Chazan. He refused to perform a legal abortion although it was certain that the child will be severely disabled and almost certain that it will die right after birth. Chazan also refused to point at another doctor, saying that doing the latter would make him no less responsible than if he performed the procedure himself (Terlikowski, 2014). The child's mother was therefore forced to give birth. According to the earlier assumptions, the newborn was deformed and died right after birth. The parents were crushed, the society astounded (one part by the cruelty of the doctor and the other part by the cruelty of the parents), and the doctor lost his job even though some movements, including the Church, were defending his decision. The widely discussed Chazan's case was not an exception. The similar situation happened in 2007 to Alicja Tysi c, who sued Poland to the European

Court of Human Rights because she was refused a legal abortion and pregnancy severely damaged her sight. According to Czekajewska (2016) the introduction of the 'conscience clause' caused such conflicts, based on a contradiction between a woman's autonomy and doctor's freedom of faith, now ubiquitous in the whole country.

The mentioned factors cause that in Poland it is easier to get an illegal abortion instead of a legal one, even if a woman qualifies for the latter. These and the other circumstances create a paradoxical situation that having an illegal abortion is basically in any aspect more reliable, safe and convenient.

5. Theoretical Implications

What does the above elaboration mean for the management and political studies? To begin with, if we are considering organizational culture as a focal point for analysis, the cases of illegal abortions show few following things. First of all, the number of factors that could influence organizational culture is smaller than in usual, formal cases. Such a private office does not communicate with its environment in a traditional sense (of mutual negotiation of meanings). It rather euphemistically announces its services but does not participate in any kind of dialog. Also, because of the latter reason, the aspect that does not count any more in assessing the organizational culture concerns relations of the office with the other organizations of the same type. True, they are competing on the market, but do not exchange information. The informal offices also resign from evaluating the work of employees and from introducing a motivational system. These aspects have meaning apparently only in formal organizations in which there is a competition between workers. In the clandestine offices found on trust and common economic interest, however, they basically lose all their significance.

For the reasons enlisted above, the category of organizational culture, and so many of the other management categories, are deactualized and not so helpful in explaining the matter. A proof can be found while trying to assess the type of organizational culture of an illegal abortion office. For example, when we use Cameron et al. (2006) typology, we can see that the hierarchical type does not work at all. It is because none of the illegal offices are built on that idea, and none of the type's aspect is present in the illegal offices' examination. Also, the category of leadership becomes deactualized since the distinctions within the informal offices are not hierarchical but functional. The remaining types – clan and market – seem to converge into the fourth and the last one, i. e. adhocracy. The meaning is that the core ideas on which the clandestine offices were founded recede from the ones which dominate in the studies on the formal aspects of the functioning of organizations. In the informal cases these ideas and values differ dramatically. For instance, the main values that underpin the informal practices are much more focused on, paradoxically, moral or ethical values, such as life, its meaning, a human nature, good life, wrongful life, wrongful conception, definition of death, a

concept of human, a concept of personhood, a concept of (bio) citizenship, etc. Thus, even if we assess an illegal abortion office as a representative of the adhocracy type (because of introducing innovations such as pharmacological solutions), we need to be aware that this assessment is incomplete and imperfect.

A possible exit from that impasse is a modification of Wright's (2006) idea on organized crime. According to his investigations, nowadays we need to distinguish two types of organized crime: the traditional and the new one. First of them may be addressed as to some gang or other group organized hierarchically. In such groups finances and duties are split according to the place taken in the hierarchy. The aims are oriented on "protectional" activity, control over clients' behavior and they are all realized through the use of violence. If we modify the author's idea about the transformation of the traditional crime, we can achieve a categorization useful for further management-political analysis. To begin with, the aims of new informal organizations are much more diverse than in the traditional groups. For example, and as it actually is in Poland, informal clients' activities may be used for political mediations. It is exactly the case described in the empirical part, especially the Federation's argument that banning abortion is pointless because it does not eliminate the illegal phenomenon and puts women having clandestine abortions on various health risks. While the Federation expects that at least over 80 000 women decide to have an illegal abortion, it would mean that the health risks are serious mass-scale danger. Another important theoretical aspect is that the new organized crime does not use violence. Clandestine offices do not force women to undergo an abortion, neither they attack anyone or anything. They simply perform tasks previously performed by the state, with respect to the principle of non-aggression. The way of organizing an informal office is also different than in formally functioning organizations or traditional organized crime. The financial integration, meaning the money share between the workers, and the workers integration, meaning the chain of command, are horizontal. It means that there is no hierarchy or stably ascribed functions or money share. Both activities and benefits split are extemporary and rely mainly on quick adjustments to the actual circumstances.

6. Conclusions

In this study the main emphasis was put on the observation that the vast part of management and political studies focuses almost solely on the formal aspects of organizations and their functioning. After the introduction of the category of informal institutions by Helmke and Levitsky (2004), the situation needs a change and more studies on the gray zones of these organizations or even the whole societies. In this article, the cases of illegal abortion were analyzed, as the dilly of informal practice which sneaks out the traditional categorizations and research methods. The case of Poland was selected for the analysis, as the example of a country in which abortion was legal and now is illegal due to the political changes within the country. Because of that, illegal abortions were institutionalized

as informal practices, and the abortion underground emerged as a market of illegal services. Apparently, the traditional categories of management studies proved as insufficient to describe and explain the intricacies of the abortion underground. Hence, the category of organized crime were proposed and modified as a possible way of approaching the topic. The results demonstrate that even though this category seems eligible, more theoretical studies on the abortion underground are needed, not only from the management studies' perspective, but also from all other disciplines, including especially political science, economy and sociology. Only merging the achievements of all these disciplines may provide the viable framework for studying such a complex social phenomenon.

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