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Women's rights in Poland

# Women's revolution after attack on reproductive rights

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**On Thursday, 22 October 2020, the Polish Constitutional Court ruled that the law on termination of pregnancy in force since 1993 was in part unconstitutional. This law had previously authorized abortion in three cases: danger to the health and life of a pregnant woman, the finding of irreparable damage to the foetus and suspicion that the pregnancy was the result of a "prohibited act" i.e. rape or incest. The Court ruled that the latter was contrary to the constitutional provisions on the protection of life.**

Thus, an institution that theoretically maintains legal order has officially increased the suffering of women. Both those who know they are carrying a dead or seriously and incurably ill organism, and those who want to have offspring in the future. In the first case, it is the unimaginable hell of the birth of a child whose mother already knows is dead or will not survive for more than a few weeks.

## A regime worthy of the inquisition

This kind of "heroism" fits into the vision of Jarosław Kaczyński, president of the ruling PiS ("Law and Justice") party. He said it was worth giving birth to a dead child, if only to baptize and bury it. However, the barbaric nature of this opinion is not new in Polish politics. A woman's right to control her body and her future has been the subject of a fierce struggle for years. A struggle which the Polish right, dependent on the support of the Catholic Church, has been winning unequivocally up to the aforementioned judgment by the Court.

The words "nobody expects the Spanish Inquisition" used in the famous Monty Python's Flying Circus sketch are not applicable in Poland. Clerical fanaticism is the daily bread there and should not surprise anyone. On the other hand, this particular triple alliance, which allowed such a shameful attack against Polish women, may be surprising. If it had not been for the pandemic and the limits to the functioning of the public sphere, the court responsible for executing the political orders of the PiS would probably have hesitated for a long time to rule on the constitutionality of what little remained of the reproductive rights of women in Poland. After all, those in power remember the enormous shock of "Black Monday" - a wave of social resistance against anti-abortion attempts, which in 2016 poured a bucket of cold water on the hot heads of the ultraconservatives who had been so sure of themselves.

The number of COVID-19 cases is increasing very rapidly. At the time of writing, Poland is in 8th place in the infamous ranking of countries with the highest daily incidence of infections. The number of deaths is also increasing alarmingly and health care capacity is on the verge of exhaustion. Everyone wonders if there are enough beds and ventilators in the hospitals. Ambulances wait for hours in the emergency department to hand over patients. It might seem that under such conditions, a terrified society was not going to notice a new institutional attack on women's rights.

However, the authorities were wrong. Despite the ban on gatherings of more than five people, Poland is experiencing perhaps the biggest wave of street protests since the restoration of capitalism. More importantly, they are taking place not only in larger urban centres, but also in small towns and villages. Even in those which not so long ago were made famous around the world by the appalling decisions of local officials who passed resolutions on "LGBT ideology free zones". It is not clear what the establishment of such "zones" meant, but these decisions by local authorities were a ruthless and disgusting attack on people with identities other than heteronormative, even if it did not go beyond the symbolic sphere. Some of these communities then withdrew their scandalous decisions. This is hardly surprising, after all the tapes and transcripts of their leaders' meetings proved that those who voted for "zones"

couldn't even decipher the acronym LGBT. When it turned out that some confused local officials were talking about "LPG-free zones", social media was overwhelmed with mockery. The acronym LPG refers to the English term "liquefied petroleum gas". However, it is difficult to accuse these officials of planning to ban such a popular fuel in Poland...

## Popular revolt ...

Small towns, including those located in areas considered to be strongholds of support for the PiS, reacted to the Constitutional Court's judgment in a completely different way than had been probably imagined by politicians in government positions in Warsaw. Instead of remaining silent, thousands of people began chanting without the slightest embarrassment, in the streets and in the squares, two slogans with little ambiguity: "wypierdala " [which can be translated as "will you fuck off somewhere else"] and "jeba PiS" ["fuck the PiS"] - in very vulgar terms.

The first protests - popular and spontaneous - took place as soon as the Court's decision was announced by its President, Julia Przybicka. [1] Hundreds of people, shocked and terrified by the cruelty of the verdict, took to the streets on the evening of Thursday, 22 October. Crowds gathered in front of the Constitutional Court building, then proceeded to the main headquarters of the PiS on Nowogrodzka Street in Warsaw. From the beginning, the protests were made public by a grassroots social movement - Ogólnopolski Strajk Kobiet [Women's General Strike] - which was established in 2016 in the wake of the aforementioned "Black Monday". Widespread and already unprecedented social mobilization then led the ruling party to withdraw its support for the total abortion ban bill debated by the Diet [the lower house of parliament].

Ogólnopolski Strajk Kobiet (OSK), a feminist organization whose best-known activist is Marta Lempart, has become a key force in organizing protests across the country: through contacts with grassroots activists, hundreds of marches were organized over the following days. [2] In many other towns and villages protests erupted spontaneously, mainly through the efforts of various informal groups. On Friday 23 October, thousands of protesters gathered in front of Jaroslaw Kaczynski's villa in Warsaw's Żoliborz district, crowds filled Freedom Square in Poznan, and hundreds of funeral candles were lit in front of the local headquarters of the PiS in Lodz. The first protests were still relatively calm - there were more women frightened and crying than shouting vulgar slogans. Despite this, right-wing journalist Rafał Ziemkiewicz called them "vulgar bitches" on Twitter, and the pro-government media consistently marginalized the massive nature of the protests, underestimating the number of participants. The turning point was the diversionary actions during Sunday masses in churches.

## ... which does not spare the churches

As part of the "Sunday liturgy", protesting women interrupted masses shouting pro-abortion slogans ("Let us pray for the right to abortion"), applauding wildly in cathedrals, scattering leaflets and writing appropriate slogans as well as the phone number of the Abortion Dream Team - a social organization that facilitates abortions abroad for Polish women. In the evening, in Warsaw, demonstrations took place in front of the headquarters of the Curia, and throughout the country, protests in front of churches became more and more intense. Of course, this has provoked outrage from nationalists and media commentators close to them, fervently calling for "defending the shrines". In front of the Church of the Holy Cross on Nowy Świat Street in Warsaw, the demonstrators were confronted by the "National Guard" - a strange, quickly structured paramilitary formation, led by Robert B kiewicz, one of the organizers of the annual Independence March. Nationalist "Defenders of the Church" assaulted an elderly lady and pushed a young woman downstairs, leading to her hospitalization. The assault unfolded under the watchful eye of the police, who failed to protect the women protesting against the nationalist aggression.

## A new generation in revolt

These events in Warsaw increased social combativeness. Subsequently, spontaneous protests took place in a completely different spirit: with blockades of streets on Monday in hundreds of Polish cities (tens of thousands of people in each of them), a women's strike on Wednesday (during which women and men who supported them refused to work), huge marches of students and high school students all over Poland. It was then Jarosław Kaczyński made a speech calling for a fight against women who would not submit. The PiS president has been openly criticized for inciting society to civil war, and his speech has become an inflammatory force to radicalize the discourse of the protesters. While recording the message, Kaczyński had the Fighting Poland sign pinned to the flap of his jacket, used by insurgents in Warsaw in 1944. Five survivors of this insurgency commented harshly on the use of this symbol, telling the daily *Gazeta Wyborcza* that Kaczyński did not have this right and that such a diversion is unacceptable. Veterans of the insurrection also expressed support for the protest, calling it "fair" and - despite the threat of the pandemic - actively participated in the marches. The biggest demonstration took place on Friday, 30 October in Warsaw: around 100,000 to 150,000 people from all over Poland flooded the streets of the capital. According to the police - who according to the commentators underestimated it - this is the biggest popular mobilization in recent years in Poland: more than a million people took to the streets of hundreds of towns and villages. [3].

Among the protesters, the largest group were very young women and girls - high school and college students, as well as so-called "young adults" - people under 35, consciously making their first vital decisions. The participation of this age group resulted in unprecedented irony and sarcasm on the signs and slogans. The most popular - "wypierdala" (the rawest of Polish vulgarisms, ordering the adversary to go away immediately) and the media criticism of the "exaggerated vulgarity of the protests, which only harms the cause" - quickly led to creative transformations. The banners read "We urge you to run away quickly", "We ask you to fuck yourselves elsewhere" or "If you please, leave". The contrast between the use of neutral forms of expression in the face of the overwhelming emotions of crowds of thousands of people becomes comical.

"Whoever lives in Poland does not laugh in a circus", "The government is not a pregnancy, it can be expelled", "If the altar boys got pregnant, abortion would be a sacrament" and "When the state does not protect me, I will defend my sister" are just a few of the most common slogans. Many of them transferred humour from Internet memos and popular entertainment programs straight to signs and banners: "Today we're going to make a duck stew", "PiS makes tea with ravioli water", "We're afraid to fuck" and "Only anal [relations] are possible" appeared simultaneously in many towns and villages. [4] A short recording made during the Warsaw Student Demonstration, which shows a group of young people dancing to Eric Prydz's 2004 disco hit "Call on me", has become the most popular. Instead of the text repeated in the original version, the crowd shouts "fuck PiS", the second most important slogan of the anti-government protests after "Wypierdala", already mentioned. The recording quickly went viral, and Cypis' song "Fuck PiS", based on it, was played from portable speakers at subsequent events (it has already been viewed over 4.7 million times on [YouTube](#)).

## Towns and villages mobilized

The phenomenal nature of the protests after the announcement of the verdict of Julia Przybicka's court lies in their unprecedented generalization. [5] The "walks" took place simultaneously in thousands of towns across the country, especially small ones of a few thousand inhabitants. In some towns, the October protests were the first in history. In Sztum, Trzebiatów, Sanok, Pruszków or Mylibórz, people who have never participated in such activities have taken to the streets. In the media it is said that this is a breach in the reflection on social resistance in Poland and also the first step towards a real separation between Church and State, which has been illusory until now.

The behaviour of the young girls of Szczecinek, a town of 40,000 inhabitants, had a huge impact: on October 25, they confronted a priest trying to talk to the strikers. They surrounded him shouting "Show your uterus", "Go back to your church" and finally "fuck off somewhere else". The teenage girls received support from demonstrators in the area and local media published tapes of their activities. The far-right, pro-government television channel TVP Info presented the behaviour of the young women as a scandalous and vulgar insult to the holy man who carries the host. In fact, this "holy man" did not have a host. In addition, he had been previously suspended from his priestly duties and, during the protests, he showed his middle finger to drivers who supported the protesters.

## Against the Patriarchs

A new word has appeared in public discourse: "dziaders" [which could be translated as "patriarch", though it is more vulgar]. The banners announced the "twilight of these patriarchs", that is, the imminent fall of the patriarchate. The "dziaders", protector of the conservative Polish social order, is an extremely common figure in Poland: it can be an uncle at a family celebration, a university lecturer saying that women should not study or one of the ministers of the current PiS government (where there is only one woman, the minister for family and social policy). Polish women, tired of having been marginalized for many years in public life and having the ethos of sacrifice for the family imposed on them, are protesting against the men in power - both at the secular and ecclesiastical levels - who treat them disrespectfully, condescendingly and as objects, imposing their own opinions on them in the name of "defending values and traditions". The thunderous "fuck off somewhere else" shouted by the 15-year-old Szczecinek girls can overthrow patriarchy in Poland, which has been so perfectly preserved by all political options over the past decades.

Under the PiS regime, the Constitutional Court has lost the vestiges of its political independence - already questionable. It is made up of people delegated to this work by the leaders of the ruling party. These include, among others, Krystyna PawBowicz, known for her predilection for vulgarly insulting political opponents, and former Communist prosecutor Stanislaw Piotrowicz, an obedient member of the Polish United Workers' Party, who passed sentences against activists from the Solidarnosc union, then recycled himself perfectly in the conditions of liberal democracy, transforming his Stalinist version of Marxism-Leninism into an ardent Catholicism. Piotrowicz rose to fame in 2001 for his defence of a priest accused of paedophilia. After the PiS came to power in 2015, he played an important role in dismantling the Constitutional Court and eventually became a member. He got this job to compensate for his failure in the 2019 parliamentary elections to be re-elected as a parliamentary deputy. The president of the Court, the aforementioned Julia PrzyB bska, is criticized in the legal community for - putting it as delicately as possible - her lack of respect for legal standards.

## For the legality of abortion

Access to legal abortion has been the subject of heated controversy in Poland for many years. After World War II, the regulations on termination of pregnancy were changed several times, but the eligibility of abortion, introduced in 1956, due to women's difficult living conditions, offered wide possibilities of interpretation. In practice, this meant a relatively easy route to undergo pregnancy termination in a public health facility. However, the technical and legal availability of abortion contrasted with a strong taboo in society and a significant moral burden on women who had unwanted pregnancies. The discourse of "protecting life" from what current government supporters call "eugenic abortion" triumphed in 1993 when the family planning law was passed. This happened a few months before the concordat between the Vatican and the Republic of Poland.

In the wave of social and economic transformations after 1989, Catholic fundamentalism grew in importance and became part of the mainstream politics. The Church ceased to serve as an open centre of support for a wide range of

opposition circles struggling against the authoritarian regime of the Polish People's Republic - not just those referring to Christianity. Its political influence during the 1990s fuelled radically conservative rhetoric, which resonated both among the working classes and among a part of the Polish middle class emerging under the new capitalist conditions. And after 1989 few truly significant political organizations attempted to advance anti-clerical demands.

Denying women access to legal abortion has been dubbed the "abortion compromise". Without the immensity of the suffering to which the 1993 law condemned thousands of women, the use of the word "compromise" could be seen as a sign of black humour. This compromise has been made over the heads of Polish women, between the Church hierarchy and the political right, with weak opposition from the main left and centre groups. Although in Parliament these circles voted against the anti-abortion law, in the following years they distanced themselves from the issue of the right to termination of pregnancy by striving to establish favourable relations with the Church. Support for "compromise" has become an excuse to avoid the subject. Clandestine abortion has become the biggest beneficiary of this state of affairs.

As a result of political decisions, Poland has since the 1990s become a source of cheap labour for all of Europe. Low wages, especially outside the big cities, mean that few women who are considering an abortion can easily afford a clinic in Austria or Germany, or even Slovakia where the prices are lowest. Some of them, struggling not only with material deprivation, but also with a lack of support from their partners or relatives, desperately decide to use the services of more or less professional entities offering treatment in Poland. The Federation of Women and Family Planning estimates that more than 100,000 illegal abortions are performed each year. The official number stands at 1,100 such procedures, with nearly 1,000 abortions performed in 2018 due to "irreparable damage to the foetus". The decision of the Constitutional Court de facto moved abortion in Poland from public clinics to the garages of gynaecologists.

## Against Catholic fundamentalists

When, in October 2020, opposition to toughening the anti-abortion law began to manifest itself outside and sometimes inside Catholic churches, it became evident that the Church authorities would not be able to withdraw into a position of comfortable neutrality. The co-responsibility of the clergy in creating the conditions for the aspirations of pro-life fanatics to become reality is widely accepted. A huge role in developing the idea of protecting "children in the prenatal phase of life" (sic!) has been played by the Catholic fundamentalist organisation Ordo Iuris, an army of skilful lawyers, well paid by South American fanatics. Ordo Iuris is currently the biggest threat to human rights in Poland. Its members are fervently trying to translate their fanatical worldview into Polish law. As we can see, effectively.

On the right-wing side of the digital social media barricade, intellectually miserable but obviously very excited journalists make arrogant slurs against women, the LGBT community, opposition politicians and virtually anyone who risks opposing the pro-government team. Among these narcissistic barkers, Rafał Ziemkiewicz, already mentioned above, stands out for his particular harshness, which he and others like him define as "insubordination". Venomous attacks on women fighting for their rights can be seasoned with a pinch of conspiracy theories, for example in the form of pseudo-scientific arguments about the harmfulness of all types of contraception except the "calendar" method (called by others "Vatican roulette") and disgusting manipulations on the causes pushing Polish women to abortion. Advocates of the "right to life" (of embryos) cite well-known "eugenic" motives. This is particularly the question of people with Down's syndrome. They try to convince us that decisions to terminate a pregnancy are mainly based on the extremely selfish beliefs of mothers, disturbed by the cultural influences of the "decadent West". These cruel women simply do not want to show mercy to their disabled children and deny the value of their lives. Such shocking views are not only propagated by religious fanatics who distribute literature in front of churches warning of "Communist-Judeo-Masonic conspiracies" or "LGBT ideology". They are part of the politics and content promoted by public television, funded by our taxes.

In the rightist interpretation of Polish culture, children are the highest value - however, this only applies to "unborn children" (foetuses) and young people who do not yet have their own view of the world. In the discourse of the conservative Polish right, which is radicalizing, a teenage girl who fights for the right to her own dignity can only be spoiled or manipulated. But these patriarchal and condescending calls for order by omniscient politicians and other defenders of "traditional Polish values" are losing their influence in the face of the convergence of social oppositions that is underway today. Although the dynamics of street protests are waning - one cannot hope that crowds similar to those at the end of October will constantly take to the streets - the coming together of many social groups in the act of resistance to the authorities is a fact. While it may sound utterly unbelievable, at the height of the COVID-19 pandemic we are faced with a situation of which it can be said without exaggeration that, while it does not have a revolutionary character, it is extremely close to it.

## After the pleasant surprise

The scale of this mobilization is all the more surprising given that for many years Polish society seems to have been pacified when it comes to articulating broader class struggles. The specificity of the development of neoliberal capitalism in Poland goes beyond the subject of this article, but it is interesting to note that the same masses who demonstrate so vigorously today have until recently appeared to be exceptionally apathetic and depoliticized, even compared to other countries of the former Eastern bloc.

Of course, we have to avoid being euphoric. Because the ongoing protests are already a source of strong friction between the different circles united by their rejection of the judgment of the Constitutional Court. Due to the non-existence of an organized mass labour movement (apart from the weakened unions, some of which hesitate to take a clear position on abortion, while others such as Solidarnosc, which shamefully tramples on its historical heritage, openly cooperate with the far right, including its neofascist component), the left is not very audible. On the one hand, it is necessary to underline the great determination and the merits of the deputies of Lewica and of the activists of the countless social and political organizations which took part in the demonstrations. [6] But, on the other hand, the creation of a body called the Advisory Council by the National Women's Strike has sparked great controversy.

According to its initiators, this Council should play a strictly consultative role in the service of the mass movement. However, it was mainly made up of people associated with the Warsaw NGO community, academic institutions and political organizations. Among them we find a former minister discredited during the PO government. [7] This Council was not chosen by democratic process, but at the initiative of OSK leaders and their associates. The Council states that, in addition to the issue of reproductive rights, it will analyse the issues raised by the demonstrators in the areas of workers' rights, social policy, the education system or ecology. It is not clear what exactly the work and purpose of this organization will be. But it is clear that there are people within it who have vastly different views on fundamental issues, such as "trash contracts". [8] There is therefore a risk that an undemocratically elected council with unclear objectives will become divided even before making known the results of its work.

This is not, however, a reason to sink into fatalism. This Council could play an important role, for example by coordinating the defence of activists whom the authorities are already beginning to repress. In theory, women's rights activists in small towns are the easiest to attack because they lack a large social and media base. They are already threatened with sentences of up to eight years in prison, dismissal or various forms of ostracism. But they are also strong people who, in these exceptional circumstances, can count on the solidarity of an unprecedented movement across Poland. It seems that one of the most important slogans of the rampant Polish revolution - "You will never go alone again" - this time finds its confirmation in reality.

9 November 2020

## Women's revolution after attack on reproductive rights

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[1] Born on 16 November 1959, Julia Przybyszka, a member of the Constitutional Court since December 2015, became its President in December 2016. According to many jurists, including former presidents of this Court, her appointment was made in violation of the law.

[2] Marta Lempart, a lawyer by training, one of the initiators of the Polish organization Ogólnopolski Strajk Kobiet (National Women's Strike, OSK), which demands the right to free abortion, was one of the organizers of the "black protest" - a mobilization of women against the attempt to pass a law totally banning abortion in Poland in September-October 2016 - and of "Black Monday" (3 October 2016) - the first women's strike in Poland. This mobilization forced the PiS government to withdraw the bill. She also took part in the organization of movements in defence of the independence of the judiciary, against paedophilia of priests in Poland, in defence of LGBT+ and disabled people. She has publicly made her coming out.

[3] In 2020 the population of Poland is estimated at 38 million

[4] Literally translated the surname of the president of PiS refers to a duck (*kaczka* in Polish).

[5] This Constitutional Court, which the PiS government radically restructured in 2015 - a restructuring questioned by the European Union - has little to do with independent justice, even formally. It is illegitimate, like its president, hence the widely used term Przybyszka Court.

[6] Lewica ("the Left") is the name of the political alliance formed by the SLD (Alliance of the Democratic Left, which has its roots in the Polish United Workers' Party in power from 1944 to 1989), Wiosna ("the Spring", a centre-left grouping founded by Robert Biedron, LGBT activist and journalist, in 2019), Lewica Razem ("Left Together", a party to the left of the SLD founded in 2015), the PPS (Polish Socialist Party, identifying with the social-democratic tradition) and several other small political organizations, including the Feminist Initiative, as well as a peasant union and a student union. Lewica came third in the October 2019 elections, obtaining 49 MPs (24 SLD, 19 Wiosna and 6 Lewica Razem) as well as two senators (1 Wiosna and 1 PPS).

[7] Platforma Obywatelska ("Civic Platform") is the main Polish neoliberal conservative party, founded in 2001. PO led the Polish government from November 2007 to November 2015. In the 2019 elections, the electoral alliance formed by PO obtained 134 deputies and 40 senators. PO is a member of the European People's Party, currently chaired by its former Prime Minister Donald Tusk.

[8] Labour contracts allowing the hiring of workers to perform a task with no fixed working hours and no social insurance. The number of those who live only on these "trash contracts" has increased under the PiS governments, reaching 1,200,000 workers by the end of 2019.