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Poland

Behind the 'Black Protests'

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On October 3, 2016, cities across Poland were seized by massive demonstrations against new proposals for a total abortion ban in the country. These proposals, first drafted by the Ordo Iuris Institute, a reactionary Catholic foundation, were designed to deny all access to abortion, with no exceptions. The conservative government of the Law and Justice party (PiS), along with the Roman Catholic Church, fully supported the idea. But the women’s rights movement that spontaneously emerged in opposition forced ruling-party members in Parliament to abandon the project.

The conservative political turn in Poland seems to be part of a wider anti-progressive tendency in the developed world, along with the rise of Donald Trump in the United States; Hungarian “post-fascism”; xenophobic movements in Germany like the new anti-Muslim AfD party; the National Front of Marine Le Pen in France; and the racist Sweden Democrats, which is now that country’s second-most popular party. [1] These new right-wing forces focus mainly on two issues: the global refugee crisis, which has inspired anti-Arab nationalism culminating in attacks on North African and Syrian war refugees; and women’s rights. In the latter case, the rise of the radical right should be seen as a reaction against women’s emancipation, which it considers a threat to “traditional family values”—that is, male supremacy and patriarchal social systems. In many countries, the most contested front in this fight has been efforts to limit access to abortion. The right-wing assault on reproductive rights has inspired a countertendency in the form of new women’s rights mobilizations, in Poland as elsewhere.

I aim to present the complexity of struggles over the Polish abortion law in the context of the ongoing rightward turn in national politics, focusing on the relative influence of religious and progressive feminist forces. I also seek to show that the current anti-abortion tendencies are not merely a contemporary phenomenon, but are instead deeply rooted in a long Polish history of political reaction in cultural and sexual fields. This stands in contrast to the recent mass mobilization for abortion rights, a new phenomenon whose further evolution remains uncertain. Whatever its eventual outcome, the movement’s victory over the ruling party and ultra-Catholic organizations was an unexpected achievement.

Abortion in Postwar Poland

After 1950, under the Stalinist bureaucratic regime, abortion law in Poland was based on conservative Soviet medical law. [2] In 1936, Joseph Stalin’s government had criminalized abortion, previously allowed under Bolshevik revolutionary power. The new law permitted the procedure only in cases of incest or rape, or when the mother’s health or life were in danger. Abortion in all other instances was strictly prohibited and punishable by imprisonment. After Stalin’s death in 1953 and the subsequent period of limited political liberalization, the question of abortion law was raised anew in the Soviet Bloc. The first change came in the Soviet Union itself, where in 1955 the Supreme Soviet, formally the highest power in the country, repealed the criminalization of abortion.

In Poland such changes proved far more problematic, sparking conflict within the ranks of the ruling Polish Unified Workers’ Party (PZPR) and party-controlled political organizations. Some feminists, such as Auschwitz survivor and lawyer Maria Jaszczuk of the Women’s League, began a campaign to legalize abortion in cases of social hardship. All proposals to liberalize abortion were quickly condemned by the PAX Association, an influential pro-government, ultra-nationalist Catholic organization led by the prewar head of the fascist National Radical Movement—Falange, Boleslaw Piasecki. [3] PAX’s publishing house provided a venue for Polish rightists like Stanisław Mackiewicz, a monarchist and nostalgic imperialist, to air their views after the Second World War. (It is worth noting here that

contrary to the common view, the nominally socialist Polish bureaucratic regime retained right-wing allies who were allowed to publicly promote nationalist Polish chauvinism in exchange for accepting the political monopoly of the PZPR and Poland’s membership in the Soviet Bloc. PAX was exactly this kind of organization.)

During parliamentary debates in 1956, opposition to abortion rights was led by Jan Dobraczyński, a former sympathizer of another prewar fascist party, the National Radical Camp—ABC, and later a member of PAX, who denounced the idea as an assault on “family values” that promoted a “neo-Malthusian” approach to national demography. To bolster his argument, Dobraczyński used an old tactic, based on conservative attitudes but deeply rooted in the early Communist movement, that conflated women’s free choice with so-called neo-Malthusianism—that is, a policy of population control against the proletariat. The first leading figure to denounce neo-Malthusianism while supporting women’s right to abortion was V. I. Lenin. In his 1913 article “The Working Class and Neo-Malthusianism,” Lenin wrote that the working-class movement should demand “the unconditional annulment of all laws against abortion or against the distribution of medical literature on contraceptive measures,” and acknowledged that such laws are part of “freedom for medical propaganda and the protection of the elementary democratic rights of citizens, men and women.” [4]

Finally, in April 1956, the Polish Parliament accepted the Jaszczuk project. The new law extended the right to abortion to women suffering under harsh social and material conditions. However, until 1959, permission for such abortions was decided not by the woman herself, but by a commission of obstetric physicians and state bureaucrats. Later, the government ordered a disposition that allowed women to make their own abortion decisions. According to feminist scholar Małgorzata Maciejewska, from 1956 to 1989, over 97 percent of abortions were sought for social and material reasons. [5]

The new policy was denounced by the Primate of the Polish Roman Catholic Church, Cardinal Stefan Wyszyński, and the nationalist right-wing camp of the ruling bureaucracy. In 1958, PAX members tried to reinstate the ban on abortion during parliamentary discussion, but most legislators opposed the idea.

The ideological similarities and personal connections linking PAX and its allies to the contemporary Polish state and right-wing forces are significant. PAX’s struggle against women’s emancipation in general, and abortion rights in particular, was among its main fields of activity, and helped promote the model of the “traditional” Polish family and to entrench misogynistic prejudices in the country’s public life. For example, in 1986, the PAX press published a work by Stanisław Szawiński—an ultra-religious pedagogue, “family adviser,” and assistant to the minister of education under the first PiS government (2005–2007)—in which he attacked Polish women’s ongoing emancipation as a danger to motherhood and the “natural role of women’s biological gender.” “A feature of womanhood,” he wrote, “is the need for a full and exclusive tie with a man.... It is a strong driving force in a woman’s life...strictly related to a woman’s vocation for maternity.... A woman’s fear of solitude...leads a lot of women to totally lose the ability of critical thinking,” which manifests itself during the “sexual game,” when they tend to “lose the ability to control their own behavior.” Thus a woman’s natural role is motherhood and maintaining stable sexual relations with her husband. “The tragedy of contemporary Polish girls,” however, “is that they are educated in an atmosphere of the cult of the values which are located outside family life.... Girls are growing in the conviction that their value is determined primarily by their professional position and participation in the cultural and social life outside the house.” This also relates to sexual freedom, which “leads to a specific deformation in sexual development” and causes a “deformed understanding of a woman’s own womanhood,” and “the most drastic aspect of this anti-maternity attitude of contemporary women is the killing of their unborn babies.” Szawiński decried abortion as the “profanation and most deep humiliation of a woman,” while making no mention of sexual harassment, rape, or any other forces that oppress women and deny them control of their bodies. For Szawiński, “emancipatory movements” like those for abortion rights and gender equality were “in opposition to women’s interests” because they made women “less likely to be female.” [6]

The Abortion Compromise

Since the collapse of the bureaucratic regime in 1989 and the restoration of capitalism in Poland, the question of abortion and reproductive rights has returned to the center of public debate. In 1992, right-wing MPs, with strong backing from the clergy, moved to criminalize abortion for social and material reasons. In response, a massive pro-abortion movement launched a petition for a referendum on the proposed law, collecting 1.3 million signatures. If held, the referendum would likely have been decided in favor of abortion rights, with polls showing 53 percent of Poles supporting abortion for social needs, and only 32 percent against. [7] Thus the main opposition to the referendum came from the Roman Catholic Church, whose representatives in the Episcopate Conference, the most important governing body of Polish bishops, declared that “God’s Law could not come under a referendum.” [8] In 1993, the conservative and religious majority in the Parliament refused to hold the referendum and proceeded to repeal the main tenets of the 1956 abortion law, despite strong public support for abortion rights. Ever since, the law has allowed abortion in only three cases: when pregnancy results from a criminal act, such as rape or incest; when the fetus is irreversibly damaged and unable to develop into a healthy child; or when pregnancy endangers the life or health of the mother. The criminal code further states that in all other cases, those who assist in an abortion or try to convince a woman to abort a fetus must be punished, although a woman who has had an abortion will not be criminalized. In the 1990s, this new law was named the “abortion compromise” by the ruling party, but both sides of the struggle—“pro-choice and “pro-life”—considered it inadequate. [9]

Today the situation has changed. Despite the Catholic Church’s strengthened political position since 1989, its moral authority has declined as social attitudes toward sexuality and gender have evolved. In Poland, the ongoing “sexual liberation” from below has led to a general rejection of the most conservative anti-sex Catholic teachings, an increase in the number of non-marriage families, and a gradual process of laicization. [10] Unfortunately, these social shifts have not been accompanied by significant legal or political changes, and the legislative “consensus” on the abortion compromise remains dominant.

The 1993 compromise has severely limited women’s access to abortion. Even in lawful cases, women face impediments put in place by medical administrators and conservative physicians, as in the 2000 case of Alicja Tysi?c, whose third pregnancy endangered her eyesight. In 2007, the European Court of Human Rights ruled that administrative obstacles had made it impossible for Tysi?c to access a health-related abortion, thus violating her rights to medical care and privacy. [11] In addition, hospitals where abortion is still legally performed are routinely targeted by ultra-Catholic “pro-life” organizations, who picket in front of their buildings. [12]

Furthermore, the abortion compromise has deepened class and material disparities in access to safe abortion. Higher-income women are likely to travel to other EU countries for abortions, while others who lack such means are left at the mercy of medical staff who often block access to abortion. Underground abortions are widely available, but are commonly seen as dangerous and unhygienic. It is hard to determine the scale of these operations, but pro-choice organizations estimate that 80,000 to 100,000 illegal abortions are performed each year. [13] Legal abortions are rare: in 2016 only 1,098 were performed, most in cases of fetus damage. [14]

Moreover, the status quo is being challenged by the more radical religious groups and the Roman Catholic Church—still the strongest religious organization in Poland—who demand a full abortion ban, even in cases where the mother’s life is in danger. On the opposing side, the weak left-wing parties and tiny feminist movement have failed to mount a campaign to extend the rights established by the 1993 abortion law. The neoliberal Alliance of the Democratic Left (SLD), one of the leading forces of the capitalist restoration and privatization of public resources in the 1990s and 2000s, has used its political power to liberalize abortion rights only once, in 1996, when abortion for economic or material reasons was briefly restored. However, in 1997, the Constitutional Tribunal, guardian of the country’s new legal order, found the law unconstitutional and illegal under the new Polish Constitution, declaring that Polish law “protects human life.” [15] In the 2000s, another SLD government, though much stronger than the previous one, made no effort to reestablish the law, acceding to prevailing Catholic and social conservative views. Since the

SLD's defeat in the 2005 elections, successive governments of the conservative PiS, led by Lech Kaczyński and Jarosław Kaczyński (2005–07), and of the center-right Civic Platform (2007–15) have not tried to change the abortion law due to the “deep controversy” around the issue. [16] The situation changed in 2015 with the sharp rightward turn in Polish politics, the defeat of Civic Platform, and the second electoral success of PiS.

Attitudes on Abortion Before the Protests

Social and cultural issues have deeply divided the Polish working class, and society generally. These contradictions are based more on gender than class, however. Before the massive pro-choice protests at the end of 2016, the dominant attitude in Polish society toward the right to abortion was stable and moderately conservative, in contrast to attitudes in the early 1990s. Unfortunately, there are no studies of abortion support among the Polish working class from before 2016, limiting our understanding of the role of class stratification and the social division of labor in shaping public opinion. However, there is some data on the income level of participants in surveys conducted in 2016, offering at least partial insight into the issue.

According to a 2012 study by a well-known Polish polling agency, the Center for Public Opinion Research (CBOS), 81 percent of Poles supported abortion when the mother's life was endangered by the pregnancy, 78 percent in the case of rape, 71 percent in the case of endangered health, and 61 percent when the fetus was biologically damaged. In contrast, only 13 to 16 percent favored liberalization of abortion law in cases such as difficult material conditions, a woman's decision not to have children, or other personal factors. Consequently, in 2012, the majority of Poles (73–75 percent) supported the existing abortion law. Only around 7 percent were in favor of more repressive measures. [17]

In April 2016, another CBOS poll showed that these attitudes had largely held stable: 84 percent supported abortion if the mother's life was in the danger, 76 percent in cases of endangered health, 74 percent in cases of pregnancy resulting from a criminal act, and 61 percent in cases of fetus damage. Only 15 percent were against the right to abortion when the mother's life was endangered, 23 percent in cases of fetus damage, 16 percent in cases of rape, and 24 percent in cases of incest. At the same time, 78 percent of Poles opposed full liberalization, while just 12 percent supported the idea. The research further showed that support for abortion was strongest among groups with left-wing political sympathies (73 percent to 91 percent) and the non-religious (81 percent to 94 percent). [18]

Furthermore, the 2016 survey contains some interesting data about per capita income among families: 80 percent of people at the lowest income level (less than 649 złoty per month) opposed access to abortion even in cases of social and economic need, and only 10 percent were in favor. Those in the 1000–1400zł bracket were even more conservative: 84 percent were against the right to abortion and only 6 percent supported it for “economic reasons.” Eighty percent of respondents in the 2000zł “and more” income bracket opposed abortion in the case of “economic needs” — a level similar to that of the lowest-income group — and only 14 percent supported abortion in cases of “material needs.” Moreover, the same income group supported the right to abortion when the pregnancy resulted from rape (84 percent). Unfortunately, there is little information about the respondents' occupations. Nineteen percent of “unemployed” respondents (without further clarification) were against the right to abortion in the case of danger to the mother's life. Among service-sector and private and state-sector employees, 86 and 83 percent, respectively, supported the right to abortion in cases of endangerment to the mother's life. Twenty-five percent of low-skilled workers were against the right to abortion in the case of rape. [19] This, then, was the situation in the months before Parliament supported the *Ordo Iuris* abortion ban proposal, and the subsequent emergence of a massive pro-abortion movement in September–October 2016.

As Katarzyna Kowalczyk, a CBOS commentator, stressed in 2010, “from the beginning of the implementation of the more repressive abortion law, the social attitudes to the issue have become more and more conservative” following the so-called “principle of social conformism,” understood as a “tendency to accept opinions which are seen as

prevailing in society.” [20] There is no doubt that a moderate conservative attitude toward abortion rights has long prevailed in Polish society, and historical dynamics show its stability. But while not denying the impact of social conformism amid the “moral panic” generated by the dominant conservative Catholic ideological apparatus, the changing class composition of Polish society since 1989 remains an underexamined factor in this enduring conservatism.

The limited data on survey respondents’ position in the division of labor hardly shows significant differences among Polish workers on abortion issues. Under the neoliberal social atomization of labor, low-income groups have been largely excluded from the country’s cultural progress, which may be one reason why large sectors of the Polish working class appear conservative, although there are some exceptions (for example, support for abortion access in cases of rape, opposition in cases of maternal endangerment). However, a purely income-based explanation cannot be accepted, given the similarities between the lowest and middle-income groups and the lack of a significant gap between various working-class groups. It is interesting to note that more than 80 percent of “all workers” from the 2016 survey supported the right to abortion in cases of rape, especially workers from the service sector, in comparison to 74 percent of respondents who were in favor of abortion in that case. The marginally more progressive leanings of service-sector employees may be attributable to the general heterogeneity of this group. Among female students, these laboring groups formed the core of the pro-choice protests. Overall, however, the Polish working class has shown only a slight correlation between higher incomes and more progressive attitudes on abortion.

The Stop Abortion Project

In June 2016, Ordo Iuris announced its Stop Abortion project to reform the abortion law. The institute proposed a new category deserving legal protection, the “conceived baby,” which it defined as “a human in the prenatal period of development from the moment of combination of the female and male reproductive cells.” The project’s explicit aim was a complete ban on abortion, even in cases of rape, fetus deformation, or danger to maternal life. Moreover, the project called for the criminalization of “those who unintentionally cause death of a conceived baby, with punishment of up to three years in prison.” Physicians would therefore risk prosecution if their activities resulted in the “death of a conceived baby.” The only scenarios in which any potential destruction of the fetus would be permitted would be in cases of “direct danger” to the life of a pregnant woman. Women themselves and physicians who performed abortions would be sentenced to between three months and five years in prison. [21]

Romuald Dębski, a Polish gynecologist, supporter of the abortion compromise, and Ordo Iuris antagonist, has argued that the project would lead to the “end of prenatal testing in Poland,” due to physicians’ fear of being prosecuted if a fetus is found to be abnormal. According to Dębski, the project is a dire threat to the lives of pregnant women, since it would allow medical intervention only in cases of “direct danger” to life, even where physicians could have prevented such danger in the first place. If enacted, the Ordo Iuris propositions would effectively force doctors to wait until their patient was dying to intervene. [22] But as Dębski has put it, pregnancy is a “dependent life,” and as such cannot be considered inherently more important than the mother’s own. [23] According to the PiS leader, the right to abortion is a covert form of eugenics. [24] Similar rhetoric can be found in statements by Ordo Iuris, which claimed that one of the aims of Stop Abortion was “to withdraw diagnostic tests as a tool of eugenic selection.” [25]

With the assistance of the Roman Catholic Church and right-wing parties, a petition backing Stop Abortion garnered over 450,000 signatures. “In the matter of protecting the lives of the unborn, one cannot stop at the current compromise,” announced the Episcopate, which in March 2016 endorsed an abortion ban, and in September thanked the “pro-life” movements for their struggle against abortion. However, even they stopped short of supporting the plan to prosecute women who receive abortions. [26]

Meanwhile, the liberal feminist organization Save Women mounted an opposing campaign in favor of liberalizing

abortion law, which called for the right to unconditional abortion until the twentieth week of pregnancy. The project's petition received over 250,000 signatures. [27] Both the pro- and anti-abortion proposals had the same legal status as so-called “citizens’ projects,” and, having met the minimum requirement of 100,000 signatures, had to be put to a vote in Parliament. In September 2016, the PiS-led majority voted against the Save Women project during the so-called “first reading” parliamentary procedure, despite the party’s election promise not to reject citizens’ projects and to allow them to proceed further in special commissions. The Ordo Iuris project, by contrast, was passed and advanced to the commission stage, and later to a “second reading.” In Parliament, the only voices against the abortion ban were the two neoliberal parties, Civic Platform and the Modern party, both of which support the existing abortion compromise.

Ordo Iuris’s greatest public victory was the ongoing support shown by the PiS party and the Roman Catholic Church. Mainstream media coverage made clear that Ordo Iuris had connections with radical traditionalist (integralist) Catholic international associations, most notably the Society for the Defense of Tradition, Family and Property (TFP). [28] Since the late 1980s, the main inspirations for the cultural ideology of the Polish far right have come from Latin American extreme Catholic organizations like the TFP. Founded in 1960 by the Brazilian far-right activist Plinio Corrêa de Oliveira, the TFP is not primarily a religious organization, but a political one, seen by some scholars as an example of a “reactionary social movement. [29] The society is known for its actions against abortion and LGBT rights, as well as its virulent anticommunism, monarchism, and general anti-leftism. The organization also supports neoliberal economic policies, and opposed land reforms in Brazil and Chile as an “attack on private property.” As an international organization, the TFP supported the Pinochet regime in Chile and has fought the influence of liberation theology in Latin American churches. [30] Unfortunately, the Ordo Iuris’s open links to the TFP did not attract attention or scrutiny beyond anticlerical liberal and left-wing circles. The Polish Roman Catholic Church rarely mentions the TFP or other integralist organizations, preferring to avoid the issue.

The Myth of the ‘Eugenic Abortion’

One of the most popular arguments made by “pro-life” organizations in Poland seeking to discredit abortion rights is the charge of “eugenicism.” Like Kaczyński, anti-choice advocates claim that abortion is a form of eugenics, and in turn equate the demands of feminists and leftists with the exterminationist schemes of Nazis and others. This rhetorical trope has become pervasive in the political practice of anti-abortion social mobilizations. In Kraków, the country’s second-largest city, almost every feminist demonstration draws counter-protests by groups of “pro-lifers” carrying pictures of Hitler and photographs of aborted fetuses. This discourse makes cynical use of the darkest period in Polish history: Hitlerism was the first political regime in the country to legalize abortion. Today all major “pro-life” organizations in Poland focus their propaganda on the “eugenicist” and “Nazi” character of the right to abortion; the issue, absurd on its face, is nevertheless not marginal and needs to be examined.

This line of argument follows an intolerably manipulative and distortive logic. Eugenics and the right to abortion represent different aspects of social life and history. Eugenicist pseudoscience aims to remove the so-called “defective germplasm” of people with disabilities and to found the social conditions of poverty and racism in biology. In contrast, the cause of abortion rights is based on the principle that a woman should control her own body and pregnancy. Even if some pioneers of the reproductive-rights movement—such as Margaret Sanger in the United States, an anti-hero for contemporary “pro-life” groups—advocated for abortion access on racist and social Darwinist grounds, this does not imply any enduring connection between these two policies. They were instead simply contradictions of a movement that emerged a century ago in the context of social Darwinist and eugenicist ideologies then dominant in U.S. society.

Likewise, the Nazi case is totally different from the feminist one, based not on sexual liberation and individual freedom, but on their opposite, on the totalitarian state’s control over women’s bodies and sexual life. For Nazis,

abortion was not about a woman’s right to bodily autonomy but “as in all conservative approaches” as something “harmful” to a nation’s biological reproduction. The best example of such thinking appears in the Nazi anti-abortion law in Germany, which strictly prohibited abortion for all German women, under threat of capital punishment. However, Nazi population policy differed in occupied Poland, where the aim was not the preservation of “Aryan” purity but the eventual extermination of the “Slavic” nations. Based on the same reactionary idea of abortion as a means for destroying a nation, the Nazis allowed Polish women to have abortions, although there is no substantial data on the procedure’s prevalence in occupied Poland. This bizarre “pro-abortion” law took its place among execution, imprisonment, settler colonialism, and forced labor as a genocidal tactic. Nazis used every method, possibly including abortion, to reduce the population of the Polish nation. Abortion was also used as a coercive measure against pregnant women who had been forced into slave labor. It was not done to meet the needs of Polish women. It should be clear that the Nazis’ acceptance of abortion in Poland does not mean that every pro-abortion movement is a genocidal project.

Mobilizing the Black Protests

The first wave of protests against the Ordo Iuris proposal occurred immediately after the proposal was announced in summer 2016. However, the most important and massive demonstrations took place after the Parliament voted to consider the Stop Abortion bill while rejecting the Save Women proposal. PiS’s abandonment of its electoral promise not to ignore “citizens’ projects” provoked widespread anger. But the most contentious issues were that under the proposed law, women would be allowed access to abortion only in the case of rape, would risk imprisonment in cases of “intentional” death of the fetus, and would suffer threats to their health and life due to lack of medical action by physicians. The counter-movement had a single goal: to block the ban.

The second wave of anti-Ordo Iuris protests began in Warsaw on September 23, 2016, organized by the Razem (Together) party and other left-wing groups, including Save Women. [31] The nationwide pro-choice mobilization quickly became known as the Black Protests, named for the color worn by demonstrators. In Warsaw, around 10,000 people protested. [32] On September 25, the Razem-led demonstration in Kraków attracted around 2,000 protesters. [33] The actions drew smaller numbers than expected, and as a participant in the Kraków protest, I felt some pessimism at the time regarding the movement’s prospects.

Nevertheless, the Black Protests gained the support of several well-known artists and celebrities. Krystyna Janda, a famous Polish actress, called for a “women’s strike” on October 3, a week after the protests began. Janda’s idea was inspired by the 1975 Icelandic women’s strike, when women refused to perform housework for one day, and the Polish action was to be similar, with women using legal methods of work absenteeism. [34] Women’s Strike became the official name of the forthcoming event, part of the broader wave of Black Protests, and the idea was even endorsed by leading liberal media outlets such as Gazeta Wyborcza, the Civic Platform’s allied daily newspaper.

This second wave of protests was far bigger and more dynamic. On October 3, over 250,000 women and men participated in the Women’s Strike in Poland and abroad (even the police acknowledged that it was over 100,000). In Warsaw, around 50,000 people took to the streets, and around 20,000 did so in Kraków. The “strike” took place in 150 Polish cities and in 60 abroad. [35] No data on work absences during the strike is available, but based on news reports and social media, it seems that some university lectures were cancelled, while other employees left work early. Some restaurants remained closed as their owners supported the strike. [36] However, most women who supported the protests demonstrated after their normal work shifts. The political message of the Women’s Strike was limited: only signs and banners directly related to the abortion ban were allowed at the protests, and “political propaganda” was strictly prohibited.

Nevertheless, the effects of the strike were impressive. It inspired solidarity actions in other countries, such as

Argentina and South Korea, and prefigured the 2017 International Women’s Strike, a worldwide feminist action. Perhaps most striking was the reaction it provoked in the ruling right-wing camp in Poland. The first figure to acknowledge that the ruling party should consider the opinions of so many people was Minister of Education Jarosław Gowin, a free-market radical and traditionalist Catholic. [37] Even the church leadership ceded some ground by restating that it did not support prison sentences for women who receive abortions. [38] (This was only a half-truth, however, as the *Ordo Iuris* signature-collecting campaign had received unofficial support from the church’s organizational apparatus.) The PiS reaction to the protests was to take a step back and not vote on the *Ordo Iuris* project. Humiliated, the party abandoned the idea of an abortion ban, thus showing its vulnerability in the face of mass resistance. The only political actors who did not distance themselves from the *Ordo Iuris* project were the far-right integralist organizations themselves.

The Black Protests have also affected public views on abortion, and the prevailing social conformism around the issue seems to be eroding. CBOS research after the protests found that 17 percent of Polish women wore black in solidarity, in contrast to only 6 percent of men. Four percent of women said that they took part in the protests, while only 2 percent of men participated. The dominant social groups interested in the protests were residents of large cities (21 percent, compared to 5 percent in villages); young people (24 percent of those aged 18–24 and 70 percent of 25–34-year-olds). In general, 58 percent of Poles said they supported the protests, while 26 percent opposed them. Politically, the strongest support came from people who identified as left-wing (76 percent) and non-religious (78 percent). Supporters of the main neoliberal parties mostly sympathized with the demonstrations (over 85 percent in all cases). On the opposite side, 64 percent of PiS supporters were against them.

Moreover, general support for abortion liberalization sharply increased. Whereas just a few months earlier, in April 2016, only 12 percent of Poles supported liberalization and free-choice abortion, after the protests the proportion had more than doubled, to 27 percent. Only 7 percent, the same as in 2012, wanted more repressive measures. In general, 58 percent of the population supported the existing “abortion compromise.” Oddly, within this group, 61 percent of women, in comparison to 55 percent of men, supported the compromise. Only 6 percent of women and 7 percent of men demanded a harsher law. [39] Recent research has also shown a political “gender break” between women and men aged 18–39 years: while young men have moved to the right, young women have grown more left-wing and progressive. In a January 2018 survey by the polling firm IPSOS, only 3 percent of young men supported the Black Protests, while 15 percent supported far-right parties like the national-chauvinist National Movement (a coalition of small ultra-nationalist organizations) and the Freedom party, an extreme free-market, anti-feminist, and Islamophobic organization led by a former European Parliament MP, Janusz Korwin-Mikke, who has publicly declared women intellectually inferior to men. [40] Meanwhile, 20 percent of young women supported the protests, none of them supported Korwin-Mikke’s party, and only 2 percent were in favor of the National Movement. [41]

Thus, a more progressive attitude toward abortion rights has become visible and viable in Polish society. But it should be noted that these changes in public opinion have not yet yielded concrete political gains, and the idea of the abortion compromise remains dominant. Furthermore, people and groups aligned with the mainstream liberal-democratic parties dominated the protests, even where they were organized by supporters of full liberalization (as in Kraków, where the Women’s Strike was led by pro-choice women).

While impressive in scale, the victory of the spontaneous women’s movement has nevertheless shown the weakness of the political left in Poland, even as more progressive approaches on social issues such as abortion seem to be gaining ground. Comparing the impact of the first, left-organized Black Protest with that of the second, liberal-led Women’s Strike suggests that the left’s capacity for mass mobilization remains limited. It was only with the help of mainstream media coverage and celebrity endorsements that the struggle against the abortion ban could take on a mass character, and the deliberately apolitical messaging of the Women’s Strike blunted its radical potential. The struggle to rebuild leftist and other progressive political forces therefore remains the task of the day. Nevertheless, the Black Protests have shown that mass mobilizations are possible in Poland, and that the right’s political and

cultural hegemony may yet be more fragile than it appears.

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[1] Reuters, November 16, 2016 “[Far Right Sweden Democrats Close in as Second Largest Party](#)” Pol”; Diana Mulinari and Andres Neergaard, “The Sweden Democrats, Racisms, and the Construction of the Muslim Threat,” in George Morgan, ed., *Global Islamophobia: Muslims and Moral Panic in the West* (London: Routledge, 2016), 68–71.

[2] I refer here to the Trotsky-inspired view of the Stalinist and post-Stalinist USSR and other Soviet Bloc countries as systems based on the political monopoly of ruling-party bureaucracies, which dominated the state apparatus. See, for example, Bob Arnot, *Controlling Soviet Labor: Experimental Change from Brezhnev to Gorbachev* (London: Palgrave Macmillan, 1988).

[3] The Polish prewar fascist movement had two main parties: the first was the National Radical Camp (ONR), followed by a more radical splinter group, the National Radical Movement–Falanga (RNR–Falanga), led by Piasecki. Both advocated a totalitarian political system based on Catholicism as a state religion, Polish ethnic nationalism, and a kind of bureaucratic state capitalism (not to be confused with some Marxist theories of the Soviet social system) with a strong petty-bourgeois sector. See Jan Józef Lipski, *Idea Katolickiego Państwa Narodu Polskiego: Zarys ideologii ONR“Falanga”* (Warsaw: Wydawnictwo Krytyki Politycznej, 2015). Furthermore, the parties fully supported Hitler’s legislation against the Jews, and called for similar methods to “resolve the Jewish Question in Poland.” As one RNR-Falanga member wrote in the party newspaper *Falanga*: “The Armenians in Turkey are playing the role of the Jews [sic; the use of lowercase for “Jews” is typical of Polish anti-Semitic publications]. Ataturk told himself it was better to [have] one huge barbarity with positive final effects than lots of riots which had to be repressed from time to time.... The Turkish solution is the best one!” Mirosław Tryczyk, *Miasta ?mierci: S?iedzkie pogromy ?ydów* (Warsaw: Wydawnictwo RM, 2015), 41, author’s translation.

[4] V. I. Lenin, “The Working Class and Neomalthusianism,” in Lenin, *Collected Works*, vol. 19 (London: Lawrence and Wishart, 1963), 237.

[5] Danuta Waniek, *Kobiety lewicy w polskim do?wiadczeniu politycznym: Tradycje, warto?ci, to?samo?ci* (Warsaw: Adam Marsza?ek, 2010), 81; “Pami?tka pierwszej skrobanki: wywiad z Mari? Jaszczuk,” *NIE* 21 (2006); Bartosz Machalica, “Spu?czizna Boya,” *Prze?l?d*, January 20, 2017, <http://tygodnikprze?lad.pl>; Ma?gorzata Maciejewska, “Aborcja w PRL-u: Ustawa o warunkach dopuszczalno?ci przerywania ci??y z 1956 r. w aspekcie feministycznym,” in Jakub Majmurek and Piotr Szumlewicz, eds., *PRL bez uprzedze?* (Warsaw: Instytut Wydawniczy “Ksi??ka i Prasa,” 2010), 175–77.

[6] Stanis?aw S?awi?ski, *?lubuj? Ci mi?o??... Przygotowanie do ?ycia w rodzinie* (Warsaw: Wydawnictwo PAX, 1986), 21–37, 41.

[7] Antoni Dudek, *Historia polityczna Polski, 1989–2005* (Kraków: Arcana, 2007), 244–45; Pawe? Borecki, *Geneza modelu stosunków pa?stwo-ko?ció? w konstytucji RP* (Warsaw: Wydawnictwo Sejmowe, 2008), 21.

[8] Dudek, *Historia*, 244

[9] Dudek, *Historia*.

Behind the ‘Black Protests’

- [10] Since the late 1980s, the rate of national attendance at Sunday mass has declined from 50 percent to 40 percent in 2010 and 36.7 percent in 2016. See Katarzyna Wiñiewska, “Koñcielne badania: Tylko 40 proc. katolików uczestniczy w niedzielnej mszy,” *Gazeta Wyborcza*, [June 29, 2012](#); “Mniej Polaków chodzi do Koñcioña. Ale nie na Podkarpaciu,” *Radio Rzeszów*, [January 8, 2018](#).
- [11] Sprawa Alicji Tysiñc niewiele zmieniña: Polki wciñy wolñ usuwañ ciñyñ nielegalnie,” *TVN24*, [April 23, 2014](#).
- [12] Paweñ Figurski, “Protest przed szpitalem Narutowicza: ‘Tu wykonujñ aborcje,’” *Gazeta Wyborcza* “Kraków,” [December 9, 2016](#).
- [13] See, for example, the estimates of the Federation for Women and Family Planning cited in Katarzyna Bieliñska-Kowalewska, “#czarnyprotest: The Black Protest for Abortion Rights in Poland,” *New Politics* 16, no. 2 (2017): 27
- [14] “MZ: W 2016 roku w Polsce wykonano ponad tysiñc aborcji,” *Twoje Zdrowie*, [August 25, 2017](#).
- [15] *Trybunañ Konstytucyjny w sprawie ñycia. Dokumenty* (Czñstochowa: Tygodnik Katolicki “Niedziela,” 1997), 86.
- [16] Lech Kaczyñski and Jarosñaw Kaczyñski were twin brothers and leaders of PiS. Lech, the PiS-nominated president, died in an airplane crash near the Russian city of Smolensk in April 2010. Jarosñaw Kaczyñski is the longtime leader of the PiS and served as prime minister in the first PiS government.
- [17] CBOS, *Opinie o prawie aborcyjnym: Komunikat z badañ*, December 2012, [cbos.pl: 3](#)
- [18] CBOS, *Dopuszczalnoñy aborcji w róñnych sytuacjach: Komunikat z badañ*, May 2016, [cbos.pl: 2–5](#).
- [19] CBOS, *Opinie o prawie aborcyjnym: Komunikat z badañ*, May 2016, [cbos.pl: 2–5](#).
- [20] Katarzyna Kowalczyk’s Comment to CBOS, *Opinie o dopuszczalnoñci aborcji: Komunikat z badañ*, July 2010, [cbos.pl: 11](#).
- [21] “Projekt Stop Aborcji: o zmianie ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie pñodu ludzkiego i warunkach dopuszczalnoñci przerywania ciñyñ oraz ustawy z dnia 6 czerwca 1997 r. Kodeks karny,” *Ordo Iuris*, [October 2016](#).
- [22] Bieliñska-Kowalewska, “#czarnyprotest,” 28.
- [23] “Dñbski: Jestem z pacjentkñ na dobre i na zñe,” *Gazeta Wyborcza-Duñy Format*, [June 18, 2014](#)
- Ordo Iuris sees no cruelty in forcing raped women to take their pregnancy to term, or for others to endure the pain of giving birth to a severely disabled infant with a life expectancy of just hours or days. Jarosñaw Kaczyñski, the leader of PiS, has endorsed the idea of an abortion ban. For Kaczyñski, “a deformed baby should be born,” because even if it is doomed to death, it has the right to “be born, baptized, have a name, and be buried.” “[Kaczyñski: bñdziemy dñyli, by kobiety rodziñy nawet dziecko mocno zdeformowane,” *TVN24*.
- [24] “Kaczyñski wraca do aborcji eugenicznej: ‘Zakaz ma szansę na wprowadzenie,’” *Wprost*, [April 6, 2017](#).
- [25] “Projekt ‘Stop Aborcji’ – Pytania i odpowiedzi,” *Ordo Iuris*, October 10, 2016.
- [26] Michañ Wilgocki, “Episkopat mówi sprawdzam: Co PiS zrobi z cañkowitym zakazem aborcji?” *Gazeta Wyborcza*, March 31, 2016 [wyborcza.pl](#); Paweñ Koñmiñski, “Episkopat przypomina: Dziñkujemy ruchom pro-life. Karania kobiet, które dopuñciñy siñ aborcji, nie popieramy,” *Gazeta Wyborcza*, September 24, 2016.
- [27] Bieliñska-Kowalewska, “#czarnyprotest,” 29.
- [28] Tomasz Piñtek, “Ordo Iuris i brazylijska sekta: Kim sñ obroñcy ñycia poczñtego?” *Gazeta Wyborcza*, March 27, 2017; Witold Ferfecki, “Kto stoi za projektem zakazu aborcji?” *Rzeczpospolita*, [April 12, 2017](#).

[29] John A. Coleman, S. J., “Catholic Integralism as a Fundamentalism,” in Lawrence Kaplan, ed., *Fundamentalism in Comparative Perspective* (Amherst: University of Massachusetts Press, 1992), 86.

[30] After Pinochet’s coup, the Chilean TFP announced that the “Society expresses a warm gladness for the liberation of the country from Marxist oppression” (*Chile: En una lucha ideológica paradigmática. surge y se proyecta hacia el future la leyenda de la TFP* author’s translation). For more on the TFP’s support of anticommunist military regimes and opposition to land reform in Latin America, see Roberto de Mattei, *The Crusader of the 20th Century: Plinio Correa de Oliveira* (Leominster: Fowler Wright, 1998), 151–52, 161.

[31] Founded in 2015, the Razem party is a new anti-neoliberal social-democratic organization inspired by the Spain’s Podemos.

[32] Aleksandra Rutkowska and Maurycy Pie?kowski, “Czarny protest pod Sejmem: Polki zas?uguj? na cywilizowane prawo do aborcji,” *Polityka*, [September 23, 2016](#).

[33] Author’s estimate, based on knowledge of the city’s geography, media reports, and personal participation. The unofficial number of participants given by Razem members was 5,000. I suspect this estimate was overoptimistic.

[34] Marta ?bikowska, “Krystyna Janda namówi?a tyysi?ce polskich kobiet do strajku,” *G?os Wielkopolski*, [October 2, 2016](#).

[35] “Strajk kobiet 3 pa?dziernika: LISTA MIAST Czarny Wtorek Katowicach i miastach woj. ?l?skiego,” *Dziennik Zachodni*, [October 3, 2017](#).

[36] Bieli?ska-Kowalewska, “#czarnyprotest,” 31.

[37] “Gowin: Czarny protest nauczy? nas pokory: Nie b?dzie ca?kowitego zakazu aborcji,” *Wprost*, [October 5, 2016](#).

[38] “Abp Hoser: Projekt OI mia? zapisy orzekania o winie kobiety, Ko?ció? si? od tego dystansuje. PiS traci zaufanie i wiarygodno?,” *WPolityce*, [October 7, 2016](#).

[39] CBOS, *Polacy o prawach kobiet, “czarnych protestach” i prawie aborcyjnym: Komunikat z bada?*, November 2016, cbos.pl: 7–16.

[40] “Polish EU Lawmaker Says Women Intellectually Inferior to Men,” *Herald Tribune*, May 3, 2017.

[41] Krzysztof Pacewicz, “M?odzi popieraj? Czarny Protest i Ruch Narodowy, starsi – KOD i Rodzin? Radia Maryja. Sonda? OKO.press,” *OKO.press*, [January 17, 2018](#).