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Feminist Protests, Abortion Rights and Polish Democracy

ANNA GWIAZDA

The recent ruling by the politicised Constitutional Tribunal to impose a near total-ban on abortion in Poland instigated a nation-wide protest and civic opposition. The ruling confirms rising illiberalism, supported by the governing right-wing populist Law and Justice party (PiS). Nevertheless, women's political activism is significant for democracy. The extra-parliamentary representation of feminist interests and participation of diverse social groups in mass mobilisation could contribute to democratic changes. Yet, for these changes to take root, a long-term feminist strategy is needed.

Polish abortion law

Poland has one of Europe's strictest abortion laws. The Act of 7 January 1993 on family planning, protection of human foetuses, and conditions of abortion allows termination only, (1) if the pregnancy is the result of rape or incest, (2) when the mother's life is in danger, (3) or because of severe foetal abnormalities. On 22 October 2020, the Constitutional Tribunal invalidated the third provision, which constituted the basis for almost all abortions in the country. The case was brought to the Tribunal by a group of PiS parliamentarians who questioned the constitutionality of the provision. A similar initiative was launched in 2017, but no action was taken.
This ruling set off a wave of large street protests co-ordinated by the All-Poland Women's Strike movement. Despite a government ban on public gatherings due to Covid-19 pandemic restrictions, a broad cross-section of society, including younger Poles, not only in urban agglomerations but also in smaller towns, was mobilised. The largest protests since the 1989 collapse of communism attracted more than 400,000 people. However, according to the public opinion agency CBOS, it was likely that more than two million Polish adults protested across the country. In the CBOS survey, almost two-thirds of respondents (63%) declared their support for the protests, 8% their participation in them (CBOS 2020).
The Women's Strike demanded the government's immediate resignation and endorsed other demands such as full reproductive rights; a secular state with no Catholic Church involvement in state affairs; effective implementation of the anti-violence convention; improvement of women's economic situation; and preserving liberal democracy which guarantees minority rights, including LGBTQ+ rights (Strajk kobiet 2020).
Initially, the ruling was not published. However, on 27 January 2021 the Constitutional Tribunal published its justification to the controversial ruling. The PiS government announced it would come into effect imminently. This was called a dark day for democracy and women followed by a wave of new protests.

Democratic backsliding and women's rights

This limitation of women's reproductive rights is additional evidence confirming rising illiberalism in Poland. Democratic backsliding began in 2015, when the PiS party won elections and subsequently began dismantling the liberal democratic state. The party showed disregard for the constitution, the rule of law, parliamentary procedures and citizens' rights (Markowski 2019; Rupnik 2017). Moreover, it politicised the judiciary. For example, the Constitutional Tribunal, which once was an independent institution, is no longer so. The majority of judges are affiliated with the PiS party and their nominations were political.
Illiberalism entailed the limitation of rights, specifically, the rights of women and LGBTQ+ people. PiS withdrew funding for in-vitro fertilisation, restricted access

to emergency contraception and reduced funding for combating domestic violence (Korolczuk 2017; Wierzcholska 2018). Furthermore, on several occasions it supported ultra-conservative citizens' proposals to ban abortions completely. Already in 2016, demonstrations spread in response to such a proposal. The "Black Protests," which gathered tens of thousands of demonstrators, wearing black, opposed the proposed ban and defended women's rights (Gwiazda 2019). Later, PiS made a U-turn as a response to women's protests. In 2018, when another anti-abortion bill was proposed in parliament, thousands of women demonstrated all around the country. Likewise, this attempt was, in the end, rejected in parliament.

Why now?

Why did PiS push for a change in the abortion law in the middle of the Covid-19 pandemic? Commentators agree that the ruling was political and its timing was chosen by PiS leader Jarosław Kaczyński (e.g. Wielowieyska 2021). Instead of using regular parliamentary procedures, he delegated this controversial issue to the politicised Constitutional Tribunal. Tribunal president Julia Przyłębska is a close friend of Kaczyński (Pronczuk 2021). Thus, the outcome was predictable.

Moreover, Kaczyński wanted to unite his party behind the ultra-conservative proposal and mobilise religious and conservative PiS supporters. After months of infighting, he wanted to protect his position against potential challengers for the party's socially conservative electoral base, coming from Justice Minister Ziobro (and his faction "United Poland") and the far right Confederation. By strengthening close informal links with the Catholic Church – a long-standing opponent of all forms of abortion – Kaczyński hoped to gain additional support.

At the same time, he wanted to weaken the opposition by instigating internal division on abortion-related issues. The Left wants to liberalise abortion law, while the Civic Coalition is divided: some want liberalisation; others opt for "the 1993 compromise." The Polish Peasant Party has announced that it will submit a bill to parliament, similar to the 1993 law.

Finally, the PiS was also trying to distract Poles from the fact that the government was struggling to tackle the Covid-19 pandemic. It used the restrictions on public gatherings to argue that pro-abortion protests posed a public health risk. Instead, there is growing discontent at PiS government's ineptitude in fighting the pandemic, with people losing jobs and businesses, and inefficient health care to cope with Covid-19 (Wielowieyska 2021).

The impact of feminist protests

Recent feminist protests have likely effects on democracy. The representation of feminist claims is important given the underrepresentation of such interests in the Polish parliament. Since 2015, the parliament has been dominated by conservative

interests, with ultra-conservative legislative initiatives being considered. As a result, feminists have been underrepresented substantively. The political representation of women is an important aspect of democracy and needs to be considered (Childs/Lovenduski 2013). It occurs in a variety of sites. According to Saward (2010, 123), focusing exclusively on parliaments when considering representation is "to privilege the notion of 'representative government' over that of 'political representation' and thus to impose an undue narrowing of focus." Likewise, Squires (2008) acknowledges that more attention should be given to the extra-parliamentary sites of representation. Informal channels of political articulation such as demonstrations in the streets should be examined. If parliaments are unrepresentative of some interests and try to limit already confirmed rights, stronger extra-parliamentary representation is expected (Gwiazda 2019).

Moreover, increased civic involvement matters for democracy. In Poland, political participation was low. Until 2015, Poles were "passive democrats" (Gwiazda 2016). Yet, the participation of organised civil society and voters is vital. Citizens should participate in the political process not only by voting but also by joining political parties and civil society organisations, demanding accountability from elected representatives and engaging in public issues (Diamond/Morlino 2005). Feminist demonstrators effectively checked governmental action. They became agents of accountability. This type of societal accountability is crucial in a country where other types of accountability are limited.

A way forward

It remains to be seen, if women's mobilisation contributes to long-term democratic changes. So far, it has contributed to strengthening representative claims and a participatory society. The question is whether it can be channelled into day-to-day conventional politics to enhance Polish democracy. Beckwith (2000) highlights a dilemma faced by feminist movements: working within institutions (an "inside" strategy), or remaining autonomous (an "outside" strategy), independent of political parties and state institutions. If the first option is chosen, can the parties of the left and/or the centre represent women's issues advocated by demonstrators? Or will a new party be established? If the second option is chosen, what is the best strategy to maintain the momentum to introduce a lasting feminist change? For the time being, All-Women Strike leaders have started to collaborate with the Left on a new legislative proposal for abortion law liberalisation.

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Protestbewegung in Belarus: Frauen an der Front?

OLGA DRYNDOVA

Oft wird die Protestbewegung, die nach den gefälschten Wahlen vom August 2020 in Belarus entstand, als eine „weibliche Revolution" gesehen. Soziolog_innen bezeichnen die Bewegung als eine breite pro-demokratische Volksbewegung, die alle Altersgruppen und soziale Schichten repräsentiert (Shelest 2020). Die protestierenden Frauen sind nur ein, wenngleich ein wichtiger, Teil. Genderthemen gehörten in Belarus nicht zum Mainstream, wurden im Wahlkampf aber sichtbarer. Ich argumentiere, dass eine Kombination traditioneller und feministischer Werte in den Botschaften des „Frauentrios" und während der Proteste erkennbar ist, welche die patriarchalen Werte hinterfragen. Dies kann weitreichende Folgen für den Wandel der belarusischen Gesellschaft haben.