

THE BLACK PROTESTS: A STRUGGLE FOR (RE)DEFINITION OF INTIMATE CITIZENSHIP

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Abstract: This article focuses on an analysis of the redefinitions of the visions of intimate citizenship in the arenas created by the recent women's protests in Poland. The 2016 and 2018 attempts by the Sejm, the lower house of the Polish Parliament, to introduce amendments to the existing law regulating access to abortion in Poland stirred dramatic social mobilisations and widespread social protests labelled with the umbrella term "Black Protests". We see these mobilisations not only as a protest, but also as attempt to (re)define dominant notions of citizenship, and in particular, as a quest for a new model of intimate citizenship, i.e. a public reconceptualisation of the rights regarding the private/intimate sphere. Our article offers an in-depth analysis of these reconceptualisations. It unfolds in the following way. Firstly, we discuss the phenomena of the Black Protests and Polish Women's Strikes and present the context of their emergence as well as their agenda. Secondly, we briefly discuss the issue of intimate citizenship. We then present the methodology as well as discuss the empirical material used for our analysis. In the final part, we reconstruct the visions of (intimate) citizenship emerging from the collected material.

Keywords: intimate citizenship, reproductive rights, women's rights, public sphere

The 2016 and 2018 attempts of the Sejm (the lower house of the Polish Parliament) to introduce amendments to the existing law on access to abortion in Poland stirred dramatic social mobilisation and widespread protests labelled with the umbrella term “Black Protests”. This mobilisation may be seen as yet another phase in the debate on abortion, which has been ongoing since the early 1990s, and an attempt to redefine reproductive rights in Poland (Korolczuk 2019). One may also view these events through the lens of social movement theories, focusing on an analysis of the success of the mobilisation and resistance (i.e. the rejection of the parliamentary bill in 2016 and slowing down the bill’s passage in 2018) (Korolczuk et al. 2019). Moreover, the Black Protests may also be seen as a new form of citizens’ mobilisation and practice (cf. Kowalska, Nawojski, Pluta 2018). As such, these mobilisations should be also viewed as attempts to (re)define dominant notions of citizenship, and, in particular, as a quest for a new model of intimate citizenship, i.e. public reconceptualization of rights regarding the private/intimate sphere. The latter aspect will be the focus of our article.

We claim that the Black Protests have created a space for the construction and expression of alternative articulations of such concepts as womanhood, individual, citizen and abortion. These re-articulations ushered in a new vision of intimate citizenship, based on autonomy, agency, self-determination of one’s body as well as women’s right to sexual expression. The elements of such a vision were previously visible in various women’s mobilisations (e.g. in the annual “Manifa” marches, held to celebrate International Women’s Day, often expressing demands for easier access to legal abortion). However, the scale and the geographical dispersity as well as social support for the Black Protests indicated a new quality. More importantly, these mobilisations have initiated a broader reflection and demands for a redefinition of the terms of inclusion and boundaries of citizenship, yet conditioning such changed on the need to limit the public role of the Catholic Church in Poland.

The article will first discuss the phenomena of the Black Protests and Polish Women Strikes and present the context of their emergence as well as their agenda. Secondly, it comments on the issue of intimate citizenship. Further, we present the methodology as well as discuss the empirical material used for our analysis. Finally, we reconstruct the visions of (intimate) citizenship emerging from the collected material.

Black Protests – what were they about?

Abortion has been a highly contested and politicised topic in Poland since the early 1990s. Ever since, we have witnessed ongoing debates and mobilisations of representatives of both “anti-

choice”¹ and “pro-choice” groups. For both sides, the discussion and social mobilisation around the introduction of 1993 Act on Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion², imposing serious limitations to legal access to abortion in Poland, marks a groundbreaking moment³. The former groups, supporting the introduction of stricter laws or even a total ban on abortion, have spread across the country with the strong support (both institutional and ideological) of the Roman Catholic Church in Poland (Mishtal 2015, 37). The latter groups, whose structure was formalised to a varying degree, protested against the planned restrictions on abortion as well as broader re-traditionalisation trends and reinforcement of the patriarchal order that accompanied the post-1989 Polish socio-political transformation (Mishtal 2015, 68; see also: Fuszara 2005).

Since around 2009, we have witnessed the intensification and radicalisation of claims for limiting or banning access to legal abortion in Poland, initiating yet another chapter of the debate on abortion. Between 2011 and 2018, several bills were introduced to the Sejm seeking to impose such changes. They were drafted by anti-choice groups with the support from the Roman Catholic Church and the right-wing politicians in the Sejm (especially from Law and Justice [Prawo i Sprawiedliwość]). Each mobilisation on the anti-choice side also triggered resistance and a response from the supporters of the pro-choice opinion, especially at the civil society level. Women’s groups, with the help of liberal politicians (mostly from Your Movement [Twój Ruch] and the Social Democratic Alliance [Sojusz Lewicy Demokratycznej]) drafted their bills proposing the liberalisation of the 1993 law and submitted them to the Sejm. Nonetheless, Civic Platform [Platforma Obywatelska], in government between 2007 and 2015, opposed all attempts to restrict or liberalise the 1993 law by either not processing the submitted bills or rejecting the proposals at a very early stage in the Sejm. Most politicians from that party justified their votes as a need to keep the “abortion compromise,” which had been reached at the beginning of the 1990s. However, Civic Platform’s reluctance towards the revision of the

¹ We choose to use the term “anti-choice” to describe groups opposing abortion, as, in our opinion, such a term better captures their agenda than the frequently used label “pro-life”. The latter is problematic in the light of research showing that harsh anti-abortion laws lead to women’s deaths and suffering. The participants of the Black Protests also questioned the pro-life agenda of such groups: “Above all, we do not agree to the dictate of movements which brazenly call themselves “pro-life”. Where is pro-life in your activities? Where is the protection of life? [The protection of] a mother’s life? (...) So-called “prof-lifers” want to condemn us to death when pregnancy threatens our life. So-called “prof-lifers” want to condemn us to disability when pregnancy is a threat to our life. And they want to condemn our children to an inhumane and painful death, forcing us to give birth to defected fetuses” (S/W/Poznań, 3.10.2016).

² This law, still in force, allows legal abortion only under three conditions: when the pregnancy poses a threat to the life or health of the pregnant woman; when medical and prenatal tests indicate that there is a high probability of a serious and irreversible foetal defect or incurable illness that threatens the foetus’s life; and when the pregnancy is the result of a crime. The text of the act is available at <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU19930170078/U/D19930078Lj.pdf>

³ For more on the history and reasons behind the abortion debate in Poland, see e.g.: Mishtal 2015, Kulczycki 1995, Heinen and Porter 2010, Nowicka 2007.

existing laws resulted not from their concern for women or their rights. It rather stemmed from the party's attempts to prevent the potentially disruptive implications of opening a discussion on the existing abortion laws. The debate could affect both its own integrity – this party is internally divided over the issue with many conservative members supporting the idea of introducing further limitations while others hold more liberal views on the matter – and the wider society.

The outcome of the 2015 parliamentary elections changed the political context of the debate on abortion (Korolczuk 2015, 2016a). The winning coalition of right-wing conservative parties led by Law and Justice had supported anti-choice claims while still in parliamentary opposition. Therefore, the groups criticising the existing abortion laws and demanding additional restrictions on access to legal abortion in Poland saw their seizure of power as a new window of opportunity to pursue their claims. In April 2016, the Stop Abortion (Stop Aborcji) initiative began collecting signatures to support the bill proposing a complete ban on legal abortion in Poland, backed by the Roman Catholic Church. In parallel, the Save the Women (Ratujmy Kobiety) pro-choice initiative for the liberalisation of the abortion laws also started collecting signatures in support of their proposal. The bills reached the Sejm in July and August 2016 respectively, and were discussed jointly in the plenary session on 23 September, but only the former was voted to be further processed.⁴ The latter bill proposing the liberalisation of the laws was rejected (Król and Pustulka 2018, 373).

The outcome of this voting sparked massive demonstrations across the country on 3 October 2016, labelled as the Polish National Women's Strike (Ogólnopolski Strajk Kobiet) or Black Monday.⁵ Participants expressed strong opposition to the Stop Abortion bill and the ruling party's support for it (Majewska 2017; Kowalska and Nawojski 2018). This moment marks the birth of a wider social movement fighting for reproductive and women's rights in Poland, tagged with the umbrella term "Black Protests"⁶. In contrast to earlier pro-choice

⁴ See information on the proceeding of both bills: <http://www.sejm.gov.pl/Sejm8.nsf/PrzebiegProc.xsp?nr=784> and <http://www.sejm.gov.pl/Sejm8.nsf/PrzebiegProc.xsp?nr=830>

⁵ Three days after the demonstrations, on October 6, the Parliament, this time also with the overwhelming support from the ruling party earlier backing up the bill, rejected the proposal. Jarosław Kaczyński, the leader of Law and Justice, argued then that introducing such a law could have contradictory outcomes. Instead, to show the party's support for the "protection of life", Beata Szydło, then Prime Minister of the Law and Justice government, declared work on a new law supporting mothers with "difficult" pregnancies and families with children with disabilities (speeches from the debate are available at: <http://www.sejm.gov.pl/Sejm8.nsf/wypowiedz.xsp?posiedzenie=27&dzien=3&wyp=0&view=2#020>). Clearly, the ruling party tried to manoeuvre between contradictory demands from the "street" to reject the bill and anti-choicers to "protect life".

⁶ The adjective "Black" started to be used in reference to the protests only in September 2016, but the first groups opposing further restrictions to the abortion law had begun to emerge already in April. The first Gals for Gals (Dziewuchy Dziewuchom) informal initiative was launched on 1 April. In just a few hours, it gathered thousands of followers on Facebook, and local groups started to mushroom in the following days. Another important grassroots initiative, the Polish Women's Strike, emerged in September 2016. It played a critical role in organizing October events (Black Monday), and then subsequent nationwide protest actions.

mobilisations, the Black Protests resonated more deeply with the Polish society, reaching well beyond the usual supporters of such initiatives – groups of metropolitan and well-educated women and men (Majewska 2017; Korolczuk 2016a). As a matter of fact, the Black Protests mobilised people from very diverse backgrounds – men and women of different ages, sexuality and class. Furthermore, the protests were not only limited to big cities, as had been the case with earlier pro-choice initiatives, but also took place in peripheral areas, small towns, often as self-organised, grassroots initiatives (Kowalska and Nawojski 2018).

The popularity and the mobilising effect of the Black Protests need to be seen in a broader political context. The support that the ruling party gave to the bill proposing drastic restrictions on access to legal abortion and punishment of women having an abortion coincided with numerous other initiatives of this party aiming to limit citizens' freedoms in Poland (e.g. changes to the Constitutional Tribunal, the amended law on public gathering) (Korolczuk 2016a). The social support for the Black Protests should therefore also be considered as part of a wider resistance mobilisation against the ruling party's policies. Nonetheless, what distinguishes Black Monday from other protests against the government's activities is its unprecedented scale (Black Monday was the biggest grassroots manifestation in Poland since the Solidarity protests of 1980 [Król and Pustulka 2018, 375]) as well as the social visibility and support for these protests (according to representative public polls, 88% of respondents had heard about the Black Protests and 58% declared their support for them [CBOS 2016]). Firstly, the Black Protests created new public spaces where a variety of women's experiences and identities have found expression. They constituted a forum for discussion on the barriers for women's full involvement in social and public life. Moreover, the emergence of such spaces allowed for the articulation of various topics, previously "locked" in the private sphere, to be transferred to the centre of the public sphere and political mainstream (Korolczuk 2016b). The discussions during and around the Black Protests sensitised the issue of the limitation of women's subjectivity and sexual autonomy, visible in both the barriers in access to reproductive rights and representation in the political discourse. As a result, these deliberations allowed for a change in the articulation and perception of women in the debate on abortion from being a subject to an agent equipped with the right to shape it (Kubisa 2016).

Secondly, by opening such new discursive areas, the Black Protests also challenged the narrative praising the current laws, often presented as a successful "compromise" between anti- and pro-choicers. The cases showing how women are limited in their ability to execute their right to access legal abortion under the current law (e.g. the consequences of doctors' conscientious objection, a lack of clear decision and appeal procedures) revealed the reality of the "compromise". It showed that in practise it often translates into women's limited access to their reproductive rights (Chmielewska, Druciarek and Przybysz 2017, 12) and women being deprived of their sexual subjectivity and autonomy (Król and Pustulka 2018). Therefore, the

Black Protests not only stimulated the debate on women's rights in Poland, but also linked it with the question on the condition of Polish democracy. As such, reproductive and women's rights became a litmus test for respect for human and citizens' rights in Poland under the rule of Law and Justice.

Finally, the distinctive character of the Black Protests stems from their organisational and territorial dispersion as well as their inclusive character. Demonstrations were organised in many places in Poland and abroad, included various types of acts (e.g. taking part in protests, wearing black clothes, supporting protests via social media etc.) and often covered issues exceeding reproductive or even women's rights (Majewska 2018; Murawska and Włodarczyk 2016). As such, the Black Protests exemplify subaltern counterpublics, that is the emergence of "parallel discursive arenas" allowing for invention and circulation of counter discourses, which in turn contribute to constructions of women's alternative identities, interests and needs (Fraser 1990, 67). The mobilisations themselves could therefore be regarded as new forms of citizens' mobilisation and practice (see Kowalska, Nawojski and Pluta 2018) and were explicitly articulated as such by the protesters via their slogans and claims. We made this concept a tool for our analysis, following Lister's observation that "[c]itizenship [...] provides an invaluable strategic theoretical concept for the analysis of women's subordination and a potentially powerful political weapon in the struggle against it" (Lister 1997, 195).

Citizenship in focus – from universality to particularity, and back?

Citizenship is a contested notion, to which various authors attach different meanings (see e.g. Lister 1997; 2008; Voet 1998; Isin and Wood 1999; Kabeer 2005). In its classical understanding, as introduced by Thomas Humphrey Marshall, citizenship is understood as "a status bestowed on those who are full members of a community." Those who hold such a status are "equal in respect to the rights and duties with which the status is endowed" (Marshall 1950, 28–29). Marshall identifies three dimensions of citizenship rights: civil, political and social. They relate to individual and private rights ("liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice"), to political representation ("the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body") and to human welfare ("the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society") (Marshall 1950, 10). Each cluster is also attached to a relevant institution responsible for the execution and sustainability of the rights – to courts, to political, national and local governing bodies, and to educational and welfare services respectively (Marshall 1950).

With time, this universal notion of citizenship, entangled with the national state as a guarantee of the related entitlements, became challenged. Firstly, critics noted that citizenship has a dual character – it serves as a tool for both inclusion and exclusion. Whereas the traditional reflection on citizenship focused mostly on the integration of citizens, it tended to ignore its exclusionary dimension (cf. Isin and Wood 1999; Lister 1997; Siim 2000; Yuval-Davis 1997). The history of women’s exclusion from full citizenship illustrates this case well. For a long time, their access to civil or social rights was mediated by their relation to their male relatives and social status (e.g. being unmarried or married, social class) and guided by their husbands or another male member of the family (e.g. in the case of a right to property, liberty, but also to social benefits). In most countries, women did not gain access to political, civil and social rights until the twentieth century. Their limited access to citizens’ rights illustrates broader historical and existing practices of the national state’s boundary setting, often characterised by “strong patriarchal, racialising, nationalising, and heterosexist elements” aiming to “exclude others on the grounds of gender, ethnicity, nationality, sexuality and so forth” (Plummer 2003, 55).

Also linked to the practice of exclusion is the universalism embedded in classical visions of citizenship. This means that the concept often points to a generalised and universalised experience, values and norms of the privileged and/or dominant group. Iris Marion Young aptly describes this:

In a society where some groups are privileged while others are oppressed, insisting that as citizens persons should leave behind their particular affiliation and experiences to adopt a general point of view serves only to reinforce the privilege; for the perspectives and interests of the privileged will tend to dominate this unified public, marginalizing or silencing those of other groups (1989, 259).

Feminist critics were the first to address the issue. They argued that the concept of citizenship reflects male experience related to the public sphere while ignoring women’s experience stemming from their inhabitation of the private sphere. They also point out that it affects women’s practice of citizenship in the public sphere (the gendered division of labour in the private sphere limits women’s access and practices in the public sphere) (Lister 2008, 324).

The criticism not only identified the shortcomings of the notion of citizenship as conceptualised by Marshall, but also initiated the search for a new understanding and model of citizenship. Firstly, it aimed to overcome the exclusionary character of the concept. Even if scholars do not challenge the existence of social boundaries altogether, they question their nature – conceptualised as stable, impermeable and exclusionary (Plummer 2003, 55). Instead, they stress the need to look for “differentiated universalism” as proposed by Ruth Lister (1997).

This would allow for inclusion of a variety of identities and experiences of women and marginalised groups in the concept of citizenship (cf. Kabeer 2005; Lister 1997; Siim 2000), further mediated by other social divisions, i.e. class, disability, sexuality, age, ethnicity, race etc. (Lister 1997, 66). Therefore, such a redefinition implies the conceptualisation of boundaries which “remain present but shift and sway, are less permanently settled, less rigid and divisive, but rather become more porous, more archipelago-like, more open to change” [emphasis in the original] (Plummer 2003, 55). At the same time, the criticism opened the internal debate among feminist thinkers on how to understand the idea of equality – in universal or gender-differentiated terms – and how this should translate into an inclusion of women and other marginalised groups (Yuval-Davis and Werbner 1999; Lister 1997; Halssa, Roseneil and Sumer 2011). The debates resulted in developing new concepts of citizenship which responded to the emergence of new social spaces, recognised identities and the social movement’s claims, and therefore added new dimensions to Marshall’s classical understanding of the concept. Hence, the feminist criticism resulted in the introduction of the concept of gendered citizenship, challenging the universality of male experience (Lister 1997; Walby 1994; Voet 1998). The gay and lesbian liberation movement, the sexual revolution of the 1960s and the third wave of feminism as well as queer theory and activism brought the issue of sexuality onto the agenda and revealed the (hetero)sexual dimension of citizenship (Evans 1993; Richardson 2000; Weeks 1998).

Another step in the development of new concepts of citizenship was the challenge posed to its links to the nation state. Along with the process of globalisation and localisation, the concept and practice of citizenship are no longer solely entwined with the nation state, but we should rather speak of the variety of permeable levels of conceptualising and practising citizenship, i.e. from global to local (Lister 1997; Yuval-Davis 1999; Kabeer 2005). Finally, the critics challenged the focus of citizenship on the public sphere, stressing that today the issues traditionally defined as belonging to the private sphere, i.e. how to live one’s personal life, are becoming the subjects of public debates. To address these observable connections, Ken Plummer introduces the concept of intimate citizenship. This aims to bridge the personal and political (Plummer 2003, 15) and is understood as:

[...] a sensitising concept which sets about analysing a plurality of public discourses and stories about how to live the personal life in a late modern world where we are confronted by an escalating series of choices and difficulties around intimacies [emphasis in the original] (Plummer 2001, 238).

The concept aims to embrace a broad scope of issues including gender and the sexual dimension of citizenship (Plummer 2003, 65), but it puts a particular focus on the private/intimate spheres of life (i.e. personal identity, sexuality and the way it is expressed, family

and decisions about one's body). It is not only gender and sexual divisions that modify the public conceptualisations, claims and rights of certain groups and individuals to their private/intimate sphere, but also other social characteristics (e.g. age, ethnicity, disability). Furthermore, the concept of intimate citizenship allows us to see how individual and intimate practices, choices and decisions relate to public institutions and public policies (Plummer 1995, 151).

Research approach and empirical material

Our research aimed to reconstruct the visions and discourses on intimate citizenship circulating in the subaltern counterpublics created by the Black Protests, assuming – in line with Fraser's claims – that the discourses produced in such arenas serve to widen a discursive contestation (Fraser 1990, 67) on the issue of citizenship. The sociology of knowledge approach to discourse analysis provided guidelines for our research. In keeping with it, we understand discourse as an attempt to “freeze more or less broad symbolic orders, that is, fix them in time and by so doing, institutionalise a binding context of meaning, values and actions/agency within social collectives” (Keller 2011, 51). Discourses compete with one another in various arenas of the public sphere and attempt to enforce a dominant meaning and interpretation of reality and related actions. Applying this to the issue of intimate citizenship, we can speak of various discourses circulating in the Polish public sphere, each attempting to conceptualise “the right” way of organising intimate life and to enforce it, for example, via laws and public policies. In our analysis, we focused only on the one arena – spaces created by the mobilisation and participants of the Black Protests. We used diversified empirical data to reconstruct such discourses. We used the public speeches delivered during the Black Protests in various cities across Poland⁷ as well as in-depth interviews with participants (15 individuals who took part in various Black Protests in Krakow between September 2016 and March 2017, the interviews were conducted in May 2017⁸. This data exemplified the articulations, actualising, in more or less accurate repetitions of utterances (Keller 2012, 60), the discourses on intimate citizenship produced within these particular discursive areas. This empirical material was also

⁷ We acquired the content of speeches from the websites of groups involved in the organisation of protests, recordings of speeches available on YouTube and saved on Facebook Live broadcast, private archives of protest participants as well as from our own recordings taken during the protests. We used the speeches from the protests organised in the following cities: Poznań and Wrocław 3 October 2016; Zielona Góra and Warszawa 24 October 2016; Kraków and Warszawa 8 March 2017; Gdańsk 17 January 2018; Kraków and Warszawa 3 March 2018 and Kraków 2 July 2018.

⁸ We used the snowball method to recruit the respondents. The sample consisted of 13 women and 2 men, representing diverse age groups (18-24, nine people; 25-35, one person; 35-44, two people; 45-55, one person; 55-64, two people). The majority were students and people with a higher education (eight and four respondents respectively).

enriched with the results of an open-ended questionnaire included in an online survey on the perception of the protests⁹. We were interested in finding out how the Black Protest leaders and participants conceptualised the “rights, obligations, recognitions and respect around those most intimate spheres of life – who to live with, how to raise children, how to handle one’s body, how to relate as a gendered being, how to be an erotic person” [emphasis in the original] (Plummer 2001, 238). Also, we sought answers to the questions of whether there are limitations regarding who should be granted these rights, who/what is envisaged as responsible for granting and protecting those rights, and finally how individual/intimate decisions, practices and choices should relate to the public institutions and policies, and how they should be organised.

Women’s quest for intimate citizenship – Whose rights? Which responsibilities?

The Black Protests were a reaction to the issue of access to legal abortion in Poland. Consequently, the questions of who should decide about women’s bodies and, more generally, about their procreative choices were recurring themes during the protests. The evaluation of the existing laws and practices revealed a decidedly dark picture – women deprived of choice and the ability to control this most intimate aspect of their lives. Therefore, the anti-choicers’ attempt to impose more severe limitations on women’s access to legal abortion, supported by the conservative parties in power, was perceived as a further threat to women’s lives as well as their self-determination and safety (“because of limitations and lack of respect for women’s rights in Poland, I don’t feel safe in my own country” [Q/W/29]¹⁰, “I’d like to stop being afraid of living in my own country” [Q/W/49]). Such articulations unveil a particular vision of the state, unable to fulfil its basic functions of providing freedom and security to its citizens (i.e. women). In the accounts of the participants of the Black Protests, this is a product of the state’s agenda, especially under the current government, reflecting the conservative views of the ruling party, which is closely related to the Roman Catholic Church’s social teachings. Such views translate into the prioritisation of the community (i.e. Catholic nation) and rights of the “unborn” over the rights of women-citizens. Furthermore, at a more general level, they contribute to the construction of discourses of traditional gender roles feeding the stereotypes which justify women’s subordination or violence against them. As a consequence, the nation,

⁹ Quantitative research was carried out using an online questionnaire. The research group consisted of persons belonging to groups associated with the Black Protests on Facebook and gathered in various cities across Poland, as their name suggested. We have received a total of over 1,000 responses.

¹⁰ We coded the empirical material in the following way: data from questionnaire – Q for questionnaire/gender (W-women, M-men)/number of questionnaire in the database; data from the interviews – I for interview/number of interview in the database/gender (W-women, M-men)/age; speeches during the protests – S for speech/gender (W-women, M-men)/ place/date of the protest.

represented by the state, gains the right to decide about women's bodies and lives. The discourses on the Black Protests, despite their diversity (Ramme and Snochowska 2018), all formed resistance towards such views and produced counter-discourses. The former offered a redefinition of gender relations and relocating power and agency back to women. The following extracts illustrate it well:

[The Black Protest is a] [d]emonstration that we are responsible for our bodies, that we can make an informed decision and no one has the right to intrude into this our private sphere. This is wholly and solely our issue, our matter and we are reasonable, conscious persons, so why someone should guide us, I don't understand this and never will (I/5/W/23).

The ruling party wants to shut women in their homes again, it wants to force us to give birth no matter if we want to or not, if we have the capabilities or not, despite anything. It wants to rewind history (S/W/Kraków/8.03.2018).

The claims for women's right to decide on the termination of pregnancy are linked to the broader issue of self-determination in the sphere of procreation. It is the woman who should have the right to decide if, when and how often to be pregnant. Articulations of the woman as an individual, human and rational being – therefore as the same as her male fellow citizens, – serve as justifications for granting them with agency and the freedom to decide. Such conceptualisation allows us to link women's rights regarding the intimate aspects of their lives with more universal human rights. So the right to decide on one's own body and pregnancy is conceptualised as part of human rights (“I think the women's right to decide about her own body is a fundamental human right” (I/3/M/28)). The slogans changed and presented on the banners during the protests (e.g. “women's rights, human rights”, “reproductive rights are human rights”) confirm the strength of such articulations among the participants in the protests. Interestingly enough, such use of human rights in the Black Protests' discourse is in stark contrast to the argumentative repertoire of antichoice groups. The latter frequently refer to human rights, but only in relation to “the unborn child”.

Even if women's right to decide was widely accepted and taken almost for granted¹¹, the more nuanced analysis of our material allowed us to capture different voices regarding who else (if anyone) can partake in the decision, the limits of the freedom, and the definition of reproductive rights in more general terms. Firstly, occasionally the right to decide was extended beyond the individual woman to her partner or husband, but clearly only to those men who

¹¹ This also applied to women who identify as Catholics: “As a believer I'm against abortion on demand. However, I think that everyone has the right to decide about themselves and their body. We should not impose our worldviews on others” (Q/W/54).

are involved in intimate relations, within the woman's private sphere. At the same time, other men – strangers holding power in the public sphere – should be deprived of such rights:

It annoys me that someone in the Sejm [the lower chamber of the Polish Parliament] will decide. For a woman this is a very difficult decision. Even if she will have an unwanted pregnancy, let her make her own decision, [with] her partner, her husband, but not a decision made by men and especially by priests, who don't deal with this and should not speak on the topic. And they want to decide and this is sick to me. Let women decide about themselves. One must not impose [a decision] on women. (I/2/W/61)

A human being who is deprived of their intimacy, a human being who has someone looking into their home, bed, their panties, such a person is deprived of their dignity. If women are attacked, their men – their fathers, brothers, sons, friends – suffer along with them. This is why again we see not only women on this square, but also men, entire families (S/W/Zielona Góra/24.10.2018).

In such articulations, the woman is not constructed as a sole individual, but rather as a relational one (c.f. Galligan 2016). As such, her intimacy (in the sphere of procreation) also involves another individual, i.e. a man who should, potentially, be involved in the decision. Such conceptualisation of women, granted with subjectivity and autonomy, yet seen as part of heterosexual family/relations, suggests that identified re-articulations are still embedded in Polish conservative discourse on women and family. This seems to correspond with Anna Zawadzka's observation that Polish feminism has not yet deconstructed the normativity of the family as a model for intimate relations and as such sustains its hegemonic nature, exclusivist for many women (Zawadzka 2017).

Another differentiating element was the conceptualisation of the scope of the right to decide upon the termination of pregnancy. For some women, this right would be unequivocal ("The lack of possibility to decide about my own body [and, in an extreme situation, life] is something I consider barbaric and insulting to human dignity" (Q/W/25)). For others, the choice for women should be more or less limited ("I have mixed feelings about unlimited access to abortion" [Q/W/36]), but still not completely taken away. This would support the claim that the Black Protests mobilised people of different views on abortion. At the same time, analysing material from the public speeches and declarations from different events happening in different times (between October 2016 till March 2018), we could also see a shift from claims for the right to abortion within the scope imposed by the law from 1993 to more radical demands to make abortion accessible on demand, with a limitation regarding a certain stage of pregnancy.

Undoubtedly, the Black Protests were a reaction to attempts aiming to restrict access to legal abortion, but the visions of intimate citizenship circulating within their spaces certainly

touched upon other dimensions of intimacy centred around reproduction. The participants as well as the public speakers frequently referred to sexual education and access to reliable and cheap contraceptives as an inextricable part of individual reproductive rights. Furthermore, they questioned the socially accepted gender roles and identities perpetuating inequalities between men and women as well as conditioning gender-based violence. Showing how intimacy is entwined with gender and sexuality, these discourses sought a new vision intimate citizenship based on redefined gender identities and gender equality, granting women with more agency and self-determination. Again, despite agreement over the need for such a redefinition, the analysed material indicates a variety of articulations. Some would imply the radical redefinition of gender identities, while others are more moderate in their quest, often differing in their conceptualisation of an individual seen as either detached or embedded in social (i.e. family/couple) relations. However, most of them reflect a differentiated approach, stressing the importance of equality, but also a need for recognising differences.

Interestingly enough, the articulations of a new vision of intimate citizenship, built around reproductive rights, seem to reflect heteronormativity. They related almost exclusively to the reproductive rights of heterosexual women (hence the references to [male] partners and husbands), despite the visible support from and participation in the protests of various LGBT+ groups or even the explicit demands for their inclusion¹². This can be explained by the potential embedment of these re-articulations in the conservative discourse on the family, as already mentioned (Zawadzka 2017). Therefore, such exclusion reflects the non-representation of non-heteronormative sexualities and identities from the Polish public sphere, also reproduced in the subaltern counterpublics created by the Black Protests. Our analysis suggests that this non-representation or silencing applies primarily to the intimate sphere, as it happens only in relation to reproductive rights. This would correspond to the more general social views, as captured by many public polls, that Poles are particularly intolerant towards the issue of adoption of children by same-sex couples (84% of those surveyed would oppose it), yet tend to be more tolerant towards forms of public presence and the rights of homosexual people (CBOS 2017). At the same time, support for LGBT+ rights was frequently manifested in the public voices during the protests, especially in the ones which followed the initial Black Monday when the issue of general citizenship occurred. We will further explore this issue in the next part of the article.

¹² Such claims found explicit expression in the public speech delivered in Poznań on October 3, 2016 by a representative of the Stonewell Group: "The problem of abortion touches also homosexual and bisexual women as well as transsexual persons, including non-binary and intersexual ones. Unfortunately, the reproductive rights of LGBT+ people are ignored in the political discourse. Let's not ignore them during today's manifestation! The bill proposing the ban on abortion affects cis-gender women in the same way as non-heterosexual persons who often become victims to vile crimes of so-called corrective rapes (S/W/Poznań/3.10.2016).

The Black Protests not only opened a space for the articulation of new discourses on intimate citizenship, but also served as a mechanism for transgressing intimacy, the female body as well as the abortion experience from the private to the public spheres. It was perceptible in the visual dimension of the protests. During demonstrations, both symbolic pictures of women's reproductive organs and words representing them were featured on banners. Mass media and social media reproduced them widely, allowing for the transfer from the bounded space created around the Black Protests to the more mainstreamed areas of the public sphere. This transgression also had an impact on the participants and supporters, who had a space to vocalise their own intimate experiences (e.g. abortion, miscarriage), but also to listen to them:

There are issues which you don't talk about, which are uncomfortable, and in this very moment [during protests] it became part of daily life. Everyone talked about such issues. It was a good moment to reconsider it (I/1/W/23).

This transgression had an important educational and activating impact on the participants, building social demand and support for a redefinition of intimate rights.

From intimate to universal yet differentiated citizenship?

Our analysis also shows that the discourses on intimate citizenship circulating in the spaces opened by the Black Protests often implied its differentiated and intersectional character. This was visible in particular in the public speeches, when the protest participants stressed that the women's right to decide upon their reproductive rights are compromised by their class, legal status (i.e. refugees) and disabilities:

For those in power the issue of our reproductive rights or even our sexual life does not exist. (...) We, women with different abilities, want to decide about our parenthood. The right of every woman to decide about her body and motherhood is inviolable, no matter her or her child's disability. We demand that our rights be observed (S/Kraków/23.03.2018).

The compromise [the existing law] is binding only for some of us. Despite the level of restriction, some of us, who live in big cities, will manage to get the pill for pharmacological abortion. The rich ones will pay a thousand zloty to have a procedure [abortion] at doctor's private practices And these who have contacts abroad will become abortion tourists. The women who are poor are only left with the proverbial coat hanger, a symbol of underground and backstreet abortion (S/Wrocław/3.10.2016).

In Poland, Polish women have troubles with accessing abortion, can you imagine how the refugee women feel, if there are no contraceptives or doctors available in the refugee centres? Let's think about them. Let's fight for the right to legal abortion for everyone and the situation of everyone will improve. Women from all around the world, let's fight together, and there's no other option (S/Warszawa/ 23.03.2018).

Therefore, the differentiated experiences of women, as related in different speeches, problematised the issue of rights and nuanced the concept of intimate citizenship, as requiring adjustment to diverse experiences, identities and needs. To make this happen, the state and its institutions need to be redefined and transformed. In their ideal emanation they should promote a socio-cultural and legal context in which women would not be put under moral or legal pressure in their decisions regarding procreation and abortion. The role of such institutions would be to offer a space for women's self-determination, regardless of their different identities and abilities and allowing them to make conscious and autonomous decisions. Such articulations of citizenship recognising differences echo Lister's (1997) claims for "differentiated universality", but especially in relation to intimate citizenship.

Yet the Black Protests not only contested the visions of intimate citizenship perpetuated by both anti-choicers and the ruling political elites, but also initiated a broader reflection on the content and boundaries of citizenship in general. It evolved over time. Whereas in the initial protests most of the arguments in speeches focused on rights related to the private/intimate sphere of reproduction, with time the focus widened. In other words, the re-articulations of intimate citizenship triggered a re-articulation of general citizenship, understood as inclusive for all sorts of groups and individuals, yet differentiated to accommodate different identities, interests and needs:

You take away Poland from each other, you take it away from us, and you think that we want to take it away from you. No, we want Poland for everyone, Poland where human rights are for all – for women, for people with disabilities, for the elderly, for people with a low income, for people from ethnic, national and religious minority groups (S/Warszawa/23.03.2018).

Remarkably, citizenship was mostly expressed in national frames as the participants, in their slogans written on the posters and chanted during the protests, stressed that women are also Poles and Poland is a woman. This could be seen as illustration of what Zawadzka (2017) calls "mimicry" strategies of Polish feminism aimed at "adding women" to national discourse and therefore legitimising it, rather than deconstructing it. However, as illustrated above, the participants interpreted nation in a more inclusive way, at the same time challenging the ethnic and exclusivist visions characterising hegemonic visions of the Polish nation (c.f. Zielińska

2012). This was also visible in the inclusion of female migrant's voices during the speeches in many cities as well as in the transnational character of the mobilisation (protests also took place in many parts of the world) and in transnational alliances to support other women's struggles.

The main principle for the construction and practice of such inclusive citizenship should be human rights as well as equality between women and men. Interestingly, our respondents in the interviews not only stressed the need to advance the situation of women, but also claimed equality for men, whose rights also need to be respected (as in the case of paternity leave (Q/W/20). This need to extend equality to both men and women is justified by the fact that:

(...) whatever affects women also affects them [men] (we live in the same world, we have common households and children, which should be born out of a joint decision, in health and provided with the best possible conditions (Q/W/46).

This again suggests conceptualisation of women's intimate rights in relation to men's rights, and therefore the heteronormative dimension of such articulations of citizenship. The situation seems to differ in the "public" articulations of the Black Protests, especially during the most recent events. More visible here, in the public speeches, were demands for building an open, inclusive society and state based on the principle of solidarity, offering equal rights to all members and therefore extending the boundaries of citizenship, also applying to LGBT+ communities and individuals. We can therefore see how the visions of intimate citizenship initially conceptualised narrowly as reproductive rights, including the right to abortion for women, with time served to articulate the new, inclusive version of citizenship. At the same time, as our material suggests, within the spaces produced by the Black Protests, there were also differences in accepted/desired constructions of citizenship. Moreover, our material suggests that this reconceptualization had a more limited scope in relation to the private/intimate aspect of citizenship (as indicated in the earlier section on reproductive rights and their heterosexual limitations) and more open in relation to reconceptualization of the "public" aspect of citizenship as discussed above.

The quest for secular (intimate) citizenship? Redefinition of the public institutions

The Black Protests became not only an impulse for a social reflection on the state of women's intimate rights, but also initiated a deeper reflection on the quality of democracy (see Korolczuk 2016b) and the shape of the public institutions responsible for providing such rights. As indicated above, the participants of the Black Protests often articulated the need to reshape

public policies and the state's attitude toward citizens' rights, including intimate rights. For them, the lack of rights in the intimate sphere illustrated by the ban on abortion indicates the oppressiveness and totalitarianism of a state (S/W/Zielona Góra/ 24.10.2016). In their view, a redefinition of such a situation requires, among others, the secularisation of the state and the relevant institutions, since the lack of state and Church separation translates into a limitation of citizens' rights, especially those of women. The following quotations illustrate such articulations:

I very much support the separation of Church from state. I think without such a separation we cannot speak of equality, as the Church has always imposed a limitation on women's freedom which has led to patriarchalism (Q/W/17).

(...) equally important are guidelines for perinatal care, education, contraception, prenatal tests, the right to terminate a pregnancy, religion in the parish and not in the school, as these all constitute citizens' rights in a secular country. These all are basics, so it is difficult to state which one is the more important basis (Q/W/46).

The problems stemming from the entanglement of religion with the state are identified specifically in relation to women's reproductive rights. The participants expressed their resistance towards the idea of organising public institutions in line with religious views or norms, demanding institutional differentiation between the public and the religious:

In the case of hospitals, in private clinics let them invoke their conscientious objection, whichever they want. However, in the public hospitals, it is outrageous that Dr Chazan works there and he tells women that he invokes conscientious objection (...). Public hospitals are for everyone, I don't care if he [the doctor] is a believer or not. I come to a doctor, not to a priest (2/W/61).

Clearly, the unlimited and institutionalised individual rights of doctors to object based on their consciences is seen as potentially jeopardising female patients' rights and freedoms.

The analysed material also shows that the participants of the Black Protests not only envisage new, secular citizenship, but also see their own activities as a necessary condition for inducing such social change. The discourses on citizenship emerging in these areas thus not only offer a redefinition of citizenship as a status, but also demand building citizenship as a social and political practice aiming to implement and change the existing and expected notions and practices of citizenship:

Women-citizens, we are the majority in this country and we still leave the power in the hands of men. Enough! Enough! (...) We shouldn't let the power be taken from us. We

shouldn't let anyone decide for us. It is time that you believe, become aware, that you know how to solve the problems, that you seek the solutions to conflict (S/W/Warszawa/ 23.03.2018).

This implies political mobilisation, the entry of women to politics and a redefinition of the existing power relations. Such mobilisation needs to be based on solidarity and inclusiveness. As expressed by many participants, the Black Protests became an initiator of such mobilisation.

From “subaltern counterpublics” to mainstream public sphere? Concluding remarks

The Black Protests expressed social resistance against the planned introduction of further restrictions on access to legal abortion in Poland and the limitation of women's rights. However, they also created spaces for the construction and circulation of alternative discourses, resisting the dominant, “frozen” symbolic orders or ways of seeing and defining things, perpetuated in the mainstream parts of the public sphere. The analysis of the way intimacy and the rights related to this sphere were articulated by the participants of the Black Protests allowed us to reconstruct their visions of intimate citizenship and their attempts to redefine such central concepts as woman, individual, citizen and abortion. At the very foundation of such visions of citizenship, as we proved, lay autonomy, agency and bodily self-determination as well as the right to sexual expression viewed as constitutive for women's full participation in social life. Yet, as we have shown, this reconceptualization may have a different meaning depending on the underlying concept of individual seen as detached or embedded in wider family relations.

Human rights served as the wider frame justifying such a reconceptualisation of citizenship. At the very basis of this new vision – and this is of particular importance for challenging established meanings – is the relocation of rights from the “unborn child” back to women themselves, and also the redefinition of the term “abortion”. The emergence of the “Abortion Dream Team” [Aborcyjny Dream Team] in December 2016 promoting a positive view and positive evaluation of abortion as well as providing information on the available options seems like a consequence of the breach in the understanding of abortion made by the Black Protests. Their phrase “Abortion is OK” and its promotion on crowd-funded billboards may be seen as a further consequence of this redefinition. The more recent actions affirming access to abortion (i.e. “Legal Abortion, Now!” [Legalna aborcja, teraz!]) show that we may witness a transfer of a new discursive construction of abortion from the “subaltern counterpublics” of the Black Protests to the more mainstream spaces of the public sphere.

As we have shown, the re-articulation of intimate citizenship also initiated a broader reflection on citizenship. Crucial for proposing a new citizenship model was the “intersectional sensitivity” expressed by protesters, resulting in claims to redefine the inclusion terms and the boundaries of citizenship. Again, human rights serve as a foundation for this re-definition, but its realisation was also seen as conditioned upon secularisation of the public sphere. The recent discussions explicitly linking the subordination of women and limitation of their rights with the activities and status of the Roman Catholic Church as well as public actions expressing such views (i.e. Stop to the Silence [Dość Milczenia] and #Word for Sunday – coat hanger for the bishop [#Słowo na niedzielę – wieszak dla biskupa]) initiated by women’s groups involved in the Black Protests also signal a challenge to the discursive domination of Catholicism in the Polish public sphere. Therefore, we seem to observe the permeation of the resistance discourses from the parallel spaces of the Black Protests to the mainstream of the Polish public sphere.

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TYTUŁ: Czarne Protesty: walka o (prze)definiowanie intymnego obywatelstwa

ABSTRAKT: Próby zmiany prawa regulującego dostęp do aborcji w Polsce, podjęte przez polski Sejm w 2016 i 2018, zainicjowały intensywną społeczną mobilizację i szerokie protesty społeczne, określane wspólną nazwą „Czarnych Protestów”. Tę mobilizację traktujemy jako próbę (prze)definiowania obowiązujących pojęć obywatelstwa, a w szczególności jako wyraz poszukiwania nowego modelu obywatelstwa intymnego, czyli publicznego przeddefiniowania praw dotyczących prywatnej, intymnej sfery. Celem autorek artykułu jest analiza wspomnianych (re)artykulacji intymnego obywatelstwa. W pierwszej części tekstu autorki opisują, czym były Czarne Protesty oraz Ogólnopolski Strajk Kobiet, a także przybliżają kontekst ich powstania oraz postulaty. W drugiej części zdefiniowana zostaje kategoria obywatelstwa, a w szczególności obywatelstwa intymnego. Następnie przedstawiona zostaje metodologia badań. W ostatniej, analitycznej części artykułu autorki rekonstruują wizję obywatelstwa intymnego wylaniające się z analizowanego materiału empirycznego.

SŁOWA KLUCZOWE: intymne obywatelstwo, prawa reprodukcyjne, prawa kobiet, sfera publiczna