

## 5 Black Protests in Poland The transformation of public outrage with unconventional political participation

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### **Introduction**

The permanence and quality of democracy require citizens’ participation both in conventional (electoral) and unconventional dimensions. Demonstrations, protests, marches, and boycotts constitute the core of the democratic landscape, expressing political emotions, reducing social distress, and offering an additional platform to defend threatened civic rights or values. Adopting various forms, they always reflect individual preferences regarding public life. However, the mere expression of preferences is not enough. They must be linked to participation to become “binding political decisions” (Dalton & Klingemann 2010, 47). The level of participation depends on various factors, which include political culture, the tradition of a given society, the living standard, demographic structure, individual psychological factors, but also the quality of political elites. Hence the widely accepted view that political participation is, on one hand, difficult to define, but on the other hand, it can be generally described as “actions that influence politics” (Deth 2014, 49). The Black Protests in Poland were an example of such actions with an impact on politics. They were a political and emotional response to a parliamentary initiative aimed at tightening abortion laws in Poland. The chapter will discuss the political and emotional motivations of the protests as well as the ways in which they were regulated in the spontaneous forms of unconventional participation. Using data collected from social media platforms in the years 2016–2017, we will evaluate the emotional and regulatory functions of the Black Protests. Meanwhile, the investigation of the influence on conventional politics will be based on media discourse analysis, parliamentary debates, and political parties’ official statements. This discursive approach involving various collected sources offers a perspective on the arousal of political emotions, their regulation through unconventional measures, and their adaptation within conventional party politics. It also helps understanding of how the anger and fear expressed during the Black Protests reframed Polish political debate and influenced the electoral campaign in 2019.

### **Participation – between the conventionality and unconventionality of civic behaviours**

Participation is a broad concept that should be understood not only in the context of taking part in elections or referenda, but across the entire spec-

trum of citizens' activity in politics, including unconventional or discursive forms of civic behaviour. Political participation is difficult to define also because of the fact that its nature has changed over the years. While in the 1940s, it referred solely to the electoral process, in the 1950s, it also concerned election campaigns and direct contact with politicians. In the 1970s, it became associated with protests and emerging social movements. The 1990s marked the beginning of the dynamic development of unconventional participation (Isa & Yuel 2020).

Political participation refers to the subject of action rather than the forms applied. As Lewis Milbrath points out, political engagement is associated with various forms of activity, both conventional and unconventional (Milbrath 1965, 18), but at its core, it always involves action (Deth 2021).

Jan W. van Deth observed that attempts to formulate a definition of participation will always be doomed to failure, primarily because the meaning of the concept changes as societies change under the influence of both demographic factors and technological developments (Deth 2021). Thus, it was proposed that, instead of seeking and discussing what participation is, its principles and boundary conditions should be defined. Political participation is shaped by principles, which include the abovementioned action, distinguishing it from an ordinary activity which serves a specific political interest. Actions taken by citizens must be voluntary and conducted by individuals not professionally involved in politics, with their political nature being the foundation for participation and focused on political institutions. What is a significant component of political participation is collectivism and actions aimed at expressing political goals and intentions (Deth 2021).

Other researchers also indicate the difficulties in defining the category of participation, proposing its explanation in the perspective of determining the political regime model in which it occurs (Teorell 2006, 787–810) or the level of citizens' political competence (Plecka 2023, 289–310; Michalski et al. 2023). Participation is not a constant phenomenon, and its level can change under the influence of various factors. One of these factors is the age of participants, another is the geographical breadth, which – seen symbolically – reflects changes in the political culture in a given society, as well as the experience and traditions of participation. What is yet another factor is the changing social structure caused by the coming of age of successive generations in politics, while older participants gradually “withdraw” from it (Miller & Shanks 1996, 69).

Generally, the factors that affect citizens' participation in political life can be divided into two groups: incentives and resources. Among the incentive-related factors, there are general incentives that concern involvement in the pursuit of the common good. Previous research indicates that these general incentives do not reach citizens referred to as rational actors. Just like in the case of the acquisition of political knowledge, these people tend to avoid engagement in the matters of the common good mainly due to the economics of time – time is a valuable resource that allows them to pursue individual interests and priorities (Teorell 2006, 710). Interestingly, subjective incentives play an important role in this context. Emotions are a key factor among them, leading people to take part

in a specific process irrespective of the potential outcome. This is associated with the construction of identity, support for specific group actions, and a sense of duty towards the collective or fear of social sanctions if a person refuses to participate (Teorell 2006). Both general and subjective incentives are interdependent with social resources, such as material, human, and social capital. Civic resources are not constant and can be subject to changes as the result of fluctuations in capital levels. Material capital, seen not only as citizens' incomes enabling them to achieve a certain standard of living but also as access to new technologies and time, determines the existence of two other resources – human capital and social capital. It is justified to say that material capital is a tool necessary for the development of other forms of capital. Human capital represents individual skills that “improve individual productivity” (Putnam 2000, 136), and should thus not be limited only to citizens' level of education or knowledge. Personal competence related to organizational proficiency, ease of building relationships with others, and communication skills – ways of expressing thoughts and the ability to instil one's ideas in other citizens – are also crucial for participation.

What is undoubtedly the most significant resource for participation is social capital. It is difficult to define as it “encompasses everything that determines sound social relations, care of the common good and cooperation” (Czapin' ski 2008, 262). In a broader perspective, it “refers to links among individuals – social networks and norms of reciprocity, and the resulting trust” (Putnam 2000).

The most important factor in shaping and strengthening social capital is the network of connections that either promotes or excludes the need for individual action. It can even be said that the intensity of contacts, relying on either permanent or one-time contact networks, determines the quality of social capital: “the denser such networks are in a society [...] the more likely citizens are to cooperate for common benefits” (Putnam 2000). This is related to a few assumptions. First of all, the principle of reciprocity “comes into play”: the denser the networks of civic engagement, the greater the risk of “withdrawing” from transactions because there is a faster flow of information about a specific member of the community, and there is a concern that other community members may behave in the same way. Experiences resulting from participation also play a part because they can serve as a model for future behaviour.

Participation is generally divided into conventional and unconventional. As Marcin Kaim indicates, conventional participation is often considered to be “a higher value of involvement” (Kaim 2021, 51). At the same time, in representative democracies, unconventional participation is not seen as a political act because only voting, contacting politicians (directly or indirectly), and contributing funds to a candidate's campaign are recognized as such (Barnes et al. 1979, 13–16). Hence, conventional participation is precisely defined, although it represents a relatively narrow sphere of citizens' activity.

An attempt to precisely define what conventional participation is also poses challenges in defining unconventional participation. This is related to the broad interpretation of the phenomenon and the inclusion of all forms of political

activity within its scope, along with the recognition that unconventional participation can change depending on the location or the time in which the action occurs. What is more, in one place, an act of political participation may be seen as conventional, while in another, it may be considered unconventional (Kaim 2021). This stems from quite a broad understanding of the concept of participation. One might ask whether dancing in the streets is a form of participation, and if so, what kind? The answer is clear – any actions that question the established social norms are political participation, including dancing in the streets. Another question is whether everywhere in the world or only in some places. In Argentina, street tango dancing is very common and considered standard, while in Poland, it is not, making it a form of unconventional participation (Riley et al. 2013, 61–75).

It is a widely held view that conventional participation belongs to legal forms of involvement and consists in activities that are in compliance with the laws and regulations of a given country. In contrast, unconventional participation, often lacking legality, is falsely interpreted as resistance to a regime, which may suggest that it exists solely in non-democratic systems. What is another feature of conventional participation is its institutionalization, or the presence of formal structures and institutions that facilitate involvement. Unconventional participation lacks this characteristic and is devoid of these resources. Conventional participation is also guided by the so-called internal logic, which entails the view that there is a government–opposition dichotomy, ultimately promoting respect for the losers. This is accompanied by the belief that today’s winner may be defeated in the next election, as well as the conviction that both the governing and opposition parties represent the society.

In the description of conventional participation, its presence in the public sphere is stressed. This is in opposition to unconventional participation, in which activity is considered part of the private sphere. This view of the dichotomous division in political participation has been complemented by the conviction that conventional forms of participation promote unity and collective action, to some degree being against the pluralism of attitudes and values. It is true that they cannot be avoided in representative democracy – after all, each citizen has the right to choose a representative with views as similar to their own as possible. In this case, however, opposing pluralism means accepting certain procedures and limited support for a set of values that are not in contradiction with democratic principles. On the other hand, unconventional participation is associated with a high level of individualism and the pluralism of beliefs and emotions. However, it should be emphasized that, contrary to researchers’ intentions, both conventional and unconventional participation usually have a legal character (Luhmann 1990; 1997; 2002).

The basis for taking non-electoral actions is negative emotion, especially anger. If we admit that unconventional participation is a complement to rather than a replacement of elections, being an expression of engaged citizens’ efforts for the sake of consolidating democracy, it should be indicated that it entails higher economic, time, psychological, and political costs. In general opinion, elections are considered the simplest and “cheapest” form of participation. The same cannot be said about non-electoral activities – they require an interest in

politics, knowledge of specific issues, and dedicating time both for organizing activities and taking part in them. In this case, emotions, especially in a negative dimension, become a motivating factor.

Patryk Wawrzyński and Joanna Marszałek-Kawa (2022, 4), referring to the emotion-saving model of Eric Groenendyk and Antoine Banks (Groenendyk & Banks 2014, 33), point out that it is emotions such as fear and anxiety that are the primary motivators for social mobilization. An emotional system sensitive to threats makes people willing to take action. Fear and anxiety are part of negative emotions which trigger the desire to overcome threats and protect one's own and other people's interests. These predictors are also conducive to the undertaking of risky actions (Luxon 2016, 1). Furthermore, they increase the need to look for explanations for the situation, which is the basis for seeking information that forms the basis of general knowledge and, in specific cases, political knowledge (Weeks 2015, 43).

However, regardless of whether emotions have a negative or positive dimension, it should be emphasized that, firstly, their activation can change the political situation and political preferences. Secondly, they are not evoked by such a simple mechanism as it is commonly believed. Emotions do not exist in a psychological, social, or political vacuum; quite the opposite, they are closely related to knowledge, also political knowledge, and their mobilization in the political sphere to a large degree depends on the level of political knowledge, both at the individual and collective level (Barrett 2017, 23–26). Thirdly, emotions are a resource for social activation, both within a single society and on the global stage.

At the same time, in this context, it is necessary to distinguish between sudden, clear, and strong emotions from those that accompany us in the background and are quite difficult to notice but constant. Intentional, sudden, and strong emotions do not favour rational decision-making and do not make the acquisition of systematic political knowledge easy. Emotions make social mobilization possible, which involves specific rules for persuading people to take action. Of course, social activation is an irrational phenomenon and therefore it aligns well with emotions. Its irrationality first of all is apparent the fact that an individual must incur relatively high individual costs to achieve minimal individual benefits, while the benefits for the collective are significant. Thus, political mobilization, and consequently participation, must meet specific individual criteria to convince people of the importance of their actions. Above all, it should create the impression of an individual relationship with other participants. Furthermore, action or a failure to act are subject to assessment by other people. Social mobilization also includes normative assumptions: it communicates what others believe should be done in the context of what is actually being done, and it is important for the identity of an individual, too. We adapt our behaviour to how we perceive ourselves or how we would like to be perceived by others. All these elements serve the presence of a person in the network of connections.

**The Black Protests and strikes as a manifestation of women's anger – the sources, course, and strength of a social uprising**

Unconventional participation built solely on negative emotions can be marked by short-lived interest from citizens, which does not develop into an institutionalized form. An example of this is the Black Protests in Poland in 2016–2017, which were a response to the announcement of the Sejm of the Republic of Poland that it would begin work on a bill to introduce a total ban on abortion and to the rejection of the so-called social draft act aimed at mitigating anti-abortion laws. As Agnieszka Ziętek indicates, it was “a mass, grassroots, and social protest to show opposition to the real prospect of tightening law in this respect” (Ziętek 2020, 165–166). Hundreds of thousands of protesters dressed in black took to the streets of numerous cities, expressing their emotions and wanting to show the government that the proposed changes to the law were a major violation of women’s rights with no consent from the society. The Black Protest was the result of grassroots, spontaneous actions led by feminist activists and ordinary people, who were seriously concerned about the proposed anti-abortion regulations.

Abortion is the issue which triggers strong polarization in Poland and any attempts to liberalize or tighten abortion laws face criticism and social resistance. The legal basis for abortion in Poland is the Act on Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion of January 7, 1993, which regulates the conditions under which pregnancy termination is allowed.

The parliamentary elections of 2015 brought changes on the political scene, with the victory of the Law and Justice party transforming the context of political debates on abortion (Korolczuk 2016, 97–113). In April 2016, the “Stop Abortion” initiative began collecting signatures for a bill that would introduce a complete ban on abortion in Poland. At the same time, representatives of the “Save Women” Committee started the collection of signatures for a counter-proposal, which aimed to liberalize the abortion laws.

As regards the “Stop Abortion” bill, its initiators proposed changing the title of the act to “On the Universal Protection of Human Life and Education for Life in the Family” (Draft amendment by the legislative initiative committee “Stop Abortion”, 2016). The document included, among other things, the introduction of severe penalties for both pregnant women and doctors who performed abortions, the repeal of Articles 4a, 4b, and 4c of the law, which concern legal possibilities for terminating pregnancy; and a proposal to change the school syllabuses of the subject “family life education” to include knowledge about responsible parenthood, family values, and human life from conception to natural death, replacing the previous content about the knowledge of human sexual life (...), methods and means of conscious procreation (Article 4, paragraph 1 of the Act on Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion 1993). The project also included provisions for ensuring care and material assistance to families raising severely disabled children and mothers whose children were conceived as a result of prohibited acts, while simultaneously removing the requirement for free access to methods and means for conscious procreation (Article 4, paragraph 1 of the Act on Family Planning, Human Embryo Protection and Conditions of Permis-

sibility of Abortion 1993).

The counterproposal submitted to the Sejm on August 4, entitled “The Act on Women’s Rights and Informed Parenthood” (Komitet Inicjatywy Ustawodawczej Ratujmy Kobiety 2017), was a comprehensive proposal to change laws concerning reproduction. The bill included, among other things, the legalization of abortion up to the twelfth week of pregnancy without the need to provide a reason (Article 8), the principles of teaching the school subject “knowledge about human sexuality” (Article 6), the reimbursement of pregnancy prevention measures by state administration authorities (Article 7), and the right of a doctor to refuse to perform an abortion (Article 10).

Both bills were submitted to the Sejm in July and August 2016 and were the subject of a plenary debate on September 23 (Sejm Rzeczypospolitej Polskiej 2016a; 2016b), with the first one proceeding for further parliamentary work and the other one rejected (Król & Pustułka 2018, 373).

It should be pointed out that there had been several bills proposing changes to the abortion law since the law was adopted in 1993, but none of them was adopted. However, they always sparked lively media debates and heated discussions in the political sphere. In 2015, the political situation changed (Narkowicz 2016), with a single party winning the majority in the Sejm. Notably, this strongly conservative party consistently implemented its election promises. The decision of the Sejm to refer the draft act aimed at tightening abortion regulations – authored by the Ordo Iuris Institute for Legal Culture – to committee work and to reject the citizens’ bill proposing the liberalization of these regulations was strongly opposed by women’s groups. On one of the social media platforms, actress Krystyna Janda shared a link to an article on Gazeta.pl by Olga Kołakowska (Kołakowska 2015) on the 1975 women’s strike in Iceland. A protest was proposed in the form of street demonstrations with participants wearing black clothes. This was an allusion to the events in Iceland where women, including housewives, stopped work and marched through Reykjavik dressed all in black, demanding equality and fair wages. The Black Protest in Poland was initiated by Małgorzata Adamczyk, a member of the Together party.

The largest protests took place on October 3, 2016, and led to the establishment of the Polish Women’s Strike, which A. Ziętek describes as “a fully bottom-up, spontaneous, and grassroots movement with non-institutionalized action, going beyond the existing framework of the so-called ‘third sector,’ [which constitutes] a manifestation of limited institutional trust.” (Ziętek 2020, 168).

Mass demonstrations were organized in Wrocław, Warsaw, and Poznań, but protests also took place in a number of smaller cities – the police recorded 143 gatherings of the opponents of the stricter anti-abortion law on that day, with a total of around 100,000 participants. According to other sources, demonstrations were held in 150 Polish cities that day, with nearly 200,000 people participating, expressing critical views toward the government and opposition to the decisions and actions taken by state authorities. It should be stressed that the

scale of the protests was even larger. Not all those who supported the “Black Protests” took to the streets – solidarity with the demonstrators was also shown symbolically by wearing black clothes on that day. Another “Black Protest”, in a similar form and scope, took place on October 24. This time, the opposition to the proposed restrictions on abortion conditions was placed in the broader context of gender equality, and the protesters also demanded that violence against women should be fought (Centre for Public Opinion Research CBOS 2016, 1).

Social media – in which anonymity appears to be crucial – played a significant role in the protests. In the case of serious social divisions, the Internet is a safer tool for gauging public mood than direct interactions that might expose individuals to exclusion from a group because of their views on the matter. Manuel Castells rightly notes that the Internet, unlike traditional communication channels often serving as the foundation of power, remains a relatively autonomous space – monitored and subject to the law but all the time to a large degree outside of the control of authorities (Castells 2012, 14).

On the website of the Ogólnopolski Strajk Kobiet (Polish Women’s Strike), we read: We are a grassroots, independent social movement of angry women and supportive, rational men. We protest and act for women’s rights and democracy (Ogólnopolski Strajk Kobiet, n.d.). Restricting the right to abortion is seen as depriving people of their rights, which evokes fear and anger. These emotions give people motivation and the will to take action. Political history shows that changes were achieved by those who mobilized people around a vision of the future, giving them faith, hope, enthusiasm, and a sense of solidarity. Emotions are not in contradiction to facts – it is the facts that spark emotions in people (Kozek & Korolczuk, 2017). The strike opened the space to talk about emotions – strong feelings that were triggered in thousands of women by the bill completely banning abortion in our country. Emotions that women’s movement activists had not been allowed to express until now, because they put them in a weaker position in the battle for their rights. The mass nature of the protests encouraged women to stop limiting themselves to polite conversations and exchanging arguments. Polish women gave vent to their fury and outrage (Chmielewska, Druciarek, & Przybysz 2017, 4).

What was a significant moment in the course of the protest was the activation of the hashtag #czarnyprotest (black protest). Not only did women’s resistance, which had been scattered until then, receive a name, thanks to which communication was efficient and fast (sharing information, searching for it, etc.), but this identification also gave a sense of how enormous the number of people sharing the same emotions was. According to the brand24 agency, the hashtag #czarnyprotest had the highest reach on the Internet in 2016, with over 44 million mentions (Muszel & Piotrowski 2018, 102). In addition, in the group of “supporting” hashtags, there were also #czarnyponiedziałek (black Monday) with 14 million mentions (fourth place), #strajkkobiet (women’s strike) with two and a half million mentions, and #blackmonday with almost three million mentions.

As mentioned earlier, on October 3, 2016 (Black Monday), following the



rejection of the “Ratujmy Kobiety” (Save Women) citizens’ bill by the Polish Sejm and the simultaneous referral of the Ordo Iuris “Stop Aborcji” (Stop Abortion) draft act to committee work, mass protests and marches took place. During this time, the following social media interactions were generated: 4,318,900 likes, 185,124 comments, and 120,932 shares, with the overall number of interactions between September 21 and October 3, 2016, totalling 2,607,545. 1 The main driving forces of the protest among social media platforms were Twitter with 54,047 posts, Instagram with 16,964 posts, and Facebook with 10,299 posts. The primary content producers included two types of profiles: satirical profiles like sokzburaka.pl, the posts of which related to the #czarny-protest campaign on Facebook received the highest number of shares, and life-style profiles (such as those of actresses, models, influencers, fashion bloggers, etc.).

According to Manuel Castells, one of the most important psychological mechanisms, besides anger, which allows overcoming fear is unity. It is unity that is the basis for building a sense of community (Castells 2012, 22). During the Black Protest, the increasing number of photos, blog posts, or mere comments contributed to creating a sense of unity in beliefs. By taking and sharing their photos online, not only did the participants have control over their image but they also gained a sense of equality and the feeling that they were acting together. They shared emotions that were powerful and could be channelled (IFiS PAN 2017).

According to D. della Porta and M. Diani, “the success of a protest depends on whether it can encourage others to join – it is one of the few strategies that groups with little political clout can use” (della Porta & Diani 2006, 190). The mass character of the campaign is undeniable, and it was largely based on “social proof”, i.e., a situation in which a rapidly increasing number of interactions, such as likes, shares, and comments, makes social media users develop a simple conviction that the majority cannot be wrong. It is a situation that is very difficult to create, but when it does occur, it has the strongest impact (Polityka w sieci 2016).

There is no doubt that “#czarnyprotest” has been the largest socio-political action on the Polish Internet since the protests against the ACTA law in 2012. The innovative protest campaign proposed by Małgorzata Adamczyk turned out to be successful also because its form was very attractive. 2 New tactics are created both for the media (to increase the information value of the protest) and to reach the widest possible audience, which is one of the indispensable conditions for effective action.

The marches and protests organized as part of the diverse social movement known as the Ogólnopolski Strajk Kobiet (Polish Women’s Strike) led to the rejection by the parliament of the citizens’ draft law that would completely ban abortion. It can thus be definitely stated that the mass protests of 2016 were a significant civic success resulting in a change of position by the governing majority (Chmielewska, Druciarek & Przybysz 2017, 4).

## Conclusions

As Agnieszka Ziętek points out, “Black Monday”, as well as the subsequent Polish Women’s Strike it had given rise to, constituted a mass, grassroots, and, most importantly, informal bottom-up movement. Its main goal was to manifest and defend fundamental social rights. Thus, it was all about the emancipatory demonstration of support for specific values important to the participants in the protests (the freedom of choice, the right to self-determination) and the demand for taking the submitted proposals into consideration (Ziętek 2020, 167).

The protests had an unconventional character, starting from the medium of information (social media) about the events and ending with the formula expressed in slogans, posters, and participants’ speeches. “Black Monday” and all subsequent protest events both included incentives for participation and presented participation resources. Among the incentives, the main one was the dedication of one’s own personal time for the common good. In this case, it appeared that the emotions accompanying the events were more important than the rational economics of time. This enabled the use of both material and human capital resources. As a result, a network of connections (social capital) in the name of values and principles was created. What is interesting, the protests were an expression of political distrust, at the same time revealing a high level of mutual trust among the participants.

However, the lack of willingness to structure activities (apart from the establishment of the Polish Women’s Strike, no local structures were set up, and no formal chairperson/president/leader was appointed) resulted in the fact that the demands that had emerged during the protests did not translate into political actions and had no tendency towards political solidification. On the contrary, the authorities simply ignored the protesters’ demands. It should also be pointed out that the same demands are quite strongly present in public awareness and are being used in the ongoing campaign for the Polish parliament. However, their mere existence did not ensure the sustainability of the movement that they had given rise to.

This reflects the necessity of incurring higher economic, time, psychological, and political costs. While elections only involve “casting a ballot”, protests built on negative emotions require an interest in politics, the knowledge of a specific issue, and the dedication of time, both for organizing and participating in actions. Institutions of the political system can obviously support these trends, but in the case of “Black Monday”, it was not in the interest of those in power to do so. What is worth noting, while the values placed on the protesters’ banners are still present in the public sphere, the very fact that they were ignored by the governing elites has led to a declaratively low level of readiness to take part in the 2023 parliamentary elections on the part of those who were the most interested in the protests and in meeting their demands – namely, women.

The declarative dimension was not confirmed in practice, because women turned out to be a strong “driving engine” of the opposition’s electoral results in Poland (Latos 2023), giving hope that the demands of the demonstrators would be implemented.

## Notes

1 <https://socialpress.pl/2016/09/czarnyprotest-odbil-sie-sze-rokim-echem-w-mediach-spolesnosciowych/>

2 One of the first online campaigns associated with the use of a hashtag was #YesAll-Women. The hashtag was launched in 2014 after the Isla Vista massacre in California, when one of the students, due to personality disorders and a very negative attitude towards women, killed six people. The protest action involved sharing examples of misogyny and acts of violence against women.

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