

PAŃSTWO I SPOŁECZEŃSTWO

STATE AND SOCIETY

E-ISSN 2451-0858 ISSN 1643-8299

ROK XXIV: 2024, NR 1

DOI: 10.48269/2451-0858-pis-2024-1-003

Data wpłynięcia: 20.06.2023

Data akceptacji: 24.04.2024

POLISH IN THE OCTOBER OF 2020. EVOLUTION OF FORMS OF EXPRESSING CIVIC DISSATISFACTION AND INDIGNATION

Marta du Vall

PhD, Associate Professor, Andrzej Frycz Modrzewski Krakow University,
Faculty of Management and Social Communication
<https://orcid.org/0000-0008-1245-730X>

Abstract

The topic of socio-political activity as a factor that proves the dynamic development of civil society and the political maturity of society is an issue that is always topical in research. When we add the issue of changing the forms of expression and rhetoric of protest in connection with the political involvement of subsequent generations, we see that it enriches and forever changes the narrative about the actions of those in power. This article focuses on events related to the announcement of the Constitutional Tribunal's judgement of 22nd October, 2020, regarding the unconstitutionality of some provisions of the so-called "abortion compromise". This led to a wave of protests by Polish society. Thanks to the involvement of young Poles, the radicalisation of language, but also the creativity of slogans, the protests became much more visible and media-related. They permanently changed and enriched the repertoire previously used by demonstrators.

Key words: protest, demonstration, Constitutional Tribunal, Women's Strike, slogans, civic indignation

Introduction

For years Polish younger generations were accused of selfishness and political passivity. Although the contemporary political crisis in Poland began in 2015,

when Poland's constitutional order was violated, only a small percentage of young people could be seen among the protesters in the following years. Many Poles believed that the Constitutional Tribunal was far from the everyday life of ordinary citizens. This article draws attention to the causes of the sudden outbreak of civic activity among younger Poles and the evolution of forms of expression of dissatisfaction.

"The Constitutional Tribunal is a [Polish – M.V.] judicial authority whose main function is to examine the constitutionality of normative acts and international agreements. Its activities do not constitute the administration of justice – it is an institution whose importance lies in the closest possible connection with politics, political relations and the political system."¹ In accordance with the Act on the Constitutional Tribunal and the Constitution of the Republic of Poland of 1997, this body rules on the following matters:

- 1) compliance of international laws and agreements with the Constitution,
 - 2) compliance of acts with ratified international agreements, the ratification of which requires prior consent expressed in the act,
 - 3) compliance of legal provisions issued by central state bodies with the Constitution, ratified international agreements and laws,
 - 4) constitutional complaints,
 - 5) disputes over competences between the central constitutional bodies of the state,
 - 6) compliance with the Constitution of the goals or activities of political parties.
2. The Tribunal, at the request of the President of the Republic of Poland, determines the conformity of an act with the Constitution before its signing and an international agreement before its ratification.
3. The Tribunal, at the request of the Marshal of the Lower Chamber of Parliament, decides on whether an impediment exists to the exercise of office by the President of the Republic of Poland when the President is unable to notify the Marshal of the Lower Chamber of his or her inability to hold the office. If it is recognised that the President is temporarily unable to hold the office, the Tribunal shall entrust the Marshal of the Lower Chamber with the temporary performance of the duties of the President of the Republic of Poland²;

considers legal questions submitted by the courts³.

Since its establishment, the Constitutional Tribunal has served as one of the key state bodies. The jurisprudence of the Constitutional Tribunal significantly contributed to the development of the democratic state of law in Poland. We owe it to the Constitutional Tribunal for describing a number of constitutional principles arising from the values enshrined in the Constitution. Finally, the Polish Constitutional Tribunal was

¹ M. Banaś, *Rola Trybunału Konstytucyjnego w funkcjonowaniu polskiego reżimu politycznego w świetle Konstytucji z 1997 r.*, "Przegląd Prawa Konstytucyjnego" 2015, nr 1, p. 35.

² Ustawa z dnia 1 sierpnia 1997 r. o Trybunale Konstytucyjnym, Dz.U. 1997 nr 102 poz. 643 ze zm. [Journal of Laws of the Republic of Poland 1997, no. 102, item 643 with changes], article 2.

³ *Ibidem*, article 3.

one of the model constitutional courts taken as an example by other European and non-European countries.⁴

Constitutional crisis

[...] in the autumn of 2015, the new parliamentary majority initiated a chain of events leading to the subordination of the Tribunal to the will of the ruling party. [...] The pacification of the Tribunal led to the degeneration of the legislative process in Poland, manifested in the fact that Parliament ceased to play the role of the legislator and its deliberative character was completely distorted.⁵ [...] [It can be stated that – M.V.] the impairment of the functioning of the Constitutional Tribunal essentially resulted in the suspension of the validity of the Polish Constitution.⁶

All changes [...] regarding the system and functioning of the Constitutional Tribunal were introduced [by the political forces ruling in Poland – M.V.], despite the opinions of many [national and – M.V.] international organisations which, acting in order to protect the rule of law in Poland, the independence of the Constitutional Tribunal and the independence of its judges, expressed concerns about the legislator.⁷

The Parliamentary Team for constitutional order and the rule of law distinguished four main phases of the constitutional crisis.

The first took place at the turn of the seventh and eighth terms of the Parliament of the Republic of Poland [autumn 2015 – M.V.] and concerned a dispute over the composition of the judges of the Constitutional Tribunal (this included such events as the refusal to swear in the Constitutional Tribunal judges duly elected by the Parliament of the seventh term, the election of “understudy judges” and their swearing in at night by the President). The second phase concerned an open attack of the legislative and executive powers on the Constitutional Tribunal, which took place at the beginning of the eighth term of the Parliament of the Republic of Poland [winter 2015 and 2016 – M.V.] (this phase included numerous amendments to the Act on the Constitutional Tribunal which came into force on the day of its announcement and the refusal to recognise and publish the judgements of the Constitutional Tribunal that declared the unconstitutionality of these amendments). The third phase, starting on the last day of the term of office of the then President of the Constitutional Tribunal, Professor Andrzej Rzepliński [on 19th December, 2016 – M.V.], included taking control of the Constitutional Tribunal by judges elected by the Lower Chamber of the eighth term and ‘double judges’, as well as – raising legal doubts – the election of a new president

⁴ *Kryzys wokół Trybunału Konstytucyjnego w latach 2015–2018. Raport przygotowany na potrzeby Parlamentarnego zespołu do spraw ładu konstytucyjnego i praworządności*, oprac. i red. M. Małdziński, Warszawa 2019, p. 6, [https://orka.sejm.gov.pl/opinie8.nsf/nazwa/401_20190402/\\$file/401_20190402.pdf](https://orka.sejm.gov.pl/opinie8.nsf/nazwa/401_20190402/$file/401_20190402.pdf) [accessed: 8.06.2023].

⁵ *Ibidem*, p. 6.

⁶ *Ibidem*, p. 7.

⁷ *Ibidem*, p. 11.

of the Constitutional Tribunal. [...] The fourth [...] phase of the crisis began after judges Julia Przyłębska and Mariusz Muszyński took over the leadership of the Constitutional Tribunal. During this period, persons elected to judicial positions contrary to the Constitution were included in judicial activity, the then vice-president Stanisław Biernat was deprived of any real influence on the activities of the Constitutional Tribunal, and – as a result of the request of the Prosecutor General – three judges elected by the Lower Chamber of Parliament of the previous term were removed from the judicial activity.⁸

The decline in the credibility of the Constitutional Tribunal is illustrated by a clear reduction in the number of inquiries submitted by common courts to the Tribunal, which in 2015 numbered 135, and in the following year only 21.⁹

It should be emphasised that the fight to maintain the democratic state of law in Poland did not end with the ruling party taking over the Constitutional Tribunal. The will of the ruling party was not obeyed by the courts, which began to issue judgements, directly applying the provisions of the Constitution and submitting a number of preliminary questions to the Court of Justice of the European Union.¹⁰ The fight to restore the rule of law in Poland was supported by a wide range of citizens, but unfortunately not younger Poles.

From November 2015 to December 2016, a wave of protests and pickets spread across Poland in defence of the constitution, the rule of law and judges. The nature of these protests was mass, but their dynamics and language were very balanced, the slogans chanted calling for specific actions, e.g. “publish the verdict”, “let’s save the constitutions”. Candles were lit and Polish hits from the Polish People’s Republic were sung, calling for fighting to defend freedom (including a song by the band Chłopcy z Placu Broni from 1990 entitled *Kocham wolność* (I love freedom), where we hear the words “I love and understand freedom, I cannot give up freedom.” In the spring of 2016, foreign correspondents reported that even ‘respectable gentlemen’ who did not feel like chanting slogans

⁸ *Ibidem*, pp. 9–10.

⁹ M. Kryszkiewicz, *Temida radzi sobie bez TK*, “Dziennik Gazeta Prawna”, 27.06.2017, p. B6.

¹⁰ “The preliminary reference procedure, provided for in Article 267 of the Treaty on the Functioning of the European Union (TFEU), is an institutionalised mechanism of dialogue between the Court of Justice of the European Union (CJEU) and national courts. This dialogue serves three principal purposes. First of all, to provide national courts with assistance on questions regarding the interpretation of EU law. Secondly, to contribute to a uniform application of EU law across the Union. Thirdly, to create an additional mechanism – on top of the action for annulment of an EU act (set out in Article 263 TFEU) – for an *ex post* verification of the conformity of acts of the EU institutions with primary EU law (the Treaties and general principles of EU law). The scope of the preliminary reference procedure covers the entire body of EU law with the exclusion of acts under common foreign and security policy and certain limitations in the area of judicial and police co-operation in criminal matters”, R. Mańko, *Preliminary reference procedure*, European Parliament: European Parliamentary Research Service (EPRS), June 2017, p. 1, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608628/EPRS_BRI\(2017\)608628_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608628/EPRS_BRI(2017)608628_EN.pdf) [accessed: 9.06.2023].

and blaring trumpets had no choice: they had to take to the streets. They described the atmosphere of the protests using phrases such as

They are walking calmly from the building of the Constitutional Tribunal to the Presidential Palace. Many people have Polish and European Union flags in their hands. Sometimes you can also see the flag of Ukraine, and the banners say: publish the verdict! [Paul Flückiger, “Der Tagesspiegel”]¹¹

or

The liberal opposition in Warsaw is the complete opposite of what Kaczyński’s national-conservative camp understands by the term “patriots”, [...] a collective hero cult full of myth – as opposed [...] – to loose, individual patriotism [Konrad Schuller, “Frankfurter Allgemeine Zeitung”].¹²

Polish “October” 2020

For several years, the mass protests were mainly attended by older people (“respectable” men and women) and people who understood the importance of the role of the Constitutional Tribunal and the independence of the judiciary (during this period, Komitet Obrony Demokracji [KOD, the Committee for the Defence of Democracy]¹³ began its activities). Younger Poles did not see the connection between the role and the decisions of the Constitutional Tribunal and the rights and freedoms of individuals. However, years of dismantling state institutions finally brought a sobering and painful realisation that the authorities can freely invade every area of life.

In October 2020, the Tribunal issued a ruling which concerned a very private, intimate matter that directly concerned life and death. It can be said that in the autumn of 2020, the Polish government crossed a thin red line and attacked, like never before, a heterogeneous group with no common denominator of interests, but with a common problem, a group which had so far been ignored. On 22nd October, 2020, the Polish Constitutional Tribunal ruled that a provision of the Anti-Abortion Act of 1993, allowing abortion in the event of severe and

¹¹ M. Gwóźdź, *Masowe protesty w obronie konstytucji*, DW, 14.03.2016, <https://www.dw.com/pl/masowe-protesty-w-obronie-konstytucji/a-19114683> [accessed: 15.06.2023].

¹² *Ibidem*.

¹³ “The KOD was created to fight against violations of the law by those in power in our country, to remind all citizens that we live in a democratic country and that we should defend democracy with all our strength. We want to live in a society that is neutral in terms of worldviews, counteract violations of the rule of law, abuses of the authorities, and the authorities’ exceeding their powers and competences. Our goal is to promote attitudes conducive to the development of a democratic state of law. We want to disseminate and protect human freedoms and civil liberties, work to popularise knowledge about the democratic system of the rule of law, and build a civil society”, KOD, *o KOD – kim jesteśmy*, <https://ruchkod.pl/o-kod-zie> [accessed: 10.06.2023].

irreversible foetal impairment or an incurable disease that threatens its life, was unconstitutional.¹⁴

This was the moment when young people from larger and smaller cities began to take to the streets every day to protest against the Tribunal's decision. The protests began to have a completely different character than the previous ones. They had radical slogans, radical forms of expression and sharply criticised the role of the Church in Polish politics. The main driving force of the protests was Ogólnopolski Strajk Kobiet (OSK, the National Women's Strike), a mass protest movement that had emerged in 2016.

The source of the creation of the OSK was the so-called 'black protests', which were a reaction to the announcement that the Lower House of the Polish Parliament was working on a draft bill to completely ban abortion¹⁵ and the simultaneous rejection of the so-called public initiative relaxing anti-abortion law.¹⁶ Therefore, it was a mass, grass-roots and social protest that was a voice of opposition to the real prospect of the law being tightened in this area. At the end of September 2016, mass demonstrations organised by the Razem (Together) party took place in nine Polish cities under the slogan 'black protest' (#czarnyprotest). They

started with an online protest on a social networking site. Its main concept was that "all you had to do was take a black and white photo and send it to the appropriate social media page. Thousands of women of all ages, [...] from all over the world, posted photos of themselves with notes about the 'black protest' online." After online mobilisation, the black protests quickly spread to the streets of many cities in Poland.¹⁷

"The main mass protest, which was a kind of 'beginning' of the movement, took place on [Monday – M.V.] 3rd October, 2016 [...], (so-called 'Black Monday'). Approximately 200,000 people took part in mass protests and marches in 150 Polish cities. An additional element of the protest was its symbolic side, i.e.

¹⁴ Pursuant to Art. 4a section 1 point 2 of the Act on family planning, protection of the human foetus and conditions for the admissibility of termination: The termination of pregnancy may only be performed by a doctor if prenatal tests or other medical conditions indicate a high probability of severe and irreversible impairment of the foetus or an incurable disease that threatens its life. The provision became invalid with the publication of the Tribunal's judgement in the Journal of Laws – January 27, 2021; Wyrok Trybunału Konstytucyjnego z dnia 22 października 2020 r., sygn. akt K 1/20, Dz.U. 2021, poz. 175.

¹⁵ This bill was submitted to the Lower Chamber of Parliament of the Republic of Poland in autumn 2016 by the Ordo Iuris Institute for Legal Culture.

¹⁶ The draft bill of the "Let's Save Women" committee allowed the termination of pregnancy up to the twelfth week without additional conditions, and after that date – in the same cases as before (when the pregnancy poses a threat to the woman's life or health, there is a high probability of severe and irreversible foetal impairment or an incurable disease that threatens its life or if the pregnancy was the result of a prohibited act). Rejected September 23, 2016.

¹⁷ A. Ostaszewska, *Czarne protesty. Doświadczenie społeczne jako podstawa communitas kobiet*, "Pedagogika Społeczna" 2017, nr 4, p. 121.

wearing black clothes and/or absenteeism from work (strike).”¹⁸ The nationwide wave of protests resulted in the cessation of work on the proposal to tighten the anti-abortion law, as well as the formation of the OSK. This was a “[...] mass, social, [...] informal grassroots movement whose main goal was to manifest and defend fundamental social rights. The idea was therefore to demonstrate emancipatory support for specific values [...], ([such as – M.V.] freedom of choice, right to self-determination), as well as the right to insist that the demands submitted be taken into account.”¹⁹

After the announcement of the Constitutional Tribunal’s ruling declaring unconstitutional the provisions regarding the possibility of terminating a pregnancy if prenatal tests or other medical conditions indicate a high probability of severe and irreversible impairment of the foetus or an incurable disease that threatens its life (22nd October, 2020), which had been in force since 1993, people took to the streets in droves, many of them young Poles. Marta Lempart, the leader of the OSK, said in an interview for “Polityka” weekly (October 28, 2020): “[...] This war has been going on for several years. Its victims are women who are denied access to prenatal tests, and women who suffer because perinatal care has been abolished. Young people whose lives have been broken because contraception and sex education are becoming less and less available.”²⁰

It should be emphasised that as early as the black protests in October 2016 and the women’s strike in March 2017, which were mentioned earlier in this article, Polish women took up protest activity on a large scale for the first time. However, October 2020 brought awareness to a much wider group of citizens, women and men, who took to the streets on the day Julia Przyłębska (President of the Constitutional Tribunal) announced her “declaration.”²¹ Protests previously treated as “women’s demonstrations” began to be combined with protests of many, sometimes distant groups, e.g. students, entrepreneurs, doctors, grandmothers, grandfathers, mothers and fathers, brothers and sisters.

It needs to be highlighted that the protests discussed in the article clearly exemplified civil disobedience and were pacified (sometimes brutally) by the forces of order on the orders of the state authorities. “It should be recognised that the primary purpose of public participation in a democratic country is the ability to

¹⁸ Modelled on the so called Women’s Day Off, Icelandic women protest which took place on 24th October, 1975, A. Ziętek, *Ruchy protestu jako przykład asertywnej kultury obywatelskiej. Przypadek ogólnopolskiego strajku kobiet*, “Athenaeum. Polskie Studia Politologiczne” 2020, vol. 65, p. 166.

¹⁹ *Ibidem*, p. 167.

²⁰ M. Witeczak, *Marta Lempart: Nie rozejdziemy się, będziemy walczyć do skutku*, rozmowa z Martą Lempart, “Polityka”, 28.10.2020, <https://www.polityka.pl/tygodnikpolityka/spoleczenstwo/1976712,1,marta-lempart-nie-rozejdziemy-sie-bedziemy-walczy-c-do-skutku.read> [accessed: 10.06.2023].

²¹ People involved in the fight for restoring the rule of law described the Tribunal’s rulings this way after it subordinated its decisions to the will of the ruling party.

control policy and its main actors. Civil engagement in social and political life is a kind of barrier for the degeneration of modern systems of governance that do not seek social approval or understanding.”²² Taking for granted the thesis that in a civilised society obedience is the norm and disobedience is the exception, it should be remembered that in a democratic system of government a situation of civil disobedience is permissible. Civil disobedience has a long tradition, and its main goal is to oppose the government’s policies and express dissatisfaction. The constitutive feature of civil disobedience is violating the law, or refraining from taking action ordered by a legal provision, or rejecting the government’s policy and submitting to the penalty resulting from the violated provision.²³ Therefore, it should be recalled that the Constitutional Tribunal’s judgements are generally applicable from the moment of their announcement (violation of the law by protesters), and additionally, during the largest wave of protests in 2020, epidemic regulations were in force in connection with the Covid pandemic (violation of the law by protesters). At that time, the Regulation of the Council of Ministers of 9th October, 2020 on the establishment of certain restrictions, orders and prohibitions in connection with the occurrence of an epidemic²⁴ was in force (replaced by a new regulation on 28th November, 2020). The most important provisions relating to the topic discussed in the article were in chapter 4 entitled *Prohibition of organising gatherings, events, meetings or gatherings; obligations of participants in special events* in § 28²⁵, the provisions of which almost completely prevented mass protest actions:

1. Until further notice, it is prohibited to organise meetings within the meaning of Art. 3 of the Act of July 24, 2015 – Law on Meetings (Journal of Laws of 2019, item 631), excluding meetings organised on the basis of the notification referred to in Art. 7 section 1, art. 22 section 1 or the decision referred to in Art. 26b section 1 of this Act, whereby:

- 1) the maximum number of participants cannot exceed 150;
- 2) the distance between gatherings cannot be less than 100 m.

2. Participants of the meeting referred to in section 1 are obliged to maintain a distance of at least 1.5 m between themselves and to cover their mouth and nose [...].

However, we must also remember that the Constitution of the Republic of Poland in Article 57 states: “Everyone shall have freedom to organise and to participate in peaceful assemblies. Limitations of this freedom may be determined

²² M. du Vall, *Nieposłuszeństwo obywatelskie w XXI wieku*, [in:] *Dylematy polskiej demokracji*, red. Ł. Danel, J. Kornaś, Fundacja Gospodarki i Administracji Publicznej, Kraków 2012, p. 203.

²³ *Ibidem*, pp. 189–190.

²⁴ Rozporządzenie Rady Ministrów z dnia 9 października 2020 r. w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, Dz.U. 2020 poz. 1758 [repealed].

²⁵ *Ibidem*.

by legislative act.”²⁶ Hence, during the pandemic, many constitutionalists questioned the validity of the provisions contained in government regulations.

Evolution of forms of expressing civic indignation

Polish citizens decided *en masse* that in the face of a threat to their freedoms and rights, they would be disobedient and express their outrage. Over time, protests took on a different character: blockades of streets and entire cities, large gatherings, marches, pickets etc. The tools of resistance increasingly included symbolic objects (e.g. coat hangers, which had also appeared earlier), humour and the sounds and volume of the organised events, and the language of protest, which on the one hand, became radicalised, but also became a tool of artistic and literary expression of dissatisfaction. Expanding the ways in which people participated with new forms opens the way for groups previously marginalised or excluded to participate in political life.

After many years of rather polite protests in defence of the rule of law, the protests that began in October 2020 sought a form of activism that was supposed to be, above all, visible, according to the principle “the more visible it is, the better”. The effectiveness of a protest depends on whether it is noticed by the authorities, media, supporters and opponents.²⁷

It can be said that the protests were a series of quite specific demonstrations. Firstly, as already mentioned, they took place during the pandemic. Hence,

one version of the protest logo: the profile of a woman with a red lightning bolt, without a mask, or a view [...] with a mask [on her face – M.V.] – black with a red lightning bolt or red with a black lightning bolt. Secondly, the strategy of the demonstrators was based largely on the fact that movement around the city was not determined in advance, as it depended to a large extent on the actions of the police, initially relatively mild, but over time more and more aggressive. [...] Their specificity also consisted in the fact that there was no specific “centre”, neither spatially anchored nor decision-making. Demonstrations took place in many cities, where the course of the demonstration was not determined from above or imposed by the “headquarters.”²⁸

What was new in October 2020 was that the use of profanity became common in statements as well as displaying such words in the form of slogans on banners. Although the crowds also chanted other slogans, it was the vulgar ones that were shouted most often and with the greatest enthusiasm. The phrase “fuck off” became the motto of the protests against the tightening of abortion regulations at that time. You could also hear slogans such as “We’re pissed off!” and a slogan

²⁶ Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz.U. 1997, nr 78, poz. 483.

²⁷ Z. Kloch, *Hasła strajku kobiet i języki wernakularne*, “Pamiętnik Literacki” 2022, nr 1, pp. 117–118.

²⁸ *Ibidem*, pp. 119–120.

that has become part of the language of all anti-government demonstrations taking place since then: “fuck PiS”²⁹, which over time began to be symbolised by the stars “***** ***”. It is worth noting that from that moment on, eight stars began to appear not only on protest posters, but also on cars, in shop and restaurant windows, etc., of those who wanted to express their opposition to government policy. Polish streets became “starry”. It was a symbolic version of the protest, but clearly shows support for the actions of citizens fighting for the rule of law and freedom.

The use of vulgar words outraged some people, even among people opposed to the ruling party. There were claims that this form of protest makes many of them uncomfortable, being among crowds shouting slogans that they consider too vulgar and with which they do not agree. The language of the protests was also a huge source of criticism for the authorities who discredited the protest participants and the media supporting them. Despite this, a Kantar poll conducted in the second half of November 2020 indicated that 70% of respondents supported the protests against the Constitutional Tribunal’s ruling on abortion. Importantly, respondents from younger age groups more often declare support for demonstrations.³⁰ Furthermore, in a report on a survey involving 3,389 people, the Centre for Social Cognitive Studies Kraków indicated that as many as 92% of respondents opposed the Constitutional Tribunal’s judgement (3,050 people). They also expressed considerable motivation to be active (even long-term) and aimed to stop the newly introduced changes by the Constitutional Tribunal. The dissatisfaction caused by the change proposed by the Constitutional Tribunal can also be seen from the fact that 27% of respondents had not previously participated in protests regarding the tightening of the abortion law, and 17% had not previously been involved in any other protests.³¹

Some journalists, columnists and scientists were among the defenders of the use of profanity. People who distanced themselves from the protests because they used “bad words” were accused of thinking the same way as those in power: they expect women to be polite and obedient. Attention is drawn to the fact that precise expression is the key to communication. It is about transparency and the power of the message; the protesters did not want the ruling party to “leave” or “leave it alone”, but to “fuck off”.

²⁹ For using this slogan at a protest on 27th January, 2021, on the day the Constitutional Tribunal’s judgement was published in the Journal of Laws, a medical student from Gdańsk was brought to court. She was accused of violating Article 141 of the Petty Offences Code, which refers to the use of obscene words in a public place. This slogan had been chanted throughout Poland for several months earlier.

³⁰ js/kab, *70 procent badanych popiera protesty Strajku Kobiet*, TVN24, 20.11.2020, <https://tvn24.pl/polska/protesty-po-orzeczeniu-tk-w-sprawie-aborcji-sondaz-70-procent-badanych-popiera-demonstracje-4755987> [accessed: 10.06.2023].

³¹ K. Jaśko, J. Grzymała-Moszczyńska, M. Maj, M. Tańska, J. Pyrkoś-Pacyna, M. Szastok, *Strajk Kobiet raport z badań*, Instytut Psychologii Uniwersytetu Jagiellońskiego, Kraków 2020.

On the other hand, the use of profanity inspired others, mainly participants, to further modify existing conventions related to expressing social dissatisfaction. Of course, there were banners that deliberately and with humour showed the absurdity of politely asking the government to leave, i.e. "President, the Sovereign tells you to go away", "I express my dissatisfaction with the inelegant actions of the government", "The people of Krakow politely ask, go away, roaches."³²

There were plenty of quotes and allusions on the placards that referred to well-known maxims, literature, pop culture and even the Bible. As for classic foreign authors, it is worth highlighting the excellent use of a quote from *The Master and Margarita* by Mikhail Bulgakov. The slogan "Annushka poured oil" sounds ominous because it announces that someone is about to be beheaded by a tram. There were also references to the works of George Orwell, his *Animal Farm* and *1984*, which were best expressed in the slogan "Orwell didn't write self-help books". In turn, the slogan "I was already prudent and romantic. Now I'm pissed off" referred to the works of Jane Austen. When it comes to Polish literature, following Michał Rusinek, one can point out references to authors such as Adam Mickiewicz: "Listen, girl! She doesn't listen" (*Romantyczność*), "Where is the amber weed and the buckwheat as white as snow, you, Jarosław Miserably, get the f*** out!" (*Pan Tadeusz*); Juliusz Słowacki: "Like Balladyna for all crimes, red lightning will f*** you today" (*Balladyna*), "They are worthy of a curse" (*Balladyna*); Henryk Sienkiewicz: "I haven't been to Lubicz yet, I was just rushing here to f*** you out gentlemen!" (*Potop*); Władysław Reymont: "They will take you away like Jagna!" (*Chłopi*); and Bolesław Prus: "Too many Hail Marys are harmful to health and life. Rozalka" (*Antek*).³³

Examples of slogans with their sources both in literature and pop culture include banner slogans referring to the work of J.K. Rowling (author of the Harry Potter series) or J.R.R. Tolkien (author of, among other works, *The Hobbit* and *The Lord of the Rings*). A title for the next book in the Harry Potter series was suggested: "Harry Potter and the Hell of Women", others cast spells: "Avada Kadavra PiS" or "We'll put you in Azkaban", "Jarek, only a dementor wants to kiss you", "Harry Protest and fucking You-Know-Who", "Expecto Patronum, you bastard". Others wrung their hands, saying: "Like country, like Voldemort". Among Tolkien's themes, it is worth mentioning examples such as "The Orcs of Mordor are a bit pissed off too" and "Where is Gondor when PiS is persecuting us?." There were also references to *The Handmaid's Tale* by Margaret Atwood

³² References to the slogans mentioned in this article, and much more, can be found in places such as Instagram on the profile @transparenty_z_protestów, https://www.instagram.com/transparenty_z_protestow [accessed: 1.06.2023].

³³ M. Rusinek, „Jarku, daj, ać ja pobruszę, a ty wyp***”. *Jak autorzy transparentów sięgają do literatury*, "Wysokie Obcasy", 1.11.2020, <https://www.wysokieobcasy.pl/wysokie-obcasy/7,100865,26466977,jarku-daj-ac-ja-pobrusze-a-ty-wyp-jak-autorzy-transparentow.html?disableRedirects=true> [accessed: 10.06.2023].

and the series based on it. There were banners with slogans: “Gilead” or “Jarek thinks ‘The Handmaid’s Tale’ is a tutorial.”³⁴

There were also references to cult and popular films, e.g. *Forrest Gump*: “Run, Jarek, run!” and to the title of the American comedy: “I love you, and you from PiS!”³⁵ Animated films also became an inspiration, e.g. *Penguins of Madagascar* and the slogan “Gentlemen, we have a government to overthrow”, *Smurfs* and the words “Smurf is outraged that there is a bigger idiot than him”, or *Shrek*: “Even Shrek wouldn’t want to live in such a swamp”, as well as popular entertainment programs, such as Kitchen Revolutions and the words of the program hosts “today we will stew duck” or Master Chef and the slogan “Julia, give me your apron”. From a visual point of view, the president of the ruling party was imagined not only as Voldemort (the villain of the Harry Potter series), but also as Sith Lord Palpatine from the Star Wars saga, Dobby from the Harry Potter series and “Badman”, a reference to the Batman comics and films. Princess Leia, from the Star Wars universe and Wonderwoman also appeared as symbols of the resistance.

When it comes to references to the Bible, again following Michał Rusinek, we can point out, for example, a parody of a phrase from the Letter of St. Paul to the Romans: “Conquer evil with the beaver”, the Gospel according to St. Matthew: “Whoever lives by the sword dies by the sheath” or Psalm 23: “Even though I walk along Nowogrodzka Street, I will fear no evil”. There was also a literal quote from the Gospel, but in a completely different context: “This is MY body.”³⁶

Conclusions

October 2020 was a kind of breath of youthful fresh air for Poles, tired of many years of ineffective opposition to the destruction of the Polish state by the government. Democracy has become an even more profoundly lived experience, and towns and cities have become a place where people take matters into their own hands, rather than waiting for centralised institutions. Earlier protests were an expression of citizens’ indignation and anger, but due to the weak involvement of the young people, they were calm and not very dynamic. The protesters, whether in the mistaken belief of the need to become decent or out of “intellectual superiority”, contented themselves with the slogans “Freedom, equality, democracy”, “Constitution”, lighted candles, and carried flowers and flags. Without a doubt, these were important and beautiful events, but there was no controversy or directly expressed opposition to the authorities.

³⁴ *Ibidem.*

³⁵ *Ibidem.*

³⁶ *Ibidem.*

Certainly, the involvement of the young generation in defending rights and freedoms has significantly influenced the rhetoric and form of expression used in the protests. According to the previously mentioned Kantar survey on 20th November, 2020, “it was people aged 18–24 who most often declared that they had taken part in the protests. Of this group, 29% admitted that they had taken to the streets. The older the Poles, the more often they did not support the street demonstrations related to the Women’s Strike.”³⁷ It cannot be forgotten that the protests took place during the Covid-19 pandemic, which on the one hand certainly resulted in greater participation by young Poles (who wanted the freedom to leave their places of residence, move around, organise meetings, have fun etc.) and the limited presence of older Poles who were more at risk of falling ill. It is also worth mentioning parenthetically that the event required the involvement of a larger number of law enforcement services, which resulted in an increased number of interventions.

Observing the protesters in October 2020 (and months later), it was noticeable that the participants were not walking, but running, dancing to music, which was sometimes completely inappropriate and rude, and the slogans on the banners (but also in shop windows, cafes, etc.) were an extraordinary manifestation of creativity and the fact that younger Poles do not care what others think about them. Although initially the main attention was paid to the vulgarisation of the language of the protests, over time, older protesters accepted and understood that the current level of public outrage had already exceeded the limits of “polite” demonstrations.

Thanks both to the radicalisation of language, but also to the creativity of slogans described earlier in the article, references to literature, pop culture and humour, the protests have become much more visible and media-related. The protesters were appreciated for their intelligence, interesting and humorous use of literary and film themes, and for the artistry of many banners and costumes. There is no doubt that it has enriched and forever changed the narrative regarding the current actions of those in power.

References

- @transparenty_z_protestow, https://www.instagram.com/transparenty_z_protestow [accessed: 1.06.2023].
- Banaś M., *Rola Trybunału Konstytucyjnego w funkcjonowaniu polskiego reżimu politycznego w świetle Konstytucji z 1997 r.*, “Przegląd Prawa Konstytucyjnego” 2015, nr 1, pp. 27–48.
- du Vall M., *Nieposłuszeństwo obywatelskie w XXI wieku*, [in:] *Dylematy polskiej demokracji*, red. Ł. Danel, J. Kornaś, Fundacja Gospodarki i Administracji Publicznej, Kraków 2012, pp. 189–203.

³⁷ js/kab, *op. cit.*

- Gwóźdź M., *Masowe protesty w obronie konstytucji*, DW, 14.03.2016, <https://www.dw.com/pl/masowe-protesty-w-obronie-konstytucji/a-19114683> [accessed: 15.06.2023].
- Jaśko K., Grzymała-Moszczyńska J., Maj M., Tańska M., Pyrkosz-Pacyna J., Szastok M., *Strajk Kobiet: raport z badań*, Instytut Psychologii Uniwersytetu Jagiellońskiego, Kraków 2020.
- js/kab, *70 procent badanych popiera protesty Strajku Kobiet*, TVN24, 20.11.2020, <https://tvn24.pl/polska/protesty-po-orzeczeniu-tk-w-sprawie-aborcji-sondaz-70-procent-badanych-popiera-demonstracje-4755987> [accessed: 10.06.2023].
- Kloch Z., *Hasła strajku kobiet i języki wernakularne*, "Pamiętnik Literacki" 2022, z. 1, pp. 117–130.
- KOD, *o KOD – kim jesteśmy*, <https://ruchkod.pl/o-kod-zie> [accessed: 10.06.2023].
- Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz.U. 1997, nr 78, poz. 483.
- Kryszkiewicz M., *Temida radzi sobie bez TK*, "Dziennik Gazeta Prawna", 27.06.2017, p. B6.
- Kryzys wokół Trybunału Konstytucyjnego w latach 2015–2018. Raport przygotowany na potrzeby Parlamentarnego zespołu do spraw ładu konstytucyjnego i praworządności, oprac. i red. M. Małdziński, a report prepared for the needs of the Parliamentary Team for constitutional order and the rule of law, Warszawa 2019, [https://orka.sejm.gov.pl/opinie8.nsf/nazwa/401_20190402/\\$file/401_20190402.pdf](https://orka.sejm.gov.pl/opinie8.nsf/nazwa/401_20190402/$file/401_20190402.pdf) [accessed: 08.06.2023].
- Mańko R., *Preliminary reference procedure*, European Parliament: European Parliamentary Research Service (EPRS), July 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608628/EPRS_BRI\(2017\)608628_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608628/EPRS_BRI(2017)608628_EN.pdf) [accessed: 9.06.2023].
- Ostaszewska A., *Czarne protesty. Doświadczenie społeczne jako podstawa communitas kobiet*, *Pedagogika Społeczna* 2017, nr 4, pp. 117–132.
- Rozporządzenie Rady Ministrów z dnia 9 października 2020 r. w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, Dz.U. 2020, poz. 1758 [repealed].
- Rusinek M., *"Jarku, daj, ac ja pobruszę, a ty wyp***". Jak autorzy transparentów sięgają do literatury*, "Wysokie Obcasy", 1.11.2020, <https://www.wysokieobcasy.pl/wysokie-obcasy/7,100865,26466977,jarku-daj-ac-ja-pobrusze-a-ty-wyp-jak-autorzy-transparentow.html?disableRedirects=true> [accessed: 10.06.2023].
- Ustawa z dnia 1 sierpnia 1997 r. o Trybunale Konstytucyjnym, Dz.U. 1997, nr 102, poz. 643 ze zm.
- Witczak M., *M. Lempart: Nie rozejdziemy się, będziemy walczyć do skutku*, rozmowa z Magdą Lempart, "Polityka", 28.10.2020, <https://www.polityka.pl/tygodnikpolityka/spoleczenstwo/1976712,1,marta-lempart-nie-rozejdziemy-sie-bedziemy-walczyć-do-skutku.read> [accessed: 10.06.2023].
- Wyrok Trybunału Konstytucyjnego z dnia 22 października 2020 r., sygn. akt K 1/20, Dz.U. 2021, poz. 175.
- Ziętek A., *Ruchy protestu jako przykład asertywnej kultury obywatelskiej. Przypadek Ogólnopolskiego Strajku Kobiet*, "Athenaeum. Polskie Studia Politologiczne" 2020, vol. 65, pp. 156–172.