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## Original Article

# Minority rights after EU enlargement: A comparison of antigay politics in Poland and Latvia

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**Abstract** This paper examines the recent backlash against gay rights in Poland and Latvia as a test case of the depth and breadth of 'europeanization' in the new postcommunist member-states of the European Union (EU). We argue that antigay mobilization in these countries constitutes illiberal governance (and thus a failure of europeanization) on three grounds: failure of institutional protections for sexual minorities, broad inclusion of illiberal elites in mainstream politics and virulence of antigay rhetoric by political elites in the public sphere. To explain the stalled europeanization of nondiscrimination norms regarding sexual minorities, we apply two analytical models widely used to explain successful norm adoption in other policy areas: the 'external incentives' and 'social learning' models. We find that in the case of gay rights, EU conditionality was weak, and national identity and 'resonance' operated against norm adoption, as did domestic institutions (namely, weakly institutionalized party systems). The EU might have overcome these obstacles through persuasion, but deliberative processes were lacking. Our analysis suggests that some of the key factors underlying both models of norm adoption operate differently in the new, postaccession context, and that social learning is likely to play a greater role in postaccession europeanization.

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## Introduction

In May 2004, Poland and Latvia joined the European Union (EU), ending a long process in which the strength of their democratic institutions was carefully tested and validated by the European Commission. For many postcommunist



citizens, the long-awaited 'return to Europe' signaled entree into a community of liberal norms, including civil rights for sexual minorities. Activists were emboldened to organize Poland's first Gay Pride parades during the final stages of accession, prompting one observer to remark: 'EU membership has had a huge impact. Activists feel more secure in Poland now. They know the EU is watching.'<sup>1</sup> Similarly, Latvia's first Pride march was held a year after accession. But the belief that EU membership had entrenched liberal norms was soon tested. By 2005, both countries' governments included parties with an illiberal, exclusionary rhetoric targeting sexual minorities. In both, nationally visible political elites banned Pride parades on questionable legal grounds, facilitated counter-demonstrations that resulted in harassment and sometimes violence, and made aggressively antigay public statements. After being a peripheral issue during the 1990s, antigay politics was highly visible (Graff, 2006). Moreover, it was obvious that the accession process had failed to instill the liberal norm of civil rights for sexual minorities in these two postcommunist democracies.

What can these developments tell us about the long-term impact of 'europeanization East'? As other studies have demonstrated, EU accession promoted liberalization in some policy spheres in the candidate countries, with the defusing of ethnic tensions as a paradigmatic example (Kelley, 2004; Vachudova, 2005). But the EU's influence has varied across countries and issue areas. Opinions diverge on whether the process led to liberal convergence or rather 'Potemkin harmonization' on certain hot-button issues (Jacoby, 2005; Schimmelfennig and Sedelmeier, 2005a).<sup>2</sup> Moreover, most scholars have analyzed the preaccession period; there are reasons to suspect that postaccession dynamics will affect europeanization differently. Now, several years after accession, we can begin to assess the depth and breadth of liberalization in the new member-states. Antigay political mobilization offers an important test case because, like ethnic politics, it centers on the core EU norm of nondiscrimination, but unlike ethnic politics, it has received scant scholarly attention.

We analyze Poland and Latvia because, whereas antigay activism has emerged in several postcommunist member-states, it has been most intense in these two.<sup>3</sup> Examining just two countries constrains our causal claims, but close, small-*n* analysis is preferable here. Because antigay politics in the new member-states is underdocumented by political scientists, it is important to describe the phenomenon in some detail. Moreover, the key role played by historical and cultural factors demands a case-study approach. Our cases are, in Eckstein's language, 'plausibility probes' because they probe the relevance of well-developed theories of European integration after accession and challenge intuitions about the role of religion in politics (1992, pp. 147–152). The combination of causal factors and outcomes in Latvia and Poland allows us to disentangle the effects of three important variables in the europeanization of



the new member-states: religion, national identity and party system institutionalization. By selecting cases with similar outcomes but differing religious cultures, we show that antigay politics is not simply the product of conservative Catholicism, as is often assumed. Instead, state discrimination against sexual minorities in both countries results from a particular interaction of religion, national identity and party system. In Latvia, a deeply rooted, exclusionary nationalist discourse helps a new evangelical Protestant political party, which most Latvians dismiss as a 'sect,' to push its antigay political agenda. The paradox of antigay illiberalism in a secularized society like Latvia is further explained by another feature shared with Poland, party system under-institutionalization. Our comparison illuminates the role of this factor, which though underappreciated in the europeanization literature, constitutes a significantly greater obstacle to norm adoption after accession than it did before.

Our empirical research centers on the debate over Pride parades, which in both countries became highly public crystallizations of the gay-rights debate, providing opportunities for activists, their critics and international actors to mobilize politically. We employ the battles over Pride to describe three failures of liberal governance in these countries: first, the failure to uphold basic civil liberties; second, the broad support for an illiberal agenda among political elites; and, third, the virulence of antigay rhetoric in the public sphere. We then analyze the failure to internalize European norms – that is, to 'europeanize' – drawing on the analytical framework developed by Schimmelfennig and Sedelmeier (2005b). They identify two models of 'rule adoption' by accession countries: the 'external incentives' model, emphasizing conditionality and the 'logic of consequences,' and the 'social learning' model, stressing identity, values and the 'logic of appropriateness.' They find that, before accession, strong external incentives promoted norm adoption, but where conditionality was weaker, domestic factors such as the perceived legitimacy and 'resonance' of the norms were crucial.

Our analysis reaffirms the importance of external incentives and social learning as variables, but makes two additional claims about them. First, their underlying causal mechanisms are affected by the postaccession context. Second, we reassess their relative causal weight after accession and question the privileging of external incentives over social learning that was evident before accession.

## **When are EU Norms Adopted?**

Illiberalism toward sexual minorities has deep roots in many of the new member-states. Communism was deeply conservative culturally, encasing traditional, recently peasant-based social practices in 'neo-Victorianism' (Janos, 2001, p. 237).<sup>4</sup> Gays and lesbians stayed firmly 'in the closet.'



Homosexuality was a criminal offense in Soviet Latvia. Although this changed in 1992 to comply with Council of Europe requirements, no positive legal protections for sexual minorities have been enacted. Poland's Communists did not criminalize homosexuality, but gays were persecuted both officially and unofficially. From 1985 to 1987, the security services compiled 'pink files' on some 11 000 suspected homosexuals. Since 1989, a vague constitutional clause that 'no one shall be discriminated against in political, social, or economic life for any reason whatsoever' constitutes the legal basis for nondiscrimination; the Labor Code is the only legal act specifically mentioning sexual minorities (Gruszczynska, 2006, p. 2). Opinion polling reveals widespread antigay attitudes in both countries (European Commission, 2006, pp. 42–43; Makarovs, 2006; Abramowicz, 2007b).

Merely invoking historical roots, however, is not sufficient to explain the Latvian and Polish governments' illiberalism, because in so many other areas these (and other) governments overcame entrenched domestic norms to adopt EU ones (Kelley, 2004; Vachudova, 2005). The same theoretical frameworks that explain successful europeanization in areas ranging from ethnic tolerance to environmental protection also suggest why the EU norm of nondiscrimination toward sexual minorities has *not* been adopted in Poland and Latvia.

Many scholars explain norm adoption in terms of reinforcement by reward: a 'government adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs' (Schimmelfennig and Sedelmeier, 2005b, p. 12). According to this external incentives model, the likelihood of norm adoption depends on four factors, beginning with the norm's clarity: formal, legally defined norms are clearest. It also depends on the size and time frame of the incentive. Third, the norm's credibility suffers if the EU lacks monitoring capacity or if EU member-states disagree about the importance of the norm. Applicants or new members may exploit these differences to delay adoption. Last, norm adoption depends on the costs it imposes on national governments: the more veto players incur losses, the less likely the norm's adoption (Schimmelfennig and Sedelmeier, 2005b, pp. 12–17).

The constructivist social learning model holds that europeanization occurs when member-states identify with the EU and are persuaded of the appropriateness of its rules. Norm adoption is more likely if the target states 'regard the community of states represented by the EU as a valid 'aspiration group'' with shared values and identity (Schimmelfennig and Sedelmeier, 2005b, p. 19). It is also more likely if there is a perceived need because 'domestic rules are absent ... or have become delegitimated' and if EU norms have domestic 'resonance.' Conversely, adoption is less likely if EU norms conflict with 'domestic rules that enjoy high and consensual domestic legitimacy, perhaps as symbols of the national political culture' (p. 20). Finally, the sense of external imposition is mitigated when 'the EU is able to increase



the perception of 'ownership' of EU rules in the target states' by engaging them in a deliberative process and 'relat[ing] its demands to higher principles and general international standards' (p. 19).

In practice, external incentives and social learning have both played a role in most successful instances of EU norm adoption in postcommunist Europe. In her study of ethnic minority policies, Kelley finds that 'membership conditionality by the EU and occasionally by the [Council of Europe] motivated most policy decisions, but normative pressure often guided them,' as in Latvia's eventual liberalization of its citizenship policy (2004, p. 4; see also Vachudova, 2005).

Like equal rights for ethnic minorities, equal rights for sexual minorities has proved controversial in Poland and Latvia. But unlike the former, the EU has so far failed to spread the norm of nondiscrimination. External incentives have been ineffective, and identity and resonance have operated against norm adoption. The EU might have overcome these obstacles through persuasion, but deliberative processes have also been lacking.

### **Illiberalism on Parade: Antigay Politics in Poland and Latvia**

What makes antigay politics a good test case of europeanization? Poland and Latvia are not unusual in that homophobic attitudes are widespread. But they do diverge from European, liberal democratic standards insofar as homosexuals are excluded from participation in public life and their rights threatened. Here, we construct three measures of illiberal governance to assess norm violations in both countries:

1. Failure of institutional protections for minorities, including freedom of speech, full protection of the law and equal rights to participate in public life. At one end of the spectrum, states may occasionally 'lapse' in protecting these rights. Officials may fail to prosecute groups that threaten minorities or may use administrative chicanery to prevent rights being exercised. At the other extreme, states may actively suppress rights, using legislation or state-sponsored violence. At the institutional level, antigay mobilization in Poland and Latvia is a case of the former, though at the level of public discourse it tends toward the latter.
2. Inclusion of illiberal elites in 'legitimate politics' and state institutions. We focus on representation in parliament and government.
3. Aggressive antigay rhetoric by political elites in the public sphere. In both countries, officials at the highest levels have publicly argued for limiting minorities' rights, questioned their full participation in public life, endorsed state suppression and sometimes indulged in outright hate speech.



## Failure of institutional protections for minorities

Antigay mobilization has undermined liberal norms in Poland and Latvia because it has denied, through administrative chicanery and intimidation, the rights of minorities to participate in public life. This is nowhere more evident than in the battles over Pride parades. First, however, we provide some general context for these battles.

In recent years, the Polish authorities have been faulted for intolerance and failure to protect the rights of sexual minorities by the European Parliament (EP), the European Court of Human Rights (ECHR), Amnesty International (2006), the United Nations (United Nations Human Rights Committee, 2004) and the International Lesbian and Gay Association (ILGA, 2006), among others. The nadir of intolerance was reached under Polish Education Minister Roman Giertych (LPR), who from 2005 to 2007 led a public attack on the rights of sexual minorities, particularly in schools. Giertych fired the national director of teacher training, Mirosław Sielatycki, for distributing a Council of Europe handbook on tolerance that included several paragraphs on homosexuality. Sielatycki's replacement warned against the dangers of homosexuality in schools. In 2007, Giertych proposed legislation threatening teachers 'promoting homosexuality' with not only being fired but also fines and imprisonment (Biedron and Abramowicz, 2007). Various accounts stress that these proposals, even if legally dubious, intensified discrimination for openly gay teachers (Kwaśniewski, 2007).

Because of victims' fear of reprisal or unwillingness to declare their orientation, underreporting makes it notoriously difficult to measure the true extent of discrimination (institutional and otherwise) against sexual minorities, even in relatively tolerant societies (Abramowicz, 2007a). Some sense of scale, however, can be found in a 2005–2006 survey of 1023 Polish gays, lesbians, and bisexuals by Lambda Warszawa. The survey revealed wide-ranging discrimination in employment, housing, education, medical care and in dealings with public authorities. For example, 17.6 per cent of respondents had experienced physical violence, and 51 per cent reported psychological violence, including humiliation, threats, blackmail, and destruction of property. Indicating widespread workplace discrimination, 84.6 per cent took measures to conceal their sexual orientation at work. Likewise, 62.2 per cent concealed their homosexuality from their neighbors or landlords. Finally, 32 per cent reported that they were treated less favorably when dealing public authorities (such as courts) because of their sexual orientation (Abramowicz, 2007b, pp. 14–25).

In 2005, Latvia became the first European country to enact an antigay marriage constitutional amendment. Well before then, the failure to protect gay rights in the workplace was an ongoing concern. The Human Rights and Social Affairs Commission of Latvia's parliament rejected three attempts to



bring Latvia's Labour Law into compliance with an EU-mandated anti-discrimination directive regarding sexual orientation (in 1999, 2003 and 2004). In June 2006, the full parliament voted against the sexual orientation amendment with a 46-vote plurality.<sup>5</sup> Recent survey data suggest a climate of intolerance: in 2004, less than 50 per cent of LGBT respondents were 'out' to their parents, less than 40 per cent to their siblings, less than 30 per cent to their friends and some 20 per cent to their co-workers. Nearly all reported concealing their orientation from neighbors and landlords. Many reported being the victims of verbal abuse (60 per cent) or violent attacks (20 per cent), including by co-workers (15 per cent) and police (6.4 per cent). Only some 5 per cent stated that they had reported harassment to the police, and these described the police's reaction as hostile (nearly 70 per cent) or at best neutral (ILGA-Europe, 2004).

The first attempt by sexual minorities to mobilize in Poland came shortly before its EU accession, with a 300-person march in Warsaw in 2001. The Polish name for the event, *Parada Równości* (Equality Parade), highlighted the civic test it posed for Polish democracy. The annual march soon provoked ferocious controversy, including sometimes violent counter-demonstrations ('Rada Warszawy,' 2004). In 2004, just months after Poland joined the EU, the state became involved: Warsaw's city government banned the parade. Two new political parties, the League of Polish Families (LPR) and Law and Justice (PiS), the latter headed by Warsaw's mayor from 2002 to 2005, went on to mount election campaigns promoting social conservatism – and denouncing 'the propagation of homosexual lifestyles' – that brought them to national government and the presidency in 2005.

Warsaw mayor Lech Kaczyński cited the threat of violence to ban the 2004 parade, but also volubly expressed his disapproval of homosexuality in general. In summer 2005, with the prospect of elections that fall, Kaczyński again banned the event, citing disruptions to traffic (Krzyżaniak-Gumowska, 2005a). As criticism mounted, Kaczyński declared, 'I will prohibit the parade regardless of what I find in the organizers' application. I can't see a reason for propagating gay culture' (Kosc, 2005). When, to circumvent Kaczyński's obstruction, parade organizers petitioned to hold eight separate rallies along the proposed route, the city government forbade seven of them, stating that they could not guarantee their safety (Krzyżaniak-Gumowska, 2005b). A number of conservative groups – among them PiS's youth organization, LPR's All-Poland Youth and various nationalist organizations – organized counter-demonstrations on the day of the parade, all of which the city government allowed.

Two court decisions in September 2005 and January 2006 ruled the Warsaw ban unconstitutional, and in 2006 the Equality Parade proceeded legally. By then, its 'European' significance was evident, and participants came from Germany, Sweden, the Netherlands and Ireland, as well as politicians from



Poland's center-left SLD party. Protesters pelted marchers with eggs and displayed placards with nationalist slogans ('Parada Równości,' 2006). One LPR parliamentarian declared, 'If deviants begin to demonstrate, they should be hit with batons' (Amnesty International, 2006).

Warsaw's experience with bans, harassment and violent counter-demonstrations has also played out in other Polish cities. Poznań's 2005 parade was banned, and an informal demonstration was attacked by the All-Poland Youth; when the police intervened, they mostly arrested members of gay-rights groups. A 'Tolerance March' in Cracow in 2006 was attacked by the participants of a 'Tradition March'; allegedly police failed to protect them (Amnesty International, 2006).

Latvia's first Pride march took place in July 2005.<sup>6</sup> The weeks before saw a high-profile campaign to block it by the recently founded Latvia's First Party (LPP). Popularly known as the 'Preachers' Party' because many of its members are evangelical pastors, it is Latvia's first self-declared defender of 'conservative Christian values.' Three days before the march was to occur, after Prime Minister Aigars Kalvītis of the center-right People's Party declared it 'unacceptable [in] a state based on Christian values,' Riga city officials rescinded the permit (LETA, 2005a). The parade organizers won a court appeal, however, and some 70–100 people marched through the Old Town under heavy police protection. They were confronted by as many as 10 000 onlookers, including perhaps 500 hostile protesters who formed human chains to disrupt the march and carried signs with messages like 'Pederasts can be cured only through the gas chamber' and 'Gays f\*\*\*our nation.' Hecklers surrounded a postparade church service, forcing police to evacuate participants in buses. Afterwards, official responses were muted at best. LPP parliamentarians denied any responsibility for incitement to violence, arguing that the aggression had been provoked by the location and character of the march. 'We would not have minded if they had marched in the swamps and forests,' said party leader Ainārs Šlesers (LETA, 2005b).

LPP has kept up its antigay rhetoric and parliamentary maneuvering since then. It began agitating months before a second Pride march planned for July 2006. Members of the newly formed group NoPride picketed daily in front of City Hall, with their semi-obscene logo displayed on T-shirts and placards. In mid-July, citing undisclosed threats of violence, Interior Minister Dzintars Jaundžeikars (LPP) declared that the police could not guarantee public safety during the march, which he called, preposterously, the 'most dangerous event' in Latvia's post-Soviet history (Vanzovičs, 2006). A subcommittee of the Riga City Council subsequently voted to ban it altogether. This time, the administrative court upheld the ban.

Rather than march without a permit, Pride organizers held an alternative gathering at a downtown hotel. Hundreds of protesters milled before





the entrance until into the evening, wearing T-shirts representing NoPride, the national extremist party National Power Unity, and New Generation, a Riga-based charismatic evangelical megachurch with close ties to LPP. They harassed and spit on people entering and leaving the hotel, and attacked taxis bearing Pride participants. Although this counter-protest amounted to an unsanctioned demonstration, police made no attempt to disperse it and intervened only occasionally, arresting several protesters for 'petty hooliganism.' At a Pride-related church service, worshippers were attacked with eggs and bags of excrement; no police were present.

These events received extensive coverage in Latvian and European media as well as condemnations from Amnesty International, Human Rights Watch and participating international dignitaries. As in 2005, LPP leaders denied any responsibility for incitement. Interior Minister Jaundžeikars insisted that he did not 'have to take a stand against all of Latvia's residents and, for the sake of a few, give orders to oppress the entire Latvian people' (Dreijere, 2006). 'We're not going to send out three policemen for every faggot,' commented party leader Šlesers (Arāja, 2006). Prime Minister Kalvītis rejected widespread calls for Jaundžeikars' resignation and demanded only an internal review by the Interior Ministry, which concluded that the Ministry and police had discharged their duties adequately.

In this context of illiberal state action, we should also consider the role of the judiciary, which has often served as the guarantor of minority rights in democratic politics. In Poland, both international and domestic courts have ruled on issues regarding antigay discrimination, and these rulings have generally safeguarded minority rights. The ECHR ruled in 2007 that Warsaw's ban on the Equality Parade was illegal. After a protracted legal fight, the Polish Main Administrative Court ruled against Poznań's parade ban in 2006. In 2008, the Warsaw District Court awarded damages to the dismissed education official mentioned earlier. Not all Polish rulings have safeguarded sexual minorities' rights, however. In one hate speech case, participants in Poznań's Equality March sued two PiS city councilors for charging that the march promoted pedophilia, zoophilia and necrophilia. The court ruled that no libel had occurred because the public already compared homosexuality with such things (Siedlecka, 2005). In Latvia, European courts have not yet become involved, and domestic courts have played a mixed but generally positive role. In 2005, the first case of employment discrimination was decided by a Latvian judge in favor of the plaintiff, Māris Sants. The Riga Administrative Court overturned the Riga City Council's ban of the Pride parade in 2005 but upheld it in 2006. Upon appeal, the Latvian Supreme Court ruled that decision unconstitutional in 2007, upholding a regional appeals court ruling.

Using courts to advance EU norms has disadvantages, however. It requires time, legal and financial resources, and domestic litigants willing to step



forward. In the Polish cases above, help from international organizations like the Helsinki Foundation for Human Rights was necessary to mount litigation (Śmiszek, 2007). Finally, courts are easily cast by populists as undemocratic, much like the EU itself, so that nondiscrimination becomes at best a legal norm, not a political one.

### **Political representation of illiberal elites**

A second feature of illiberal governance in Latvia and Poland is the broad inclusion of elites espousing antigay policies in ‘legitimate politics’ – that is, in parliament and even government.

Poland’s 2005 elections brought parties with stridently antigay rhetoric into both the government and the presidency. The biggest winner was PiS, which combined social conservatism, nationalism and economic populism. After an unsuccessful minority government, PiS invited two smaller parties into a decidedly Euroskeptic coalition: the nationalist and fundamentalist-Catholic LPR and the populist Self-Defense (SO). Lech Kaczyński (PiS), who as Warsaw mayor had banned the Equality March, was elected President. During the campaign, both parties stressed intolerance of homosexuality. Opposition to the Equality March became a rallying point, with PiS television spots stating, ‘Rather than provocative parades of homosexuals, we want state help for Polish families’ (quoted in Krzyżaniak-Gumowska, 2005a). PiS party head and Prime Minister (2005–2007) Jarosław Kaczyński proposed barring homosexuals as schoolteachers. Culture Minister Kazimierz Michał Ujazdowski (PiS) warned, ‘Let’s not be misled by the brutal propaganda of homosexuals’ postures of tolerance. It is a kind of madness, and for that madness, our rule will indeed be for them a dark night’ (Amnesty International, 2006, p. 7). In one LPR campaign commercial, a supporter declared: ‘I have the courage to say that two ‘pederasts’ (sic) are not man and wife’ (quoted in Kitlinski and Leszkowicz, 2005).

In the 2005–2007 parliament, PiS and LPR’s combined voteshare was 35 per cent, giving social conservatives overwhelming power in the government. The new Prime Minister (PiS) told an interviewer, ‘If a person tries to infect others with their homosexuality, then the state must intervene in this violation of freedom’ (Amnesty International, 2006). LPR proposed that Poland reintroduce the death penalty for ‘murderer-pedophiles’ (Wróblewski, 2006). As LPR frequently described gays as pedophiles, the latent intimidation here was hard to miss.

Because of a corruption scandal, this government fell in summer 2007. In the October elections, an LPR weakened by missteps on other issues failed to meet the minimum threshold for parliament, and the center-right Platforma Obywatelska formed a government without PiS. Nonetheless, Lech Kaczyński



remained as president, and although PiS was unable to build a new government, it bettered its voteshare from the 2005 elections and now constitutes the second largest parliamentary party. Even in opposition, PiS is still working against this element of europeanization, threatening passage of the Lisbon Treaty on the grounds that the European Charter of Fundamental Rights could lead to homosexual marriage in Poland (BBC News, 2008). Seen from the longer perspective, LPR's exit from parliament constitutes less the decline of homophobic politics than yet another instance of the Polish trend of extreme party instability. This instability leaves the door open to new populist demagogues even as it ushers out old ones.

In Latvia, the locus of antigay politics is LPP, an electorally weak but influential party. Founded in 2002, it entered parliament with 10 seats. Despite LPP's small size, its conservative agenda has been supported – or at least not actively opposed – by Latvia's mainstream parties. Since the 2005 march, numerous officials from other parties have joined LPP in public gay bashing, and few have condemned it. The antigay marriage constitutional amendment was introduced by the 'preachers' but passed by a resounding majority of 65 out of 100 MPs, with only 5 opposing. Elections in 2006 returned a weakened LPP to parliament, after polling 8.6 per cent in an unlikely alliance with the ostensibly liberal Latvia's Way. Yet this poor showing did not appear to reduce the 'preachers' influence on social issues. Despite considerable outcry from Latvian and European human rights advocates, Jānis Šmits, the party's most aggressive antigay voice, was made chairman of parliament's human rights committee, and LPP member Oskars Kastēns was appointed Special Assignments Minister for Social Integration.

### **Official public discourse**

Last, the virulence of antigay rhetoric in the public sphere shows how sharply Poland and Latvia depart from EU norms. This rhetoric condemns homosexuality as a moral failing and threat to society, defends infringement of sexual minorities' rights, and turns a blind eye to harassment and intimidation. Commonly, homosexuality is equated with criminality, mental illness, pedophilia, necrophilia and zoophilia.

In Poland, for example, parliamentarian Wojciech Wierzejewski (LPR) declared that 'persons identified as active homosexual members should be subjected to a customary, social, and common intolerance so that they could not consciously, openly, publicly, and fearlessly walk with their heads high in the air showing their faces' (Art and Brown, 2007, p. 6). Complaints brought to the Warsaw district prosecutor about Wierzejewski's comments were dismissed (Amnesty International, 2006, p. 8).



In Latvia, the invocation of criminality, illness and deviance has been a similarly constant refrain. In an open letter published before the 2005 Pride march, MP Leopolds Ozoliņš of the Green Party-Farmers' Union claimed that allowing gay-rights activism 'encouraged the pederasts not only to poke each other in the behinds in their own bedrooms, but also to shamelessly and openly propagandize their perverse lifestyle ... . Whatever we call them – shit-stirrers, rectal operators or what have you – we must not allow pederasty to become an ordinary and even defensible phenomenon' ('Deputāts Ozoliņš nikns par atļauju rīkot 'Rīgas Praids,' [www.apollo.lv/portal/news/72/articles/52086/0](http://www.apollo.lv/portal/news/72/articles/52086/0); emphasis in the original). During floor debates on amending the Constitution and Labor Law, MPs from other parties – including the mainstream, centrist People's Party and New Era – joined LPP in denouncing homosexuality as pathological and rejecting the notion of gay rights (LETA, 2005c). At LPP's 2006 party congress, MP Dainis Turlais argued against a second Pride march, saying: 'What are we supposed to do? Make compromises? Let all kinds of scoundrels, drug addicts, bums and faggots walk in the streets, while we hide in the bushes?' (Sloga, 2006). Outraged academics and human rights experts compared Turlais' comments with Nazi rhetoric, but days later the Saeima approved him to join Latvia's delegation to the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

We can better appreciate this rhetoric's virulence by contrasting it with the treatment of ethnic minorities in Latvia, which has received far more EU and international attention. Throughout many years of tense conflict between ethnic Latvians and Russophone minorities, Latvian politicians have refrained from using ethnic hate speech in public. 'Occupiers' has been the derogatory term of choice, and no violent, unsanctioned, mass protests against Russophones have taken place.

## External Incentives

As much as antigay politics is a test of Polish and Latvian democracy, it is also a test of the EU's 'reinforcement by reward' strategy in fostering liberal norms, especially when these conflict with entrenched illiberal ones. We now examine why external incentives have yielded such lackluster results. To be clear, we do not claim that EU incentives might on their own have guaranteed full entrenchment of sexual minorities' rights in the new member-states. Because societal norms are difficult to change, we hardly expect EU pressure to have eliminated the day-to-day discrimination faced by individuals. (In the next section, we describe the role of cultural factors, such as religious and national discourses, that underpin these norms.) However, if the external incentives model has any leverage, we would



expect EU incentives to have prevented the open flouting of antidiscrimination norms at the state level: the abrogation of civil liberties, the firing of public officials, the introduction of homophobic legislation and aggressively homophobic statements by officials in high public office.

### **The determinacy and credibility of conditionality**

The norm of gender and sexual nondiscrimination is well established within EU law. Article 13 of the Amsterdam Treaty forbids 'discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.' A directive from 2000 banned discrimination in employment on grounds of sexual orientation. The European Charter of Fundamental Rights also prohibits discrimination based on sexual orientation. The Copenhagen Criteria required applicant-states to transpose and implement these elements of the *acquis communautaire* as a condition of membership, emphasizing minority rights in particular. As the external incentives model would predict, Polish and Latvian politicians did not fulminate against homosexuality prior to securing EU membership (Graff, 2006).

Second, this model emphasizes the credibility of norms. Credibility declines as the EU's capacity for monitoring compliance decreases or if member-states themselves are inconsistent about applying the norm. Before accession, compliance with the Copenhagen Criteria was monitored by the European Commission, a powerful institution with considerable resources for information gathering, including delegations in each of the applicant states. The Commission's annual reports on 'Progress Toward Accession' publicly scolded applicants for norms violations. This monitoring was further supported by the Council of Europe and the ECHR. After accession, the Commission withdrew from its monitoring role, downgrading its delegations. In interviews conducted in Warsaw in summer 2007, public officials noted, some with regret, that gay rights were now purely a domestic affair. Infractions against EU law can now be brought before European-level courts, but as a *post hoc* and case-by-case approach, this constitutes weaker monitoring than during the accession phase. The Council of Europe is still active in this area, but it is less influential than the Commission.

Among EU institutions, the EP has been the most consistent advocate for gay rights, beginning with its 1994 'Roth report' and most recently through the Intergroup on Gay and Lesbian Affairs. In 1998, the Parliament warned that it would not consent to the accession of any country that 'through its legislation or policies violates the human rights of lesbians and gay men,' and in 2000, it called on six candidate countries to remove antigay provisions from their penal codes (Bell, 2001, p. 88). In a January 2006 resolution, the EP condemned



'a series of worrying events ... ranging from banning gay prides or equality marches to the use by leading politicians and religious leaders of inflammatory or threatening language or hate speech, failure by police to provide adequate protection or even breaking up peaceful demonstrations, violent demonstrations by homophobic groups, and the introduction of changes to constitutions to explicitly prohibit same-sex unions' ('European Parliament resolution on homophobia in Europe'). Although no member-state was mentioned by name, Poland and Latvia were clearly the targets of concern. A second resolution in June 2006 censured Poland specifically for 'an increase in intolerance caused by racism, xenophobia, anti-Semitism, and homophobia.' Both resolutions provoked defiant responses. In Poland, parliamentary speaker Marek Jurek (PiS) declared that the resolution harmed Poland by 'promoting an ideology of homosexual communities' ('Commotion,' 2006), and parliament passed a PiS-sponsored resolution refuting the EP's charges. In Latvia, officials proceeded to flout the EU directive on employment discrimination and to ban the 2006 Pride march.

The Parliament's censure carries less weight than the Commission's. Unlike the latter, the EP (as a legislature) does not speak with a unified voice, nor does it possess an extensive monitoring capacity. The EP has historically been one of the less influential institutions within the EU itself. In our Warsaw interviews, most respondents, whatever their political stripe, agreed that the EP's anti-homophobia resolutions were ineffectual.

Besides these monitoring problems, the credibility of the EU's nondiscrimination norm has also suffered from inconsistent application. Placing greater emphasis on ethnic nondiscrimination, the Commission rarely mentioned sexual minorities in its preaccession reports and 'fail[ed] to devote much attention to the recognized ECHR standards on sexual orientation discrimination,' leading one analyst to argue that 'there is little will on the part of the existing EU member-states and institutions to make the treatment of LGBT persons an integral part of the enlargement process' (Bell, 2001, p. 88). Moreover, the treatment of sexual minorities varies widely among the 'old' member-states: 'On the one hand, there are states, such as the Netherlands, Denmark and Sweden, where sexual orientation discrimination is unlawful and there is the legal recognition of same-sex couples. On the other, there are states such as Austria, Greece and the UK, where there is very weak protection against discrimination coupled with the maintenance of discriminatory criminal laws' (Bell, 2001, pp. 88–89).

### **Multiple veto players in underinstitutionalized party systems**

The external incentives model also suggests a role for domestic political institutions: norm adoption is less likely as the number of veto players



increases. In both countries, postaccession governing coalitions included conservative parties whose mobilization strategies clashed with EU nondiscrimination norms. Like conditionality and monitoring, this element of the external incentives model is playing out differently after accession.

The link between coalitional politics and illiberal governance reflects a deeper problem of many postcommunist party systems: the tendency toward persistent underinstitutionalization. Underinstitutionalization matters because, by lowering the hurdle for new, radical parties to enter parliament, it facilitates the emergence of veto players and, by complicating government formation, maximizes their leverage. The more fragile the coalition, the more difficulty moderates have reining in extreme coalition members. Moreover, underinstitutionalized party systems typically include parties that are themselves fragile coalitions of competing factions, increasing the leverage of veto players not only within government coalitions but within parties themselves. Before accession, strong conditionality and monitoring compensated for the propensity of weakly institutionalized party systems to multiply veto players and amplify their leverage. Euroskeptical parties behaved more as 'pseudo-veto players,' not daring to openly mobilize against EU norms (Grzymała-Busse and Innes, 2003). For example, Poland's Peasant Party officially supported EU membership even as, privately, it raised doubts about its impact on agriculture. The case of antigay politics suggests that, as the potency of conditionality and monitoring wanes, party system underinstitutionalization is poised to become a critical factor in the future success (or failure) of europeanization.

In Poland, the 2005 elections, the first after accession, greatly increased the leverage of conservative veto players. Before 2005, PiS and LPR were small opposition parties. Not only did PiS win both the presidency and the status of senior government party in 2005, its coalition depended on the even more conservative LPR. Internally, PiS was strongly dependent on the most socially conservative elements in its base, in particular, the powerful Catholic Radio Maryja network. This outcome reflected a broader trend in Poland, where center parties have persistently failed to establish stable organizations and robust links to voters. The 2005 elections continued a pattern of electoral volatility: the once-powerful SLD collapsed, and for the first time, center parties polled less than populist and outsider parties.<sup>7</sup> All three government partners were relative newcomers to politics, first entering parliament in 2001. The coalition's 'innovative governing formula' (Mair, 1997) brought together nationalist-social conservatives (PiS and LPR) and left-leaning populists (Self-Defense). The challenge of keeping this coalition together granted radical junior partners outsized influence over the moderate faction in PiS. Had party politics been more institutionalized, the barriers to entry would have been higher for such untried parties.



In Latvia, too, underinstitutionalization worked against the adoption of EU nondiscrimination norms. Though it has yet to score a major electoral victory, LPP has acted as a powerful veto player, leveraging the weaknesses of the party system to promote its antigay agenda. Each election since 1991 'has been won by a party formed less than one year before the poll and at least half of all parliamentary deputies have lost their seats' (Auers, 2002/2003, p. 106). Most Latvian parties are best understood as 'potemkin parties' characterized by 'tiny membership, extreme wealth, catch-all ideology, and professional media-oriented campaigning techniques' (Auers, 2006, p. 3). The centrist Latvia's Way, which led every coalition from 1993 to 2002, established this model, and as others have imitated it, electoral competition has come to be driven by personalities and expensive campaigns financed by private donors.

The ideological indistinctness of Latvia's 'potemkin parties' stems from the fact that the primary cleavage since independence has been not a left-right but an ethnic one (Auers, 2002/2003, p. 108). Virtually every governing party has been labeled 'centrist' or 'center-right,' but these labels do not reflect a programmatic profile other than a more-or-less nationalist stance on ethnic policies and relations with Russia. This ideological flexibility encourages innovative coalition formulas, opening government to parties with extreme positions on a few chosen issues. Although its single-mindedly antigay stance is an exception in Latvian politics, LPP has exploited its kingmaker role effectively. In 2002, LPP joined a four-party coalition led by the center-right New Era, which as the front-runner had only 26 seats. It has stayed in government through three subsequent turnovers, holding 17 ministerial portfolios since 2002.

To summarize, external incentives have not prevented even the most direct violations of EU nondiscrimination norms by state-level actors because of the decoupling of these norms from conditionality, their waning credibility, and the presence of increasingly powerful veto players. Of course, these violations occur in the context of national cultural differences between the 'old' EU and the new members – the very factors highlighted by the 'social learning' model. The shortcomings of external incentives underscore the need for persuasion of the norms' legitimacy. But as we now show, very little persuasion has been evident regarding nondiscrimination toward sexual minorities.

## **Social Learning**

If ethnic relations exemplifies liberalization via external incentives, environmental protection is a successful case of norm diffusion through social learning. As Andonova argues, 'environmental protection was seen as a major policy failure of the fallen communist regimes and Western regulations were promoted as the standards to aspire for' (2005, p. 135). Environmentalism was





seen as complementing democratization by making governments accountable to citizens. A transnational epistemic network, largely composed of former dissident environmentalists, championed EU environmental norms (p. 137). At the same time, 'international institutions and cooperation [such as the 'Environment for Europe' initiative] 'supplied' mechanisms for social learning by fostering deliberation, information exchange, bureaucratic networks, and technical assistance' (p. 138). Though conditionality became more prominent after accession negotiations began, social learning remained critical to internalizing EU environmental norms (p. 135).

The contrast with nondiscrimination toward sexual minorities in Poland and Latvia is stark. Outside the ranks of gay activists, there has been little desire to reconsider existing sexual norms or to emulate Western Europe's. Support from human rights advocates never rose to the level of active policy entrepreneurship. On the EU side, gay rights barely registered before or during accession negotiations. When gay-rights activists in Poland and Latvia brought the issue into the limelight, the conflict between EU rules and domestic norms became glaringly apparent. In both countries, illiberal norms *opposing* gay rights enjoyed broad popular support and resonated with entrenched discourses of national identity.

### **Lack of resonance**

Religion strongly underpins national identity in Catholic Poland but not in largely secular Latvia. As conservative religious traditions anathematise homosexuality, the 'identity hypothesis' would predict resistance to gay-rights norms in Poland. Latvia's resistance is more surprising. Yet *both* countries' dominant discourses of national identity are exclusive rather than inclusive, defining membership in the nation in terms of specific 'essential' traits. In seeking to propagate and strengthen the national 'family,' both discourses are pro-natalist and heteronormative, lending themselves to vilifying homosexuals as a dangerous internal Other.<sup>8</sup>

The roots of Poland's antigay discourse trace back to Roman Dmowski, interwar Poland's chief nationalist ideologue, who declared: 'Catholicism is not an appendage to Polishness ... it is embedded in its essence, and in a large measure it is its essence' (quoted in Walicki, 2000, p. 32). In ethnically and religiously heterogeneous interwar Poland, Catholicism set 'true Poles' apart from the German (Lutheran), Ukrainian (Orthodox), and Jewish minorities. Dmowski's ideas continued to influence political discourse even under Communism (Walicki, 2000, pp. 35–37), resurfacing within the Solidarity movement from which the current Polish right descends. As Carpenter describes, Solidarity was always balanced between a liberal leadership, who



saw the movement as a means of ‘civic emancipation,’ and a rank-and-file emphasizing struggle against Soviet occupation and demanding ‘ethnic recognition’ of the nation’s ‘ethnocultural, and especially religious, identity’ (2002, pp. 137–143). Recalling Dmowski, Solidarity’s more extreme elements called themselves ‘true Poles,’ language that excluded non-Catholics. When Solidarity imploded after 1989, a primary cleavage was between the leadership, whose party organizations took a liberal view of national identity, and the more nationalist, Catholic-oriented groups.

Antigay politics in contemporary Poland demonstrates the discursive and organizational continuity of this exclusionary, religiously defined conception of national identity (McManus-Czubińska *et al.*, 2003). PiS calls for a ‘moral revolution’ to establish a Fourth Republic. LPR’s leader Roman Giertych is the grandson of one of Dmowski’s close associates, and the All-Polish Youth, a key organizer of anti-Pride demonstrations, was founded by Dmowski and re-established by Giertych in 1989. Both PiS and LPR receive support from movements like the All-Polish Youth and media outlets like the popular conservative Catholic Radio Maryja. At the root of both parties’ populist-nationalist appeal is the depiction of privatization, market reform, and EU accession as an elite project supported by a network (*układ*) of former nomenklatura of dubious ‘Polishness.’ PiS heralded its Fourth Republic as a decisive break with the post-1989 governments that undertook this project.

Of course, the deeper roots underpinning this continuity are to be found in the Polish Catholic Church. Since 1989, the Polish Church has enjoyed political influence unrivaled elsewhere in Europe, even if actual religiosity falls far short of the 95 per cent of Poles who identify as Catholic (Ramet, 2006). In large part, this influence is the result of the Church’s opposition to tsarist rule and then communism; the election of a Polish Pope in John Paul II helped as well. After 1989, the Polish Church intervened repeatedly in politics. At its behest, the state banned abortion in 1993, reinstated religious instruction in schools in 1991, mandated that radio and television respect ‘Christian values’ in 1992, and signed a Concordat with Rome in 1997. Antipathy to homosexuality was part of this agenda; for example, the archbishop of Cracow denounced the Pride parade as a ‘demonstration of sin’ while remaining silent about the All-Polish Youth who had attacked the demonstrators (Ramet, 2006, pp. 122–128).

Yet the Church’s position on the EU is more nuanced and pragmatic than these developments would suggest. John Paul II and the Polish Church supported EU membership, urging a yes-vote in Poland’s accession referendum. Radio Maryja is an embarrassment to the Church hierarchy, which has banned it from Warsaw. On the other hand, like Ireland and Malta, Poland negotiated guarantees in its accession treaty protecting its abortion ban. More recently, it negotiated an opt-out from the European Charter of Human Rights in the Lisbon Treaty, which was seen as a threat to national autonomy on



cultural issues. As Cardinal Glemp summarized this ambivalence, 'I'm not a Euro-enthusiast. I'm a Euro-fatalist. Europe is Poland's destiny' (quoted in Ramet, 2006, p. 141). For their part, EU institutions like the Commission were sensitive to nationalist sentiments and strove to avoid conflict with the Church. In the lead-up to accession, Poland's bishops were brought to Brussels to dispel negative stereotypes about the EU, and the pro-accession lobby emphasized the Christian character of the EU (Ramet, 2006, pp. 138–141).

In largely secular Latvia, national identity has, since the interwar independence period, been defined primarily in terms of rootedness in the land (Schwartz, 2006). Like Poland's, Latvian nationalism is socially conservative and ethnically exclusive. Since the mid-nineteenth century, mainstream Latvian nationalists have worried about the demise of the numerically small ethnos through assimilation by a nearby hegemon: first Germany, then Soviet Russia and now the EU. Soviet russification policies reduced the ethnic Latvian share of the population to just over half, and before NATO and EU accession, ethnic Russians were the primary focus of these demographic anxieties. Aggressive homophobia was largely the domain of national extremists (Muižnieks, 2002).

This is not to say that religious leaders are not homophobic. The leaders of Latvia's two largest denominations – Lutheran archbishop Jānis Vanags and Catholic archbishop Jānis Pujāts – outspokenly oppose gay rights. Both contributed chapters to *Homosexuality: humanity's shame and ruin*, an essay collection published in 2002 by the ultranationalist Aivars Garda, who was indicted for hate crimes for this and other publications (Muižnieks, 2002). Vanags, who aligned the Latvian Lutheran church with the ultraconservative Missouri Synod, made headlines in 1994 when he banned practicing gays from receiving Communion in his church.

Our point is that before 2005, ethnic tensions, not religious issues, dominated Latvian politics, and the homophobia of the two elderly clerics received scant media attention. This changed with the Pride march, which provided Latvia's first religiously focused party, LPP, an opportunity to bring its antigay agenda to center-stage. But unlike Poland's Catholic nationalists, LPP has succeeded *despite* its religious orientation rather than because of it. Its close ties to charismatic evangelical churches are a political liability, as many Latvians condemn these as bizarre 'sects.' Even more damaging, these congregations are predominantly Russophone. Although most of LPP's leaders are ethnic Latvians, it defines itself as Christian rather than nationalist, endorsing multiculturalism and ethnic integration. While failing to woo many Russophone voters, this stance has outraged Latvian ultranationalists. It is therefore remarkable that LPP's antigay campaign brought national extremists and Russophone evangelicals together in the 2005 and 2006 counter-protests. As the extremist group Everything for Latvia declared: 'This time Russians and Latvians are standing shoulder-to-shoulder [...] against a common enemy'



(‘Homoseksuālisti slēpjas aiz policijas muguras,’ [www.visulativijai.lv/index.php?kat=n&id=500](http://www.visulativijai.lv/index.php?kat=n&id=500)). The notion of a ‘common enemy’ also helps explain why even mainstream nationalists have embraced LPP’s antigay agenda. Although LPP leaders most often invoke ‘Christian values,’ they also invoke homosexuality’s ostensible demographic threat to the nation. Despite its links to unfamiliar forms of religiosity, LPP’s agenda resonates with secular Latvian nationalists’ anxieties and conservative values, and it is backed up by the now amplified voices of archbishops Vanags and Pujāts.

To what extent does the antigay rhetoric of illiberal political entrepreneurs in Poland and Latvia resonate with popular attitudes? Opinion data collected by both the EU and local NGOs show widespread negative attitudes toward homosexuality, suggesting the resonance is considerable (European Commission, 2006, pp. 42–43; Makarovs, 2006; Abramowicz, 2007b).

In sum, liberal EU norms not only failed to resonate in Poland and Latvia, but conflicted with domestic norms rooted in religious and national discourses. Political entrepreneurs in both countries rejected the EU as a valid ‘aspiration group.’ During the floor debate on Latvia’s Labor Law amendment in 2006, MPs from several parties rejected the definition of gay rights as a dimension of human rights, depicting the EU’s antidiscrimination rule as the dictate of an illegitimate external authority. As LPP’s Šmits put it: ‘We must utter a clear ‘No’ to all those Western wise men who want to urge our nation to voluntarily commit suicide, for you know that children are not created from homosexualists [*sic.*]’ (Saeima transcript, 15 June 2006).

### **Failure to persuade**

Given the weakness of external incentives and the lack of domestic resonance, europeanization of sexual nondiscrimination norms can probably be achieved only through concerted EU efforts at persuasion. Yet there has been no deliberative or capacity-building process akin to ‘Environment for Europe’ in this issue area. EU institutions have not fostered networking among experts or policymakers, and the Commission has paid little attention. Certainly, in the case of Poland, the eagerness to avoid confrontation with the Church noted earlier could only have weakened the resolve of EU institutions to invest in such networks.

To the extent that a transnational epistemic network has emerged around gay rights in Europe, it comprises primarily nongovernmental activists. Compared to the environmental field, it is newer, smaller, and has received far less institutional support. The principal actor in this network is ILGA-Europe, established in 1996 as a regional entity within the International Lesbian and Gay Association. This small, Brussels-based NGO has been the



lead lobbyist for antidiscrimination policies at the EU level, working closely with the EP's Intergroup on Gay and Lesbian Affairs. Only in 2001 did ILGA-Europe receive substantial EU funding, enabling the publication of a newsletter and a policy paper series. ILGA has monitored the status of sexual minorities in Eastern Europe since before Communism's collapse. It sought to bring antigay discrimination to the attention of EU institutions during the accession process (ILGA-Europe, 2001, 2004) and has continued its advocacy since. In the past 2 years, it has published a 'toolkit for Pride organizing in a hostile environment' (ILGA-Europe, 2006), organized a seminar on 'international Human Rights Mechanisms and monitoring' in Slovenia, and brought representatives from the new member-states to Brussels for a study visit on lobbying European institutions. This transnational network will likely continue to play a crucial role in promoting social learning around gay rights. Nonetheless, the impact of a small, modestly funded NGO will be limited if it continues to operate in a vacuum.

## Conclusion

The surge of antigay politics in Poland and Latvia tests both the liberal character of those democracies and the EU's capacity to disseminate liberal norms, especially after accession. Guided by the external incentives and social learning frameworks, we have analyzed why EU norms of non-discrimination toward sexual minorities were not adopted. From an external incentives perspective, weak conditionality, low norm credibility and opposition from domestic veto players all played a part. One lesson that emerges from our analysis is the increasingly important role that party system underinstitutionalization will play in the dynamics of norm adoption after accession. In both countries, competitive party systems failed to prevent an upsurge of illiberalism, and the weak institutionalization of these systems in fact facilitated it.

Regarding social learning, we found that domestic norms rooted in conservative religious and national discourses posed serious obstacles to norm adoption. The EU might have overcome these obstacles by providing deliberative mechanisms to persuade elites. Its failure to do so stems at least in part from the fact that liberal norms regarding sexual minorities have only recently (and sometimes unevenly) been promoted within the core EU itself. Nonetheless, Western Europe is moving in a liberal direction, as evidenced by the recent legalization of gay marriage in Spain. Without the instrument of conditionality, the EU's best hope to counteract this divergence between the old and new member-states is to develop its mechanisms of persuasion, for



in the postaccession era, persuasion, not incentives, will be the primary driver of europeanization.

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## Notes

- 1 Piotr Kaczyński, an analyst with Poland's Institute of Public Affairs (quoted in Associated Press, 'Pride Marches: Gay rights march in Warsaw comes amid intensified struggle', [www.ilga.org/news\\_results.asp?LanguageID=1&FileCategory=50&ZoneID=4&FileID=827](http://www.ilga.org/news_results.asp?LanguageID=1&FileCategory=50&ZoneID=4&FileID=827)).
- 2 Even prior to the Eastern enlargement, the EU's effectiveness in combating intolerant populists had, at critical moments like the ascent of Jörg Haider's Freedom Party in Austria, received skeptical evaluations from scholars. For a description of the debate over the EU's handling of Haider, see Howard (2000).
- 3 According to ILGA-Europe, in 2004–2006, 10 Pride marches were banned in postcommunist countries. Half of these were in Poland (four separate events) and Latvia; the others were in non-EU member-states (Moldova and Russia) or candidates (Romania). Of the 'at least 10 occasions' in which 'leading politicians have used inflammatory language,' seven were in Poland, one in Latvia and the other two in Romania and Russia. Pride-related events were met with violence on six separate occasions in Poland, twice in Latvia and once each in Croatia, Estonia, Romania, Russia and Serbia. Police forces 'failed to provide adequate protection on seven occasions': three times in Poland and once each in Latvia, Estonia, Russia and Serbia. Finally, police 'have broken up a peaceful demonstration' on only two occasions, in Poland and Russia (ILGA-Europe, 2006, pp. 44–45).
- 4 To cite one telling example, the Soviets treated Tchaikovsky's sexual orientation as a state secret, and to publicly label him gay was considered an anti-Soviet act.
- 5 In October 2006, the sexual orientation language was finally incorporated into the law.
- 6 This section draws on participant observation in Riga's 2005 parade and in the organization of the (banned) 2006 parade.
- 7 Of the six parliamentary parties, outsider-populists (PiS, LPR and Self-Defense) collectively polled 46.4 per cent, whereas the rest (SLD, PO and PSL) polled 42.4 per cent.
- 8 As the strongest voice promoting this discourse, the right wing in East Central Europe differs from its counterpart in Western Europe, where Islam has become the internal Other. As the case of Holland's Pim Fortuyn illustrates, in Western Europe tolerance of homosexuality is seen as a European value to be defended against Islam. Historically, East Central Europe's far right has located the threat to the nation in a 'cosmopolitan-Masonic-Jewish' conspiracy centered in Moscow. As sexual minorities have come to represent the Other, the locus of the perceived threat to the nation has shifted from Moscow to Brussels. For a description of this shift in Poland, see Ostolski (2007).



## References

- Abramowicz, M. (2007a) *Situation of Bisexual and Homosexual Persons in Poland: 2005 and 2006 Report*. Warsaw: Campaign Against Homophobia and Lambda Warszawa.
- Abramowicz, M. (2007b) Situation of bisexual and homosexual persons in Poland. In: M. Abramowicz, (ed.) *Situation of Bisexual and Homosexual Persons in Poland: 2005 and 2006 Report*. Warsaw: Campaign Against Homophobia and Lambda Warszawa, pp. 11–33.
- Amnesty International. (2006) Lesbian, Gay, Bisexual and Transgender Rights in Poland and Latvia, web.amnesty.org/library/Index/ENGEUR010192006?open&of=ENG-375.
- Andonova, L.B. (2005) The Europeanization of environmental policy in Central and Eastern Europe. In: F. Schimmelfennig and U. Sedelmeier (eds.) *The Europeanization of Central and Eastern Europe*. Cornell: Cornell University Press, pp. 135–155.
- Arāja, D. (2006) Jaundzēikars un LPP neuzņemsies politisko atbildību. Diena, 25 July.
- Art, D. and Brown, D. (2007) Making and Breaking the Radical Right in Central and Eastern Europe. 39th National Convention of the American Association for the Advancement of Slavic Studies (US): 15–18 November, New Orleans, LO.
- Auers, D. (2002/2003) Latvia's 2002 elections – Dawn of a new Era? *East European Constitutional Review* 11/12(4/1): 106–110.
- Auers, D. (2006) The potemkin party: A new species? Unpublished manuscript.
- BBC News (2008) Poland could face EU treaty vote, 18 March.
- Bell, M. (2001) The European Union – A new source of rights for citizens in the accession countries? In: J. Lewis, M. Bell, P. Noël and K. Krickler (eds.) *ILGA-Europe, Equality for Lesbians and Gay Men. A Relevant Issue in the EU Accession Process*. Brussels: ILGA-Europe, pp. 80–89.
- Biedron, R. and Abramowicz, M. (2007) The polish educational system and the promotion of homophobia, In: M. Abramowicz (ed.) *Situation of Bisexual and Homosexual Persons in Poland: 2005 and 2006 Report*. Warsaw: Campaign Against Homophobia and Lambda Warszawa, pp. 51–55.
- Carpenter, M. (2002) The politics of identity and the breakthrough to liberal democracy in Poland. PhD dissertation, Department of Political Science, University of California, Berkeley.
- Dreijere, V. (2006) Agresija Rīgas centrā. Diena, 24 July.
- Eckstein, H. (1992) *Regarding Politics: Essays on Political Theory, Stability, and Change*. Berkeley: University of California Press.
- European Commission. (2006) *Eurobarometer 66: First Results*. Brussels: European Commission.
- Gazeta Wyborcza* (2004) Rada Warszawy przeciwna Paradzie Równości. 14 May.
- Gazeta Wyborcza* (2006) Parada Równości, 10 June.
- Graff, A. (2006) We are (not all) homophobes: A report from Poland. *Feminist Studies* 32(2): 434–449.
- Gruszczynska, A.K. (2006) Living La Vida Internet. Some Notes on the Cyberization of the Polish LGBT community. In: R. Kuhar and J. Takacs (eds.) *Beyond the Pink Curtain: Everyday Life of LGBT People in Eastern Europe*. Ljubljana: Peace Institute.
- Grzymała-Busse, A. and Innes, A. (2003) Great expectations: The EU and domestic political competition in East Central Europe. *East European Politics and Societies* 17(1): 64–73.
- Howard, M. (2000) Can populism be suppressed in a democracy? Austria, Germany, and the European Union. *East European Politics and Societies* 14(2): 18–32.
- ILGA-Europe. (2001) *Equality for Lesbians and Gay Men. A Relevant Issue in the EU Accession Process*. Brussels: ILGA-Europe.
- ILGA-Europe. (2004) *Meeting the Challenge of Accession. Surveys on Sexual Orientation Discrimination in Countries Joining the European Union*. Brussels: ILGA-Europe.
- ILGA-Europe. (2006) *Prides against Prejudice. A Toolkit for Pride Organising in a Hostile Environment*. Brussels: ILGA-Europe.



- Jacoby, W. (2005) External incentives and lesson-drawing in regional policy and health care. In: F. Schimmelfennig and U. Sedelmeier (eds.) *The Europeanization of Central and Eastern Europe*. Cornell: Cornell University Press, pp. 91–111.
- Janos, A. (2001) From eastern empire to western hegemony: East Central Europe under two international regimes. *East European Politics and Societies* 15(2): 221–249.
- Kelley, J. (2004) *Ethnic Politics in Europe: The Power of Norms and Incentives*. Princeton: Princeton University Press.
- Kitlinski, T. and Leszkowicz, P. (2005) New Anti-Gay regime in Poland. *The Gully*, 10 November.
- Kosc, W. (2005) Taking it to the Streets. Transitions Online, 14 June.
- Krzyżaniak-Gumowska, A. (2005a) Demonstracja przeciw Kaczyńskiemu. *Gazeta Wyborcza*, 10 June.
- Krzyżaniak-Gumowska, A. (2005b) Kaczyński jednak zakazuje gejowskich wieców. *Gazeta Wyborcza*, 9 June.
- Kwaśniewski, T. (2007) Gej i lesbijka uczą dzieci twoje. *Gazeta Wyborcza*, 27 March.
- LETA. (2005a) Seksuālās minoritātes nevarēs doties gājienā pa Rīgas centru. 20 July.
- LETA. (2005b) Politīķi noraida pārmetumus par netoleranci pret seksuālajām minoritātēm. 26 July.
- LETA. (2005c) Satversmē noteiks valsts aizsardzību laulībai starp vīrieti un sievieti. 12 October.
- Mair, P. (1997) *Party System Change: Approaches and Interpretations*. Oxford: Clarendon Press.
- Makarovs, V. (2006) *Latvijas iedzīvotāju attieksme pret seksuālajām minoritātēm: dimensijas un 'temperatūra*. Riga: Soros Foundation-Latvia and Dialogi.lv.
- McManus-Czubińska, C., Miller, W.L., Markowski, R. and Wasilewski, J. (2003) Understanding dual identities in Poland. *Political Studies* 51(1): 121–143.
- Muižnieks, N. (2002) *Extremism in Latvia*. Riga: politika.lv.
- Ostolski, A. (2007) Spiskowcy i gorszycciele. Judaizowanie gejów w polskim dyskursie prawniczym. In: M. Głowacka-Grajper and E. Nowicka (eds.) *Co nas dzieli i co nas łączy?* Kraków: Nomos, pp. 156–178.
- Ramet, S. (2006) Thy will be done: The Catholic Church and Politics in Poland since 1989. In: T. Byrnes and P. Katzenstein (eds.) *Religion in an Expanding Europe*. Cambridge: Cambridge University Press, pp. 117–147.
- Schimmelfennig, F. and Sedelmeier, U. (2005a) *The Europeanization of Central and Eastern Europe*. Cornell: Cornell University Press.
- Schimmelfennig, F. and Sedelmeier, U. (eds.) (2005b) Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. *The Europeanization of Central and Eastern Europe*. Cornell: Cornell University Press, pp. 1–28.
- Schwartz, K.Z.S. (2006) *Nature and National Identity after Communism: Globalizing the Ethnoscape*. Pittsburgh: University of Pittsburgh Press.
- Siedlecka, E. (2005) Homoseksualista czy nekrofil – jeden pies. *Gazeta Wyborcza*, 6 February.
- Sloga, G. (2006) Turlā apvainojumi citādajiem atgādinot nacistu valodu. *Diena*, 30 May.
- Śmiszek, K. (2007) In: Abramowicz M. (ed.) *Changes in the Legal Situation of Homosexual Persons in Poland* pp. 45–49.
- United Nations Human Rights Committee. Concluding observations: Poland, UN Doc. CCPR/CO/82/POL, 2 December 2004, par. 18.
- Vachudova, M. (2005) *Europe Undivided: Democracy, Leverage, and Integration After Communism*. Oxford: Oxford University Press.
- Vanzovičs, S. (2006) Sabiedrība prasa geju parādes aizliegumu. *Neatkarīgā*, 14 July.
- Walicki, A. (2000) The troubling legacy of Roman Dmowski. *East European Politics and Societies* 14(1): 12–46.
- Warsaw Voice* (2006) Commotion over EP resolution. 28 June.
- Wróblewski, B. (2006) Polscy politycy chcą szukać wsparcia w Europie dla kary śmierci. *Gazeta Wyborcza*, 28 July.