

“Does the EU Help or Hinder Gay-Rights Movements
in Postcommunist Europe? The Case of Poland”

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ABSTRACT

Gay rights would seem an area of politics largely untouched by the changes wrought by Eastern Europe’s democratic transitions and accession to the European Union. Against the conventional wisdom, this paper argues that the broader picture in the region is actually one of increasing rights and better organized, more influential gay-rights movements and that these developments were catalyzed by EU accession. It also argues, however, that the dominant theoretical perspective on accession’s effect on domestic politics, Europeanization theory, cannot account for this outcome. Using a close study of Poland, I suggest that social movement theory – with its emphasis on political opportunity structure, framing, and polarization – provides a better account of how gay rights has developed as a political issue since the fall of communism.

KEY WORDS

Social movements, gay rights, European Union,
Europeanization, Poland

“Many of the most important advances for gay and lesbian rights have been imported from the West, *without* local gay and lesbian participation. The effect may be admirable, but the means reduce the mobilization. For lesbian and gay activism, Europe can be more an addiction than a model.”¹

I. Introduction

At first glance, gay rights would seem an area of political life largely untouched by the otherwise deep changes wrought by Eastern Europe’s democratic transition and integration into the European Union.² We read, for example, of the flagrantly unconstitutional bans of Pride parades in Poland in 2004 and 2005, the frighteningly violent attacks on parades in Hungary in 2007 and Serbia in 2010, and Lithuania’s recent laws against “homosexual propaganda” in schools, which were passed in the face of international condemnation (Euroletter 2010, pp. 12-13). Most recently, the president of the seemingly tolerant Czech Republic pronounced his opposition to “homosexuality” and defended the use of the word “deviants” to describe LGBT people (*Mladá fronta* 2011). Given the abundance of examples such as these, it is easy to conclude that deeply rooted taboos about homosexuality – which predated but were then amplified during the years under communist rule – still hold unquestioned sway, that gay rights remain off limits in the public sphere. If one considers the rhetoric and inclinations of “homosexuality’s” greatest opponents, one might fix the blame, not just on old taboos, but also on the EU’s role in inflaming them. Go to observe the counter-protestors

¹ Long 1999, pp. 254-255.

² To avoid excessive use of acronyms throughout the paper, I will use the “gay rights” to include rights for the umbrella grouping of lesbian, gay, bisexual, and transgender (LGBT) people.

at a Gay Pride anywhere in the region, and you will find placards denouncing “Euro-Sodom” and cultural imperialism from Brussels.

Against the background of developments such as these, this paper makes the argument, first, that the broader picture in the region is actually one of increasing rights and better organized, more influential gay-rights movements. Second, I argue that not only are the opening examples of political homophobia indicators of this broader change, they are in fact helping to drive it. I will illustrate this argument by analyzing the case of Poland, which is in the process of unexpectedly rapid empowerment of the gay-rights movement – even if the legal environment has been slower to change. Poland is a critically instructive case because it is, for reasons to be discussed below, an inhospitable social and political environment for gay-rights movements. This argument about the link between political contention and social movement change is useful not only because it helps us to better understand developments on the ground in an important area of democratic development but also because it reorients our analytical perspective from the increasingly hegemonic – at least for this region – framework of Europeanization theory.

Why are the EU and Europeanization theory the natural starting point for explaining democratic development in Eastern Europe? First, to the extent that gay rights are seen through the prism of strengthening liberal democracy, it is natural to search for analogues to gay rights in the work of scholars such as Milada Vachudova (2005) and Judith Kelley (2004), both of whom argue that EU accession greatly reduced majority-minority conflict in the accession states. In both cases, though, the focus was on rights of ethnic minority groups. Second, if we take the scholarship on conditionality and social learning – that is, the Europeanization school – we find strong evidence from other areas

of postcommunist politics that EU leverage and the “EU model” have profoundly reshaped institutions and policymaking in the region (Grabbe 2003; Jacoby 2004; Kelley 2004; Kopstein & Reilly 2000; Raik 2004; Schimmelfennig & Sedelmeier 2005; Vachudova 2005). The EU and associated institutions such as the Council of Europe have promoted nondiscrimination norms in postcommunist states applying for membership. Nondiscrimination against minority groups, with LGBT people explicitly included, is a core norm enshrined in EU labor law and a requirement for accession. Additionally, EU integration brings domestic rights activists into contact and collaboration with West European rights organization in a way not possible before. These transnational linkages, it is argued, increase not only the domestic groups’ organizational resources but also their knowledge and self-confidence.

Yet there are two reasons to question the explanatory power of the Europeanization approach in the field of gay rights. The first is theoretical: Europeanization theory is ill-equipped to deal with post-accession political change, especially backlash against EU norms. On controversial issues like gay rights, there is a very real possibility that the EU provoke political backlash and, thereby, rights retrenchment as it seeks to impose “foreign” norms. Even in the absence of backlash, EU pressures may prove counterproductive if, as the epigraph suggests, they undermine domestic gay-rights movements by substituting for organization. The second reason is empirical: a review of the experience of gay-rights groups on the ground suggests that the EU’s influence is far from straightforward. The first effect of EU accession in many new member states, after all, was not greater acceptance and greater policy influence for rights-groups but quite the opposite: a major political backlash and threat to rights

(O'Dwyer & Schwartz, 2010; O'Dwyer 2010; Buzogány 2008).³ Additionally, the lion's share of organizational development on the part of movements in Poland at least has occurred since 2005, that is, after accession.

Thus, the central question of this paper: does the EU help or hinder gay-rights movements in postcommunist Europe? I argue that EU accession has, in fact, helped the gay-rights movement in the new member-states, though not for the reasons that standard theorizing about EU influence in postcommunist Europe would predict. Against the predominant theoretical narratives, I argue that EU accession and domestic actors have interacted in a one-step-backward, two-steps-forward process. While the EU has pressured new member-states to adopt legal protections that they would not have otherwise, these very successes provoked political backlashes that, at least temporarily, worsened the political situation of LGBT groups. Paradoxically, these very setbacks have, from the vantage point of the present, created stronger, better organized rights movements.

I use a case study of Poland to illustrate my argument. Poland is a "difficult case" as far as gay rights in postcommunist Europe. According to a crossnational comparison of legal rights for lesbians, gays, and bisexuals compiled by the European branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) in 2010, it scored at the same level as Latvia, Armenia, and Azerbaijan and just one point

³ Broadening the scope beyond scholarship on minority rights, we can find other arguments in the literature that EU leverage over political outcomes and policy reform in postcommunist Europe has been lackluster, or even counterproductive: e.g., Saxonberg and Sirovátka (2006) on family policy, Orenstein (2008) on pension privatization, and Raik (2004) on the quality of democracy.

above Moldova and Belarus.⁴ In Poland, the extension of gay rights is hindered by a constellation of domestic factors: the postcommunist legacy, with its twin impediments of weak civil society and a history of state repression of LGBT people, as well as an influential and politically active Catholic church. Yet, as a recent entrant into the European Union (EU), Poland has also had to confront pressure from West European member-states, with their generally more liberal stances on this issue. Poland constitutes, therefore, a revealing study of the confluence of international and domestic forces molding the nascent gay-rights movement in postcommunist Europe.

II. The Europeanization School and its Shortcomings

In this section, I ask, first, how have scholars theorized the influence of the EU and, second, does this theorization do justice to the full range of the phenomenon of gay-rights politics in the region? Against Europeanization theory's expectations, I would argue that the EU has influenced movement development, but more through the unintended consequences of backlash than through the Europeanization mechanisms of conditionality and social learning.

Europeanization is a broad concept, defined by Radaelli to include “[p]rocesses of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things,’ and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political

⁴ For the full country rankings, see http://www.ilga-europe.org/europe/publications/reports_and_other_materials/rainbow_europe_map_and_country_index_may_2010.

structures, and public policies” (2003, p. 30). By virtue of its theoretical scope and the scholarly precedent of applying it to ethnic minority rights (Kelley 2004; Vachudova 2005), the Europeanization framework would at least promise to explain the success (or failure) of groups lobbying for gay rights in the region. First, from the beginning of the accession process, the EU made respect for minority rights, including sexual minorities, a central requirement for membership. The concept of minority rights was broadly applicable, from equal treatment for organized interests in a pluralist political system to individual freedom from discrimination in the public sphere and market place. Second, without exception, nascent gay-rights organizations across the region have come to frame their demands within the model of EU norms promoting diversity and nondiscrimination. Equally importantly, the opponents of gay rights, also framed the debate in EU terms – though, obviously, for them the language of EU norms was construed as a threat to national identity. Thus, gay rights in Eastern Europe has the flavor of a European project, for better and for worse.

Especially in application to the postcommunist applicant- and member-states, Europeanization theory has focused on two mechanisms, conditionality (“external incentives”) and social learning. Conditionality is perhaps the EU’s most powerful form of leverage, linking membership to compliance with EU legal norms. Scholars have argued that the leverage of conditionality depends on the clarity of EU norms, their credibility, the magnitude of the reward for compliance, and the number of domestic veto players (Schimmelfennig and Sedelmeier 2005, pp 12-17). The most directly relevant EU norm regarding sexual orientation during the first wave of accession was Article 13 of the Treaty of Amsterdam, which forbade discrimination on the basis of sexual

orientation in the labor market and which needed to be transposed into all applicants' labor code (Bell 2001, p. 82).

The second Europeanization mechanism, social learning, describes a process whereby both applicant and member states are persuaded of the appropriateness of EU norms. This occurs, first, through the participation of national-level policy makers and other political elites in EU networks and, second, through the activity of transnational networks of domestic and European actors, who exert pressure on national governments and endorse European norms in the domestic discourse. By fostering deliberation and by developing transnational networks that include domestic actors, European institutions can increase the perception of “norm ownership.” Not only can this network serve as a channel for financial support, it helps legitimate these groups among otherwise indifferent domestic groups (Schimmelfennig and Sedelmeier 2005, p. 18). Unlike conditionality, the effectiveness of social learning does not drop off after an EU applicant becomes an EU member; in theory at least, social learning, which is a sociological process of norm persuasion, becomes more robust after accession because such norm-based change happens more slowly.

Against the prevailing the Europeanization model, I argue that neither of these mechanisms offered strong support to gay-rights groups in Poland. First, while countries that acceded to the EU recently or that are currently applying for membership generally have better legal frameworks for LGBT people, Poland offers a cautionary tale of external incentives after accession. External incentives have failed to achieve any

appreciable results since prompting a change to Poland's labor code before accession.⁵ Gay-rights groups' efforts to expand antidiscrimination provisions beyond the labor code have fallen flat, and EU conditionality pressure has not helped them. Puzzlingly, at least from the conditionality perspective, the greatest growth in the organization and influence of Poland's gay-rights movement – including its increasing engagement with political and legal change – has occurred *after* Poland joined the EU, as I will show in the paper's case study section. External incentives are best adapted to explaining legal change, not the behavior of political elites and society at large, both of which are encompassed by Radaelli's definition of Europeanization; yet, after accession, external incentives offer little explanatory traction even vis-à-vis legal change.

Neither can the Polish movement's growth plausibly be attributed to social learning, which posits that norm change is unlikely when EU norms clash directly with domestic ones, as they do regarding homosexuality (O'Dwyer 2010). On the contrary, in stark contrast to the social learning argument, I contend that the conflict between EU norms and entrenched social customs has catalyzed the movement. Thus, the development of the gay-rights movement differs in key respects from that predicted under the Europeanization framework.

To better understand how transnational and domestic forces interact to shape the politics of gay rights in postcommunist Europe, I propose a move away from the standard Europeanization model. I drop its social learning model of normative change, recognizing that, rather than blocking such change, conflict often catalyzes it.

⁵ ILGA-Europe ranks legal protections for LGBT people in some 50 European states; see http://www.ilga-europe.org/home/publications/reports_and_other_materials/rainbow_map_and_index_2011.

Conditionality, a central driver in the Europeanization model, does figure prominently in my argument. Clearly, EU conditionality shapes how gay rights is perceived in the political arena, and how activists and opponents organize, but the Europeanization school has mischaracterized the nature of conditionality's impact, especially after accession. I reconceptualize how conditionality shapes political outcomes by drawing on the insights of social movement theory's political process model, as the next section will explain.

III. A "Political Process" Approach to Gay Rights in Poland

I now outline an alternative theoretical framework to better explain the timing and phases of development of gay rights in Poland.⁶ My starting intuition is that this development – marked as it is by cycles of mobilization and counter-mobilization and punctuated by periods of intense polarization – is best conceived through the lens of social movement theory. Therefore, I draw on the "political process model" developed by McAdams (1982) and others (e.g. Piven and Cloward 1979; Tarrow 1998) to analyze contexts as various as the civil rights movement in the U.S. and the women's movement in postcommunist Russia (Sperling 1999). Following this model, I use three key concepts to analyze the development of the movement over time: political opportunity structure, issue framing, and the activist network (Sperling 1999, p. 44).

The key analytical insight from social movement theory is to consider EU conditionality as defining the political opportunity structure in which rights advocates and opponents mobilize. In doing so, I place special emphasis on the effect of political

⁶ Though I believe this model could be applied comparatively to gay-rights movements throughout the region, that is not my intention here.

polarization on both how social movement goals are framed and how activist networks develop. I argue, in sharp contrast to the social learning model, that polarization strengthens activist networks: first, they become denser as activists mobilize against a common threat and, second, they become broader as the media spotlight draws the attention of potential allies outside the movement. As social movement theorists argue, issue framing – or the process by which individuals form “shared meanings and definitions” of their situation and of their discontent – is critical to the translation of individual grievances into a collective movement (McAdam, McCarthy, and Zald, 1996, p. 5). In Poland, EU accession shifted the framing of homosexuality from the language of charity, HIV/AIDS, and Catholic teaching to that of rights and antidiscrimination. As the case study will show, this shift involved a “framing contest” (McAdam, McCarthy, and Zald, 1996, p. 17) between rights advocates and opponents.

Some adaptation is necessary in applying the political process model to the context of postcommunist gay-rights movements. The next two subsections flesh out these adaptations. The first grounds my conceptualization of EU conditionality in terms of political opportunity structure. The second develops a framework for conceptualizing and measuring the robustness of activist networks that fits both the issue of gay rights and the context of postcommunist civil society.

The Political Opportunity Structure

The environment in which the gay-rights movement has developed in Poland – and, indeed, in the rest of the region – is defined by two overarching and, from the perspective of gay-rights politics worldwide, idiosyncratic features: the communist

legacy and the pressures of European integration. I conceptualize them as constituting the political opportunity structure for rights activists. The communist legacy is a relatively fixed feature of the political opportunity structure and is, from the perspective of gay rights, unmitigatedly negative.⁷ As the epigraph suggests, the pressures of EU integration, on the other hand, are more disputed among analysts and activists alike. Though analysts might reasonably debate whether these pressures help or hinder the rights movement, both sides would agree that they are of fundamental importance in domestic debates about gay rights. Unlike the communist legacy, EU pressures have varied widely over the course of the last two decades, and these shifts have been momentous for movement development.

In spirit, my analysis accords closely with Valery Sperling's suggestion that applying social movement theory to postcommunist contexts requires conceptualizing the opportunity structure in terms of economic, cultural, and political legacies of communism (1999, pp. 43-51). We find many similarities between her description of the opportunity structure faced by the Russian women's movement and the Polish gay-rights movement, at least in its early stages: a general aversion to joining organizations, a lack of financial resources, and the internal contradictions of the Soviet conception of the family and women's role in society. As a legacy of communist rule, civil society is demobilized, with citizens showing little appetite to join associations and a tendency to strongly distrust all things political (Jowitt 1992; Howard 2003). Rather than commit time to the various organizations and affiliations of the public sphere, the typical person cultivated

⁷ One might argue that the communist legacy's importance has been decreasing with generational replacement, but this is a slow process which will not reach a tipping point for at least another decade.

private, often familial – hence, closed – networks. This tendency is still quite noticeable: LGBT people often prefer to develop their own “underground” networks, clubs, and so on rather than publicly fight for acceptance. Many LGBT people would prefer that activists *not* draw attention to gay rights, reasoning that making public claims will upset these tacit accommodations with society at large; though, of course, fear of reprisal also motivates such behavior, this distrust of open politics resonates sharply with communism’s unfortunate legacy for civil society.

Communism’s other legacy was that of repressing homosexuality. Some states, such as the Soviet Union and Romania, criminalized homosexuality. In others, repression occurred in the form of discriminatory state practices and harsh social taboos. As one illustration, though homosexuality was never criminalized in Poland, Polish secret police allegedly used the threat of disclosing sexual orientation as a means of blackmailing and recruiting informants. Also, from 1985 to 1988, the Polish secret police pursued an extensive crackdown on gay men, the so-called “Operation Hyacinth,” which implicated some 11,000 people (Gruszczynska, 2009, p. 31).

As powerful as it is, the communist legacy is not the only contextual factor shaping the political opportunity structure. The other is EU conditionality, through which the Commission has attempted to shape the politics of homosexuality in postcommunist countries. Yet rather than analyze this change through the conventional Europeanization lenses of external incentives and social learning, I propose that we conceptualize the EU’s influence in terms of how its intervention, real or threatened, shapes the landscape of domestic politics in which social movements, both for and against gay rights, mobilize

and pursue their goals. This perspective does not ignore conditionality; rather it reconceptualizes it.

Befitting the political process perspective, I analyze the influence of the EU in processual terms. I divide the movement's postcommunist history into three periods: 1989-1997, 1998-2004, and 2004-2011. This periodization maps the three analytically distinct phases in the new member-states' relationship with the European Union. In the first period, this relationship was more aspirational than concrete, best summed up as the intention to "return to Europe;" how and when this return would occur and what actual changes it would entail were vague both in the applicant states and in Brussels. In the second period, "the accession process" became formalized and began to entail real adjustments on the part of applicants like Poland. Where the will for such adjustments was weak, the European Commission used the power of conditionality to force them. Finally, in the "postaccession period," Poland is an EU member, and the power of conditionality has largely evaporated. Because the accession process took place in waves of countries, this periodization could be applied to any of the eight postcommunist countries in the first wave of EU expansion.

The three periods differ, in short, in terms of the political opportunity structure faced by the Polish gay-rights movement, defining the parameters for action faced by the movement and, significantly, for its opponents on the political right. Within each period, I consider the three facets of the political process model – framing, political opportunity structure, and networks – to analyze the strength and organization of the movement.

The Activist Network

I will briefly describe how I conceptualize the activist network and how I measure changes in its robustness. Given the importance of polarization in my analysis, I conceptualize the activist network in terms of two opposing elements: gay-rights advocates and gay-rights opponents. The former consists of self-help groups, support-service providers, NGOs, and grass-roots supporters, such as those who march in Pride Parades. The latter consists of political parties and grass-roots groups with antigay messages (e.g. the League of Polish Families (LPR) and All-Poland Youth) and the media groups that sponsor them (e.g. Radio Maryja). I also include the Polish Catholic Church hierarchy and certain of its charity organizations in this category.

Regarding network robustness, I focus on the following attributes: network density, the degree of coordination among activist groups within the network, and the capacity of these groups to engage in political lobbying. *Density* captures the number of groups active. A growth in density implies an increase in the breadth of the overall movement, and its ability to cover the manifold policy and practical concerns related to gay rights, from provision of support services to legal assistance in bringing court cases. *Coordination among groups* describes a continuum with two endpoints. On one endpoint, we can imagine organizations that disagree about goals, compete over funding, and do not cooperate on broader projects. At the other end, we can imagine a movement composed of groups that manage all of these things. The *capacity to engage in political lobbying* requires that gay-advocacy groups be willing to label their activities as political, even in a broad sense of the word. While this may seem a banal criterion, in fact, many groups objected to labeling their activities as political, especially in the 1990s. Instead they described themselves as support groups or as charities. At the other end of the

spectrum, we find groups that politically lobby for gay rights in sophisticated ways, from drafting legislation, to bringing court cases, to fielding candidates in elections. By the end of the period analyzed here, there were Polish groups able to accomplish the latter.

IV. The Development of a Gay-Rights Movement in Poland

I turn now to a description of how the gay-rights movement has developed in Poland from the early 1990s to the present, using the periodization outlined above. The narrative weaves together the various analytical strands of the political process model: the political opportunity structure, the framing of gay rights as a political issue, and the network of activists – both among rights advocates and rights opponents.

1989-1997: An Invisible and Inchoate Movement

The *political opportunity structure* during this period was defined by the emergence of political pluralism after the fall of communism and, to anticipate the later stages of the process, the *absence* of binding EU conditionality. In Poland, the early 1990s witnessed the explosion of new forms of association, from political parties to interest organizations to social groups. The other important opening from the point of view of LGBT people was the end of official censorship, which made possible personal ads and magazines for the first time in memory. In the personal lives of LGBT people, the changes were profound. Yet, though formal barriers had come down, informal, but no less real, barriers remained. Social taboos against homosexuality remained very strong even by postcommunist standards. Practically, this meant that, aside from a few brave exceptions, individuals feared making their sexual orientation public. Identifying

with, not to mention actually joining, a gay-rights group was risky to someone fearing the consequences of coming out, and this problem hobbled organization-building.

The *framing* of homosexuality in the public discourse was marked by two features: lack of political salience and the discourse of HIV/AIDS. Regarding salience, homosexuality was simply not a political topic for most of the 1990s. Social taboos prevented open discussion. Thinking on homosexuality was framed by Church teaching: homosexuality is a sin and a personal failing, certainly not a human right. The hegemony of this taboo – termed the “regime of silence” by one respondent – is thrown into even sharper relief when one considers that during this period the Polish Church was very active politically. At its behest, abortion was banned in 1993, religious instruction in schools reinstated in 1991, a mandate that radio and television respect ‘Christian values’ adopted in 1992, and a Concordat with Rome signed by the government in 1997 (Ramet 2006). During this period in which the Church put its stamp on a wide range of social issues, it apparently saw little need to engage gay rights. They were not a threat.

To the extent that homosexuality did emerge as a topic in the public discourse in Poland during the 1990s, it did so in the form of the HIV/AIDS epidemic, which had claimed its first cases in Poland in the late 1980s (Owczarzak, 2009). Here again Church teaching provided the frame. Conspicuous in its absence from this framing of the issue – which was defined in terms of disease, not homosexuality – was any conception of LGBT as people with rights. The Church’s appeals to minister to AIDS patients characterized them as sufferers deserving help while avoiding discussion about the mode of transmission (Owczarzak 2009, p. 434). In a sign of their weakness, even the nascent gay-rights groups adopted this framing of gay rights. These activists “saw championing

the importance of a Christian ethic as a primary way to win... [the public's] support” (Owczarzak, 2009, p. 433).

The *network of activism* in this period was, on both sides, low-density, uncoordinated, and self-consciously apolitical (Kliszczyński 2001, 166; Owczarzak 2009). Looking first at the advocacy side, the network of groups working in what might broadly be defined as LGBT issues was very small and, to avoid public controversy, inconspicuous. The first legally registered group, The Association of Lambda Groups (*Stowarzyszenie Grup Lambda*), appeared in 1990. It was an umbrella group comprised of locally-based and largely informal groups. From the beginning, the emphasis on self-help, HIV/AIDS, and apoliticism was evident; Lambda's statute announced its mission as “increasing tolerance towards homosexuality, creating positive consciousness of homosexual men and women, propagating safer sex and cooperating with public institutions regarding HIV/AIDS prevention” (Adamska, 1998, p. 26, cited in Gruszczynska, 2009, p. 33). As Gruszczynska writes, “For the most part, the activists of The Association of Lambda Groups were against public activism, claiming that increased visibility might be harmful to homosexual persons by attracting unwanted attention and fuelling violence” (2009, p. 33).

Initially, activism was centered around an NGO called MONAR (Youth Movement against Drug Addiction),⁸ which was actually a network of treatment centers for drug addiction established in the 1970s (Owczarzak, 2009). Because of the link between intravenous drug use and HIV, MONAR began in 1990 to include gays with the disease within its purview of service activities. In her study of this period, Owczarzak

⁸ In Polish, *Młodzieżowy Ruch na Rzecz Przeciwdziałania Narkomanii*.

notes only one other group of activists, “Plus,” which housed five HIV-positive people in a private house in Warsaw (2009, p. 429). Besides this limited service provision – which, it should be emphasized, affected only a small number of gay men in extremely adverse circumstances – the only other activists mentioned in Owczarzak’s study were not groups, but single individuals attempting to disseminate information about how HIV is spread (2009, p. 435).

The network of antigay activists looked similar in structure. Local, informal, and apolitical, they emerged in opposition to the MONAR centers. Though the latter had been operating for years as drug-rehabilitation centers, the inclusion of AIDS patients sparked protests in the neighborhoods where they were located. From 1990 through 1992, there were public protests demanding the centers be shut down, and in a number of cases violence and attempted arson. The kinds of placards on display at such demonstrations would not have been out of place in those from the 2000s, reading, for example, “Faggots out!” (Owczarzak, 2009, p. 429). Despite the similar rhetoric, antigay mobilization in this period was local, uncoordinated, and lacked ties to political parties, in contrast to later waves of mobilization.

Another significant difference from the antigay mobilization of the 2000s was the response of Church-affiliated groups. As noted above, the Church began to engage with the AIDS epidemic in the early 1990s, though on its own terms. In the controversy over the MONAR centers, the Church took the position that it is a Christian duty to care for the sick, including AIDS patients. A Polish priest, Arkadiusz Nowak, took the lead in promoting Church-run palliative centers, and his efforts led to the creation of a state-run National AIDS Center in 1993. Thus, the fledgling network of HIV/AIDS services soon

came to be dominated by the Church and, in cooperation with the Church, the state. As Owczarzak writes, “The National AIDS Center remains the main coordinating organization for HIV prevention efforts and care for people living with AIDS at the national, regional, local levels” (2009, p. 436).

Absent a favorable political opportunity structure and hamstrung by the tendency to frame its goals apolitically, the gay-rights movement was edging into decline in the late 1990s. By 1997, the Association of Lambda Groups was defunct, as the network of locally-based, grass-roots chapters disappeared. My research uncovered only one national-level attempt at political lobbying in this period, during the discussions about the rewriting of the Polish Constitution. Rights advocates lobbied to include sexual orientation as one of the grounds of discrimination banned constitutionally – a minimal demand that proved unsuccessful (Klyszczynski 2001, p. 165). Following the movement’s implosion, a new Warsaw-based group, Lambda Warszawa, was established in 1997. It was the only registered LGBT group in Poland until 2001 (Gruszczynska, 2009, p. 34).

1998-2004: Conditionality Reframes the Issue and Sparks a Backlash

In 1998, the European Parliament cautioned that it would block the accession of any country that ‘through its legislation or policies violates the human rights of lesbians and gay men,’ (Bell, 2001, 88). Suddenly Poland’s “return to Europe,” the rallying cry of its governments since 1989, looked that much less certain. Gay rights as political rights, that is the right of LGBT people to equal legal protection from discrimination in the market and the public sphere, were on the agenda as non-negotiable items. No longer

framed in terms of individual morality or HIV prevention, homosexuality was a now a question of European law and human rights. With this politically polarizing framing of the issue, activist networks among both advocates and opponents began to thicken and broaden. What had on both sides been a local, informal, and low-density network started to become national, more institutionalized, and comprising a denser web of groups.

1998 was the year that EU integration changed the *political opportunity structure* for gay-rights activists in Poland. While EU membership had been articulated as a goal as early as 1989, in 1998, the EU opened accession negotiations with the first ECE countries, including Poland. From this point on, accession became a much more concrete policy process with specifically articulated rules, monitoring of progress, and admonitions about failures to reform, including failures regarding the LGBT minority. Building on earlier warnings, in 2000 the EP called on Poland to remove antigay provisions from its penal code (Bell, 2001, 88). As the European Commission screened Polish law, it determined that the Polish Constitution's protections were neither explicit nor strong enough, and it mandated changes to the labor code specifically. Though the parliament strongly resisted adding sexual orientation as an antidiscrimination provision to the labor code, in the end it bowed to the Commission's pressure.

The EU's use of conditionality with regard to the Constitution and labor code fundamentally reshaped the *framing* of gay rights in Polish politics. In place of the narrative about personal failing, HIV/AIDS, and Christian charity, the issue now was framed as a question of national identity. Homosexuality mapped very easily onto a broader debate about Polish identity – national, religious, and as a part of Europe – that sharply polarized the political spectrum in the early 2000s, a debate between so-called

“Poland A” and “Poland B” (Zubrzycki, 2006). Poland A was shorthand for the upwardly mobile, educated, usually urban Poles who took a more secular and cosmopolitan view of national identity. Poland B referred to the provincial, older, less-educated, churchgoing Poles who identified national identity with Catholicism. The EU became a mobilizing tool for both sides. Gay-rights advocates, firmly rooted in Poland A, claimed the legitimacy of EU norms; their political opponents from Poland B used the EU as a foil, painting it as a threat to traditional Polish values. As political discourse took on an increasingly nationalist tone, the EU’s use of conditionality provoked defiant responses from Polish politicians on the right.⁹ This shift can be traced in the *development of activist networks*.

To focus first on the antigay network, the 2001 parliamentary elections saw the extinction of traditional “liberal” parties such as the Freedom Union and Electoral Action Solidarity.¹⁰ As these more liberal parties failed to pass the minimum threshold for parliamentary representation, they were replaced by two newly established right-wing parties that took unprecedentedly nationalist and Euroskeptic positions. The first of these, Law and Justice (PiS), was led by the mayor of Warsaw, Lech Kaczyński, who cemented his reputation as a defender of the national faith by banning Pride Parades in Warsaw. The second, League of Polish Families (LPR), espoused a “Poland for the Poles” ideology so extreme that most observers classified it as a radical-right party (Pankowski, 2010). Opposition to “homosexuality” was a central plank in LPR’s platform. In 2001,

⁹ This discourse drew on a deep-running thread in political thought, which identified Polishness with Catholicism (Walicki, 2000).

¹⁰ The latter party was more liberal in name than practice; nevertheless, it was considerably more moderate on national identity and the EU than PiS or LPR would be.

PiS and LPR took 9.5 and 7.9 percent of the vote, respectively, just a few points less than the largest right party, Civic Platform (PO). Both parties' nationalist appeals portrayed EU accession – and the host of associated economic, political, and antidiscrimination reforms – as an elite project supported by a network of ex-nomenklatura of dubious Polishness. Both hearkened back to the program of interwar Poland's illiberal demagogue Roman Dmowski, who espoused a xenophobic vision of an ethnically pure, Catholic Poland (Walicki, 2000). PiS called for a 'moral revolution' to establish a Fourth Republic, which would break with the so-called Third Republic established in 1989. LPR's link to interwar illiberalism was even more direct. Its leader and founder, Roman Giertych, is the grandson of one of Dmowski's close associates.

The electoral success of LPR and PiS were made possible by the broader organization of a societal-level network of groups with antigay orientation and national scale. Most notable among these were the All-Poland Youth (*Młodzież Wszechpolska*) and Radio Maryja. The All-Poland Youth, founded by LPR's Giertych, took its name from an anti-Semitic organization established by Dmowski in the 1930s; in its postcommunist incarnation it promoted a fundamentalist version of Catholicism and was a key organizer of anti-Pride demonstrations. Radio Maryja is a hugely influential radio and television network, one of the largest in Poland. It is run by a Catholic priest, Father Rydzyk and has its strongest appeal among rural and elderly voters. Both organizations provided crucial campaign support to LPR and PiS, which as newly established parties lacked a strong campaign network.

In their ideology and their rhetoric, both the All-Poland Youth and Radio Maryja represented a significant shift from the Catholic groups that had been active on gay issues

up to this point, groups such as Father Arkadiusz's ministry to HIV/AIDS patients. As gay rights widened from being about the HIV/AIDS epidemic to an issue of rights to assembly and speech, antidiscrimination, and even registered partnerships, the Church found it harder to reconcile with ideas of Christian charity. Neither Radio Maryja nor the All-Poland Youth spoke for the mainstream Church, and while many of the clergy doubtless sympathized with them, the Church hierarchy found the aggressive, exclusionary rhetoric of these groups an embarrassment. Moreover, the Church hierarchy was constrained on this issue because it supported EU entry and feared jeopardizing the 2003 public referendum on membership (Ramet, 2006). Thus, while the political polarization of gay rights nationalized and broadened the antigay activist network, the mainstream Church was not as engaged as one might have expected.

Turning now to the network of gay-rights activists, the changes to the political opportunity structure and framing in this period had the effect of spurring the establishment of a new wave of organizations, which were more visible, political in their demands, and, in one notable case, professional in their organization. These new groups drew on a much broader target audience, not one limited to HIV/AIDS prevention. In a significant departure from the previous period, some of these groups sought to draw attention to gay issues by provoking controversy.

The first overtly political group, Campaign Against Homophobia (KPH), was established in 2001 as an NGO aiming in its own words to promote,

Public discussion on gay and lesbian issues and increased social representation for all sexual minorities, as well as, most

importantly, political lobbying that would lead to introducing the concept of same-sex partnerships.¹¹

From its inception, KPH cultivated links to international, especially EU-level, networks, notably that of ILGA-Europe but also the European Commission and European Parliament. In comparison to earlier rights groups, KPH was considerably more institutionalized and professional. It was able to secure funding grants from the European Union, the Open Society Institute, and others. Through such funding, it was able to rent office space in Warsaw and to hire several permanent staff.¹² This funding also enabled KPH to produce and publish a number of reports monitoring the situation of LGBT people in Poland, documenting discrimination, analyzing the press, and bringing antigay rhetoric of politicians to the attention of international observers.¹³ Through this monitoring, KPH became an important source of information to the European Commission about the weaknesses of Poland's minorities policies during the accession negotiations.

If KPH was primarily based on the model of a professionalized lobbying NGO, this period also saw the emergence of more grass-roots groups aiming at consciousness raising and public visibility. The first of these was the ILGCN-Poland, which organized Poland's first Gay Pride parade in 2001 in Warsaw.¹⁴ The 2001 parade was a very small,

¹¹ See http://www.kph.org.pl/images/stories/dokumenty/statut_kph.pdf, as cited in Gruszczynska 2009, p. 34.

¹² Notably, the city did not provide subsidized office space to KPH, as it often does for non-profit groups and NGOs.

¹³ For a look at KPH's reports and monitoring bulletins see <http://world.kph.org.pl/index.php?lang=en&doc=page&id=9&title=publications>.

¹⁴ The acronym stands for the International Lesbian & Gay Culture Network - Poland.

Warsaw-based affair of about 300 participants. Over the next two years, however, the parade grew in size (to as much as 3,000 participants in 2003) and reach, attracting participants from across Poland (Gruszczynska 2009, p. 36). The second notable public campaign during this period was organized by KPH under the name “Let Them See Us” (*Niech nas zobaczą*). It consisted of photographs of same-sex Polish couples, which were displayed on billboards across the country. Denounced by critics as a series of “depravations and deviations,” the campaign has been credited with bringing homosexuality into the public sphere for the first time (Gruszczynska 2009, p. 35; Warkocki 2004, cited in Gruszczynska 2009).

To summarize, in this period there was a fundamental realignment of the political opportunity structure through EU conditionality, a radical reframing of homosexuality from a question of individual morality to one of European law and human rights, and a reorganization of the activist networks both among gay-rights advocates and on the political right. The network of advocates became more visible, more political, and more professional. It still remained mostly Warsaw-based, however. The network of opponents also changed. What before had been local, ad hoc protests against HIV/AIDS treatment centers now also became a wider, more political network of nationalist political parties. While these changes were evidently at the root of the growing political polarization around homosexuality, this polarization reached its zenith in the next stage, after Poland’s membership was formalized in May 2004, as conditionality lost its edge. Finally, while this period of intense EU pressure to change Polish labor law to address discrimination based on sexual orientation constituted undeniable progress, it also fueled a populist political backlash from 2004 to 2007.

2004-2011: Backlash, Polarization, and Mobilization

The greatest organizational development of the Polish gay-rights movement has been since 2004. Ironically, at first it appeared quite the opposite, that the movement was fighting for its very existence. From 2005-2007, Poland experienced the most nationalistic, populist government since the fall of communism, key members of which made the so-called “homosexual lobby” their target. From the perspective of Europeanization theories, these developments boded ill for the diffusion of EU norms and for the movement itself. From the perspective of the political process model adopted here, however, such moments of extreme polarization can serve to spur rapid organizational development by placing the movement’s issue in the center of political attention and by focusing activists on a clear goal. As this final section of the case study will show, this is exactly what happened in Poland. After enduring intense political attack from 2004 to 2007, the gay-rights movement emerged stronger than before. Since 2007, gay-rights issues are no longer as visible in politics, but the movement has continued to lobby effectively using the organizational resources built up during its experience under siege.

Poland’s entry into the EU on May 1, 2004 radically altered the *political opportunity structure* yet again, as the European Commission lost the legal leverage of conditionality. In interviews conducted in Warsaw in summer 2007, public officials noted that gay rights were now a domestic affair. Infractions against EU law could be brought before the courts, but as a *post hoc* and reactive approach, this constitutes weaker monitoring than during the accession phase. Public criticism of antigay policies, usually

by the European Parliament, became the main, though not very effectual, source of leverage. For example, in January 2006, 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, hate or threatening language, police failing 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.’ While no member state was mentioned by name, Poland was clearly among the targets of concern. A second resolution in June 2006 specifically rebuked Poland for ‘an increase in intolerance caused by racism, xenophobia, anti-Semitism, and homophobia.’ Both resolutions provoked defiant responses, with the speaker of the parliament Marek Jurek (PiS) declaring that the resolutions ‘promot[ed] an ideology of homosexual communities’ (‘Commotion’, 2006). The Polish parliament then passed a resolution refuting the EP’s charges.

The clearest indication of the changed political opportunity structure is the absence of legal advances on gay rights in Poland since gaining membership. Since changing its labor code as a condition of accession in 2002, Poland has not enacted any new legal rights for LGBT people. Even by postcommunist standards, Poland’s rights framework is weak.¹⁵ Not only have successive Polish governments failed to broaden the scope of antidiscrimination policy since 2002, the implementation of extant labor code

¹⁵ See the ILGA-Europe rights index, http://www.ilga-europe.org/home/publications/reports_and_other_materials/rainbow_map_and_index_2011.

provisions did not meet EU standards until 2010.¹⁶ As a final indication of the barebones legal framework, one should recall that Poland is one of only two EU member-states to have negotiated an opt-out of the European Charter of Human Rights as a condition for signing the Lisbon Treaty.¹⁷ The opt-out was motivated by concerns about social values, including fears that the Charter would undermine the traditional conception of marriage and family.

As noted above, the *reframing* of gay rights as a European norm had been accomplished during the preaccession stage. After accession, the right continued to frame gay rights as an affront to Polish nationalism, and as an imposition by the EU. The gay-rights movement continued to portray gay rights as human rights and part of joining Europe, avoiding any appeals to Christian charity. What did change in this period was the level of polarization, which reached unprecedented levels in the lead-up to the parliamentary and presidential elections of 2005 and through the government that followed. These elections saw major gains for the Law and Justice Party (PiS), which expanded its vote share from 9.5 to 27 percent. Its leader Lech Kaczyński, who gained notoriety for banning the Warsaw Pride parade in May 2004, was elected president also in 2005. The League of Polish Families (LPR), which took the most antigay line among the Polish parties, experienced a smaller electoral gain in these elections (from 7.9 to 8 percent), but it was invited to join the government coalition. Gay-rights advocates found

¹⁶ Until 2010, Poland lacked legislation establishing an independent state office for antidiscrimination policy. After years of criticism, the Commission had at last initiated legal proceedings against Poland with the European Court of Justice, which could have led to financial sanctions.

¹⁷ Britain, the other country to have opted out, did so for economic reasons.

themselves not only excluded from any policy influence during this period, they were a popular scapegoat for the more radical elements of the governing coalition.

LPR leader Roman Giertych was named Minister of Education. As Minister, he attempted to reshape the Polish school system around a nationalist and Catholic conception of the citizen (Pankowski 2001). Defending the youth from “homosexual propaganda” played a central part in this project. Under Giertych’s direction, the ministry fired an education official for distributing a Council of Europe primer on discrimination: it contained an entry on homophobia. The Ministry also created an internet filter for Polish schools screening any references to homosexuality and blocking access to the sites of organizations such as KPH and International Lesbian and Gay Association (Pankowski 2010, p. 182). As Minister of Education, Giertych openly conflicted with European-level institutions. For example, Giertych proposed to a meeting of EU education ministers that they adopt a European “Charter of the Rights of Nations,” to include bans on “homosexual propaganda” and abortion (Pankowski 2010, p. 182). PiS leader and then Prime Minister Jarosław Kaczyński defended Giertych’s actions as Education Minister, saying,

I assure you that if a man from the PiS were a Minister of Education, he would take the same direction as Giertych... I want to say it clearly, I am also against the promotion of homosexuality in school... I don’t see any reason to support the fashion for promoting homosexuality. (Pankowski 2010, p. 182)

When the EP criticized Poland for homophobia, anti-Semitism, and xenophobia in June 2006, PiS sponsored a furious counter-resolution in the parliament, calling on the EP to safeguard “public morality.” It stated further that even using terms like “homophobia” was “an imposition of the language of the homosexual political movement on Europe”

and stood in conflict with “the whole of Europe’s Judeo-Christian moral heritage” (Pankowski 2010, p. 189).

The polarization of the political discourse and the intensification of organizational development that it sparked, especially on the part of gay-rights activists, was nowhere more evident than in the Pride parades. As described in the previous section, these had tended to be small, Warsaw-based, and relatively peaceful affairs in 2001, 2002, and 2003. Almost immediately after Poland’s official entry into the EU on May 1, 2004, this all changed, as the right to march was blocked by state offices and marchers came under physical attack by members of the All-Poland Youth and LPR sympathizers. Marchers were harassed with phrases like “Gas the gays” and “Lesbians and faggots are ideal citizens of the European Union” (Gruszczynska 2009, pp. 38-40). Against these obstacles, Prides continued to be organized and spread to other Polish cities. In May 2004, the Krakow “March for Tolerance” became the subject of a drawn-out political fight as local LPR members sought to block the parade; then, on the day of the parade, marchers were assaulted by members of the All-Poland Youth (Gruszczynska 2009, p. 37). Several weeks later, PiS leader and then mayor of Warsaw Lech Kaczyński banned the Warsaw parade, despite having allowed it in previous years. Kaczyński again banned the parade in 2005. A planned parade in Poznan in 2005 was also banned; when activists staged a peaceful protest anyway, police arrested 68 out of some 200 present (Gruszczynska 2009, p. 42).

This period of polarization broadened and thickened the *activist network* while at the same time garnering public sympathy for gay rights. The images of police arresting peaceful protesters resonated for many observers outside the movement with the memory

of Solidarity's repression under martial law in 1980s.¹⁸ As signs of the new level of organization, consider first the movement's capacity to stage Pride marches in multiple cities and in the face of administrative bans. The three major rights groups ILGCN-Poland, Lambda Warszawa, and KPH banded together to form the Equality Foundation (*Fundacja Równości*) to mount legal challenges against the parade bans.¹⁹ These legal challenges proved successful, as bans were struck down in Poznan and Warsaw. Demonstrating the movement's growing professionalization, activists overturned the Warsaw ban in the European Court of Human Rights, establishing a binding legal precedent against future such bans in all of Europe.

KPH, the movement's lobbying NGO, also saw considerable growth in this period. It nationalized its network, establishing branches in each of the country's 16 regions. With the support of the EU, ILGA-Europe, the Open Society Institute, and others, KPH published sophisticated and detailed reports on the government's policies and on legal and social situation of LGBT people in the country.²⁰ Where the government failed to live up to its EU obligations, as for example in the establishment of an independent antidiscrimination body, KPH lobbied persistently to the Commission for action. In addition to KPH, several new groups were established or became engaged with gay rights during this period. A new NGO the Polish Society of Anti-Discrimination Law (*Polskie Towarzystwo Prawa Antydyskryminacyjnego*) was formed by activists from KPH's legal team. A new political party Greens 2004 (*Zieloni 2004*) was established

¹⁸ Author interview with Dominika Ferens: Warsaw, 9 June, 2007.

¹⁹ Since 2005, The Equality Foundation has organized Warsaw's annual Equality Parade. It is also a member of the European Pride Organizations Association, which organizes Europride.

²⁰ See <http://world.kph.org.pl/index.php?lang=en&doc=page&id=9&title=publications>.

with LGBT rights as one of its core issues. Though it has not gained representation in the national parliament, it has gained some seats in local and regional elections. In addition to these more visible groups, this period saw the appearance of a number of smaller, locally-based LGBT groups, from students associations to discussion clubs.

In 2007, the Kaczyński government collapsed in a corruption scandal. New elections were called for in October 2007, elections which initiated the implosion of the far right and ongoing marginalization of antigay activists in Polish politics. The most dramatic result was the collapse of LPR's electoral support, which tumbled from 8% in 2005 to 1.3%, far below the minimum threshold for parliamentary representation and, even more importantly, below the minimum for a party to receive state funding. Without funding, LPR has ceased to be a presence in Polish politics. Other extreme antigay groups like the *Młodzież Wszechpolska* have also become much less visible. The new government was formed by the center-right, pro-Europe Civic Platform party in coalition with the much smaller Polish Peasants' Party.

For the remaining parties of the right, PiS and PO, one lesson of the 2007 elections has been that antigay politics is not a winning electoral strategy. Although the 2007 elections saw PiS increase its voteshare over its 2005 figure, the decisive victory for PO suggested the wisdom of hewing to a pro-Europe message. To be sure, PO did not take its pro-Europe platform as far as supporting gay rights; rather, it avoided saying anything at all about the issue. While PiS maintained its core emphasis on Polish nationalism and traditional values, it seems to have also taken this lesson to heart. In my interviews with activists since 2007, virtually all have noted the near absence now of the

kind of antigay remarks that were so common earlier, even from more mainstream parties like PiS.²¹

Paradoxically, the dramatic weakening of antigay activism in Poland since 2007 has presented something of a challenge to the gay-rights movement, an observation made by many of my respondents. Without the polarizing presence of LPR, gay rights have become much less visible in politics. However, since 2007 the network of gay-rights activists has continued to develop, building on the organizational efforts of the earlier periods. In comparative perspective, the Polish movement is now one of the best developed in the postcommunist region. This becomes clear when it is compared with the far more diffuse and informal movement in the neighboring Czech Republic, despite its significantly higher tolerance of homosexuality.²² To close this section, I will present

²¹ The absence of this rhetoric represents progress, though it would be an exaggeration to say that Poland's political discourse has become gay friendly. My respondents in research trips in 2009 and 2010 consistently reported that the new governing party Civic Platform (PO) was not so much tolerant as politically pragmatic: rather than make inflammatory comments about homosexuality, it avoided making any comments at all. My respondents interpreted this silence not as tacit approval but rather as an attempt not to be drawn into politically damaging statements of any kind – i.e. statements that could be seen as gay-friendly by a domestic audience as well as those that would seem homophobic to international observers.

²² There is not space here to compare the organization of the Czech and Polish movements in detail, but two points of difference are revealing. First, while Warsaw has hosted Pride marches since 2001, Prague saw its first Pride march in 2011. Second, the Czech movement, as a political movement, effectively dissolved itself in 2006, when it was at the height of its organizational capacity and almost immediately after its greatest legislative successive, registered partnerships. Since that time there has been no national-level Czech organization engaged with lobbying for gay rights. In May 2011, an attempt to establish such an organization, named PROUD, was made, but at the time of this writing it remained primarily an internet

three indicators of how the activist network has continued to broaden and thicken since 2007.

First, in July 2010 the Equality Foundation successfully hosted the European-wide Pride event, EuroPride, the first time this event had been held in a postcommunist country. The event, which drew together thousands of activists and participants from across Europe, demonstrated the organizational capacity of the movement on an international level, but also within the inhospitable terrain of Polish politics: for example, the organizers were able to bring representatives of the Polish teacher's union and some state institutions as participants on public discussion panels. Also noteworthy was the generally supportive coverage in the mainstream media. During the week of EuroPride events, Poland's biggest newspaper, *Gazeta Wyborcza* devoted a minimum of two solid pages dealing with the parade or topics related to homosexuality. On the day of the parade, the paper printed a special four-page insert in both Polish and English, which it distributed for free. One of *Gazeta Wyborcza*'s editors even joined the parade in drag, riding in the organizers' float and delivering a speech at the end (Pacewicz, 2010).

Second, summer 2010 saw the opening of a major exhibition at the National Museum of Art entitled "Ars Homo Erotica." It is hard to overstate the significance of this exhibition, which selected and displayed art with gay and lesbian resonances from within the Warsaw museum's collection. As the *national* museum in the *capital* city, it is Poland's central repository of canonical works celebrating the nation, often in messianic terms. Even more surprisingly, there was very little political outcry when the exhibition

presence. By contrast, as described above, Poland's KPH has been adding organizational capacity since its founding in 2001.

opened. The one exception was a PiS politician, Stanisław Pięta, who complained that “The Director [of the National Museum] wants to turn a temple of art into a public toilet. The museum is financed from public money and cannot be a tool of demoralization in the hands of an marginal, isolated group.”²³ While such comments would have been completely commonplace under the Kaczyński government, in 2010 they were limited to Pięta.²⁴

The third significant development within the last few years is the expansion of the movement’s political lobbying efforts, which can now point to some demonstrable successes. Whereas just a few years ago, gay-rights NGOs like KPH were unable to find allies in the public sphere, in 2010 they hosted a public conference on antidiscrimination policy with OPZZ, Poland’s largest trade union. The movement is also finding allies among political parties. In November 2010, Kristian Legierski, a long-time rights activist, was elected to the Warsaw City Council, becoming the first openly gay politician elected in Poland. Legierski was a founding member of the Polish Green Party, which has openly supported gay rights since its founding in 2004; in the 2010 race, Legierski and the other Green candidates ran on a SLD ballot. Finally, the movement’s political lobbying was augmented by the addition of a new group working to create legislation for registered partnerships, the Initiative for Registered Partnerships (*Grupa Inicjatywna ds. Związków Partnerskich*).²⁵ Established in June 2009, this group combines representatives

²³ “Homo - erotic art exhibition causes storm in Warsaw” *Polskie Radio dla Zagranicy* (10 June, 2010) http://thenews.pl/culture/artykul133313_homo---erotic-art-exhibition-causes-storm-in-warsaw.html, Accessed 28 July, 2010.

²⁴ “Public Debate: Homosexuality and Social Change” National Museum in Warsaw, 11 July, 2010.

²⁵ See <http://www.zwiazkipartnerskie.info/>.

of the Green Party and three of Poland's largest LGBT groups, KPH, *Lambda Warszawa*, and *InnaStrona*. For two years this group convened town-hall style meetings throughout Poland to gather feedback on legislation for registered partnerships. In summer 2011, the group wrote draft legislation, which it then lobbied to bring to parliament for consideration. Surprising many, the Prime Minister promised to bring the proposal before parliament, and it is currently under review in a parliamentary subcommittee. Passage is still, of course, an open question; however, SLD has promised support for registered partnerships, and PO, in a departure from its strategy of ignoring LGBT issues, has stated that this is an important issue which needs to be discussed.

V. Conclusion

I have tried, using a case study of Poland, to assess the impact of EU accession on the development of gay-rights movements in postcommunist Europe. In contrast to the dire impressions left by the Kaczyński government, I argue that the Polish gay-rights movement is increasingly better organized and the country's political discourse is becoming less homophobic. Both developments are closely related to EU accession but not for the reasons commonly posited in the dominant scholarship on Europeanization. While EU conditionality did bring some important legal changes before accession, as the "external incentives" perspective would predict, it has achieved little since. Likewise, I find that the "social learning" model presented by Europeanization theory also offers little guidance because the evident gains by Poland's gay-rights movement in the last couple years are the result not of persuasion but of conflict.

I suggest that these developments call for a more explicitly political theory of the relationship between domestic actors and European pressures, a theory which focuses on

how political backlashes provoked by international pressures can in fact strengthen rights groups. The key factors in my account are the political opportunity structure, issue framing, and political polarization. Though it generates stomach-churning political spectacle, polarization has the effect of making activist networks broader and denser. Because the default for gay rights after the fall of communism was issue invisibility, polarization is also important because it raises the issue's salience in the broader public discourse. By reframing homosexuality in terms of national values versus EU norms and as a question of political rights rather than personal morality, polarization also tends to build movement allies among pro-Europe observers who would not otherwise engage with, or even be aware of, gay rights as a political issue. While the EU exercises little direct control over these developments, it determines the political opportunity structure, which in turn has closely tracked with the movement's development over time.

List of Interviews (conducted in Summer 2007, 2009, 2010, and 2011)

Marta Abramowicz, KPH

Tomasz Bączkowski, Equality Foundation

Tomasz Basiuk, *Inter Alia*

Robert Biedroń, KPH

Adam Bodnar, Helsinki Foundation

Greg Czarnecki, KPH

Dominika Ferens, *Inter Alia*

Agnieszka Graff, academic

Yga Kostrzewa, Lambda Warszawa

Szymon Niemiec, ILGCN-Poland

Adam Ostolski, Greens 2004

Krzysztof Smiszek, Polish Society of Anti-Discrimination Law

Sylwia Strębska, Lambda Warszawa

Monika Zima, Polish Society of Anti-Discrimination Law

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