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Introduction

On the gray late spring day of June 19, 2010, Judith Butler, the renowned philosopher and public intellectual, took to the stage at the Brandenburg Gate to address Berlin's Christopher Street Day parade. The annual event celebrates the visibility of lesbian, gay, bisexual, and trans (LGBT)[1] identities, and that year it had again attracted almost a million guests from across the continent. A bird's-eye view of the colorful throng of people on the tree-lined street that connects the Brandenburg Gate and the Victory Column – the Prussian military monument that Berlin's gay community symbolically claimed as their own – clearly suggested that the organizers had achieved their goal of generating visibility. While some participants simply came to celebrate (though by making their identities visible, their presence was still political [V. Taylor, Rupp, and Gamson 2004]), others purposefully enhanced the colorful nature of the event by carrying signs and banners that articulated political grievances. Many of these statements championed or targeted the governments of foreign states,

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[1] Scholarship on lesbian, gay, bisexual, trans, queer, intersex, and asexual (LGBTQIA) people defines its subjects in diverse ways. For simplicity, I use the umbrella terms *LGBT* and *sexual minority* to encompass people marginalized because of sexual orientations and/or gender identities that are deviant from heteronormative frameworks. My organizational data refer to LGBT people, and my policy and attitudinal data are often limited to LG people. While most academic scholarship uses the term *transgender*, I use *trans* because many of the groups I interviewed prefer it (or *trans**) as more inclusive. International norms of appropriate behavior concerning trans people have been less well established than those concerning lesbian and gay people (Balzer and Hutta 2014), especially in the period covered by this project's quantitative analyses. The study did not include data to extensively explore anti-institutional queer movements or the situations of people with questioning, intersex, or asexual identities.

reflecting political action that reached far beyond the city and the state. Butler stood before a crowd peppered with diverse national symbols – in recent years they have included a Swedish flag, a banner with the words *Solidarność Gejów* ("gay solidarity" in Polish), an image of Russian President Vladimir Putin's face painted in drag, and floats foreign embassies and expatriate communities had commissioned.

The scene illustrates the transnational dynamics of a movement that has spilled over the borders of nation states, a dimension of visibility that is central to this book. Visibility for LGBT people often has its roots in transnational sources. Indeed, the Berlin parade's name, Christopher Street Day, refers to the street in New York City where police raided the Stonewall Bar in 1969, subsequently spawning the gay liberation movement that moved LGBT people out of the closet and into the streets. With the parade's audience spread across both halves of a once-divided city where the Berlin Wall stood, the location itself represented both persistence and change in the role transnational movements play in an integrating Europe. Berlin was the avant-garde city that housed the world's first research center on homosexuality in 1897 but then stood aside in fearful silence as the capital of a state that brutally persecuted gay identity during the Third Reich. Today it symbolizes the unification of Europe, with Butler standing only meters away from where Ronald Reagan delivered his "Tear down this wall!" speech in 1987, and where countless East and West Berliners celebrated when the Berlin Wall did fall in 1989. Beyond the symbolic resonance of the location, the transnational makeup of the guests in Butler's audience reflects the new dimensions of space, both local and transnational, for minority rights movements.

Butler, an American, was invited to receive the prestigious *Zivilcouragepreis* (Civil Courage Award), which local Christopher Street Day organizers give to recognize persons and organizations that combat discrimination against, and prosecution of minorities. Yet, unbeknownst to the organizers and onlookers, Butler would use the stage to reject the award. She had come to shed light on the invisibility of specific LGBT groups, which remained hidden among the spectacular masses before her, by publically distancing herself from what she called the "racist complicity" in the divisions between the increasingly commercialized parade and local immigrant LGBT organizations. What was clearly an event of great visibility also reflected, in Butler's view, the invisibility of LGBT immigrants and people of color. While highlighting invisibility, Butler's performance simultaneously demonstrated the discursive political power of making the invisible visible. With her words, she shed light on the

groups who are often left out of the discourses on LGBT recognition, rec-
ognizing that, in some states, these broader discourses have reshaped the
lived experiences of only *some* marginalized groups that fall under the
broad umbrella of LGBT categories.

Invisibility is not only a challenge for specific subgroups within LGBT
communities, but also a broader issue across states and societies, among
which the levels of recognition for sexual minorities vary tremendously.
While Berliners in the hundreds of thousands could celebrate LGBT
identities, four weeks later an even more transnational Pride event, the
EuroPride in neighboring Poland, attracted a record 15,000 marchers.
"Visitors from abroad said they'd come specifically because they'd heard
the situation for gays in Poland was bad. 'I wouldn't go on a gay pride
march in Brussels,' said [an attendee] from Belgium" (Cragg 2010). The
contested nature of the Polish event also distinguished it from Berlin's
Christopher Street Day parade. In Warsaw, the 15,000 marchers were
accompanied by a 2,000-strong Polish police force necessary to fend off
eight counterdemonstrations. Scenes such as this are common in contexts
where LGBT issues are just beginning to enter the popular and political
discourse. During the first parade in Podgorica, Montenegro, in 2013,
2,000 police officers protected 150 marchers from 1,500 counterdemon-
strators (*Economist* 2014). At parades like the one in Berlin in 2010,
there were no recorded protesters. The only additional demonstrations
involved were other LGBT groups who organized their own parade to
critique the commercialized nature of the main Christopher Street Day
parade. Across Europe, the topography of LGBT recognition and (in)visi-
bility in the public sphere is strikingly varied.

The politics of visibility and transnational movements

The subject of this book is how minority and marginal groups come to
assert their rights in a transnational process that makes the invisible vis-
ible and, ultimately, transform the politics of states. Butler's speech at
Christopher Street Day – a performance that embodies the themes of
(in)visibility, movement, and transnationalism – is part of that transna-
tional process on behalf of invisible LGBT communities. By providing
a theoretical lens through which to view it, I hope to make this process
clearer. Butler's presence at a local German event symbolizes a politics
that cuts across borders, connecting people for mobilization in a move-
ment and struggle that is so central to contemporary politics. Regardless
of Butler's intentions, or individual reactions to her political position,

her performance made it clear that a movement composed of diverse
transnational ideas and actors places a high value on the power of vis-
ibility, within contentious politics, to diffuse new ideas into sociopolitical
discourses.

   This book thus explains how the politics of visibility affects relations
among states and the political power of marginalized people within them.
I show that the key to understanding processes of social change lies in
a closer examination of the ways in which – and the degree to which –
marginalized groups make governments and societies see and interact
with their ideas. It is this process of "coming out" that leads to the socio-
political recognition of rights that alters the situation for such groups.
The attainment of rights by Swedish women, for example, originated in
their demand for nationally subsidized childcare – active labor market
participation facilitated their political emancipation. German women
achieved less (and much later), as structural incentives to remain in the
home kept them relatively invisible to the larger political culture (Huber
and Stephens 2001, 125–6; Torstendahl 1999). Similarly, in 2006, the
organizers of unprecedented episodes of immigrant collective action in
the United States borrowed the term *coming out* to describe their mobil-
ization. Fear of deportation had silenced undocumented immigrants for
decades, but visibility gave them a voice as they began to engage pol-
itical elites (Zepeda-Millán 2011). In a remarkable act of defiance, the
Mothers of the Disappeared destabilized the predominant narrative of
the Argentine military – who denied both that they had systematically
disappeared "undesirable" segments of the population and, subsequently,
that the disappeared had ever existed – by occupying the public sphere to
declare, "Where are they?" (Brysk 2013, 63–5). The *Madres* made their
children's identities visible, attaining widespread international recogni-
tion and destabilizing the bedrock narrative of the Argentine state. In the
1990s, Queer Nation activists in the United States, frustrated with violent
homophobia and political impotence in dealing with the AIDS crisis, used
a related slogan to make visible their presence in society: "We're here.
We're queer. Get used to it." By contrast, invisibility has rendered margin-
alized groups weak in their efforts to demand change. Poor people's social
movements in the United States, for example, were eventually silenced in
the wake of widespread incarceration (Piven and Cloward 1977). To be
sure, history is rife with examples of "weak" groups influencing states,
but only under conditions of visibility.

   Visibility has engendered the interactions between movements and
states that empower people, mobilizing actors to demand change,

influencing the spread of new legal standards, and weaving new norms
into the fabrics of societies. For many marginalized groups, such visibility
has its roots in both domestic and transnational sources. Consequently,
I theorize two modes of the practice of coming out (as an identity marker
and as a presence in the public sphere), demonstrating in Chapter 2 how
opportunities for making norms visible through interaction can unfold
at multiple levels. Coming out has heretofore been considered an indi-
vidual experience, but Alexander Wendt's (1999) formative argument –
that states have malleable identities of their own – suggests that they too
can come out by recognizing certain groups as part of their rights frame-
works. Take, for example, the Swedish Peace and Arbitration Society's
creative campaign to mark the country's territorial waters. In response
both to broader Swedish opposition to Russian antigay propaganda laws
and to reports of rogue Russian submarines in Swedish waters, the society
transmitted from the territorial boundaries Morse code that proclaimed,
"Sweden, gay since 1944" (A. Taylor 2015). The act illustrates that LGBT
politics can merge with state identities, whether real or imagined, and
play a role in contemporary world politics.

The politics of LGBT visibility encompasses a group that many observ-
ers have referred to as "an invisible minority," but whose newfound pres-
ence and influence in many different nation states is a development that
offers fresh opportunities for the study of sociopolitical change and the
diffusion of norms.[2] Indeed, it is quite remarkable that Catholic Ireland
would adopt same-sex marriage by popular vote, or that the small island
of Malta would become a trailblazer on trans recognition. The fact that,
for example, so many states have approved same-sex unions "is not a
mere coincidence," as Kelly Kollman (2013, 3) has argued. It calls on us to
take seriously the international dimension of these trends. While I analyze
LGBT rights to develop the politics of visibility framework, the frame-
work has powerful implications for other movements pertinent to politi-
cal science and sociology, such as those I have mentioned. I use the LGBT
case to explore how actors are mobilized across borders and explain why
the outcome of their mobilization varies across national contexts.

Why, despite similar international pressures from European institutions,
has the social and legal recognition of sexual minorities changed to such

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[2] For example, Hillary Clinton referred to LGBT people as "an invisible minority" in her
Human Rights Day speech delivered on December 6, 2011, at the United Nations in
Geneva. Text: www.huffingtonpost.com/2011/12/06/hillary-clinton-gay-rights-speech-
geneva_n_1132392.html

differing degrees and at such different rates across European states? My answer is simple but consequential: I argue that differing degrees of visibility have produced different outcomes for sociopolitical change across states. Building on theories of international relations and contentious politics that deal with international norm diffusion, this book focuses on variation in the changed legal status and societal perceptions of sexual minorities. Put most broadly, it explains changing ideas of the state and society in world politics, using the case of norms governing LGBT rights. In doing so, it deals with the existential conflict between various actors and the tension between two sets of norms: ideas that are new and international, and ideas that are rooted in the heteronormative nation and local tradition. The two sets of ideas usually do not coexist harmoniously. That said, I do not view domestic politics as passive, or reactionary to "progressive" international norms, nor do I suggest a false dichotomy between enlightened civil society and norm-violating governments (see Seybert 2012). Norm politics are never a one-way street, and many of the most forward-thinking proponents of LGBT rights are domestic actors within target states who champion the issue, often seeking out transnational ties to further their cause. Norm evolution does not stop once it reaches the international realm; echoing Lucia Seybert (2012), I argue that it continues through interaction with domestic spheres. Consequently, this book focuses on interactions between actors – both proponents and opponents of LGBT rights – at both domestic and transnational levels. "From the clash of identities and social systems we learn how worlds change," as Alison Brysk (2000, 1) notes. The LGBT rights revolution provides an ideal platform from which to study such interactions.

How LGBT rights vary across Europe

My research question focuses specifically on Europe, the only region of the world with internationally binding protections based on sexual orientation, a region that is a leader on LGBT rights but nonetheless exhibits great variety in the degree to which its states adopt international norms governing LGBT rights. The fall of the Berlin Wall and subsequent European integration gave former Communist Bloc states unprecedented exposure to norms and institutions developed in response to the early politicization of sexual identity in several Western European states. The rapidly increased social and political interaction between new European Union (EU) member states in Central and Eastern Europe (CEE) with older member states provides an ideal methodological framework for

international norm diffusion theory, which stipulates that state and non-state actors spread ideas from areas where those ideas are more accepted to areas where they are not. I use the terms *first mover/leading* and *new adopter* to distinguish states that politicized LGBT issues relatively early from those where the issue has become politicized more recently.[3] An *international norm* defines appropriate behavior for a specific set of actors (Katzenstein 1996, 5), standards that governments or nongovernmental organizations (NGOs) wish to export (Finnemore and Sikkink 1998, 891) or that receiving actors feel they ought to adopt or emulate. By *diffusion*, I refer to the spread of an innovation to a state or society, when the decision to adopt the innovation is influenced by some other state or society (Graham, Shipan, and Volden 2013, 676). In this case, diffusion is related partly to the processes by which people work to effect social and political change (that is, change in society, institutions, or the law), for instance building alliances, exerting pressure, and spreading and adapting knowledge across national borders (Roggeband 2010, 19). Diffusion can also include indirect interactions in which purposiveness is not necessary, such as the transmission of new ideas via the media.

In Europe, a number of transnational actors – the EU institutions, the European Court of Human Rights (ECtHR), and a transnational network of activists – have fostered change by propagating an international norm of LGBT rights and introducing, or at least amplifying, the issue in the domestic discourses of various European states (Kollman 2013). A recent example from Romania exhibits these trends. In 2010, the ACCEPT Association, a transnationally linked Romanian LGBT organization, brought a case against George Becali in the European Court of Justice (ECJ). Becali, a Romanian politician and owner of a soccer club, had made public statements opposing the transfer and employment in his club of a

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[3] Proponents of LGBT rights refer to the former as leading or first movers because they are generally endowed with more LGBT movement actors, more comprehensive LGBT rights, and more favorable attitudes. I distinguish leading/first movers from new adopters merely as a heuristic device to acknowledge differing levels of LGBT norm development across states. The distinction is not meant to conceal the intolerance and injustice that LGBT people still experience in states labeled as leading – for instance, the Netherlands holds a top spot in the leading category, yet 40 percent of Dutch respondents expressed discomfort at seeing two men kiss in public, as opposed to only 13 percent who objected to a man and a woman doing the same (Keuzenkamp and Ross 2010, 355–6). Nor is this distinction intended to deem new-adopter states of lesser worth or to "other" them as a new type of abnormality to "Western" scripts (Binnie and Klesse 2013; Kulpa and Mizielińska 2011; Stychin 1998). Finally, the labels don't correspond with old and new EU member states. While older EU states are more likely to be leading states (see Figure 2.4 and Figure 2.5), there are exceptions, notably Italy and Greece.

soccer player rumored to be gay. The court's ruling in favor of ACCEPT placed Romania's implementation of the EU's anti-discrimination directive under scrutiny and has already had far-reaching implications. It put LGBT rights on the agenda of the Romanian National Council for Combating Discrimination and encouraged proposed amendments to the country's anti-discrimination act. Becali's prominence has also spurred a societal discourse, with LGBT advocates hammering home a central message: "Homophobia has no place in sports, has no place in employment, and has no place in a *European* state" (Berbec-Rostas 2013, emphasis added).

The norm that LGBT people are entitled to fundamental human rights, and deserving of state recognition and protection, is clearly articulated in both the rhetoric and the legal framework of the institutions of the EU and the Council of Europe (CoE). Examples include: Article 13 of the Amsterdam Treaty, Article 49 of the Lisbon Treaty, the 2000 Employment Anti-Discrimination Directive, the EU Charter of Fundamental Rights, the 1993 Copenhagen Criteria, various European Parliament resolutions (e.g. *European Parliament Resolution on Homophobia in Europe 2005/2666* and *2007/2543*), ECtHR decisions (e.g. *Bączkowski and others v. Poland*, 1543/06), and ECJ decisions (e.g. C-13/94, *P. v. S. and Cornwall County Council*) (see Ayoub and Paternotte 2014; Mos 2014; Slootmaeckers and Touquet in press). Despite strikingly similar exposure to European norms and regulations, however, newly admitted member states differ greatly in both societal attitudes and in the introduction of legal protections for sexual minorities, challenging the direct top-down power of norms (Finnemore 1996). Figure 1.1 shows the mean country value, on a scale of 1 to 10, for attitudes toward homosexuality across three periods (1990–1993, 1999–2001, and 2008–2010) in EU member states. The top graph includes the new EU-12 member states (2004 and 2007 waves) and the bottom, the original EU-15 member states.[4] Figure 1.2 illustrates the variation in the adoption of pro-LGBT legislation across EU-27 member states.[5] All states meet the

[4] I use *EU-12* to refer to the twelve *new* states that came after the EU-15 (within the EU-27 enlargement). These should not be confused with the original EU-12 of the late 1980s and early 1990s.

[5] The combined legislation score includes the following provisions: anti-discrimination in employment, goods and services, and constitutional recognition; recognition of hate crimes based on sexual orientation as an aggravating circumstance and/or prohibition of incitement to hatred based on sexual orientation; recognition of same-sex partnership for cohabitation, registered partnership, and marriage; recognition of same-sex couples' parenting rights for joint adoption and second parent adoption; and sexual
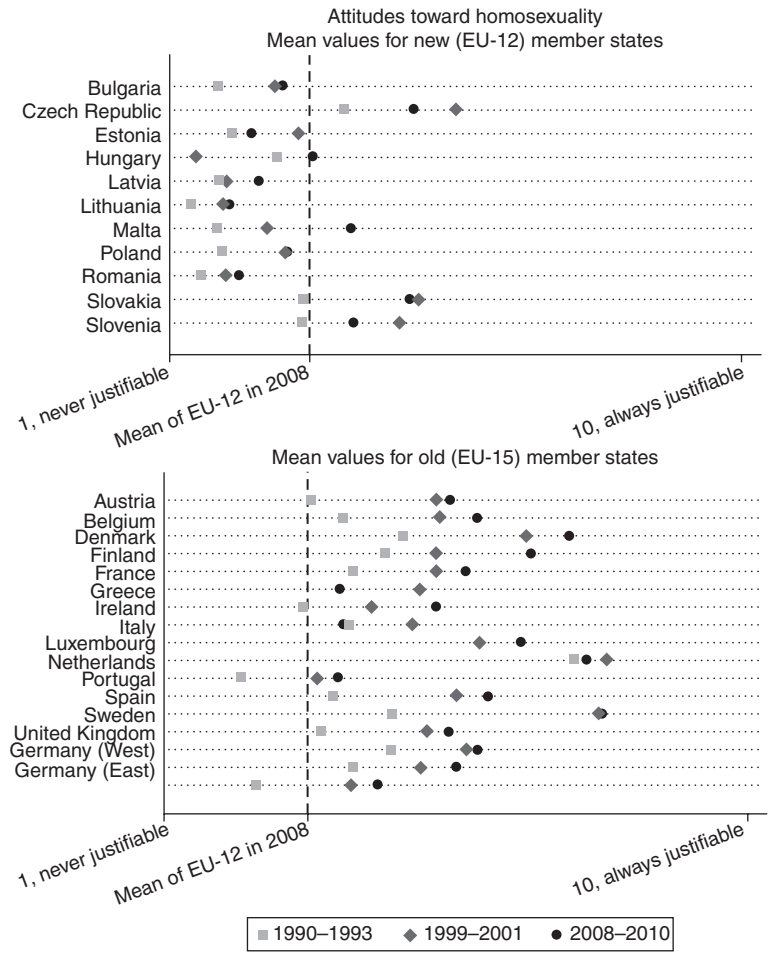
FIGURE 1.1. Variation in attitudes toward homosexuality across EU states.

sexual minority protections the EU requires of its members (decriminali-
zation of same-sex acts; the same age of consent for both opposite-sex and
same-sex acts; no discrimination in employment; and, more recently, asy-
lum on the basis of sexual orientation), but some states provide additional
protections, for example, parenting and partnership rights.

offense provisions that specify an equal age of consent for same-sex and opposite-sex
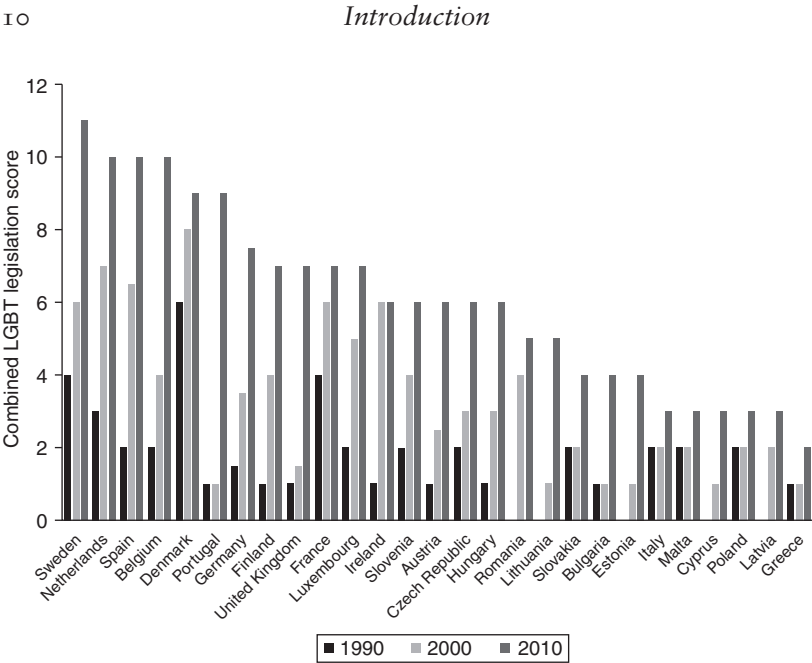activity (cf. Table A.1, Appendix).

FIGURE 1.2. Variation in LGBT rights legislation across EU states.

Why countries grant or withhold LGBT rights

Most, though not all, EU states and societies find nonheterosexualities more acceptable today than they did in 1989, but the LGBT norm has permeated different domestic contexts at different rates. For example, some traditionally Catholic countries blaze new trails on LGBT rights, while some modern, wealthy democracies remain laggards. Existing theories for successful diffusion cannot adequately explain this discrepancy, though such theories – differences in international pressures, the fit between domestic and international norms, modernization, low implementation costs – are useful for a baseline understanding of how and why norms change in a multitude of states. From this baseline, my evidence suggests that the degree to which international norms resonate in a given state – and become internalized within it – depends on specific transnational channels and on domestic interest groups that make political issues visible. I show that the extent of a state's openness to international organizations and information flows (the exchange of ideas and images with other countries) has demonstrable effects on diffusion because it allows new ideas to enter the domestic discourse. These social and political channels prime a context for diffusion by making the issue visible. Furthermore,