

### When States Come Out

In the last two decades, the LGBT movement has gained a momentum that is arguably unprecedented in speed and suddenness when compared to other human rights movements. This book investigates the recent history of this transnational movement in Europe, focusing on the diffusion of the norms it champions and the overarching question of why, despite similar international pressures, the trajectories of sociolegal recognition for LGBT minorities are so different across states. The book makes the case that a politics of visibility has engendered interactions between movements and states that empower marginalized people – mobilizing actors to demand change, influencing the spread of new legal standards, and weaving new ideas into the fabrics of societies. It documents how this process of "coming out" empowers marginalized social groups by moving them to the center of political debate and public recognition, and making it possible for them to obtain rights to which they have due claim.

Phillip M. Ayoub is Assistant Professor of Politics at Drexel University. Ayoub's doctoral dissertation received the biennial 2013–2014 award for the best dissertation from the European Union Studies Association, as well as the 2014 Kenneth Sherrill Award for the best dissertation in the field of sexuality and politics, and the 2014 award for the best dissertation in the field of human rights from sections of the American Political Science Association. He is also the recipient of Cornell University's 2011 Kahin Prize and co-recipient of the 2014 Esman Prize for distinguished scholarship. His articles have appeared in the European Journal of International Relations, Mobilization, the European Political Science Review, the Journal of Human Rights, and Perspectives on Europe.



#### Advance Praise for When States Come Out

"This innovative book breaks new ground in the study of human rights, international relations, social movements, and identity politics. Phillip Ayoub provides a deep and rigorous multi-method analysis of a critical issue at the frontiers of the struggle for human dignity."

Alison Brysk, Mellichamp Professor of Global Governance, University of California, Santa Barbara

"A revolution has swept across the countries of Europe, transforming LGBT persons from criminal degenerates into upstanding and even celebrated members of society. But the revolution has not changed all countries equally. Some have moved quickly to grant LGBT citizens the same rights and protections accorded to their fellows. Other countries have showed greater reluctance, and even now fall short of equal incorporation. Accounting for the overall trends and especially the enduring variations are Phillip Ayoub's central tasks, and he fulfills them brilliantly in this masterful and incisive book."

David John Frank, Professor of Sociology and Courtesy Professor of Education and Political Science at the University of California, Irvine

"When States Come Out is a masterful analysis of the domestic and transnational currents of Europe's LGBT politics. Based on a rich trove of new qualitative and quantitative data, Ayoub's compelling argument shows how and why the politics of visibility is at the center of the human rights and dignity movement."

Peter J. Katzenstein, Walter S. Carpenter, Jr. Professor of International Studies, Cornell University

"This brilliant study provides a compelling answer to the question of what drives policy success of LGBT movements in particular and of social movements, more generally. Phillip Ayoub anchors his empirically rich, meticulously researched, and theoretically sophisticated argument in the idea that norm visibility is the key to policy success. This book is a must-read for scholars and activists interested in how marginalized groups gain agency and generate political change."

Sabine Lang, Associate Professor, Jackson School of International Studies, University of Washington, and author of NGOs, Civil Society, and the Public Sphere (Cambridge, 2012)

"Why, like their counterparts in the United States, have some European Union states advanced LGBT rights much more rapidly than others in recent years? In When States Come Out, Phillip Ayoub marries a sophisticated theoretical framework to a wealth of empirical data to advance a compelling argument about the importance of transnational norms and the domestic politics of visibility to shaping real progress on the rights of sexual minorities. This is an important contribution not only to the literature on LGBT politics, but also to that on comparative social movements and the politics of social change more broadly."

Robert Singh, Professor of Politics, Birkbeck College, University of London

"When States Come Out sheds new light on longstanding questions about the conditions under which weak, marginalized, and stigmatized groups are able to bring about political and social change. Focusing on the inconsistent diffusion of rights and recognition for lesbian, gay, bisexual, and transgender people across European Union states, Phillip Ayoub draws on a wealth of evidence to



demonstrate the important role of individual and collective visibility in provoking both recognition of but also resistance to justice and equality for LGBT people. His analyses lead to important and often surprising insights about the sources and consequences of both movement victories and setbacks, offering reasons for optimism at the same time as they deliver sobering reminders about continued persecution and barriers to justice."

Dara Z. Strolovitch, Associate Professor, Department of Politics, Princeton University

"There are many well-trained scholars of social movements; many others who are experts on European transnational politics; and still others who specialize on the LGBT movement. But there is no one who has encompassed all three more elegantly than Phillip Ayoub has done in this richly documented, carefully researched, and intellectually inspiring book. More than a consummate exercise in comparative research, and more than an in-depth inquiry into the LGBT movement in both parts of Europe, it is also a profoundly enlightening inquiry into the factors that produce cultural openness to diversity and those that inhibit it."

Sidney Tarrow, Emeritus Maxwell M. Upson Professor of Government at Cornell University, and author of *Power in Movement* (Cambridge, 2011) and *The Language of Contention* (Cambridge, 2013)



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(continued after Index)



# When States Come Out

Europe's Sexual Minorities and the Politics of Visibility

PHILLIP M. AYOUB





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> For my parents, Reinhild and Anwar Ayoub





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# Preface and acknowledgments

Like many students of social movements, I first became interested in the LGBT rights movement through personal experience. This project dates back to 2004–2006, when I was completing a master's degree in Berlin at a time when many Berliners were organizing to participate in marches for LGBT equality in various Polish cities. It was in Berlin that I came across a flier concerning a march in Warsaw, which sparked a long curiosity about the transnational nature of LGBT politics and the questions it raises. The political behavior that seemed obvious to many of the participants challenged fundamentals of what I had learned of politics in the classroom: what was rational about marching for rights in a foreign context, where such rights would not benefit you directly? Why did such activism meet forceful resistance in some cases and not in others? The uneven diffusion of legal rights and societal recognition across states – the goals of the movement – also puzzled me.

During the decade I spent thinking about the issues related to this book, I would be amazed most of all by the striking changes that occurred around the globe. Under the right conditions, it seemed, LGBT people could be their own emancipators (in some sense of that word), in that their visibility could be the path toward rights. Moreover, these politics of visibility were transnational in nature, as so many varied states – including ones that many observers thought of as highly unlikely – adopted new LGBT rights norms into the framework of the state. The contentious politics of visibility thus became the subject of this endeavor, and this book is about the political power of coming out for individuals, groups, and states. It is a story of how local activists can channel transnational support to affect domestic politics, a story about



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how a norm can become salient, and about how people can come out under broader conditions of visibility.

For all the words in this book, I could easily devote as many to thanking the various people who have made it possible. It is only fitting that I begin by thanking the many unnamed activists who offered me their time and insight as interviewees. So many of the LGBT activists who shared their stories for this book taught me the truth of the statement articulated so elegantly by author-activist bell hooks: "All the great movements for social justice in our society have promoted a love ethic" (2001, 98). To love and to be loved has driven the mobilization of the many people who comprise a truly great social movement of our times. It has been a privilege to learn from people who led and lead the struggle; their work and stories will inspire me for years to come.

My greatest intellectual debts go to the members of my doctoral committee who, throughout my six years of graduate studies at Cornell University, provided valued mentorship and invested long hours to guide this book project. In meeting their high demands, I received far more guidance than is typical or expected. Peter Katzenstein was an exceptional mentor. He replied to emails within minutes (whether at 7 a.m. or 11 p.m.), put Goethe on my reading list, and struck that fine balance between vigorously demanding excellence and voicing sincere encouragement and praise. His skill as an advisor is already legendary, but I would argue that the legend is an understatement, as his work ethic and his commitment to his students – both in their professional development and in their personal lives – are truly remarkable. They have left an undeniable mark both on this book and the role I have come to fill as a scholar.

To Sid Tarrow I owe an incredible debt of gratitude, not least for influencing this book's focus on contentious politics. Early on, he told me quite directly that I was "writing about movements" and left me little room to explain how this might not be the case. Judging by the series home this book has found for itself, he was, of course, correct. The breadth and richness of his insights – often going back to the French Revolution – and the plethora of time he has invested in my work have made the outcome much better. Matt Evangelista was enthusiastic about the subject of this book from the start, and the combination of intellectual and moral support that he provided was of great importance to me as I conducted my research. LGBT politics is only now beginning to capture the attention of political scientists (still far too little attention, but more than when I stumbled into his office in 2007), but Matt encouraged the project from the start. Concerned



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that my courses were not covering much of the work specifically related to gender and LGBT politics, Matt and I went over such readings together, discussing each piece as I wrote the earliest drafts of the prospectus. In response to my later drafts, he always asked the difficult questions while simultaneously showing excitement for my work. I doubt that this book's topic would have developed without Matt's early enthusiasm, and I know that the outcome would have been weaker without his input.

Sarah Soule offered brilliant comments on my various projects, while simultaneously helping me to navigate the pragmatic elements of the profession. Her understanding of sociology and politics is astonishing, and she helped me hone in on the feasible dimensions of this project and execute them. Even when I was in Europe conducting research, I could schedule phone meetings with her to vet the first iteration of my ideas in brainstorming sessions. I have an extraordinary amount of respect for Sarah's scholarship, kindness, and humility, all of which shine through in the better parts of this completed work. Finally, Chris Anderson has graciously supported my fascination with European politics; like Sarah, he also imparted a great deal of knowledge concerning methodology. Together, these five individuals have guided the stronger parts of this work.

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I revised much of this book during the three years after I left Cornell University. Under the warmth of the Tuscan sun, I found so much



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Between 2009 and 2012, I spent twenty-five months in Europe to conduct research for this book. During that time, I incurred many debts to



### Preface and acknowledgments

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Finally, this book is for my father and mother. Though my father believed in me beyond any realistic measure of my capabilities, his motivation and encouragement are responsible for all the better things I have achieved in life. This book is one of them, and I thank him for it. He



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passed away shortly before I defended the dissertation version in 2013, in what was (and continues to be) a very painful and difficult reality to accept: to say goodbye to a wonderful man who left us far too soon. Before he passed, I was able to show him a draft of the dissertation's dedication page to him. In his typical style, he rejected any credit, saying, "It should be for your mother," rightly for the wonderful inspiration and model of excellence she has been in my life. After some debate I was able to appease him by promising him my mother would get due credit next time. And that was how he pushed me higher again. It was the pivotal nudge to write this book, which is for both of them.



# **Abbreviations**

ACT UP AIDS Coalition to Unleash Power

CCOO Comisiones Obreras [The Workers' Commissions]
CDU Christlich Demokratische Union Deutschlands

[Christian Democratic Union of Germany]

CEE Central and Eastern Europe(an)

COC Cultuur en Ontspanningscentrum [Center for Culture

and Leisure]

CoE Council of Europe

CSU Christlich-Soziale Union [Christian Social Union of

Bavaria]

ECJ European Court of Justice

ECtHR European Court of Human Rights

EU European Union
EVS European Values Study

FRA European Agency for Fundamental Rights
GDR German Democratic Republic (East Germany)
IGLYO International Lesbian, Gay, Bisexual, Transgender,

Queer Youth and Student Organization

ILGA International Lesbian, Gay, Bisexual, Trans and

Intersex Association

ILGA-Europe International Lesbian, Gay, Bisexual, Trans and

Intersex Association Europe

KPH Kampania Przeciw Homofobii [Campaign against

Homophobia]

KUL Institute of Family Life and Culture, Slovenia

LGBT lesbian, gay, bisexual, and trans

LPR Liga Polskich Rodzin [League of Polish Families]

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LSVD	Lesben-und Schwulenverband in Deutschland [Lesbian and Gay Federation Germany]
MEP	Member of the European Parliament
NGO	nongovernmental organization
NOP	Narodowe Odrodzenie Polski [National Rebirth of Poland]
NUTS	Nomenclature of Units for Territorial Statistics
ONR	Obóz Narodowo-Radykalny [National Radical Camp]
OSCE	Organization for Security and Co-operation in Europe
PiS	Prawo i Sprawiedliwość [Polish Law and Justice Party]
RFSL	Riksförbundet för homosexuellas, bisexuellas och
	transpersoners rättigheter [Swedish Federation for
	Lesbian, Gay, Bisexual, and Transgender Rights]
SDS	Slovenska Demokratska Stranka [Slovenian
	Democratic Party]
SLD	Sojusz Lewicy Demokratycznej [Polish Democratic
	Left Alliance]
SRP	Samoobrona Rzeczpospolitej Polskiej [Self-Defense of
	the Polish Republic]
TFP	The American Society for the Defense of Tradition,
	Family, and Property
TGEU	Transgender Europe
WWII	Second World War