

**Europeanization, Party Systems, and LGBT Rights: The Cases of Estonia, Latvia,
Montenegro, and Serbia.**

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Introduction

The controversy following the victory of Conchita Wurst, a transgender Austrian singer, in the 2014 Eurovision song contest, poignantly highlights the growing European division on the rights of lesbian, gay, bisexual, and transgender (LGBT) persons. While Wurst's victory was strongly supported in much of Europe, and hailed as a victory of freedom of expression and diversity, further to the East, Russian leaders expressed stinging disappointment, and threatened to withdraw Russia from Eurovision entirely, citing Wurst's lifestyle as being incompatible with Russian values, and violating the country's strict anti-gay propaganda laws.¹

The Eurovision contest is a highly visible manifestation of the growing political and social divisions within Europe on rights for LGBT persons. While Russia's crackdown on the public expression of LGBT persons is well known², perhaps less well known is the significant variation on rights for LGBT persons within the EU itself, particularly for EU candidate and member states in Central and Eastern Europe (CEE). As ILGA-Europe, an LGBT human rights organization noted in its recent annual report, 2013 was characterized as a year of growing divergence in state-policies and attitudes towards LGBT persons.³ Within the CEE, some states, including the Czech Republic and Slovenia, have introduced registered partnerships and other enhanced anti-discrimination protections. The applicant state of Montenegro, moreover, recently introduced a national action plan on improving the lives of LGBT persons.⁴ Elsewhere, such as in Poland, Latvia, and Lithuania, efforts to expand rights for LGBT persons have faced significant resistance, often from senior political leaders.⁵

The growing divergence and variation in national policies towards LGBT persons in countries either in the EU, or candidate members, raises questions on the efficacy and ability of the EU to promote uniform policies towards LGBT persons within a growing Union. Moreover, if the EU's efforts to promote human rights norms have resulted in highly varied reactions at the national level, what domestic factors within each member state best account for this?

Building from recent fieldwork in the Baltic states and Montenegro, this article presents two central arguments. The first is that the EU's influence in advancing LGBT rights should not be overstated. While the EU has had important successes at enacting policy changes during the accession process, and more generally at keeping LGBT rights on the radar for policy elites, once countries are formally part of the Union, the EU's ability to incentivize domestic actors to support LGBT rights drops off dramatically. This

¹ Alan Cowell, "E.U. United on Values, but Not National Interests," *The New York Times*, May 16, 2014; <http://www.nytimes.com/2014/05/16/world/europe/eu-united-on-values-but-not-national-interests.html>

² *Dispatches*, a programme from the UK's Channel 4, recently aired a documentary called "Hunted" which chronicles the lives of LGBT persons in St. Petersburg. The documentary can be seen here: <http://www.channel4.com/programmes/dispatches/videos/all/hunted>

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³ ILGA-Europe (2014). *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe*. Brussels: Belgium

⁴ Please see: <http://www.mrt.gov.me/en/library/strategije>

⁵ See, amongst others, O'Dwyer and Schwartz (2010); Mole (2011); O'Dwyer (2012); Ayoub (2012)

finding is more or less in line with Europeanization theory's external incentives framework, which postulates that the EU is most effective at enacting policy change when it can rely on conditionality incentives. Complicating the EU's limited ability to promote LGBT rights, there appears to be significant disagreement within the EU, and its various institutions, on whether to push for more expansive rights for LGBT persons beyond the current minimum anti-discrimination requirements.

The second finding is that the stability of national party systems, measured primarily in the continuity of parties over numerous elections, but also to some extent the ideological polarization of national systems, appears to be an important variable in shaping a country's willingness to respond to EU norms or not. Although these findings are preliminary in nature, they appear to hold in both the pre- and post-accession periods. Specifically, countries with more stable party systems, such as Montenegro and Estonia, appear more willing to accept, and act on EU LGBT norms than those whose systems are highly fragmented, and characterized by numerous, and often ideologically incoherent parties, such as in Latvia or Lithuania. In part, this is because stable party systems with less ideological polarization help facilitate the development of a minimal elite consensus on supporting gay rights, and may, over the longer term, help facilitate processes of social learning, a longer term and more diffuse process of Europeanization. In contrast, unstable national party systems with a high degree of polarization significantly raise the costs for elected officials to address LGBT issues, and can facilitate the negative politicization of LGBT rights by political entrepreneurs. Negative politicization of LGBT rights can have long term impacts, and in the case of Latvia, can result in LGBT rights being left off the domestic political agenda entirely, and block EU norms working to support LGBT persons.

To address these points more fully, this article will proceed by first outlining the basic postulates of Europeanization theory, a convenient theoretical starting point to examine the process in which EU rules and regulations are received in member states. The second section will turn to the history of the EU's efforts to promote LGBT rights, and why, increasingly, its influence in this policy area should not be overstated, particularly in the post-accession period. Subsequently, building from fieldwork in the Baltic states and Montenegro, this article will argue that national party systems can be thought of as a useful mediating variable within the context of uneven and changeable EU pressures, perhaps more so than other domestic factors, such as the form of nationalism, level of religiosity, or level of economic development. The cases of Estonia, Latvia, Montenegro and Serbia will be relied upon to advance this argument.⁶

Theorizing LGBT Rights in a European Context

The study of LGBT rights is a relatively new area of inquiry for political science, a point raised by Kollman and Waites in a special edition of *Contemporary Politics* in 2009.⁷ Within the context of the Europe, most political science research has approached the topic through the lens of transnational activism, and how the EU, and other

⁶ Fieldwork was conducted in Montenegro in October 2013, and in Estonia and Latvia in April 2014. Serbia is presented as a plausibility probe.

⁷ See Kelly Kollman and Matthew Waites (2009), "The global politics of lesbian, gay, bisexual and transgender human rights: an introduction," *Contemporary Politics*, Vol. 15 No. 1: pp: 2; 8-10.

multilateral institutions have aided local LGBT activists in articulating human rights claims.⁸ However, less research has focused on the interaction between the EU, national policy makers, and the institutional arrangements within each member state that mediate the EU's public support for LGBT rights. Given the wide divergence in member state policies on LGBT rights, a re-appraisal of the EU's influence, and salient national conditions, is both important and timely.

In understanding the more generalized process in which member and candidate states accept EU rules, it is helpful to turn to Europeanization theory. Specifically, as Schimmelfennig and Sedelmeier argue, Europeanization theory seeks to examine the process of implementation and enforcement of supranational rules in domestic contexts.⁹ Europeanization theory generally presents two models for how political leaders conform to EU rules. The first approach, referred to as the external incentives model, is based on rationalist bargaining. In this model, rationally acting political elites in applicant states fulfill EU criteria in order to gain membership in the Union. While political actors do not necessarily internalize EU norms, they function as a constraint on elite behaviour.¹⁰ Given that EU accession criteria requires state protection for minority rights, the external incentives approach may help explain why applicant states to the EU have relatively liberal laws towards LGBT persons, despite high levels of popular resistance to LGBT rights.

A second approach within Europeanization theory is based on social learning. This model begins by assuming that the EU represents far more than a set of institutions, but is rather "...an international community defined by a specific collective identity and a specific set of common values and norms."¹¹ Through repeated interactions with EU institutions and policy makers, elites are gradually persuaded of the appropriateness of EU laws and norms. Long-term cooperation with EU institutions may help shift an actors preference formation from incentive-based cooperation (logic of consequentiality) to an internalized logic of appropriateness that helps cement adoption of EU norms.¹² Given that social learning is designed to lead to an internalization of new preferences, it is likely to lead to longer-term and more sustained compliance with EU norms (and for LGBT rights) even after the EU's external leverage is reduced.

Of course, it is important to realize that the two processes may be interrelated, and that distinguishing social learning from external incentives is challenging. Moreover, it is unclear how one measures social learning, especially in isolation from strategic calculation.¹³ Realistically, the two models are best thought of as ideal-types, and are unlikely to be neatly organized and differentiated in the empirical reality. For the

⁸ *Ibid.*, pg. 9.

⁹ Frank Schimmelfennig & Ulrich Sedelmeier (2005), "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," In Frank Schimmelfennig & Ulrich Sedelmeier eds., *The Europeanization of Central and Eastern Europe*, Ithaca: Cornell University Press., pg. 7.

¹⁰ Jeffrey T. Checkel (2001), "Why Comply? Social Learning and European Identity Change," *International Organization*, Vol. 55 No. 3, pp. 557.

¹¹ Schimmelfennig & Sedelmeier, pg. 18.

¹² Jeffrey T. Checkel (2005), "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization*, Vol. 59 No. 4, pp. 804-5.

¹³ Checkel has attempted to distinguish between social learning and external incentives when explaining policy outcomes, however doing so necessitates extensive interviewing and ultimately subjective assessments of the rationale behind policy makers decisions. See Checkel, 2001, pg. 566.

purposes of this paper, I merely wish to flag the two approaches, and examine where one type of Europeanization pressure is more likely to be present than the other.

Re-examining the role of the EU and LGBT Rights

The advancement of LGBT rights has long been interwoven through the process of European enlargement. At a baseline, the Copenhagen criteria requires that applicant states ensure "...respect for and protection of minorities."¹⁴ While Puchalska highlights that the EU's focus on human rights stemmed in part from security concerns and a need to manage ethnic conflict in CEE, support for LGBT rights does appear at repeated occasions.¹⁵ In 1994, the European Parliament's Roth Report highlighted the importance of seeking measures to combat discrimination against gays and lesbians, while in 1997, the Treaty of Amsterdam explicitly included sexual orientation as a prohibited ground of discrimination.¹⁶ In 2000, the European Council agreed on an equality directive that created a general framework for equal treatment for gays and lesbians in employment.¹⁷ More recently, the Lisbon Treaty reaffirmed EU support for LGBT rights by including these rights within the *Charter of Fundamental Rights in the European Union*.¹⁸ The EU has also become vocal in supporting LGBT issues outside of the Union. On several occasions the Union publicly condemned the criminalization and persecution of same-sex sexual practices overseas, and recently issued guidelines on how member states should incorporate the advancement of LGBT rights into their foreign policies.¹⁹ Buttressing official positions and statements, numerous institutions within the EU have competencies involving the promotion of rights for LGBT persons.²⁰

The growing cluster of European institutions connected to supporting LGBT rights, many of which work closely with LGBT civil society organizations, has led Kollman to argue that pro-LGBT views, particularly in the form of state recognition of

¹⁴ European Council in Copenhagen conclusions of the Presidency, 21-22 June 1993. Available at [http://www.europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm]

¹⁵ Hirschl (2005) and Goetz (2005), quoted in Boguisa Puchalska (2014), "The Charter of Fundamental Rights of the European Union: Central European Opt-Outs and the Politics of Power," *Europe-Asia Studies*, Vol. 66 No. 3; pp. 491-

¹⁶ Joke Swiebel (2009), "Lesbian, gay, bisexual and transgender human rights: the search for an international strategy," *Contemporary Politics*, pg. 22-3.

¹⁷ See Council Directive 2000/78/EC, 27 November 2000, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

¹⁸ Although as Puchalska notes, the Charter of Rights was removed from the main text of the Lisbon Treaty, while opt-outs were secured by Poland, the Czech Republic, and the United Kingdom (Puchalska, pg. 490).

¹⁹ Please see: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137584.pdf

²⁰ Within the European Commission, both the Directorate General (DG)- Justice, and DG-Enlargement monitor the state of LGBT rights within the Union, while the Fundamental Rights Agency (FRA), an offshoot of the Commission, compiles data and publishes reports on hate-crimes and public opinion on LGBT rights within the 28 member states. Beyond the Commission, the LGBT Inter-group within the European Parliament (the largest parliamentary grouping within the EP) is tasked with monitoring LGBT rights within the Union and accession countries, participating in country visits, and pressuring other EU agencies to support LGBT issues. Formally outside the EU, the European Court of Human Rights (ECHR) has issued several rulings supportive of LGBT persons, while the Council of Europe (CoE) is active in supporting LGBT rights across CEE, and the EU often relies on its recommendations.

same-sex partnerships, are increasingly becoming an EU soft norm.²¹ EU support of LGBT rights has also led to renewed understandings of the characteristics of European citizenship. Scholars studying the rise of LGBT social movements in Europe have indicated that growing EU support for LGBT persons has led to a common understanding that European citizenship, and being part of a broader European community, is supportive and inclusive of LGBT persons.²² EU institutions and support has also provided LGBT civil society organizations a broad platform to engage in transnational advocacy, which has proven particularly helpful where significant domestic resistance to LGBT persons exists.²³

EU conditionality requirements have also resulted in several important policy changes. For example, the EU successfully leveraged all CEE countries to ban discrimination on the basis of sexual orientation in employment, while more recently, it is a fair assumption that the EU's promise of visa-free travel to the Schengen Zone caused Moldova to reverse its anti-gay propaganda laws.²⁴ Moreover, the EU has been successful at putting LGBT rights on the political agenda for CEE countries, where before public discussion of LGBT issues was generally taboo, or largely invisible.²⁵

However, even where the EU relies on conditionality, the advancement on LGBT rights has often been patchy, and not resulted in legal changes being effectively enforced.²⁶ As Ladrech explains, most EU states complied with EU regulations "shallowly," and without any significant debate or full appreciation for what the laws entailed. Laws were passed quickly, primarily because of the desire of political elites to "...gain membership in the EU, as soon as possible."²⁷ Human rights legislation, therefore, may have been passed as a part of larger package of EU regulations without complete awareness of what implications the changed laws would have for LGBT persons. As Mungui-Pippidi suggests, EU accession "...is a heavily bureaucratic process that relies on the presumption that the rule of law and a high capacity for implementation are already in place."²⁸ The absence of these conditions in some CEE countries often results in a growing gap between formal laws and informal practice.²⁹

Additionally, it is important to recognize that the scope of *acquis* regulations in the field of minority rights is actually quite limited, leaving member and applicant states

²¹ Kelly Kollman (2009), "European Institutions, transnational networks and national same-sex unions policy: when soft law hits harder," *Contemporary Politics*, Vol. 15 No. 1; pp: 39, 44.

²² The referencing of supranational norms to achieve political goals that would otherwise be unattainable links with Keck and Sikkink's understanding of transnational advocacy, where local activists unable to access or influence their local governments turn to international supporters in order to "...to bring pressure on their states from the outside."²² (Keck and Sikkink, 1998, pg. 12); see also Ayoub and Paternotte (2012).

²³ See Ayoub (2012); Santos (2013)

²⁴ For more on Moldova reversing its anti-gay propaganda laws, please see: http://www.huffingtonpost.com/2013/10/14/moldova-gay-propoganda_n_4096947.html

²⁵ Interview with author; See also Štulhofer and Sandfort (2005) for a more detailed analysis of the daily lived experience for LGBT activists in the early years following the collapse of communism.

²⁶ Puchalska, pg. 493.

²⁷ Robert Ladrech (2011), "(Shallow) Europeanization and party system instability in post-communist states: how changing constraints undermine the development of stable partisan linkages," In *Europeanising Party Politics*, Paul G. Lewis and Radoslaw Markowski eds., Manchester: Manchester University Press, pp. 221-2.

²⁸ Alina Mungui-Pippidi (2014), "The Transformative Power of Europe Revisited," *Journal of Democracy*, Vol. 25 No. 1; pg. 28.

²⁹ *ibid.*

greater room to develop policies independently of EU norms.³⁰ The institution of marriage, for example, remains a national jurisdiction. In addition, it is important to recall that the EU's external leverage is most strongly felt when all EU institutions and member states more or less equally support and advance a particular policy. However, when accession states "receive mixed signals" from older member states they are less likely to comply with EU norms, preferring to opt for policies that are more "domestically palatable."³¹ For LGBT rights, there remains significant variation in Western EU states, with Italy notably lagging behind in terms of the legal protections offered to LGBT persons.

Post-accession, EU's ability to leverage national policy leaders with conditionality ceases to be a viable tool, leaving the EU with few direct mechanisms to enact further policy change in the field of LGBT rights.³² As Kollman explains, the EU's influence increasingly becomes a form of elite persuasion, and must compete more directly with national pressures, especially in policy areas that are contentious nationally, such as LGBT rights.³³ It is unlikely to be a coincidence that the majority of backlash against LGBT rights in the CEE occurred *after* countries have become formal members of the EU.³⁴

Another challenge facing the EU in its efforts to promote LGBT rights is disagreement within EU institutions on the extent to which LGBT rights should actually be promoted.³⁵ In a recent discussion with the researcher, one EU official stated quite clearly that it was not the role of the EU to "change people's values." The respondent suggested it was more realistic for the EU to promote human rights generally, rather than focusing specifically on LGBT issues.³⁶ Another official expressed frustration that the European Commission has not supported a more expansive roadmap for improving LGBT rights in Europe. The official went on to say that the Commission was fearful of angry reactions from individual member states if more robust efforts to advance LGBT rights were made.³⁷ Another official indicated that while the EU is very much a "community of values" the Commission's limited competence meant that member states, rather than the EU, were more active in supporting LGBT rights in CEE.³⁸ These findings

³⁰ Tim Houghton (2007), "When does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe," *Political Studies Review*, Vol. 5; pg. 240

³¹ *ibid.*

³² The main instrument at the EU's disposal is the 2000 Directive on Anti-Discrimination in Employment;

³³ Kollman, 2009.

³⁴ Lithuania has repeatedly proposed laws similar to those in Russia, and it is not entirely clear how the EU would respond. At the same time, Romania has considered removing sexual orientation from its anti-discrimination protections. From discussions with the researcher, it is unclear what tools the EU would have at its disposal to force Romania to re-insert the grounds of sexual orientation within its anti-discrimination protections. See also Conor O'Dwyer (2012), "Does the EU help or hinder gay-rights movements in post-Communist Europe: The Case of Poland," *East European Politics*, Vol. 28 No. 4; pp. 335-6

³⁵ Martijn Mos develops similar findings, suggesting that the "...complex nature of internal and institutional dynamics" often leads the EU to "violate" its stated principles of equality and non-discrimination (Mos, 2013, pg. 80). See, Martijn Mos (2013), "Conflicted Normative Power Europe: The European Union and Sexual Minority Rights," *Journal of Contemporary European Research*, Vol. 9 No. 1; 73-93

³⁶ Interview with European Union official, Brussels, Belgium, April 2014

³⁷ Interview with European Union official, Brussels, Belgium, April 2014

³⁸ Interview with European Union official, Brussels, Belgium, April 2014

corroborate with Gupta's view that the EU's multiple institutions often define their interests in "divergent ways," and that more generally, the EU "...rarely acts as a unified actor."³⁹

The EU's rather muddled and unclear stance towards LGBT rights (outside of formal anti-discrimination protections in employment), combined with an absence of conditionality tools post-accession, raises the importance of examining those domestic factors that mediate, and in fact, often compete with EU pressures. A key question for political scientists is whether there are certain institutional arrangements that help facilitate or block EU pressures. In the following section, this paper will suggest that the stability and ideological orientation of national party systems is an especially important domestic factor, and may hold significant explanatory power in how countries respond to supranational demands to improve LGBT rights, in both pre and post-accession countries.

The Domestic Context & the Role of National Party Systems

In the context of limited competencies and an inability to *force* all member states to apply uniform laws towards LGBT persons, it is more accurate to conceptualize the EU's influence as continually interacting with, and being mediated by domestic political circumstances. Resultant national policies on LGBT rights emerge largely as the outcome in which ongoing EU pressures are "filtered" by domestic political actors, who themselves are deeply influenced national political characteristics.⁴⁰ Accounting for which domestic factors are most salient is no easy task, and indeed, it is likely a complex constellation of domestic circumstances that influence domestic policy-making.⁴¹

However, scholars working on LGBT rights have begun to flag several important national variables that shape a country's likelihood to support LGBT rights, including the level of economic development, the particular form of nationalism present, religiosity, and the strength and density of national social movements.⁴² A recurring problem with these approaches is that it is challenging to measure the direct casual link between societal characteristics, and particular policy outcomes. For example, while economic development and modernization often correlate with increased societal toleration towards LGBT persons, Norris and Inglehart argue specific changes that have led to improved gender equality remain strongly "...contingent on nation-specific factors."⁴³ Nationalism, and whether LGBT persons are constructed as "alien" or "threatening" to the characteristics of national identity certainly contribute to negative views towards the LGBT community. Religiosity matters as well, with Štulhofer and Rimac finding that

³⁹ Devashree Gupta (2008), "Nationalism Across Borders: Transnational Nationalist Advocacy in the European Union," *Comparative European Politics*, Vol. 6; 69.

⁴⁰ Kollman, pg. 39.

⁴¹ See Peter A. Hall (2003), "Aligning Ontology and Methodology in Comparative Politics," In *Comparative Historical Analysis in the Social Sciences*, Edited by James Mahoney and Dietrich Rueschemeyer. Cambridge: Cambridge University Press, pp. 373-406

⁴² On economic development see Inglehart and Norris (2003); Anderson and Fetner (2008); Štulhofer and Rimac (2009); Lottes and Alkula (2011); Bosia and Weiss (2013); On nationalism and religiosity see, amongst others, Stychin (2003); Binnie (2004); Mole (2011); on social movements see Kollman (2009); Ayoub (2012); Santos (2013);

⁴³ Ronald Inglehart and Pippa Norris (2003), *Cultural Change Around the World*. Cambridge: Cambridge University Press; pg. 152

countries that are predominantly Protestant are “less sexually restrictive” than majority Catholic or Eastern Orthodox nations.⁴⁴ Nevertheless, domestic levels of religiosity, nationalism, or economic development tell us more about latent social views towards LGBT persons, and far less about the *process* in which political actors can negatively politicize LGBT rights. Finally, social movements can be extremely important in articulating support for LGBT rights locally, but this does not always translate into policy outcomes, especially in cases where local movements are weak, but the state moves to support gay rights, as in Estonia. More generally, understanding the process in which LGBT rights become politicized (or actively resisted) in the context of supranational pressures, and the domestic institutional arrangements that help facilitate that, should arguably be more central to inquiries from political science.

At this junction it may be helpful to note O’Dwyer distinction between political and social homophobia. Social homophobia refers to context in which popular views towards LGBT persons are informed by long running historical processes, such as legacies of Communist rule, religious institutions, or broadly shared understanding of national identity.⁴⁵ Political homophobia, by contrast, examines how political actors use “gay rights” for specific political ends. For example, political homophobia can rely on the use of gay rights in order to “mobilize people for political action, whether it be to vote for a certain party, support of a particular social movement, or in some way influence state policy.”⁴⁶

Given that a full appraisal of variations in societal homophobia within CEE is beyond the scope of this paper, a narrower focus on the political manifestations of homophobia will be adopted. More specifically, a central question is whether a focus on national party systems may shed light on whether certain institutional arrangements facilitate the politicization of LGBT rights within the sphere of supranational pressures, point recently raised by O’Dwyer and Schwartz.⁴⁷ A key question, of course, is *why* might party systems be a relevant domestic variable in shaping responses to EU norms in support of LGBT rights?

In response, the literature on party systems has argued that stability and institutionalization of national party systems has a wide range of impacts on democratic performance, including in the treatment of minorities.⁴⁸ As Powell and Tucker note, “party systems with high levels of volatility can lead to wild swings in policy, open doors to non-traditional parties and candidates...and in some cases even threaten the stability of democratic regimes.”⁴⁹ In addition, unstable systems prevent the development of

⁴⁴ Stulhofer and Rimac (2009), pg. 26, 28.

⁴⁵ Conor O’Dwyer (2013), “Gay Rights and Political Homophobia in Postcommunist Europe: Is there an ‘EU Effect,’” In Meredith L. Weiss and Michael J. Bosia eds., *Global Homophobia*, Urbana: University of Illinois Press, pg. 106

⁴⁶ *ibid.*

⁴⁷ In a comparison of Poland and Latvia, O’Dwyer and Schwartz find that anti-gay mobilization occurred through “a particular interaction of religion, national identity and party systems” The authors suggest that low levels of party system institutionalization can represent a serious challenge to norm adoption, especially after countries join the EU. See Conor O’Dwyer and Katrina Z.S. Schwartz (2010), “Minority rights after EU Enlargement,” *Comparative European Politics*, Vol. 8; pg. 220-243.

⁴⁸ Please see Lewis (2006); O’Dwyer (2014)

⁴⁹ Eleanor Neff Powell and Joshua A. Tucker (2014), “Revisiting Electoral Volatility in Post-Communist Countries: New Data, New Results and New Findings,” *British Journal of Political Science*, Vol. 44, pg. 123

programmatic forms of political competition from emerging, often allowing new issue cleavages (such as minority rights) to be used as a tools for mobilization by political actors.⁵⁰ Certainly, political elites may feel less comfortable supporting locally contentious policies, such as gay rights, if they know that minority rights issues may become an issue cleavage in the next election. Moreover, unstable political systems characterized by numerous small and frequently changing, but electorally relevant parties, can lower the barriers for extremist parties to enter or influence coalition governments, and create an environment where issue cleavages are un-programmatic and variable.

However, within the sphere of existing EU pressures, less has been written about whether stable party systems, with fewer parties that remain electorally relevant over numerous elections may make it easier for otherwise wavering political actors to support LGBT rights. There are a few reasons to think this would be the case. For one, more stable systems with fewer parties are believed to help facilitate programmatic competition based primarily on socioeconomic concerns, thus relegating contentious morality issues (which for many voters are non-negotiable) to the margins of political competition.⁵¹ Additionally, more stable systems may make it easier to secure a minimal consensus on the importance of supporting gay rights, given that concerns about immediate re-election and threats from new parties choosing to run on morality issues would be reduced. Lastly, stable systems, over the long run, may give LGBT civil society actors greater access to lobby government officials than unstable systems would permit.⁵²

In order to test the hypothesize that party systems offer a helpful degree of explanatory power in variation on state policies towards LGBT persons, this paper will briefly review four case studies, noting that more stable party systems, as well as those systems with less polarized cleavages, appear to increase the receptivity, and ease in which, political actors can support LGBT rights, both in pre-accession and post-accession contexts. The four case studies chosen are Latvia, Estonia, Montenegro and Serbia. The first two are full members of the EU, having joined in 2004, while Serbia and Montenegro are official candidate states, and have begun the accession process.⁵³ A brief look at the chart below highlights that the cases offer notable variation on state levels of support for LGBT persons.

⁵⁰ Lipset and Rokkan (1967) quoted in Hubert Tworzecki (2003), *Learning to Choose*, Stanford: Stanford University Press, pg. 10

⁵¹ O'Dwyer recently argued that the dimensions of party competition shape how stable a system is. Specifically, systems characterized by more programmatic socioeconomic competition aid stability, while systems featuring a large degree of sociocultural (eg; debates on nationalism or social conservatism) are less stable. See Conor O'Dwyer (2014), "What Accounts for Party System Stability? Comparing the Dimensions of Party Competition in Postcommunist Europe," *Europe-Asia Studies*, Vol. 66 No. 4; 511-535.

⁵² In a detailed study on the LGBT movement in Portugal, Santos finds that activists developed long-term relationships with major political parties, which assisting in advancing their cause. Santos refers to this as the "pedagogy of proximity." See Ana Christina Santos (2013), *Social Movements and Sexual Citizenship in Southern Europe*. Houndmills, Basingstoke, UK: Palgrave Macmillan.

⁵³ Accession negotiations to the EU began for Montenegro in June 2012, while Serbia began the process in January 2014. For more information see: http://europa.eu/about-eu/countries/on-the-road-to-eu-membership/index_en.htm

Country	ILGA-Europe LGBT Score ¹	Total Volatility ²	Extra-system Volatility ²	Intra-system Volatility ²
Estonia	35%	47%	30%	17%
Latvia	20%	50%	34%	17%
Montenegro	47%	31%	28%	3%
Serbia	30%	41%	32%	9%

1- ILGA-Europe provides a ranking of the overall human rights situation for LGBT persons within every European country. Available at: http://www.ilga-europe.org/home/publications/reports_and_other_materials/rainbow_europe; 2- Powell and Tucker (2014), pg. 131; pg. 3

Table 1 highlights ILGA-Europe’s overall LGBT human rights score for 2014, and compares it with recent findings from Powell and Tucker on electoral volatility within the CEE from elections held between 1989 and 2009.⁵⁴ Total volatility refers to the total percentage of votes switching from one party to another between elections (The Pedersen Index) while Type-A volatility refers to votes captured by parties either entering or exiting the party system. Type-B volatility, by contrast, captures votes switching among established parties between elections. According to Powell and Tucker, Type-A volatility is far more likely to be connected to party system instability, while Type-B volatility is a “...healthy component of representative democracy” by “[reallocating] power between political actors that are already, by and large, a relevant part of the political process.”⁵⁵ At first glance, the findings from Table 1 are unremarkable. Montenegro ranks highest in ILGA-Europe’s overall LGBT human rights score, and also has the lowest level of total system volatility. In the extended time series between 1990-2009, Estonia and Latvia appear to have very similar levels of electoral volatility, despite differing levels of state support for LGBT rights.

By disaggregating Type-A, or extra-system volatility into specific elections, however, differences do begin to emerge. As illustrated in Table 2, Estonia shows a significant decrease in extra-system volatility in the last two elections, while Latvia has shown wider variation, with an upswing in volatility between the fourth and fifth elections, increasing again between the fifth and sixth elections, before declining in the last election. The period of increased volatility, moreover, appears to correspond with an upsurge of negative popular attitudes towards LGBT persons. The next section of the paper reviews the specific case studies in greater detail, highlighting that party system stability does appear to be a significant variable in mediating elite views towards LGBT rights.

⁵⁴ Powell and Tucker, pg. 130.

⁵⁵ *Ibid.*, pg. 124.

Election	I/II	II/III	III/IV	IV/V	V/VI	VI/VII	Average
Estonia	22.6	20.8	16.4	3.6	<1.0	n/a	12.7
Latvia	10.8	30.8	17.4	19.5	23.3	10.4	18.7

1- Cabada, Hloušek, and Jurek (2013), pg. 120.

Latvia:

Latvia is perhaps the clearest case of an unstable party system characterized by a high degree of pluralism, blocking both EU and local efforts to promote LGBT rights. At the level of state policy, the country was the last of the 2004 EU entrants to introduce the employment equality directive, and explicitly banned same-sex marriage in its civil code.⁵⁶ More recently, ILGA-Europe ranked Latvia as offering the fewest human rights protections for LGBT persons in *any* EU member state.⁵⁷ Popular views towards LGBT rights are generally hostile, with Eurobarometer data indicating that Latvians are the least comfortable with LGBT persons in the EU, and that levels of acceptance dropped in 2012 compared to 2009.⁵⁸

Turning to the political spectrum, Latvian politics have long been dominated by the national question, and on how to accommodate the country's sizeable Russian minority.⁵⁹ Cabada et al classify the country as an example of extreme pluralism until 2010, with a high degree of party fragmentation, and an underdeveloped socioeconomic cleavage.⁶⁰ Ideologically, right-wing coalition governments have long dominated the country, in part a conscious political choice by Latvian-speaking party elites to exclude Russian-speaking parties from governing coalitions.⁶¹ However, the politicization of LGBT rights is relatively new within Latvia, and appears to correspond to a period of increased electoral volatility within the country, particularly in more recent elections (see figure 2). Indeed, the status of rights for LGBT persons was largely a peripheral issue in national elections during the enlargement period, and it was not until 2002 when LGBT rights became more frequently discussed in national politics, and more so after the first Pride March took place in 2005. This coincided with the emergence of an evangelical Protestant party in 2002, called Latvia's First Party (LPP).⁶² The LPP labeled itself as the defenders of traditional Latvian values, and scored approximately 9% of the national ballot during the 2002 elections, and repeated this success during the 2006 elections, before falling below the minimum vote threshold during the 2010 elections.⁶³ Several

⁵⁶ Richard Mole (2011), "Nationality and sexuality: homophobic discourse and the 'national threat' in contemporary Latvia," *Nations and Nationalism*, Vol. 17 No. 3.

⁵⁷ ILGA-Europe 2014 Report, pg. 100

⁵⁸ Special Eurobarometer 393, "Discrimination in the EU in 2012" pg. 41.

⁵⁹ Artis Pabriks and Aiga Štokenberga (2006), "Political parties and the party system in Latvia," In Susanne Jungerstam-Mulders ed., *Post-Communist EU Member States: Parties and Party Systems*. Ashgate: Ashgate Publishing Ltd., pg. 54.

⁶⁰ Ladislav Cabada, Vít Hloušek, and Petr Jurek (2014), *Party Systems in East Central Europe*, Lanham: Lexington Books, pg. 81.

⁶¹ Interview with Latvian elected official, Riga, Latvia, April 2014.

⁶² O'Dwyer and Schwartz, pg. 221.

⁶³ Data taken from European Election database; available at: http://www.nsd.uib.no/european_election_database/country/latvia/

Latvian activists who spoke with the researcher suggested the period connected with the rise of the LPP led other political parties to become increasingly vocal against the LGBT community.⁶⁴ A Latvian member of parliament explained that LGBT issues are frequently “abused” within the political system, and that the high degree of volatility means that “...emerging parties try to define themselves,” with LGBT rights often filling a specific “political niche.”⁶⁵

Moreover, it appears upswing of homophobic rhetoric in Latvia beginning from 2002 on has had long-term implications for LGBT rights, despite a gradual reduction in the number of electorally relevant parties. In several interviews with the author, activists suggested that LGBT rights were “off the political agenda” for the time being, given that it would be “electoral suicide” to speak more publicly on the issue.⁶⁶ Notably, interviewees also suggested the EU had little influence or tools (such as processes of social learning) to put LGBT rights back on the political agenda, corroborating the argument raised earlier in the paper that the EU’s ability to incentivize political actors to support LGBT rights drops off significantly after joining the Union.

Estonia

Like neighbouring Latvia, the majority of social views towards LGBT persons remain negative in Estonia. Eurobarometer data indicates that popular levels of comfort with LGBT persons remain below the EU average.⁶⁷ In 2006, participants at the Tallinn pride parade were violently attacked, and there have been no formal pride parades in the country since 2007. Although Baltic pride was hosted in Tallinn in 2014, security concerns prevented a parade from occurring.⁶⁸ The media, in large measure, has also remained hostile to LGBT rights.⁶⁹ While examining LGBT rights in Estonia, Lasala and Revere explain that deep seated homophobia remains prevalent throughout Estonian society, in part a legacy of the Soviet occupation which made sexuality a taboo subject, but also because there has been no significant attempt by the LGBT community to organize politically to advance LGBT causes.⁷⁰ Indeed, the LGBT movement in Estonia is quite unorganized, especially in comparison to Latvia, which has at least one prominent LGBT group.⁷¹

Nevertheless, despite limited popular pressure to advance LGBT issues, and low levels of popular support for LGBT rights, the Estonian government has been far more active in supporting LGBT issues than its Latvian counterpart. At the time of writing, the state is considering a gender-neutral partnership bill that would extend state-recognition of same-sex relationships, a first for the region.⁷² Interviews with elected officials of the

⁶⁴ Interview with author, Riga, Latvia, April 2014.

⁶⁵ Interview with Latvian member of Parliament, Riga, Latvia, April 2014.

⁶⁶ Skype interview with author, March, 2014.

⁶⁷ Special Eurobarometer 393, “Discrimination in the EU in 2012” pg. 41.

⁶⁸ Interview with Estonian government official, Tallinn, Estonia, April 2014.

⁶⁹ *Ibid.*

⁷⁰ Michael C. Lasala & Elyse J. Revere (2011), “It would have been impossible before. Reflections on Current Gay Life in Estonia.” *Journal of Homosexuality*, Vol. 58; pp. 428.

⁷¹ Mozaika, an LGBT group based in Latvia, has been quite active in pushing for the advancement of LGBT rights within the country.

⁷² Please see: <http://www.baltic-course.com/eng/legislation/?doc=91938>

four main political parties illustrated a great deal of pragmatism on how best to address LGBT rights. An official from the Centre Party (traditionally a party attracting a significant number of votes from the conservative Russian speaking community) noted that Estonia had “lost a lot of talented people” as a result of limited protections for LGBT persons, and that given Estonia’s small population it was important for the state “...protect everyone.”⁷³ An official from the centre-right Reform Party argued that it was “inevitable” that registered partnerships would be introduced for LGBT persons, and that the state’s position on LGBT rights figured into larger debates on whether the country was living in “yesterday or tomorrow.” The same official suggested that LGBT issues divide all of the major Estonian political parties, and transcends a traditional left-right cleavage.⁷⁴ Unlike Latvia, the majority of the elected officials did not appear overly concerned that supporting LGBT rights would hurt them at the polls.

Scholars working on the Estonian party system have similarly noted in recent years it has shown a greater degree of stabilization than its Baltic counterparts. The number of electorally relevant parties has declined steadily in recent years, while Mikkel, documents that most parties will cooperate with one another to form coalition governments.⁷⁵ Unlike Latvia, the Russian-speaking minority has tended to vote for mainstream Estonian parties, as opposed to parties specifically supporting Russian interests, as is the case in Latvia.⁷⁶ Like Mikkel, Lewis suggests that Estonian party system shows greater signs of stabilization with a small number of “reasonably durable parties” that do offer some degree of predictability to voters.⁷⁷ On the EU’s influence, no officials mentioned that the EU was especially important in shaping Estonia’s approach to LGBT rights, rather the recent attempt to launch a national partnership bill appeared more the product of a domestically driven desire to differentiate Estonia from its recent past, and align its laws with specific Western European states.

Montenegro

Montenegro represents an interesting case of a government demonstrating sustained willingness to adopt significant pieces of legislation in support of LGBT persons despite widespread social resistance. In April 2013, ILGA-Europe noted the government passed a comprehensive five-year strategy to improve the lived experience of LGBT persons within the country.⁷⁸ Among other things, the plan calls for the eventual adoption of registered partnerships open to same-sex couples, as well as improving the education curriculum to be more inclusive of LGBT persons, and police training.⁷⁹ The government has also demonstrated a willingness to work with the Council of Europe (CoE), the Dutch

⁷³ Interview with member of Estonian parliament, Tallinn, Estonia, April 2014.

⁷⁴ Interview with elected government official, Tallinn, Estonia, April 2014.

⁷⁵ Evald Mikkel “Patterns of Party formation in Estonia: Consolidation Unaccomplished,” In Susanne Jungerstam-Mulders ed., *Post-Communist EU Member States: Parties and Party Systems*. Ashgate: Ashgate Publishing Ltd, pg. 25.

⁷⁶ Cabada et al, pg. 95.

⁷⁷ Paul G. Lewis (2006), “Party systems in post-Communist Central Europe: Patterns of stability and consolidation,” *Democratization*. Vol. 13 No. 4; pg. 575.

⁷⁸ ILGA-Europe Annual Report, pg. 122.

⁷⁹ The national strategy and action plan is available here: <http://www.mrt.gov.me/en/library/strategije>

government, and Canadian officials to develop improved resources for LGBT persons. A leading advisor within the Prime Minister's office is also tasked with advancing LGBT rights within official state policies, and works closely with LGBT organizations within the country. Lastly, in 2013, despite significant threats of violence against participants, the government supported, and participated, in the first two pride parades ever held in the country.⁸⁰

In response to strong support from leading government officials, ILGA-Europe has ranked Montenegro as one of the best performing countries on a wide variety of human rights indicators for LGBT persons.⁸¹ However, social views towards LGBT persons within the country are largely out of sync with government positions, being generally hostile to LGBT persons. In a recent Juventas survey of secondary schools in the country, almost 46% of believed that LGBT persons should not have the right to publicly express their sexual orientation.⁸² An IPSOS survey from 2009 also found that 71% of the population believed homosexuality was an illness, while a survey commissioned by the Montenegrin government found that 75% of the population believed it was "too early to hold pride marches," and just under half believed such public displays of homosexuality should never be allowed.⁸³

Unlike Estonia and Latvia, EU pressures to improve LGBT rights are likely to be far more influential, given that Montenegro is currently in the accession process. Indeed, LGBT activists speaking with the researcher argued that the EU was particularly important in pushing government officials to advance minority rights in this field, and that the accession process provided opportunities for LGBT groups to report directly to the EU agencies on the progress made by government officials in improving rights for sexual minorities.⁸⁴ However, in support of the EU's external incentives model, both ILGA-Europe and activists engaging with the researcher have noted that many of the laws connected to LGBT rights, such as enhanced hate-crimes laws, are often poorly understood, or not properly implemented. Noting that the EU appears to have disengaged somewhat from LGBT rights in neighboring Croatia (which joined the EU in 2013), one activist suggested that Montenegro needs to remain in the accession process for several more years to help build the LGBT movement, and to ensure proper implementation of laws while EU oversight remains significant.⁸⁵

In spite of implementation problems, what role has the Montenegrin party system played in facilitating the passage of numerous laws supporting LGBT persons? Unfortunately, little comparative data on the Montenegrin party system exists, although at provisional glance, the system does appear to have a relatively stable set of political parties present at repeated elections. Although coalition partners have changed, the Democratic Party of Socialists (DPS), a successor to the former League of Communists,

⁸⁰ For the official government press release on Podgorica pride, please see:

<http://www.gov.me/en/News/132082/Montenegro-s-second-pride-parade-in-Podgorica-successful.html>

⁸¹ ILGA-Europe report, pg. 122.

⁸² Human Rights Action (2009), *Homophobia in Montenegro*. The survey was performed by Ipsos Strategic Marketing.

⁸³ ILGA-Europe Annual Report, pg. 122.

⁸⁴ Skype interview with Montenegrin activist, May 2014.

⁸⁵ *Ibid.*

has been a leading coalition partner for the last twenty years.⁸⁶ Moreover, there appears to be little chance of the main opposition party, the Democratic Front, which is opposed both to LGBT rights and the Europeanization agenda, joining a coalition government. Indeed, since gaining independence in 2006, the DPS has led coalition governments promoting a pro-EU agenda. The EU, and Montenegro's accession to the EU is broadly supported by the electorate.⁸⁷

Interviews with leading party officials from the main coalition partners uncovered awareness that support for LGBT rights was a necessary pre-requisite for joining the Union. Several respondents indicated personal discomfort with LGBT issues, and in particular pride parades, but acknowledged the necessity of government support.⁸⁸ However, it is not clear to the extent to which elected officials actually talk about LGBT rights during elections, or how internalized support for LGBT persons are. What is important is that none of the elected officials interviewed expressed concern that supporting rights sexual minorities would threaten future electoral success, in spite of relatively hostile public opinion on this topic. The Montenegrin party system can be criticized for lacking sufficient democratic competition, and often a focus on party leaders as opposed to specific platforms.⁸⁹ However, in the field of LGBT rights, it appears the relatively stability of the party system has made it easier for the government to push through a pro-LGBT agenda, even in the face of widespread social conservatism.

Serbia

As of writing, LGBT rights in Serbia remain relatively undeveloped. Despite significant EU pressure, pride marches in Belgrade have been cancelled for the last three years. In response, national authorities have claimed they are unable to protect participants from violent groups opposed to the pride, although activists speaking with the researcher are doubtful of the validity of these claims.⁹⁰ Similarly, ILGA-Europe has found that violent physical attacks against the LGBT community are “worryingly common.”⁹¹

Serbia's current status as an applicant state to the European Union would suggest that pressures from EU institutions to advance LGBT rights should be strongly felt, even in the absence of domestic political support. Like Montenegro, there are some signs that EU pressure has influenced national policies towards LGBT persons. For example, in 2013 the country passed a national strategy for anti-discrimination protection, which specifically included LGBT persons.⁹² The EU's annual accession report on Serbia also noted the country had become “more active” in processing documented cases of discrimination against LGBT persons. However, the same report found that there is a

⁸⁶ Florian Bieber (2010), “The party system of Montenegro,” In Věra Stojarová and Peter Emerson eds., *Party Politics in the Western Balkans*, London: Routledge, pg. 121.

⁸⁷ Danica Fink-Hafner (2008), “Europeanization and party system mechanisms: comparing Croatia, Serbia, and Montenegro,” *Journal of Southern Europe and the Balkans*, Vol. 10 No. 2; pg. 179

⁸⁸ Interviews with elected Montenegrin officials, Podgorica, Montenegro, October 2013.

⁸⁹ Bieber, pg. 129.

⁹⁰ Interviews with Serbian and Montenegrin LGBT activists, June 2014.

⁹¹ Ilga-Europe Annual Report, pg. 149.

⁹² The national strategy is available here:

http://www.seio.gov.rs/upload/documents/ekspertske%20misije/2014/ad_strategzy.pdf

“...lack of political support for the LGBTI population,” and similarly, political authorities have shown reluctance to guarantee LGBT groups freedom of expression and assembly.⁹³ Although a Belgrade pride parade has been permitted in the past, Mikus suggests the state viewed the event as “something required by the EU,” and was reluctant to engage in “...ideological confrontation” with those opposed to the parade, or actively pursue criminal charges against those committing violence.⁹⁴

Why might the Serbian government be more reluctant to support EU norms advancing LGBT rights than neighbouring Montenegro, even in the context of similar levels of EU pressure? Though Serbia does not appear to experience an usual degree of electoral volatility (especially compared to Latvia), the system remains far more polarized than either Montenegro or Estonia. As Boschler explains, free and fair elections in Serbia did not begin until 2000, after which broad coalition of pro-reform parties won. However, in subsequent elections, the pro-reform coalition disintegrated, leading to the emergence of numerous new parties, each competing for unique political space.⁹⁵ A variety of issue cleavages are relevant in Serbian politics, although how to address the Milosevic years, and unresolved questions about Serbian national identity remain quite prominent. An important component of the political spectrum is also cool, if not outright opposed, to EU integration.⁹⁶ According to Stakić, homophobia is found within many Serbian political parties, and not only those with generally anti-West political views.⁹⁷ In addition, several political parties maintain close relationships with the Serbian Orthodox church (which is known to hold very negative views towards LGBT persons).⁹⁸

More generally, what is apparent from a brief reading of Serbian politics is that support for EU integration is more contested by various political parties. Moreover, the larger number of parties, as well as the greater success of the Eurosceptic parties allows the use of homophobia as an electoral strategy perhaps more than would be possible in Montenegro. The presence of homophobia may also make it more challenging for otherwise supportive actors to publicly maintain pro-LGBT views. The Serbian case study, furthermore, suggests that understanding the cleavage structure within national party systems may be an additional variable that shapes how party systems mediate EU norms to advance LGBT rights.

Conclusions

This paper has offered several preliminary findings on the growing variation on LGBT rights within Central and Eastern Europe. The first section of this essay argued the EU’s ability to advance LGBT rights needs to be re-examined. While the EU successfully used conditionality requirements in the pre-accession period to facilitate applicant countries

⁹³ European Commission, 2013 Progress Report on Serbia, pp. 45.

⁹⁴ Marek Mikus (2011), “‘State Pride’: Politics of LGBT Rights and Democratization in European Serbia,” *East European Politics and Societies*, Vol. 25; pg. 843.

⁹⁵ Daniel Boschler (2010), “The Party System of Serbia,” In Věra Stojarová and Peter Emerson eds., *Party Politics in the Western Balkans*, London: Routledge, pp. 104-105.

⁹⁶ *Ibid.*, pg. 104-5; Skype Interview with Serbian activist, June 2014.

⁹⁷ Isidora Stakić (2011), “Homophobia and Hate Speech in Serbian Public Discourse: How Nationalist Myths and Stereotyping Influence Prejudices against the LGBT Minority,” Masters Dissertation submitted at University of Gothenburg; pg. 31 (available at: <https://129.242.170.252/munin/handle/10037/3510>)

⁹⁸ Boschler, pg. 104.

changing relevant laws, it is an open question the degree to which EU norms in support of LGBT rights were actually internalized by national political actors. The growing divergence in policies towards LGBT persons within the EU attests to this reality, as well as the very public backlash against LGBT persons in many EU countries. Especially in the post-accession period, where the EU can no longer rely on conditionality to incentivize political actors to support LGBT rights, the EU's influence needs to be conceptualized more as an attempt at elite-persuasion, as suggested by Kollman. It must be recognized, moreover, that these supranational persuasive efforts are mediated by, and interact with, domestic political circumstances. In cases where domestic political actors appeared to be moving quickly to support LGBT rights, as in the case of Estonia, but also in Montenegro, domestic institutional arrangements aided greatly in that process, perhaps more so than the EU and attempts at social learning and/or conditionality incentives.

The second portion of the paper sought to examine what domestic factors best explain a country's receptivity to EU norms. While LGBT rights are a relatively new area of inquiry within political science, a country's level of economic development, particular forms of nationalism, religiosity, and the density and activities of social movements are frequently mentioned. A problem with these approaches, however, is that they fail to explain the causal process in which homophobia can become politicized, and used as a tool by political entrepreneurs. This paper argued a renewed focus on national party systems is a promising approach for further inquiry, and may offer a clearer explanation to political scientists on why EU norms are accepted or not. Case studies from Estonia, and Montenegro illustrated that more stable systems, with fewer electorally relevant parties, and lower levels of ideological polarization, made it easier for elites to support LGBT rights. In Latvia, by contrast, a relatively unstable polarized multi-party system appears to be keeping LGBT rights off the national agenda for the time being. Though the Serbian party system appears more stable than Latvia, intense polarization, manifested through a strong nationalist cleavage, and ongoing disagreement about the validity of the European integration project, also appears to have led to greater reluctance to support LGBT rights. This reluctance contrasts with Montenegro, a fellow applicant state that has been far more supportive of LGBT rights, despite experiencing similar conditionality pressures and widespread social conservatism. Within the context of constrained EU influence, further research is required to determine whether national party systems are the key variable in shaping how countries respond to EU pressures to advance rights for sexual and gender minorities.⁹⁹

⁹⁹ Two promising cases to include in further studies are Lithuania and Slovenia. Lithuania recently experienced very public rhetoric against LGBT rights from leading political officials, and ranks as having some of the highest electoral volatility within the EU. Slovenia, by contrast, has a far more stable system, measured primarily by low levels of extra-system volatility. The country was also one of the first in the post-Communist region to adopt registered partnerships open to same-sex couples.

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