

**From Anti-Gay Politics to Frustration:  
The Formative Relationship between the Polish Right and Gay Rights Activists**

An honors thesis for the Department of International Relations

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## Introduction

On November 9<sup>th</sup>, 2011 Robert Biedron addressed Polish Parliament for the first time. He spoke in favor of Wanda Nowicka's nomination for Vice-Marshal of the Parliament and stated that discussing comments made by her son criticizing Polish society was "a hit below the belt" (Biedron 2011). This caused many Members of Parliament, including the Prime Minister Tusk, to erupt in a fit of laughter. Confused, Biedron repeated himself. The laughter continued (Biedron 2011). Biedron is the first openly gay politician elected to the Polish Parliament. PO's Julia Pitera defended her colleagues' laughter in a televised interview with Biedron. She argued, rather matter-of-factly, that she is aware only of Biedron's concern over matters of sexuality. Thus, in her opinion, the Parliament's uproar was only natural considering Biedron's association with sexuality and "people's preferences" (Biedron and Pitera 2011). Poland is by many accounts a modern nation. It has a constitution committed to democratic principles, boasts a strong economy, and is an integrated member of the European Union. Yet, the members of its Parliament welcomed a new member into their ranks through juvenile ridicule: they laughed at him for making a comment they turned into a sexual innuendo. They hit him below the belt. As I have written this thesis, I have realized that Poland's relationship with homosexuality is distinctly more complex than many of its more western neighbors. It was one of the first states to decriminalize homosexuality and yet, until 2003, homosexuality was a concept alien to much of the population. This thesis attempts to explain how this has changed, how the gay rights movement has emerged and changed, and how grown representatives of Parliament laugh uncontrollably at a comment with absolutely no sexual innuendo.

## Niche

My thesis will examine the strategies Polish gay rights organizations use to combat homophobic rhetoric present in the national political discourse. I will explore how Poland's Right has shaped the Polish gay rights movement's advocacy tactics. While accession should have benefitted Polish homosexuals, the EU has remained largely silent on the question of sexual minority rights. However, right-wing elements in Polish society employed the specter of "liberal western values" and heavily politicized homosexuality in post-accession Poland. EU influence, they argued, would force Poland to accept homosexuality—something that they argued was inimical to Poland's Catholic tradition (O'Dwyer 2007, Graff 2006: 436, 438). This politicization of homosexuality brought the issue to national prominence and fueled a discussion about the EU's role in member states' politics. The question of national identity plays a critical role in the politicization of this issue. This thesis will seek to understand how Poland's nationalist groups create, strengthen, and perpetuate Polish national identity, an identity created through the "otherization" of minority groups (i.e. homosexuals) (Zubrzycki 2006, 2011).

Existing research explains how appeals for awareness of homosexuality have impacted Poland's Right, particularly *Prawo i Sprawiedliwosc* (Law and Justice, PiS) (O'Dwyer 2007, Graff 2006, Gruszczynska 2007). However, the way this has shaped gay rights activism remains unclear. My thesis, therefore, will seek to determine how gay rights activists have responded to the campaign of politicized homophobia. To effectively accomplish this, I will utilize the framework developed by Tina Fetner to examine how the Christian Right has shaped the gay and lesbian movement in America. I will attempt to understand how, in a country struggling with questions of its traditional national identity (Zubrzycki 2011), gay rights leaders and groups construct, frame, and promote a message of tolerance and equality for public

consumption. My thesis will then examine how the particular set of strategies employed to promote tolerance is itself affected by anti-gay rhetoric.

I will also attempt to determine the role gay rights activists envision for homosexuals in contemporary Poland and how they believe homosexuality fits into the greater question of Polish national identity. I will explain how gay rights activists frame messages of tolerance and inclusion while a prominent opposing movement exists and then explore how this changes as homosexuality loses its political salience.

Understanding how these two movements interact and how the Polish Right has shaped gay rights activism has important theoretical implications. It will help elucidate how a minority group can effectively advance its aims while combating heavily charged political rhetoric. It will demonstrate how a social movement flourishes when an influential opposing movement champions against it and how it struggles once that opposing movement reformulates its message. This research also has normative implications. An examination of the gay rights movement's strategies for combating homophobia will reveal Polish society's exposure to homosexuality, its understanding of tolerance, and its perception of discrimination.

### **Research Questions**

I will examine several important questions as I explore the strategies utilized by the Polish gay rights movement to combat the politicization of homosexuality in Poland. My first two questions will ask:

- a. What are the strategies that Polish gay rights organizations utilize to combat anti-gay rhetoric within the national political discourse?**

**b. How do Polish gay rights leaders frame their advocacy strategies in such a heavily charged political climate?**

A large portion of my thesis will address these two research questions. To properly investigate both, I will divide actions undertaken by gay rights activists into three types of categories: confrontational, anti-homophobic, and anti-hate crime. These will include both major and lesser actions. I will then examine how often each of the three types of actions occurs. My second question will build on this and will ask:

**a. How did the existence of an opposing movement (the Polish Right) impact the Polish gay rights movement?**

**b. How has this changed following the collapse of the PiS coalition?**

These will be the primary guiding questions throughout my thesis and ultimately, I will show that the gay rights movement has been shaped and influenced by Poland's Right. I will then discuss how the end of the PiS coalition and the de-politicization of homophobia has further impacted the Polish gay rights movement. Prominent examples of anti-gay maneuvers will be examined and advocacy organizations' responses to these actions evaluated.

To ascertain how much Poland's right has influenced the advocacy tactics of gay rights organizations, several sub questions will need to be addressed and thoroughly explored:

**a. What was the sociopolitical situation of homosexuals in Poland prior to EU accession? How has this changed since accession?**

**b. What types of advocacy tactics existed prior to EU accession and how were they similar/different than current tactics?**

These questions will attempt to delineate specific changes that occurred concerning homosexuality in the national political discourse in and around the time of Poland's European

Union accession. In exploring the answers to these questions, I will be better able to examine the degree of influence Poland's right has had on particular advocacy tactics and the visibility of Polish homosexuals. It will be critical to recognize changes in societal awareness of homosexuality to understand organizational changes of both Poland's right and of the gay rights movement.

The last set of research questions I will examine addresses the importance of national identity in the formation of these two movements. Although national identity has not been overtly mobilized as an advocacy tactic by gay rights organizations, it has been critical in generating anti-gay rhetoric. These questions will ask:

- a. How has Poland's nationalist right mobilized national identity as a means to "otherize" homosexuals?**
- b. What role do Polish gay rights leaders see for homosexuals in contemporary Poland?**
- c. How do Polish gay rights advocates believe they can combat this particular appeal to national identity?**

The importance of national identity in the anti-gay political rhetoric prevalent throughout Polish politics during the past decade cannot be ignored. I will determine how nationalist groups are able to employ nationalism as a tool against "otherized" groups in an otherwise homogenous state. This thesis will seek to understand how Polish gay rights groups address questions of national identity and how advocacy tactics reflect the persistence of national tropes in contemporary Polish society. I will examine the particular strategies utilized by gay rights groups to combat appeals to nationalism, the nation, and national identity.



## Clarification of terms

To determine how Poland's Right has shaped gay rights activism, I will need to examine their development independently of one another and how they interact (both directly and indirectly). To clarify some key terms, when I refer to **gay rights organizations** in Poland I am referencing groups lobbying for tolerance of homosexuals and homosexuality in general. The focus of this thesis will be primarily on *Kampania Przeciw Homofobii* (Campaign Against Homophobia, KPH).

When I refer to the **Polish Right**, I am referring primarily to two members of Poland's governing coalition between 2005 and 2007 i.e. *Prawo i Sprawiedliwosc* (Law and Justice, PiS) and *Liga Polskich Rodzin* (League of Polish Families, LPR) and LPR's youth branch *Młodzież Wszechpolska* (All Polish Youth, MW). However, it is important to note that PiS is politically more center-right, whereas LPR and its affiliates are on the right. The reason I choose this term to refer to both PiS and LPR is because politicians from these two political parties largely perpetrated the campaign of politicized homophobia. Thus, PiS, in working with a party on the right, was pulled to the right. While *Platforma Obywatelska* (The Civic Platform, PO) is also a center-right party and its politicians also made homophobic statements, I do not include them because they were not responsible for generating the controversy surrounding homosexuality. Only groups that have vocally homophobic platforms and are politically charged organizations are included. While leaders in Poland's Catholic Church have made homophobic statements, the position of the Catholic Church itself on homosexuality is complex and thus will not be discussed at length. However, Catholic Organizations unaffiliated with the Catholic Church (i.e. Radio Maria) may be included in this definition.

Social movement theory and opposing movements play a central role throughout my argument. I utilize Tina Fetner's definition of an **opposing movement** as "a movement whose goal is to derail the original social movement" (Fetner 2008: xvi). Opposing movements are defined by their interaction and capacity for mobilizing each other (Fetner 2008: xvi). While Poland's Right was composed largely of political parties, they coalesced around their vision for a "Fourth Republic" founded largely on the exclusion of homosexuals from Polish society. Thus the Polish Right constitutes an opposing movement for LGBT activists.

Throughout the thesis I will continually refer to **eurocepticism**. Eurocepticism manifests itself differently throughout Europe; however, in the Polish context it is largely a construction of Poland's conservative political elites. These elites generally support EU integration, but have challenged the liberalizing effects of deeper EU integration on traditional Polish society (Korkut 2009: 577).

However, in Chapter 5 I also briefly discuss the **radical right** i.e. extremist political parties with little to no political representation. These parties operate largely outside of mainstream politics and I include them primarily to illustrate the shift in politicized homophobia from mainstream politics to the margins.

Defining **national identity** in the Polish context proves rather complicated and I will touch on it briefly in subsequent chapters. However, this thesis will not attempt to define the notion of "Polishness", but rather, will explore how right-wing groups utilize this abstract and vague idea as a tool against homosexuals.

While this thesis will not delve into an in-depth discussion of hate speech, it will address anti-gay and homophobic statements made by Polish officials and anti-gay demonstrators. For the purposes of my argument, it is important to distinguish between different manifestations of

homophobia. To accomplish this, I will employ the definition utilized by KPH, which divides homophobia into two categories:

1. **Integral homophobia:** homophobia that is particularly violent, seeks to eliminate homosexuals from society and is often tied to other manifestations of xenophobia;
2. **Limited homophobia:** homophobia that tacitly accepts the existence of homosexuality, but prefers that homosexuality remain in the bedroom and is oftentimes independent of other phobias (Kowalski 2009: 39-41).

Most importantly, I must clarify what it is that I mean by **anti-gay rhetoric**. In the context of this thesis, the term anti-gay rhetoric will be applied to any statement that condemns homosexuality or homosexuals and their role in Polish society either explicitly or implicitly. This definition applies to both statements articulated by individuals and by collective groups.

### **Methodology/Theoretical Framework**

Since the purpose of this thesis is to determine how the politicized homophobia of Poland's Right has shaped gay rights activism, I will need to examine anti-gay and homophobic actions in detail. I will do part of this by examining how these two groups have developed during the past decade and how they have interacted. This thesis will, at various points, utilize three distinct methods of data collection.

I will analyze key events that took place between 2003 and 2011 that attempted to marginalize homosexuals or actively discriminated against them. These events will be chosen based on several categories including their source and their level of media exposure. Included in this are comments made by government and party officials, perceived violations of democratic norms, and anti-gay counter-demonstrations. Here it is important to note that I do not expect

leaders to engage in blatant hate crimes, rather, I will categorize the Right's actions as either integral or limited homophobia to determine if and when shifts occurred. Furthermore, homophobic statements made by local politicians or private Polish citizens will not be discussed. I will also examine actions undertaken by gay rights activists, particularly KPH, both to combat homophobia and raise awareness. Particularly salient campaigns will be analyzed in detail and KPH's activity reports will be examined for less publicized strategies. I will heavily utilize two Polish media sources throughout this thesis: one Poland's most objective Newspapers (*Gazeta Wyborcza*) and *Newsweek Polska*, however other sources will be consulted.

To better understand how Poland's Right has impacted Polish gay rights activism, I will draw on three interviews conducted with Greg Czarnecki of KPH, Przemek Szczeplocki of *Pracownia Roznorodnosci* (The Diversity Workshop), and Zosia Jablonska of KPH. These interviews provide insight into the opposing movement dynamic that existed while PiS was in power, the effects of PiS's legacy on gay rights activism, and the extent salience of homosexuality in Polish political and social discourse.

The above analysis will be done through the lens of Social Movement Theory (Fetner 2008: 120). Specifically, I will apply the framework Tina Fetner utilizes in *How the Religious Right Shaped Gay and Lesbian Activism* to the politicization of homosexuality in Poland following EU accession. I will first discuss the roots of the gay rights movement and how an opposing movement came into existence. Then, using Fetner's framework, I will explore the interaction between opposing social movements (Fetner 2008:122) in Poland; that is, I will examine how Poland's gay rights movement has been affected by the rampant homophobia of the Right. Fetner identifies seven mechanisms that have characterized the interaction between the American Religious Right and America's Gay and Lesbian movement (Fetner 2008: 122). I posit

that these seven mechanisms can also be utilized to describe the dynamic between Poland's Right and its LGBT movement. These mechanisms are (1) framing political claims, (2) mobilizing resources for opposing movement organization, (3) inspiring change in opposing movement organizations, (4) heightened emotions, (5) diverting agendas, (6) barriers to progress, and (7) generating attention (Fetner 2008: 122).

- (1) Prior to the political rise of the Right, the Polish LGBT movement framed its message in what Fetner would call an “upbeat, educational, and inclusive” way (Fetner 2008:122). However, after the rise of the opposing movement, activists began to adopt what Fetner would describe as “‘us/them’ language” (Fetner 2008:123).
- (2) Because the Right appeared to threaten the rights of Poland's LGBT citizens, Fetner would argue that the movement “used the specter of anti-gay bigots” (Fetner 2008: 123) to rally more support and grow their organizations (Fetner 2008: 123)
- (3) In response to the Polish Right's increased influence, the LGBT movement changed their organizational structures. Fetner cites Meyer and Staggenborg as proposing that this is a typical way for a social movement to respond to the growing influence of an opposing movement (Fetner 2008: 124)
- (4) The Right's homophobic rhetoric has had what Fetner would call “an enormous impact on [the LGBT movement's] emotional repertoire” (Fetner 2008: 125). Fetner notes that, “emotional interplay is particularly salient in opposing movements” (Fetner 2008:125).
- (5) The emergence of the Right as a strong sociopolitical force in Poland has had the effect of diverting the LGBT movement's agenda. Opposing social movements affect the issues activists choose, determine the political venues more favorable to

- “producing positive social change” (Fetner 2008: 125-126), and impact resource allocation (Fetner 2008: 125-126).
- (6) Poland’s Right has been able to derail the LGBT movement’s political progress because opposing movements have a unique “capacity to block movement progress” (Fetner 2008: 127-128), however “the threat of losses compels opposing movements to carry on” (Fetner 2008: 127-128).
- (7) The Right has brought a great deal of attention to homosexuality in Poland, which, Fetner would posit, “[has caused] some people to consider gay and lesbian rights for the first time” (Fetner 2008: 128).

While these mechanisms operated in Polish society, the LGBT movement flourished. However, I will argue that, as attacks from Poland’s Right subsided and its political influence diminished, Poland’s LGBT movement was thrust into a crisis. I posit that this has occurred because the mechanisms through which opposing movements influence each other no longer operate. This has forced Poland’s LGBT movement to revert to its earlier strategic approach.

## **Literature Review**

According to existing research on gay rights in the European Union, accession and integration appear to embolden gay rights groups, promoting increased visibility of homosexuals in the national sphere (O’Dwyer and Schwartz 2010). In parts of Eastern Europe, this increased visibility of homosexuality and homosexuals has spurred anti-gay backlash among cultural conservatives who perceive homosexuality as a threat to their understanding of national identity (O’Dwyer 2010, Zubrzycki 2011). The literature suggests that although EU

integration tends to enhance protections for minorities in member states, protections for sexual minorities pose a unique challenge in former communist states (O'Dwyer 2010). Gay rights groups initially appear to view EU accession to be beneficial, as European integration mandates minority protection. However, integration in communist states poses a unique challenge (O'Dwyer and Schwartz 2010). In these states the suppression of civil society by oppressive totalitarian regimes severely restricted the creation of any sort of gay identity. In Poland, the notion of homosexuality as an independent identity only came about following the collapse of communism in 1989 (Kulpa 2010). In a state struggling with its own national identity in an increasingly secularized Europe, challenges to the national myth of the Pole as inherently and unequivocally Catholic tend to mobilize the country's conservative elements (Zubrzycki 2006, 2011).

Although intolerance toward homosexuality existed in Poland before EU accession, it was not politicized, and largely absent from the national stage, until the 2005 elections. During these elections Poland's right parties adopted and espoused a staunch opposition to homosexuality and thereby mobilized Poland's social conservatives (O'Dwyer and Schwartz 2010). Prior to accession, the EU has a greater capacity to effect change in candidate countries, which it loses once these countries become member states (Ibid). In member states with strong Catholic identities, it becomes difficult to reconcile the tolerance and inclusiveness that defines the European Union with the hetero-normative lifestyle Catholicism mandates (O'Dwyer 2010, Kulpa 2010). The literature on the European Union's role in the politicization of homosexuality posits a strong connection between attempts at societal secularization in Poland and the resultant efforts to maintain the essence of Polishness (O'Dwyer 2010). However, it also considers the

importance of national identity in mobilizing right elements against homosexuality (O'Dwyer and Schwartz 2010).

While the European Union has undertaken some efforts to promote tolerance of homosexuality in Poland, it has largely failed. The literature suggests that this is because the Union's institutions do not have the leverage to effect changes in member states that are perceived to challenge national tropes (O'Dwyer 2010). Specifically, it appears that any pushes for tolerance must be conducted on a national level since governments of member states can blatantly ignore EU appeals for the protection of sexual minorities (O'Dwyer 2010). The most visible pushes for tolerance have been "equality marches". The first of these occurred in 2001. However, it was not until 2004, amid PiS's rise to power, that they became a contested issue (Gruszczynska 2007). Academics argue that the existence of homosexuality, despite these early marches, was largely ignored by Polish society until 2003. In that year, the Campaign Against Homophobia enflamed traditional cultural sensibilities by undertaking an awareness campaign that installed images of Polish homosexuals throughout the country (Gruszczynska 2007). The visibility of the marches enraged members of PiS and resulted in its members embarking on a campaign against homosexuality (Gruszczynska 2007). As stated earlier, this campaign would turn into an official party platform adopted and espoused by PiS while in office.

Although the literature does examine some methods employed by gay rights groups to raise awareness, it does not necessarily address how these groups have combated anti-gay rhetoric. To understand the current position of homosexuality in Poland, it is important to evaluate how Poland's Right has impacted gay rights activism. The literature establishes the foundations of the Law & Justice Party—Poland's largest right party. While the roots of Polish social conservatism can be traced back to the creation of a national myth—that is Poland as the



Christ of Nations—the particular circumstances that gave rise to the emergence of Law & Justice date to Polish democratization (Zubrzycki 2006). Following the collapse of communism and Polish “independence”, the question of Polish identity gained a prominent place in the national discourse, which PiS and its coalition partners later reanimated (Zubrzycki 2011).

EU integration further fueled passions surrounding the question of Polish national identity, in this case within a secularized Europe. In the past, appeals for nationalism had involved “otherizing” certain minority subsets of the population (i.e. Jews, Protestants, Ukrainians, Communists, etc.) to inspire a strong sense of national identity among ethnic Poles (Zubrzycki 2006, O’Dwyer and Schwartz 2010). However, contemporary Poland has one of the most religiously and ethnically homogenous populations of any country in the world (Zubrzycki 2006). The literature suggests that the secularization promoted by European integration challenges the fundamental assumptions of Polish national identity as inherently Catholic (O’Dwyer and Schwartz 2010). An absence of minorities to “otherize” presents a problem for right nationalist elements. To fill the void created by homogeneity, the literature posits that right elements commenced an attack on homosexuals, as increased visibility has rendered them an easily identifiable “other” (O’Dwyer and Schwartz 2010, Gruszczynska 2007).

Since Poland is a fledgling democracy, a dearth of established political parties exists. This makes it easy for new parties to enter the political arena and allows for many small parties to gain sufficient public support to gain seats in parliament (O’Dwyer and Schwartz 2010). The existence of many smaller political parties has forced the creation of coalition governments, which have been forced to adopt extremist positions to maintain coalition unity (O’Dwyer and Schwartz 2010). The question of national identity and its increasing prominence in the national

political discourse coincided with the entry into politics of several right and hard-right political parties, including members of PiS's 2005 coalition government (O'Dwyer and Schwartz 2010).

During and after the 2005 Polish parliamentary elections, the anti-gay message promoted by PiS and its ultimate coalition partners permeated Polish society and was given a great deal of media attention (Graff 2006). It is critical to understand not only how this has impacted Polish society, but also how this has influenced gay rights groups' actions and objectives. The literature establishes how public displays of homosexuality have elicited highly negative responses from the Right—specifically PiS (Graff 2006, Gruszczynska 2007); it does not appear to adequately address how gay rights organizations have responded to attacks on homosexuality. However, analysis of how gay rights activists and right wing movements interact and influence each other has been done in other contexts.

Tina Fetner analyzes the formation and development of the American gay rights movement and the American religious right by detailing each movement's origins and development. She posits that the influence and vocal homophobia of the American religious right have played a significant role in shaping gay rights activism domestically (Fetner 2008). Although her work focuses exclusively on the United States, she utilizes a highly effective framework for comparing the two movements to one another. Fetner cites specific incidents, discusses how each movement responded to them, and analyzes how the movements have responded to and influenced each other (Fetner 2008). Although either could exist on its own, she shows that the particular development of each movement has depended on the other (Fetner 2008). Similarly, the Polish Right existed before it adopted a pointedly anti-gay message. However, it would not have been able to adopt and successfully create a social conservative political platform based on homophobia without attacking gay rights activists promoting

awareness (O'Dwyer and Schwartz 2010, Gruszczynska 2007). Here the literature largely fails to dissect the converse effect of the Right on Polish gay rights activism.

## Chapter 1: *The Roots of Contemporary Polish Attitudes Concerning Homosexuality*

Chapter one will focus on the development of the contemporary Polish gay rights movement and traditional Polish attitudes towards homosexuality. It will also analyze the roots of the early campaign of politicized homophobia. I will discuss KPH's early years and its first large-scale interaction with the Polish Right following the *Niech Nas Zobacza* (Let them See Us) campaign, particularly with *Liga Polskich Rodzin* (The League of Polish Families, LPR) in 2003. I will examine the traditional Polish attitude toward homosexuality, the historical visibility of Poland's LGBT minority, and how KPH's campaign directly challenged this norm. Then I will turn to the Polish Right and examine its rise to political prominence, focusing primarily on PiS. I will then discuss how, following *Niech nas Zobacza*, the Polish Right commenced an attack on Poland's LGBT minority by mobilizing Polish national identity and its traditional "otherization" of minority groups to consolidate political support during the 2005 electoral campaign.

This chapter will also argue that, although socially conservative, PiS co-opted the anti-gay agenda from political parties more to the right as a political tool intended to consolidate support. The beginnings of PiS's anti-gay agenda entered the public consciousness in 2004/5 when PiS politicians holding local offices banned equality marches. I will argue that the equality march bans were the first step in the anti-gay campaign adopted by PiS and were primarily intended to gain political support in an exclusionary way. I will discuss how, following the equality march bans, PiS began to constitute an opposing movement for Poland's LGBT activists. I will consider how cultivated ideological opposition was packaged with legal opposition (i.e. the claim that traffic patterns were not properly considered) and the implications that this carried for the gay rights movement. I will then consider how the "otherization" of homosexuals by PiS leading up to and following the 2005 election occurred. I will discuss the

nature of homosexuals as “others” (i.e. framed as “enemies” of the larger Polish state/community) and the usage of the homosexual community as a political tool in the 2005 Polish parliamentary elections, during which PiS won a plurality in Parliament and formed a coalition government. The role of the euroscepticism will be briefly discussed, but will be examined in greater detail in a later chapter.

### *Niech nas Zobacza*

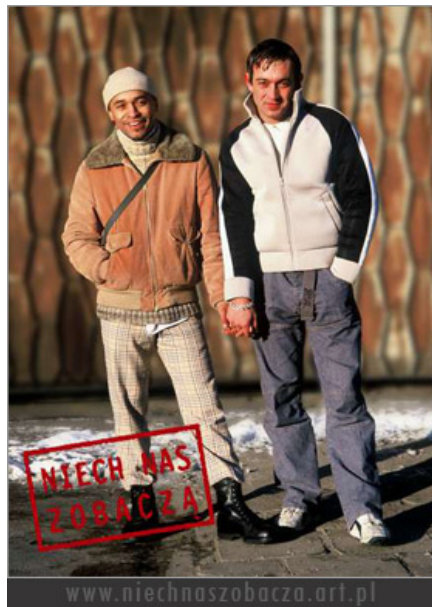


Figure 1.0 (Bregula 2003)



Figure 1.1 (Bregula 2003).

In 2001, Polish gay rights activists organized the first *Parada Rownosci* (Equality March) in Warsaw. This event was to be held annually to raise awareness about Poland’s LGBT community and to increase its visibility. However, there was little media interest in the first two of these annual marches and thus, the public had remained largely unexposed to homosexuality

by 2003 (Graff 2006: 437-438). Although these early equality marches went largely unnoticed, KPH's 2003 *Niech Nas Zobacza* campaign would ensure that they would not only receive attention in the future, but would become the issue around which the battle for gay rights in Poland was to be waged. Initially a limited exhibit, *Niech nas Zobacza* ultimately grew into a national billboard campaign that put images of gay and lesbian couples on display in Krakow, Warsaw, and three other large cities. Fifteen gay and fifteen lesbian couples were photographed (Gruszczynska 2007: 3). It is important to note that these images are not remotely sexual in nature. The subjects are dressed conservatively and are shown displaying minimal affection for each other in various public locations. On each image, "let them see us" is prominently displayed in large red letters designed to resemble a stamp (see figures 1.0 and 1.1). These billboards were quickly vandalized, but not before they had left a mark on Polish society (Graff 2006: 438). This section will examine how this campaign created discussion around an issue traditionally ignored by Polish society and how it rendered homosexuals an easily identifiable minority group. It will then explore homosexuality in the context of Polish national identity and the reconstruction of national mythology.

### *Gays, Poles & Jews*

*Niech nas Zobacza* effectively pushed homosexuality out of the closet and challenged the historic relationship between Poland's homosexuals and the rest of Polish society. That is, it forced Poles to acknowledge the existence of homosexuals among them (Warkocki 2004). The discussion surrounding the campaign accomplished KPH's goal of exposing Polish society to homosexuality. In interviews with Agnieszka Graff, Robert Biedron discusses the traditional space homosexuals occupy within Polish society: "You are okay, if you play by the rules: stay in the closet and reconcile yourself to the fact that, from time to time, a faggot gets beaten up. But

largely, as long as you stay closeted, you are safe” (Graff 2006: 444). Biedron argues that many Polish homosexuals have accepted, and even find comfort in this fate, citing letters from gay Poles chastising him for “making a spectacle of himself” as examples of this attitude. (Graff 2006: 444). This attitude stems from a fear of politicization of the private and thus a fear of the potential controversy that the visibility of a particular group (i.e. a minority) engenders (Graff 2006: 444). The question of Polishness, the myth of Polish national identity, and the place of minority groups have played a key role in the controversy surrounding Polish homosexuality. To better understand the challenge *Niech nas Zobacza* posed to Polish society it is important to examine the foundational myths of this society.

Poland is today one of the most linguistically, ethnically, and religiously homogenous nations in Europe. Although homogenous, it was historically a diverse nation with many different religions, ethnicities, and linguistic communities coexisting under various oppressors. Contemporary Polish national identity was founded in this diverse Poland upon the belief that to be Polish was to be a *polak-katolik* (Pole-Catholic) (Zubrzycki 2006) and thus it is often understood as intrinsically Catholic (O’Dwyer and Schwartz 2010: 236-237). The expression of Polish national identity as that of the *polak-katolik* can be explicitly traced to interwar Poland. In the 1920s, following the rebirth of the Polish nation-state, ardent Polish nationalist Roman Dmowski infused his notion of Polish national identity, one that had catalyzed a shift from a civic based conception of identity—founded on membership in a political entity—to an ethnic based national identity, with a religious component (Walicki 2000: 14-16). This understanding of Polishness continued during Poland’s communist period, was mobilized by the Solidarity movement, and further confounded as a result of Solidarity’s oppression by an atheist communist government (O’Dwyer and Schwartz 2010: 237). Dmowski’s conception of national identity also

leaves room for further exclusion even among those who may fit the *polak-katolik* criterion. He labels ethnic Poles who are not active defenders of his view of Polishness as “half-Poles” and believed that they would eventually be eradicated once nationalism succeeded (Walicki 2000: 33). This idea of creating differences even among homogenous individuals is a focal point of Dmowski’s revision to national identity. In interwar Poland, Jews became the target of anti-Semitic propaganda and were dubbed incapable of being Polish and were subject to anti-Semitic violence (Walicki 2000: 33, Graff: 445). However, following the homogenization of Poland after World War Two, Poland was left without any sizeable minority groups.

Geneviève Zubrzycki examines the evolution of Polish national mythology and how it has changed following the homogenization of Poland and the downfall of communism (Zubrzycki 2011). Polish national mythology, she posits, was firmly established following World War II: Poland is an inherently Catholic nation with a repeated history of martyrdom (Zubrzycki 2011: 28-29). In a country with a history of repeated partitions at the hands of its neighbors and a Soviet imposed Communist regime, it is not difficult to see how such a national mythology becomes hegemonic (Zubrzycki 2011: 28). Zubrzycki pays particular attention to challenges to the salience of a mythology founded largely on “martyrdom” in an independent democracy free of outside oppression (Zubrzycki 2011: 38-39, 53). The existence of an independent, and homogenous, Polish nation-state has resulted in significant discussion about the true definition of Polishness (Zubrzycki 2011: 38-39). Furthermore, she notes that, although many contemporary Polish citizens have questioned Poland’s traditional myths, the myths continue to exist and “remain ready for reactivation when historical winds shift” (Zubrzycki 2011: 53). Zubrzycki also posits that myths continue to exist for those who “labor to produce and fortify [a national mythology and its sensorium]” (Zubrzycki 2011: 53). Precisely this occurred in Poland in 2003.



Historical winds shifted, homosexuality came out of the closet, and the Polish tradition of conflating sexuality and sexual identity and relegating them to the bedroom was challenged. In response, the Polish Right framed the “propagation” of homosexuality as an affront to the myth of traditional Polish Catholicism in its campaign aimed at constructing a socially conservative state. This will be explored later in the chapter.

Poland decriminalized homosexuality in 1932, interestingly amid escalating anti-Semitic political rhetoric (Walicki 2000: 33). In Poland, this meant, as Robert Biedron stated, that homosexual Poles could act upon their desires, not be arrested for acting upon these desires, but also not seek any recognition or legal protections from Polish society (Graff 2006: 442-444). Thus the relationship between Poland’s homosexuals and the rest of society is characterized by a tacit acceptance of the existence of homosexuality, which can be characterized as limited homophobia. However, KPH challenged this limited societal homophobia by boldly plastering their images throughout the country and putting their “sexual deviance” from the idea of the *polak-katolik* on display (Graff 2006: 443-444). This mobilized socially conservative elements within Polish society who promoted both the traditional limited, but also, a more violent integral homophobia. The distinction between the two was blurred and confounded following the formation of the PiS and LPR coalition. Furthermore, the visibility of *Niech nas Zobacza* and the resulting national debate surrounding the issue catalyzed the process of symbolic minority creation. That is, in a country with no substantial minorities and an ethnic foundation of national identity based on the “otherization” of Jews, homosexuals have become the new Jews (Gruszczynska 2007:14-15). Although Polish society is homophobic, the active “otherization” and resultant politicization of homosexuality did not begin to commence until gays began announcing their existence, seeking recognition, and “offending normal people’s sensibilities”

(Graff 2006: 444). This argument is not simply conjectural. Right groups, such as *Młodzież Wszechpolska*, have threatened gay rights activists with slurs based in anti-Semitic rhetoric and drawing on the Holocaust (Graff 2006: 445, Sellinger 2008: 19).

### *Response to Niech nas Zobacza*

The response to *Niech nas Zobacza* immediately polarized Polish society. Progressive Polish intellectuals and politicians signed an open letter in support of the campaign and stated that the negative response, “made them realize the level of intolerance, anxiety, and self-censorship in [Poland]” (List otwarty 2003). The signatories to this list encouraged Poles to take action against intolerance and stand up for those discriminated against. However, the most vocal opinions concerning the campaign were those opposing it. Representatives of LPR even asked the mayor of Krakow if he “intended to support homosexuals”(List otwarty 2003). Members of the *Młodzież Wszechpolska*<sup>1</sup> (All Poland Youth, MW), a nationalist and radical right group, threatened to block attempts to launch the campaign in Krakow (List otwarty 2003). These reactions signaled the beginning of the politicization of homophobia in Poland. Although several factors contributed to the rise of anti-gay political rhetoric, KPH’s *Niech nas Zobacza* campaign thrust the issue of homosexuality into the national consciousness (Warkocki 2004: 1-2). It served to introduce Polish society to homosexuals and was followed by a pro-gay campaign titled *Jestem Gejem. Jestem Lesbijka. Zobacz nas!* (I’m Gay. I’m Lesbian. Get to know us!) also organized by KPH (Get to know us!). This was a follow-up to *Niech nas Zobacza* and sought to expose Polish society directly to homosexuals, activists, and psychologists in major cities around the country (Get to know us!). It is important to note for the overarching argument of the thesis,

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<sup>1</sup> This was reformulated in 1989 following the collapse of communism. It existed during the interwar years and was responsible for anti-Semitic campaigns throughout Poland. It is the youth branch of LPR (O’Dwyer and Schwartz 2010: 237).

that these early campaigns of exposure were characterized by their pro-gay message as they sought simply to familiarize Polish society with homosexuals.

*Niech nas Zobacza* was not intended to enflame cultural sensibilities. The objective was to portray homosexuals as members of Polish society. However, the ensuing media attention gave KPH a springboard for advocating increase for legal protection and civil unions (Graff 438). KPH could not have anticipated the violently homophobic backlash that would follow. Gay rights activists would experience this backlash first hand in 2004 during a four day festival called *Kultura dla Tolerancji* (Culture for Tolerance) organized in Krakow to celebrate gay and lesbian culture and contribution to the arts. Organizers planned a public March for Tolerance to take place on May 7<sup>th</sup>. However, counterdemonstrators from LPR and *Młodzież Wszechpolska* illegally confronted the marchers shouting profanities and pelting them with eggs and stones (Gruszczynska 2007: 3-4). Members of LPR and Catholic organizations had lobbied Krakow's mayor to ban the March for Tolerance. However, this did not occur at the time and the March was allowed to proceed as planned, despite counter demonstrations (Gruszczynska 2007: 3-4). Polish historian Warkocki notes that *Niech nas Zobacza* served its purpose and managed to introduce the issue of homosexuality to the Polish public. It took this event to catalyze a reaction to the "otherness" of homosexuals (Warkocki, 2004: 1, Sellinger 2008: 99).

### *Polish Ambivalence*

The primary purpose of this work is to determine how the existence of an opposing movement, that is the Polish Right, has affected and shaped Polish gay rights activism. To adequately examine these changes, it is important to discuss the exposure of Polish society to homosexuality prior to the emergence of a strong and vocal opposing movement. Dissecting

attitudes toward homosexuality will be critical to the development of my argument in later chapters. It will allow me to explain how the Polish Right has mobilized resources and generated attention for the gay rights activists. While data analyzing Polish public opinion on gay rights is rather limited prior to 2003, three governmentally sanctioned surveys conducted between 2001 and 2003 ask respondents various LGBT themed questions. The first of these surveys, conducted in 2001 by the Polish *Centrum Badan Opinii Spolecznej* (Center for Public Opinion Research, CBOS) (Wenzel 2001) is titled “Attitudes toward homosexual marriage”, however it does not focus solely on the question of marriage equality. Perhaps most importantly, it asks respondents to identify their level of tolerance for homosexuality. Randomly selected Polish citizens were asked whether they believed that homosexuality is (a) normal (b) a deviation from the norm, but to be tolerated (c) not a normal thing, and not to be tolerated or (d) difficult to say. The results of this survey demonstrate the existence of a pervasive belief among Poles that homosexuality is not normal, with 88% of respondents identifying it as such (Wenzel 2001). Although nearly 90% of Poles in 2001 considered homosexuality abnormal, close to half of these individuals believed that homosexuals should be tolerated. This suggests that while Poles were perhaps not inclined to support homosexuality, they did not necessarily support intolerance. However the polling data also demonstrates that strong opposition was much more common than strong support for homosexuality (Wenzel 2001). The activists I interviewed stressed the difficulties of convincing Poles, both homosexual and heterosexual, to care about gay rights (Szczeczplocki 2012, Czarnecki 2012). The 2001 survey supports this assertion, as 48% of Poles do not take a definitive stance on the issue of homosexuality (Wenzel 2001). This traditional indifference forced early manifestations of activism to center on increasing visibility and promoting acceptance, as stated earlier in the chapter.

However, the brazen display of homosexuality's existence in 2003 thrust the issue into the national consciousness, as the resultant controversy permeated the national media and attention quickly shifted to the highly inflammatory reactions of the Polish Right. It is important to note that, as I define them, The Right at this time did not constitute an opposing movement. This is largely because manifestations of homophobia were limited primarily to *Młodzież Wszechpolska* and local politicians (Graff 2006: 439). While these groups brought attention to homosexuality, they did not carry sufficient political clout to make it politically salient. This changed once the more mainstream PiS co-opted homophobia as an integral component of its socially conservative electoral campaign, which will be discussed in greater detail later in the chapter. This politicization of homophobia began to influence gay rights activism through the seven mechanisms described by Fetner (Fetner 2008: 122). PiS's campaign fueled a national discussion about homosexuality that may not have otherwise taken place given the ambivalent relationship discussed above. Gay rights activists sought to raise awareness of problems facing Poland's LGBT community and secure legal protection for this minority (Graff 2006: 438). Even in the infancy of a vocal gay rights movement, they did not seek to catalyze a fundamental cultural shift based in highly idealist goals. Instead, activists strategically crafted a package of issues, which they believed could gain the greatest support from Polish society and politicians: they sought some sort of legal recognition for same-sex couples and hate crimes legislation. Notably absent from these aims were demands for gay marriage and adoption rights (Graff 2006: 438). While gay rights activists did not seek rights they believed to be unattainable (particularly gay marriage), the Polish Right still utilized these as a component of its anti-gay campaign. This will be discussed in greater detail in chapters three and four.

## **The Politicization of Homophobia**

This section will discuss the politicization of homophobia in national Polish political discourse. First, I will briefly examine the roots of the Polish Right and the evolution of PiS and LPR's political platforms. I will accomplish this by discussing each party's electoral platform during the 2001 parliamentary elections and prior to the referendum on EU accession, which I will compare to the 2005 parliamentary elections. I will then examine the social and political opposition to pro-gay demonstrations during the early anti-gay campaign. Then I will dissect the role homophobia played in the construction of the Right's socially conservative vision for Polish society. I will accomplish this by discussing the politicization of homophobia during the 2005 Polish parliamentary elections and the mobilization of homophobia as an expression of euroscepticism. I will analyze the politicization of homophobia in terms of Zubrzycki's discussion of national myths. That is, she posits that Polish myths, although having lost some of their social salience to democratization, persist in the national consciousness and remain available for mobilization by nationalist elements (Zubrzycki 2011: 53).

### *Polish Politics sans Homophobia*

Poland's influential conservative political parties were all founded in 2001. PO and PiS were formed following the collapse of *Akcja Wyborcza Solidarnosc* (Solidarity Electoral Action) and drew their support largely from its former voter base. LPR was founded around the same time and appealed to conservative Catholic voters (Matykowski 2010: 1-2). Following the 2001 elections, PiS and PO maintained a relatively low public profile, however, LPR generated a great deal of controversy both domestically and internationally. The policies promoted by LPR would

later be largely adopted by and associated with PiS. Although a relatively small political party, LPR was able to wield a tremendous influence over Polish politics.

LPR is the political manifestation of Poland's nationalist, anti-secular, and anti-European element. Its support is largely drawn from listeners of Poland's conservative Catholic radio station *Radio Maryja* and it has benefited from the support of the radio's founder, Father Tadeusz Rydzyk (Millard 2001: 369-370, 373, O'Dwyer and Schwartz 2010: 234, 237). LPR managed to win a 7.87% share of the popular vote in the 2001 parliamentary elections (Szczerbiak 2004: 673). Although LPR did address EU accession repeatedly during the 2001 election, the issue did not play a significant role during the campaign, as Poles did not appear too concerned with accession (Mcmanus-Czubinska et al. 2003:15). Following the 2001 elections, Poles again returned to the polls in June of 2003 to cast their ballots in an EU accession referendum and LPR shared its concerns regarding the potential for EU induced social liberalization prior to this referendum and presented itself as the protector of Polish morality (Szczerbiak 2004: 679, Szczerbiak 2003: 732). However, despite its ideologically Catholic base, it chose to focus on economic problems that accession could create rather than social issues (Szczerbiak 2004: 679) The 2001 electoral campaign and the campaign for the 2003 referendum demonstrate that, while social issues were a concern for LPR, issues such as gay rights and even abortion, which is illegal in Poland in most circumstances, were not a focal point of the campaigns or even a salient political issue. They would, however, become significant following the controversy surrounding *Niech nas Zobacza*.

As discussed earlier in this chapter, LPR had the strongest reaction to KPH's campaign in 2003. However, the following year, PiS's leadership would articulate a clear position regarding homosexuality. Before I begin to examine the development of PiS's anti-gay platform, I will

explain PiS's early political development and ideological roots. PiS was the realization of Jaroslaw Kaczynski's desire to emulate Germany's Christian Democratic Party and was initially unified only in its support of a tougher penal code (Millard 2003: 84). The lack of a clearly articulated guiding ideology and the general dislike for its leader jeopardized J. Kaczynski's dream of constructing a new right-wing (Millard 2003: 84, Szczerbiak 2003: 730). J. Kaczynski's brother Lech, who had been Justice minister between 2000 and 2001, was touted as the only individual qualified to tackle Polish corruption, to ensure law and justice, and to punish criminals. The party campaigned largely on a platform promoting "strong moral order and historical legitimacy" (Szczerbiak 2003: 732). They presented this as critical to the future of an economically stable Poland, however, there was an absence of ideological conviction, so that this campaign could appeal to as many voters, both Catholic and secular, as possible (Szczerbiak 2003: 731-732). Before I analyze early manifestations of politicized homophobia, it is important to recall that prior to *Niech nas Zobacza* homosexuality was seen as something best left to the bedroom. Although gay rights activists sought to increase the visibility LGBT community's visibility, thus differentiating themselves from the rest of Polish society, the Polish Right initiated the process of symbolic minority creation (Gruszczynska 2007: 14-15). This would play a critical role in the Right's socially conservative campaign.

### *Political Attacks on Homosexuality*

The Poznan March of Equality took place in 2004 and pitted gay rights activists and counter demonstrators from LPR et al. against each other. It was organized both as a response to the anti-gay violence that had taken place in Krakow and in protest against a ban by Lech



Kaczynski on a pride parade in Warsaw<sup>2</sup>. He cited the Krakow March for Tolerance and the danger to Polish morality posed by gay activists as justification (Gruszczynska 2007: 3-4). Marchers proclaiming, “different but equal” and “everybody belongs to some minority” were met with “gay trash, get your hands away from the children”, “lesbians and faggots are ideal citizens of the European Union” and “Healthy Poles are not like that” (Gruszczynska 2007: 4-5). The violence activists were met with force and police decided to end the march just as it was beginning (Gruszczynska 2007: 5, Sellinger 2008: 100). This would be the last march that activists would organize with relative ease for an extended period of time. Attempts the following year would also be blocked as opposition to the events grew and became more vocal (Gruszczynska 2007). Lech Kaczynski’s decision to ban the 2004 Equality March functionally enshrined PiS’s view on the issue of homosexuality and was the first step in his party’s anti-gay campaign. It continued the debate that *Niech nas Zobacza* had generated and was the first substantial interaction that occurred between PiS and gay rights activists, specifically KPH. In chapters three and four, I will discuss in greater detail how the two movements interacted following the initial ban. L. Kaczynski stated that his decision was out of a concern for public safety (Gruszczynska 2007: 4) and as a result, a March for Tolerance was held in Poznan instead.

The next interaction between Kaczynski and Polish gay rights activists took place in 2005. Again, Lech Kaczynski issued a ban against an equality march. He cited concern that if a parade took place, it would interfere with a public ceremony scheduled for the unveiling of a statue. However, he did not veil his opposition to the event on “ethical” grounds. Specifically, he stated that the parade would “propagate gay orientation” (Gruszczynska 2007: 5). Despite the Mayor’s ban, parade organizers decided to proceed with the event and the march was held on

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<sup>2</sup> Kaczynski was mayor of Warsaw and a member of PiS.

June 15<sup>th</sup>, 2005. It was allowed to proceed unimpeded because German Members of the European Parliament and Izabela Jaruga-Nowacka (vice-prime minister at the time) were present. Although marchers encountered violent counterdemonstrators, the presence of these politicians required police protection and ensured that the march would not be impeded. (Gruszczynska 2007: 5). Following the march, L. Kaczynski permitted *Młodzież Wszechpolska* to hold a “Normality March”. The title of the march and Kaczynski’s justification for permitting it to take place, “to remedy the bad image of Poland” (Gruszczynska 2007: 5), served to resolutely declare, how he viewed the issue. That is, not only did he oppose expressions of homosexuality, he believed that the All Polish Youth, a neo-Nazi group, could represent his idea of “Polish normality”.

It is important to stress here that Kaczynski does not simply refer to practical reasons for banning these two marches. That is, he makes it a point to utilize the events to express his viewpoints on homosexuality and what he perceives as the homosexual agenda. Later, he would cite these two bans as evidence of his fight against the demoralization of Polish society (Gruszczynska 2007: 5-6). Although Kaczynski clearly seeks to mobilize a hetero-normative definition of normality, he does not state a fundamental opposition to the existence of homosexuality. He explicitly states that while he does not support expressions of homosexuality, he is for tolerance (Gruszczynska 2007: 5). These early expressions of Kaczynski’s position on homosexuality demonstrate a hesitation to promote integral homophobia and instead, opt for limited homophobic dialogue. However, as PiS needed to differentiate itself from its center-right opponent, PO in the 2005 elections, PiS abandoned any remaining inclinations toward tolerance. These two bans, and the resulting responses, were the first major interactions between gay rights activists and PiS. Both times, PiS attacked and activists (represented by KPH) responded. They

did not acquiesce to his demands, but instead decided to march in defiance of the ban. Chapter 3 will detail how, following the 2005 election, the Polish Right's politicized homophobia continued to shape gay rights activism.

### *2005 Electoral Campaign*

During the 2005 Polish parliamentary elections, PO and PiS both returned significant political gains as a result of discontent with the weak Polish economy under the rule of SLD (Szczerbiak 2007: 204-205, 214). Traditional questions of morality were largely not discussed during the 2001 campaign, which was a marked departure from the traditional Polish political moral discourse concerning the role of the Church in Polish society and the question of abortion. However, LGBT rights became a key component of the 2005 parliamentary and presidential electoral campaigns, while other social issues continued to be largely ignored (Szczerbiak 2007: 213, Millard 2006: 1011, Gruszczynska 2009: 320). While it is clear that homosexuality's entry into the public political discourse following the *Niech nas Zobacza* campaign generated a great deal of discussion, it also created and mobilized opposition. Before *Niech nas Zobacza*, homosexuality was largely a non-issue within Polish. Furthermore, the political party that would come to define its euroscepticism by its opposition to "homosexual propaganda", PiS, had little to no ideological background. However, the party's vague general platform changed dramatically once Lech Kaczynski, in his capacity as mayor of Warsaw, banned the 2004 *Parada Rownosci* in Warsaw (Szczerbiak 2007: 213). This action had a two-fold effect: it continued the debate surrounding the position of homosexuals in Poland, but more importantly, it established L. Kaczynski's stance on homosexuality as a threat to public health and morality (Gruszczynska 2007: 99, O'Dwyer and Schwartz 2010: 226, 229). While it created difficulties for gay rights

activists, it also renewed attention for their cause that may have otherwise waned for. The decision by Lech Kaczynski to ban the equality march in Warsaw was not simply an expression of one politician's personal opinion, rather, they were, as Agnieszka Graff states, “were well-planned moves in his political career” (Graff 2006: 436).

The atmosphere surrounding the 2005 parliamentary elections was marked by a general discontent with the SLD led government. This meant that voters were looking to PO and, to a lesser extent, PiS to lead the country in a different direction (Millard 2007: 210-212). Because PO was largely viewed as political change with continuity of style of governance, it consistently dominated in public opinion polls. However, this also proved detrimental to PO's electoral campaign among large swathes of the population, as PO received endorsements from Poland's political elite (Szczurbiak 2007: 218). As the elections approached, PiS shifted its political strategy and commenced an attack on PO (Millard 2007: 211-213). PiS had already secured support from *Radio Maryja* and the Polish nationalist newspaper *Nasz Dziennik* (Our Daily). The popularity of the two guaranteed a strong conservative showing in the elections (Millard, 2007: 213). The Kaczynski's condemnation relied on a highly negative rhetorical campaign designed to increase voter distrust and portray PO as anti-Polish and its policies as detrimental to regular Poles, including personal attacks against the party leader, Donald Tusk<sup>3</sup> (Millard 2007: 213, Szczurbiak 2007:218). To accomplish this, L. Kaczynski prophesized Poland's potential trajectory as having two distinct possibilities during the parliamentary, and then later presidential, elections: a liberal Poland, which invoked the economic corruption many believed democratization spawned (Korkut 2009: 578, Szczurbiak 2007: 204, 221) or a social-solidaristic Poland (Millard 2007: 213, Szczurbiak 2007: 217-218).

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<sup>3</sup> To arouse discomfort with Tusk, PiS began discussing his grandfather's conscription into the Wehrmacht. Although Polish voters were informed that this was both against his will and only brief, it did appear to stain Tusk's reputation (Szczurbiak 2007: 218).

The Kaczynskis' attack on PO clearly swayed Polish voters, as PiS won a plurality of the vote in 2005 and L. Kaczynski defeated Donald Tusk, who was viewed as more feeble, during the presidential election several weeks later against (Szczurbiak 2007:218). However, because PiS had only won 26.99% of the vote, it was unable to form a ruling government without entering into a coalition. The coalition formed was not that of center-right parties (i.e. PiS and PO). Instead, PiS entered into a ruling coalition with SO and LPR. The government formed had little to no moderating influence and was operating under a PiS presidency.<sup>4</sup> The PiS-LPR-SO coalition proclaimed their vision for “the Fourth Polish Republic” and proceeded with the implementation of numerous campaign promises, reiterating their intention to return Poland to traditional morals (Buzalka 2008: 757). This fourth republic was intended to be a realization of the “social-solidarism” discussed during the election cycle. Both the Prime Minister and President thanked *Radio Maryja* for its support during the election (Buzalka 2008: 757). This symbolic action evinces the type of moral Catholicism the coalition’s leadership envisioned for its “fourth republic”, one that did not permit deviations from the traditional norms of Polish society.

## **Conclusion**

Thus, PiS, a party with relatively no political ideology until 2004, was able to capitalize on the discussion surrounding LGBT visibility, co-opt the issue, and build a campaign for a return to traditional values around the “otherization” of homosexuals. This was a nationalist re-formulation of Polish national identity around the myth of Poland’s “Catholicity” (Zubrzycki 2011: 38-39). However, instead of mobilizing Polish national identity around the “otherization” of actual Jews, newly created “symbolic Jews” were mobilized to achieve this purpose

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<sup>4</sup> Jaroslaw Kaczynski was not made Prime Minister because it was believed this would hurt his brother’s chances in the presidential election, as almost half of Poles polled were uneasy about having twins ruling the country (Szczurbiak 2007: 217-218).

(Gruszczynska 2007: 14-15, Graff 2006: 444-445). Therefore, armed with a wildly popular former Minister of Justice with a freshly minted ideology, PiS commenced its anti-gay political agenda and began to shape the gay rights movement through the seven mechanisms described by Fetner (Fetner 2008: 122) first by banning equality marches, then by launching institutional attacks, to be discussed in Chapter 3, on Poland's homosexuals.

While I posit that Polish gay rights activism and the Polish Right have been symbolically formative for one another, they have also been influenced by a non-intervening actor—the European Union. As discussed in my introduction, the EU has played a significant role in the way these two groups have interacted. However, as I have described above, PiS's decision to campaign in 2005 on an anti-gay agenda was not simply an expression of euroscepticism, but a more complex reanimation of traditional notions of national identity (Zubrzycki 2011: 53, O'Dwyer and Schwartz 2010: 337). Perhaps most notably, prior to 2004, euroscepticism in Poland manifested itself largely in terms of economic concerns. Thus, as I have argued, PiS strategically picked an issue that was fresh in the national consciousness as a result of *Niech nas Zobacza*—homosexuality, not as an outright expression of euroscepticism, but as a means of ideological consolidation. While the argument that the EU has had some influence on the contemporary political situation for homosexuality in Poland is valid, I will argue in the following chapter that this effect has been minimal and not the catalyst for its politicization.

## Chapter 2: The EU's Role in the Politicization of Gay Rights in Poland

Chapter 2 will briefly turn away from KPH and PiS and will focus on the role that the European Union has played in the politicization of gay rights in Poland. I will start my discussion by analyzing revisions to the Polish Labor Code and the response to these changes in Polish society. I will then examine the role of the EU as a promoter of minority rights, specifically those of sexual minorities and how this has impacted the visibility of homosexuality in Poland. This analysis will focus both on Poland's accession and integration process and the relationship the EU had with Poland's PiS led government. I will demonstrate that, although, the EU has catalyzed some change in Polish law, it largely fears addressing greater issues of human rights and has provided little assistance to Poland's LGBT citizens. This chapter will also discuss how integration is impeded by opt-out clauses to various elements of EU law. Specifically, I will address the EU's decision to acquiesce to the Polish government's demands to opt-out of the EU Charter on Human Rights. I will argue that, although Poland's membership in the EU tempered the ability of the right to legally enshrine homophobia, it has done little else to affect the status of gay rights in Poland. In my transition from Chapter 2 to Chapter 3 I will also consider the benefits of EU integration versus the effects of anti-gay politics as an expression of Euroscepticism on the Polish gay rights movement and its position in society.

### **Accession and Integration**

The process of European integration commences years before a country accedes to the European Union and, before a state can accede, it must adopt the *acquis communautaire* or EU common law. As a result of this requirement, Poland was forced to legally recognize the existence of sexual minorities. This recognition took the form of the implementation of EU

directive 2000/78 concerning non-discrimination in employment. Polish legislators amended the Labor Code and the Employment and Counteracting Unemployment Act to explicitly include sexual orientation as a possible basis for discrimination (Sellinger 2008: 20). Although Polish employment laws were amended to include references to sexual orientation in 2002 and 2004, these references continue to be the only mentions of sexuality in Polish law (Szczeczplocki 2012). However, because the directive explicitly states that refusal of employment may not be discrimination if it is justified by the nature of the job, the efficacy of the law is questionable, as it permits “justifiable” discrimination (Sellinger 2008: 20-21). When interviewed, a gay rights activist specifically cited the importance of this amendment to Polish law as “something tangible”. However, he expressed frustration that these mentions serve a largely symbolic purpose (Szczeczplocki 2012). That is, the law allows for discrimination on vaguely defined “justifiable grounds”, open to interpretation by the authorities. When the authorities champion social conservatism based largely around the exclusion of homosexuals from Polish society, this law becomes largely moot (Sellinger 2008: 21, Rzeplinski 2008: 7). Thus, EU accession and integration did provide protections for Poland’s homosexuals before it became a salient issue in the national political discourse, however these were largely symbolic and mundane.

Although the EU was founded on the goal of European economic integration and is thus primarily concerned with initiating economic reforms in its member states and candidate countries, it also has some capacity for initiating sociopolitical change. This capacity is largely rooted in the 1993 Copenhagen criteria, which were promulgated by the EU Council<sup>5</sup> and stipulate that candidate countries (specifically Eastern and Central European member states) must meet certain criteria, both economic and political, before they can accede to the EU.

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<sup>5</sup> The European Council is a meeting of EU member states’ head of government.



Included among these are stability of democratic institutions, rule of law, human rights, and protection of minority groups, although sexual minorities are not explicitly mentioned (Accession Criteria, Kochenov 2007a: 12). Furthermore, uniform consensus among extant member states over the definition of a minority did not exist (Sasse 2008: 842). This is important because during pre-accession negotiations the EU employs a conditionality principle, which provides candidate countries with incentives for cooperation. Prior to 2004, conditionality employed a definition of minority protection as the protection of cultural expression and identity (Vermeersch 2007: 13). Thus, sexual minorities, which do not necessarily mobilize a unique form of cultural expression or identity, did not fall under this definition. The EU's capacity for effecting sociopolitical change is limited by the scope of the *acquis communautaire* once a country accedes. However, the Copenhagen criteria expand the purview of EU influence during pre-accession negotiations to address issues, which would normally fall outside of the EU's competencies as defined by the *acquis* (Kochenov 2007a: 14-16). Thus during the negotiations period, the EU's impact on sociopolitical and economic realities can be most effective because the Commission can delay accession and thus deny the benefits accession brings if a candidate country refuses to meet its demands (O'Dwyer 2010: 229-230).

Although the EU utilized the conditionality principle to secure certain legal changes in Poland before accession, it is important to understand that the rights of Polish homosexuals were largely a non-issue. Several reasons for this exist, including the lack of visibility, as discussed earlier, but also the historical ambivalence of Polish society toward homosexuals. The EU Commission's primary concerns surrounding homosexuality were based on the decriminalization of homosexual acts and the equalization of age of consent laws (Kochenov 2007a: 17, Holzacker 2010: 27). Since homosexuality was neither illegal in Poland, nor were homosexuals

persecuted by the government, the Copenhagen criteria of human rights were not violated as applied by the Commission. Questions surrounding discrimination on the grounds of sexual orientation were resolved by amendments to the Polish labor code bringing Polish law in line with the *acquis* as discussed above (Kochenov 2007a: 18). An absence of criticism of a member state's policies pre-accession implies that the EU considers the member state to have met EU standards on the issue. Thus, by accepting the minimal changes to Polish law bringing discrimination statutes into compliance with common law, the EU tacitly implied that Poland had adequately addressed issues of minorities (Vermeersch 2007: 15).

In the Polish context, the question of gay rights and homosexuality was largely a non-issue prior to accession. As discussed in chapter 1, prior to the *Niech nas Zobacza* campaign, the issue was given little to no attention in Polish society. Pride parades went unimpeded and homosexuals largely went unnoticed. Although there existed virtually no protections for homosexuals, aside from EU initiated labor code amendments, there also existed no explicitly anti-gay Polish legislation, which could be deemed discriminatory, as the only mention of sexual minorities in Polish legislation was found in the amended labor code.<sup>6</sup> Furthermore, although there existed some concerns about the societal effects of EU accession, early Polish euroscepticism was largely founded in concerns over the potential for western economic hegemony and not a societal shift as economic fears proved more salient (Szczurbiak 2004: 679). Chapter 1 explains that, even once *Niech nas Zobacza* had thrust the issue into the national consciousness, it was not politicized until Kaczynski's ban in 2004, and thus was not salient during the 2003 EU accession referendum campaign. Thus, as neither Polish law nor the Polish government discriminated against this subset of the population, the EU largely ignored

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<sup>6</sup> The 1997 Polish constitution defines marriage, as a union between a man and a woman, as under the protection of the government. However, it does not stipulate other forms of unions (Polish Constitution 1997 Art. 18).

homosexuality pre-accession, admitted the state as a member, and then remained largely powerless to affect sociopolitical discrimination of homosexuals (Vermeesch 2007: 17).

### **Rationalization and Condemnation of Homophobia**

The EU did not condemn Poland for any policies towards homosexuals pre-accession simply because, as described above, Polish law did not violate any specific aspects of the European *acquis* following amendments to the labor code. EU institutions began to take notice of the rampant homophobia that seemed to plague its new member states following the 2004 eastward expansion of the EU's territory. While EU institutions would begin to chastise member states that violated the rights of homosexuals or permitted homophobic rhetoric to permeate the political sphere, the Union itself would eschew policies that outright challenged what were dubbed cultural sensitivities. For example, Directive 2004/38/EC addresses the rights of EU citizens' freedom of movement within the European Union. However, it specifies that marriages and/or registered partnerships legal in one member state are only legal in another if that member state permits them to be. This effectively permits member states to selectively violate European freedom of movement on the grounds of sexual orientation. Several other directives, which *de facto* discriminate against sexual minorities, also entered EU law (Kochenov 2007 (b): 471-473, EU Parl. and Council of the EU 2004). Actions such as these, designed to account for cultural sensitivities, effectively serve to sanction homophobic practices in the newer member states, as policies of discrimination are *de facto* sanctioned and there are few, if any, tangible repercussions for homophobic rhetoric and policies. This desire for consensus and rationalization of inequality will be again discussed later in this chapter when I turn to Poland's opt-out of the EU charter on Fundamental Rights. While the EU's propensity to seek consensus and to avoid enflaming "cultural sensitivities" can result in weak policy declarations as noted above, this has

not stopped it from taking a position against homophobia. However, the efficacy of these declarations is highly debatable and oftentimes largely symbolic (Ole Huseby 2009: 102).

Following the 2005 Polish elections, the Commission threatened Poland's PiS led government with voting sanctions if L. Kaczynski did not stop his attack on homosexuals and cease his promotion of the death penalty (Watt 2005). Several weeks later, Poland's education ministry banned a voluntary service project because officials feared it would "propagate homosexuality". This issue will be discussed in greater detail in chapter 3; however, the EU's response will be addressed here. The Commission criticized the ministry for violating human rights and transgressing EU principles by promoting homophobia (Long 2007). While the Commission explicitly chastised Polish officials for violating EU norms, it did it almost strictly within the confines of this particular incident, which involved the EU's voluntary service project program<sup>7</sup>. There do not appear to be any larger condemnations of the Polish government's homophobic tendencies.

Early the next year, the Parliament of the European Union issued the product of its discussion addressing the human rights' deficit of new member states. Of particular concern were the violations of freedom of assembly, hate speech, and laws explicitly targeting homosexuals that had transpired in several eastern European states in a resolution titled "Non-Discrimination and equal opportunities for all" (Stufhofer and Rimac 2009: 25/26, EU Parliament 2006 (a)). The resolution references directive 2000/43/EC, which instructs member states to treat all races and ethnicities equally, and directive 2000/78/EC, which addresses discrimination in employment as discussed earlier in this chapter. The directive also cites article

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<sup>7</sup> The European Voluntary Service Project (EVS) is a Commission run program that seeks to, "develop solidarity, mutual understanding and tolerance among young people, thus contributing to reinforcing social cohesion in the European Union and to promoting young people's active citizenship." (Youth in Action Programme).

21 of the European Charter of Fundamental Rights, which identifies sexual orientation as a possible source of discrimination. It alludes to other international “human rights obligations” including the European Convention on Human Rights (EU Parliament 2006 (a)). At the time of this resolution, the Charter was non-binding and thus its reference purely symbolic. This condemnation of homophobia serves primarily to raise awareness of the issue. It does, however, enumerate particular rights that the Parliament believes member states should guarantee homosexuals including recognition of same-sex partnerships (EU Parliament 2006(a)). PiS would later specifically target the rights enumerated as anti-Polish and dub them attacks on Polish culture. The development of this as a rhetorical device will be further examined in Chapters 3 and 4. Before further examining more direct condemnations of homophobia, it is important to note the role of the EU Parliament in the European decision and legislative process. That is, the Parliament serves largely a supervisory role and cannot initiate legislation. Thus, while it can debate EU policy and passes laws in conjunction with the Council of the European Union, it does not dictate the direction or priorities of EU policy (European Parliament, European Council).

Several days after adopting the resolution on non-discrimination, the EU Parliament issued a more pointed criticism of intolerance in Europe. While it commended Poland for its positive reception of the 2006 Warsaw Pride Parade, it cited the homophobic rhetoric of the PiS-LPR-SO coalition as an example of European intolerance. The ruling coalition was strongly chastised for xenophobic statements and warned of the potential sanctions that could result in the event of EU treaty violations (EU Parliament 2006(b)). This resolution also requested the European Monitoring Centre on Racism and Xenophobia (EUMC) to investigate intolerance in Poland and the government’s compliance with EU law (EU Parliament 2006(b)). Although the

two early resolutions were critical of escalating homophobia in Eastern Europe, they served largely as warnings to discourage homophobia. When these went unheeded, the EU Parliament released another resolution titled “Homophobia in Europe”. This resolution contains 18 perambulatory clauses, 5 of which address general homophobia in the EU, another one of which addresses homophobia in several member states and the remaining 12 of which address homophobia in Poland alone (EU Parliament 2007). Therefore, while homophobic acts occurred in other European states, both in western and eastern Europe, the EU Parliament was particularly concerned with the actions of the Polish government and the homophobic rhetoric that permeated Polish politics. The Polish Parliament ignored the European Parliament’s condemnations of Poland’s anti-gay campaign, as no mechanism exists for the EU to enforce many human rights violations in member states (O’Dwyer 2010: 239). Despite these concerns and the EU Parliament’s recommendations that Polish authorities promote tolerance and uphold EU human rights norms (EU Parliament 2007), Poland was permitted to negotiate an opt-out of the EU Charter on Fundamental Rights the following year.

Before I examine Poland’s opt-out of the EU Charter on fundamental rights, I will briefly discuss criticisms of Polish homophobia from other EU institutions. The Council of the European Union, composed of member state ministers who handle the topics on the agenda domestically, operates on qualified majority and unanimity voting. Thus, because the Polish government and other conservative member states are voting members, it would prove difficult for the Council of the EU to adopt any policy directives under the complex voting scheme (Council of the EU). However, Angela Merkel in her capacity as German Chancellor and thus the holder of the rotating Council Presidency in 2007, reminded a Polish audience that Europe was, “a continent of tolerance” (Conolly 2007). Although the Council’s actions are restricted by the desire for

consensus and qualified majority, the EUMC was transformed into the Fundamental Rights Agency (FRA) (EU Council 2007) and sexual orientation was listed as a potential means of discrimination that the FRA would be tasked with investigating (FRA, Thematic Areas). Here, although highly symbolic, the transformation of the EUMC into an agency tasked with investigating human rights within the EU in general following repeated requests by the EU Parliament to increase the mandate of the EUMC signifies a positive change. However, the FRA serves purely an advisory and research role and thus does not initiate policy changes (FRA, Thematic Areas). While the Council is limited by consensus, the EU Commission is constrained by the restrictions placed on it by the *acquis* and the difficulty of employing conditionality following accession. However, as noted above, the Commission did single out Poland for direct violations of EU law. Unfortunately, the EU Parliament's resolutions and even the Commission's minimal threats proved largely empty and their actions merely symbolic. The Examining the EU's failure to secure Poland's commitment to the Charter of Fundamental Rights best evidences this.

### **Poland's Opt-out**

Although the Kaczynskis' dominance over Polish politics came to a close in 2007, before the PiS-LPR-SO coalition collapsed, the Kaczynski brothers had mobilized a campaign against the EU Charter of Fundamental Rights. L. Kaczynski, who remained President following PiS's ouster, and his brother, had vehemently opposed Poland's adoption of the full text of the EU Charter. This will be analyzed in greater detail in the following chapter. However, the EU response will be addressed here. The EU Charter of Fundamental Rights, which had served largely symbolic purposes in European Law, was to become binding. The codification of the Charter into EU law was stipulated in the Lisbon Treaty (Ole Huseby 2009: 106). However, the

Kaczynskis opposed the Charter because they felt that it had the potential to compel Poland to adopt laws and policies that did not align with its catholic tradition, particularly gay marriage, (Ole Huseby 2009: 106). This left the EU with two options: it could either attempt to compel Poland to adopt the Charter as it was, or it could acquiesce to the Kaczynskis' demands. Because Poland was already a member state, and notably the largest new member state by a significant margin, EU conditionality was severely curtailed. Poland's official protocol stipulates that, "the Charter [will] not affect in any way the right of Member States to legislate in the sphere of public morality, family law, as well as the protection of human dignity and respect for human physical and moral integrity" (Barnard 2010: 266). Since L. Kaczynski had consolidated his political base largely based on homophobic rhetoric as described in chapter 1, it was not in the Polish president's, nor his party's, interests to permit these changes to the *acquis*. This created a situation in which the EU was effectively forced to acquiesce to Poland's demands for an opt-out, or compromise the unilateral adoption of the Lisbon Treaty (Brady and Barysch 2007: 3-4, McDermott 2010: 757). This was realized by amending the British Protocol on the right to strike, which leaves room for interpretation concerning its legal status as a true opt-out (McDermott 2010:747-749, Barnard 2010:276-279). Thus, the EU agreed to permit Poland to "opt-out of its Charter of Fundamental Rights so that Poland could retain its right to adopt anti-gay policies on the grounds of national tradition and Poland refrained from blocking Lisbon's ratification.

This Protocol is significant for several reasons. As discussed earlier in the chapter, the EU had criticized Poland for violations of both EU law and norms particularly with regards to gay rights. Despite this condemnation and the explicit concern over Poland's human rights record, the Commission permitted Poland to retain the right to implement social policies that could potentially pointedly violate EU norms. This implies that the EU, which demands human



rights protection in foreign countries receiving aid, is willing to bargain with human rights internally to achieve its ends (McDermott 2010:752-754). This is important because the Protocol, when interpreted as an opt-out, allows for multiple standards of accountability for human rights protections, largely defeating the purpose of mandatory adoption of the Charter (McDermott 2010: 747-749). While it does not explicitly grant Poland an opt-out, the wording makes it clear that Polish legislators are entitled to draft laws in the national interest that may not conform to the Charter. This limits the ability of the European Court of Justice to initiate proceedings against the two member states for violations of the Charter (McDermott 2010:748-749, EU 2007: Protocol, Jirasek 2008: 5). In the event that the Polish government opted-out of EU human rights legislation on “cultural” grounds, the definition of fundamental rights within the European Union could be challenged. Thus, the Protocol undermines the ability of the EU to catalyze sociopolitical change and promote the rights of marginalized individuals (McDermott 2010: 748) in its borders, setting a dangerous precedent (Holzhacker 2010: 26). The EU did not officially sanction the Polish government for its homophobic rhetoric and, instead, implicitly accepted Poland’s right to discriminate against sexual minorities on “cultural grounds”. This policy of respecting cultural sensitivities, or rather of appeasing member states so as to eschew divisiveness rendered the EU largely incapable of adequately addressing gay rights in the Polish context, although particular instances of discrimination were addressed as discussed above. While the Union’s institutions largely failed to combat the politicization of homosexuality in Poland, Europeanization of Polish society has had some impact on the gay rights movement.

## **Benefits of EU Integration?**

As discussed above, European accession integration did not produce many tangible legal benefits for gay rights activists in Poland as the policy changes implemented served largely symbolic purposes and the ability of Polish legislators to challenge certain aspects of EU law was enshrined in the Lisbon Treaty. However, Poland's entry into the EU catalyzed a process of Europeanization that has exposed Poles to Europe and European ideals. Polish academic, Tomasz Basiuk, has stated that, while integration's legal affects had been limited largely to the Labor Code amendments, it had also afforded Poles the opportunity to experience Europe through work, travel, and study (O'Dwyer 2010: 238). When interviewed by Connor O' Dwyer in mid-2007, KPH's leaders Robert Biedron and Marta Abramowicz fundamentally disagreed over the potential ability of the EU to affect Poland's gay rights policies. Biedron largely dismissed the EU's capacity to compel changes, whereas Abramowicz believed that the EU had the potential to influence policy, though its decision to avoid drastic action against may have emboldened anti-gay politicians. Other activists interviewed also challenged the benefits of EU accession for homosexuals (O'Dwyer 2010: 238-239). Despite the EU's failure to tackle the issue of Poland's politicized homophobia, accession did bring Poles into the European community and commenced a process of socialization that would benefit Polish LGBT advocacy groups.

As has been discussed thus far, the political landscape during the first few years following EU accession was defined by politicized homophobia. This made it particularly difficult for gay rights activists to secure institutional protection for Poland's homosexuals. PiS's domestic social policy included not only anti-gay rhetoric, but also attempts by the PiS regime to silence homosexual activists. This was a manifestation of the ability of an opposing movement to

block progress (Fetner 2008: 127-128). This will be discussed in greater detail in the subsequent chapter. This dynamic causes movements to continue their activism as the potential for losses looms (Fetner 2008: 127-128). In the Polish context this meant that gay rights activists, disillusioned with domestic politics (Holzhacker 2006: 5) sought protection on the EU level. EU integration afforded KPH and other gay rights organizations opportunities that were not available to them prior to EU accession. EU funds and programs combating discrimination and supporting LGBT activism were made accessible (Holzhacker 2006:5). Of course, these programs were only as effective as their implementation. As has been detailed throughout this chapter, while resources existed for gay rights activists (Holzhacker 2006: 5), the PiS government often made it difficult for activists to access these funds. As has been shown, the EU eschewed applying direct institutional pressure to challenge the PiS government's politicized homophobia, opting instead for ineffective criticism. However, it must be noted that, as attention repeatedly turned to the PiS government's politicized homophobia (attention which was itself generated by promoting its anti-gay campaign), democratic norms to which the Polish government, despite being anti-gay, was bound as an EU member limited anti-gay legislation, particularly concerning limitations on freedom of assembly (Holzhacker 2010: 29-30).

## **Conclusion**

Chapter 2 has discussed the role of the EU in the politicization of homophobia in Polish politics following accession through PiS's downfall. I have argued that the EU had been largely ineffective in realizing legal changes to secure gay rights in new member states, partially a result of the issues minimal salience in accession negotiations, but also a result of the EU's aversion to pursuing the implementation of potentially divisive social policy. I have also shown that EU had failed to condemn effectively the PiS government's homophobic rhetoric. Although the EU did

chastise the PiS coalition, these criticisms served largely symbolic purposes and rarely translated into concrete policy actions. I have demonstrated that, in spite of these criticisms and the EU's purported commitment to human rights, Polish officials' demands that they could opt-out of EU legislation concerning fundamental rights were met. However, the failure of the EU to address Poland's gay rights deficit must be weighed with the benefits of EU integration, particularly exposure to the rest of Europe. Instead of initiating policy changes favorable to gay rights, the EU's looming reminder that basic human rights must be ensured by member states, small legal changes, and criticisms of Poland's government curtailed the PiS regime's power to actively legislate against homosexuality and have slowly exposed Poles and Polish society to European attitudes concerning homosexuality and its place in domestic society.

## Chapter 3: PiS on the Attack

This Chapter will examine the relationship between PiS and KPH. It will focus on the level of interaction between the two organizations. To accomplish this, I will explore the role of homosexuality as a key component of PiS's public policy agenda from the party's election to parliament in 2005 through the death of Lech Kaczynski in 2010 and the subsequent presidential election. Specifically, I will consider PiS's motivations behind key incidents of anti-gay political rhetoric and action and then investigate KPH's responses to these incidents. I will focus primarily on well-publicized events and policies as these are both better evidenced and, more importantly, more recognizable to the Polish public as a result of their exposure. I will then evaluate the effect of KPH's actions on PiS's anti-gay platform and how these interactions transformed both groups. I will argue that, although the political arena from 2005 to 2007 was replete with homophobic rhetoric, the gay rights movement actually flourished. National attention kept turning to an issue Poles had historically ignored and knew little about, thus increasing their exposure to the issue. This gave activists a platform to speak from and granted KPH greater visibility, in turn increasing their political influence as an anti-PiS organization. I will argue that a strategic shift from a solely pro-gay to a pro-democracy approach, which challenged the ruling elite's statements, characterized this time period.

### **2005-2007: Homophobia as a national policy**

This section will examine critical events concerning the gay rights movement that occurred between 2005 (following PiS's election) and 2007. Each event will be analyzed as a case study of the interaction between the Polish Right (which will largely, though not exclusively, be PiS and members of its coalition) and KPH and its cohorts. I will show how the

Polish Right and Polish gay rights activists interacted, both symbolically, and directly and how the actions of one and the reactions of the other shaped each movement. I will demonstrate that the escalating homophobic rhetoric from Poland's political elites, and the general reluctance of the EU to chastise the Polish government, catalyzed a strategic shift in the methods employed by gay rights activists. Recall from Chapter 1 that, although the 2005 Polish parliamentary and presidential elections were characterized by PiS and LPR's politicized anti-gay message, the right did not launch a full-blown attack on members of Poland's LGBT community. Once the PiS government entered office, however, this quickly changed. Most striking were the brazen institutional attacks on minority groups, attacks that garnered the criticism of the European Union as discussed in the previous chapter. This criticism was not only dismissed by the political elites, but was spun as an attack on Poland and its traditional values.

### *Poznan March for Equality*

On November 18<sup>th</sup>, shortly following the 2005 election cycle, activists in Poznan planned to hold a "March for Equality" during the Days of Equality and Tolerance<sup>8</sup> (Gruszczynska 2009: 313). This event was intended to protest various forms of discrimination including those arising from skin color, gender, disability, and sexual orientation. The city's mayor banned the march several days before it was to take place on the grounds that it threatened safety and public property. Threats to public morality were not mentioned. When organizers appealed to the voivodship president, he upheld the mayor's decision on the same grounds (Przybylska 2005). While both of these politicians cited safety concerns, PiS and LPR politicians, fully aware that this demonstration was already not sanctioned, attacked the March for Equality on the grounds

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<sup>8</sup> This event was to take place on the day of international tolerance and also on the 20<sup>th</sup> anniversary of the beginning of "Action Hyacinth", which was a campaign by Poland's communist authorities to register homosexuals (Gruszczynska 2009: 322).

that it would promote homosexual propaganda. They disregarded the message of tolerance that organizers sought to promote and instead, focused on the inclusion of homosexuality as an anti-Polish event (Kowalczyk 2006, Gruszczynska 2009: 319). KPH responded to this ban by publishing an open letter addressed both to the authorities that banned the march and the PiS and LPR politicians who spoke out against it. Their letter includes elements of a legal appeal, citing Article 32 of the Polish Constitution, which stipulates “no one should be discriminated against in their political, social, or economic life for any reason” (Polish Constitution). KPH reminds officials that freedom of assembly is a constitutional right of Polish citizens. However, they also chastise the ruling coalition and L. Kaczynski for their homophobic statements and opposition to pro-gay demonstrations. The letter also recalls statements made by the former Chairman of the Warsaw City Council, who had been elected as a PiS member of the Polish Senate, Przemyslaw Alexandrowicz in which he proclaims his opposition to alternative sexualities including homosexuality, pedophilia, necrophilia, and bestiality. KPH insinuates that, by proclaiming his unequivocal opposition to “marches of gays and lesbians” the President has violated the Polish constitution he is tasked with protecting. Employing Kaczynski’s campaign rhetoric, the letter asks if in the “fourth Polish Republic<sup>9</sup>, there will be space for those who think differently than the ruling party?” (KPH 2005)

The authorities did not relent, however activists decided to proceed with the March as planned. Marchers were initially permitted to walk through Poznan; however, they were met with counterdemonstrators from *Młodzież Wszechpolska* and local PiS and LPR politicians. Counterdemonstrators chanted homophobic slogans including “Fags to the gas chamber”. Sixty-five marchers and over a dozen counterdemonstrators were arrested and charged with illegally

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<sup>9</sup> Poland is in fact the Third Polish Republic.

protesting and the marchers were forced to disband (Policja zablokowała 2005, Gruszczynska 2009: 313). According to Green Party member Dariusz Szwed, Poznan's mayor compromised because he could not secure the marchers' safety by violating Polish law (Policja zabokowala 2005). As Grobelny was the mayor a year earlier during the March for Equality in 2004, which he permitted to take place, it is important to consider the role that PiS's election played in his decision to ban the march. During meetings with the city authorities, organizers of the march were implored to consider relocating to an area outside of the city, where they would be less visible and less likely to offend "public morale" (Gruszczynska 2009: 320). PiS's election and the formation of the right PiS-LPR-SO coalition espoused a conservative social policy largely founded on an opposition to gay rights. While Grobelny may not have shared the views of the new regime, the social agenda of the coalition was clear (Gruszczynska 2009: 320). The Mayor feared reprisals from local LPR and PiS politicians and counterdemonstrators who Szwed describes as "bandits". The homophobic views of these individuals were not only legitimized, but also emboldened, by PiS's electoral successes. The mayor's decision was made with the memory of rioting that had taken place during the previous March for Equality (Przybylska 2005, Policja zablokowala 2005).

The demonstration surrounding this event marks a fundamental shift in the strategies of Polish gay rights activists. That is, prior to the events surrounding the 2005 ban on the Poznan March for Tolerance, activism was largely based on increasing visibility of homosexuals and promoting a pro-gay message—a message of tolerance—as described in earlier chapters. The perception of a police crackdown on marchers promoting equality and democracy was that, in Kaczynski's Poland, civil liberties were threatened (Gruszczynska 2009: 324). Although the conservative PiS-LPR politicians opposed the March because it included homosexuals, the ban



violated a central tenet of democracy: freedom of assembly. Thus, the march tested the new PiS regime's commitment to democratic norms, a test that it failed (Gruszczynska 2009: 321). Gay rights activists were able to capitalize on the anti-democratic elements of the ban. They found that, shifting to a pro-democracy platform infused with an element of minority protection and tolerance was more suitable for public consumption than one focused strictly on gay rights (Gruszczynska 2009: 325-326; Szczeplocki 2012). The refusal of the Polish government to address constitutional violations in Poznan provided KPH and gay rights activists with a basis for a new strategy that could more effectively influence the Polish voter. That is, not only do right parties "hate gays", they can, and will, also indiscriminately violate democratic principles (Gruszczynska 2009: 325).

The decision to ban the March for Equality and the police action against marchers garnered an astounding response from the Polish population as attention was drawn to the anti-democratic tendencies of the ruling coalition. Several days later, protestors held an event supporting democracy in Poznan. However, these demonstrations were not limited to displays of support for Poznan. They developed into a national, and even international, campaign to "Reanimate Democracy". Demonstrations were held on the 26<sup>th</sup> and the 27<sup>th</sup> in several of Poland's largest cities including Krakow, Warsaw, and Wroclaw and in Budapest, Vienna, Berlin, and London (Kowalczyk 2006). These expressions of solidarity with the marchers not only brought attention to the democratic deficit that was growing in PiS Poland, but also generated increased discussion, domestically and abroad, surrounding the sociopolitical situation of homosexuals in post-accession Poland (Gruszczynska 2009: 313). The EU Parliament would eventually turn its attention to Poland's tolerance deficit, as discussed in Chapter 2. How this impacted the relationship between PiS and gay rights activists will be discussed later in this

chapter. It is important to note here that, until activists could reframe PiS's homophobia as anti-democratic, Poles' exposure to gay rights was largely a result of *Niech nas Zobacza* and media coverage surrounding the Warsaw *Parada Rownosci* bans. The messages of these were pro-gay. This message changed following the "Reanimate Democracy" demonstrations and condemnations from both international and domestic organs. Even Poland's Constitutional Tribunal and the Voivodship Administrative Court ruled that the ban had violated democratic norms (Kowalczyk 2006) Thus, by creating an environment that compelled a local politicians to suppress a group's right to freedom of assembly, PiS gave gay rights activists a cause into which they could insert their message of freedom, tolerance, and equality, without directly challenging the Polish public's discomfort with homosexuality. PiS not only generated attention for gay rights activists, but also provided it an opportunity to reframe its message. However, the "us/them" language (Fetner 2008:123) mobilized by KPH was not limited to distinguishing KPH from PiS, but rather the "us" became pro-democracy voices and the "them" became anti-democratic authoritarians (Szczeczplowski 2012).

### *The Politicization of Education*

In 2006 the PiS-LPR-SO coalition appointed LPR's Roman Giertych to the position of Minister for National Education. He was also to be a Deputy Prime-Minister. Although homosexuality had not been portrayed in a positive manner by the Polish education system prior to Giertych's reign, he championed the transformation of education policy and administration into a political battleground obsessed with combating "homosexual propaganda" (Biedron and Abramowicz 2007: 51). As a member of the conservative LPR, Giertych's positions on homosexuality were no secret. Shortly after assuming office, Giertych dismissed the Director of the *Centralny Ośrodek Doskonalenia Nauczycieli* (National In-Service Training Center, CODN),

Mirosław Sielatycki, for his role in approving a publication that connected rights of sexual minorities to greater questions of human rights for use in schools. The Council of Europe produced this publication, titled *Compass*, for educational purposes, which had been published the previous year (Biedron and Abramowicz 2007: 52). The ministry particularly objected to what it perceived as an open invitation in “*Compass*” for representatives of sexual minorities to enter schools. This stems from a suggestion in the manual for schools to contact local gay and lesbian organizations to speak with students about issues facing minorities domestically (Szeferm CODN 2006, Biedron and Abramowicz 2007:52). Giertych found the positive portrayals of homosexuality and the sympathetic descriptions of LGBT rights unacceptable. International and domestic backlash ensued; however, the Minister did not abate his attacks on Poland’s LGBT community (Biedron and Abramowicz 2007: 52-53). Giertych’s entire educational platform was driven by an ideology that sought to realize the indoctrination of Polish youth into conforming members of Polish society (Pezda 2006(a)) and explicitly attempted to ostracize the LGBT community. Among the responses to Sielatycki’s dismissal was a letter of criticism from Education International, which cautioned Polish education officials that their actions violated international standards promoting independence of the teaching profession. The letter also expressed concerns over the homophobic policies of the Polish government, suggested that the Polish Ministry of Education adopt an educational policy promoting tolerance, and asked the PiS government stop promoting discrimination. The letter references Directive 2000/78/EC as a reason why the Education Minister’s actions were not justified (van Leeuwen 2006). Recall from Chapter 2 that this EU directive serves largely symbolic purposes because it reserves a great deal of discretion in hiring practices for national governments. Thus, these appeals to EU law

ultimately prove largely useless and symbolic for gay rights and anti-discrimination activists. This will be discussed in greater detail later in the chapter.

The backgrounds and statements of two individuals appointed to replace Sielatycki and head the CODN further illustrate the importance of homosexuality in Giertych's education policy. His first appointment, Teresa Lecka, was a former religion teacher. When asked by *Gazeta Wyborcza* about her opinions on homosexuality, she did not hesitate to say that youth needed to be educated about the dangers it posed to their proper development. Furthermore, she took a rather interesting spin on the Giertych's anti-gay campaign: the "problem" of homosexuality should be addressed in schools (Biedron and Abramowicz 2007: 53, Pezda 2006 (b)). Students, she declared, should be instructed to understand that homosexuality is an illness, which must be combated (Pezda 2007 (b)). Several months after appointing Lecka, Giertych tapped the treasurer of the *Młodzież Wszechpolska* to fill position of assistant director of the CODN, which became available following the resignation of its previous occupant in protest of increased *Młodzież Wszechpolska* influence (Pezda 2007 (c)). Pawel Zanin had no educational experience and limited administrative experience prior to his appointment to this position. When interviewed by *Gazeta Wyborcza* and asked his opinion of homosexuality, his response was that it is a diseased ailment and that he recalls when a high school teacher tried to persuade students that homosexuals could be distinguished. He interpreted this as an "encouragement" of homosexuality, which he believes has no place in schools. Particularly troubling, is that when questioned about his educational qualifications, he declared that he is an activist in an organization that educates youth (Pezda 2007 (c)). Recall from earlier chapters that *Młodzież Wszechpolska* is a hard-right neo-fascist organization that actively attacks homosexuals in Poland. Thus, by early 2007, the Polish Ministry of Education was run largely by vehemently

homophobic members of the PiS-LPR-SO. *Gazeta Wyborcza* stated that, Giertych's education ministry did away with education experts and replaced them with experts about racial and sexual purity (Pacewicz 2007). Giertych stated that "once we restructure schools, in 20 years we will have a restructured society. This is a simple mechanism" (Pacewicz 2007). That is, a simple mechanism to fundamentally alter Polish society through educational propaganda. With his supporters running the Ministry of Education, Giertych attempted to reform Polish, and even European, law to combat "homosexual propaganda".

In March of 2007, Minister Giertych proposed a law that would have banned the promotion of homosexuality in Polish schools. Vice-Minister of Education, Miroslaw Orzechowski (also a member of LPR) explained to reporters that the purpose of the law was to punish individuals who promoted homosexuality in schools the same day the law was announced publicly (Giertych realizing promise 2007). An interesting debate followed the law's introduction that dragged on for several months. Recall that the EU Parliament expressed concern over Poland's escalating homophobic rhetoric, particularly on this issue. KPH's Robert Biedron did not hesitate to express his frustration with the EU's failure to adequately address the escalating homophobic rhetoric that characterized the PiS-LPR-SO regime. He notes that the EU reacts quickly to many issues, but has done nothing to actively combat discrimination and intolerance in Poland, even when the regime had violated EU program guidelines as a means of advancing its agenda (Giertych realizing promise 2007). The programs referenced by Biedron are EU Youth programs, which the Ministry of Education has the power to allocate to groups. One incident involved the rejection of a KPH volunteer's application for funding to complete a European Voluntary Service assignment in Sweden on the grounds that this promoted "homosexual attitudes [which was not] the role of the Ministry" (Biedron and Abramowicz

2007: 54-55). Biedron is also referencing the Ministry's refusal to grant KPH EU funds to hold a retreat that would include discussions about gender and workshops about prejudices concerning sexual orientation. This retreat, Ministry officials claimed, promoted the "introduction of chaos into children's psyche" (Furtak 2006). However, KPH officials stressed in a letter to the Ministry of Education that all participants were, in fact, adults. Thus, even the ideological justification was baseless. Despite the EU Commission's decision that the project should receive EU funding, and a letter of protest to the Ministry and various members of parliament, no action was taken and the government was not compelled to grant KPH funding (Biedron and Abramowicz 2007: 52-55).

The Ministry of Education, under Roman Giertych, conducted a vicious campaign against homosexuality that constantly brought the issue into public debate, while concurrently seeking to eradicate "homosexual propaganda" from schools and the educational system. Only two months after proposing the legislation discussed above, Giertych announced that, because schools serve to educate youth to have a traditional family life, they cannot condone anything that undermines the family, including alternative family structures (i.e. two mothers or two fathers). Homosexual propaganda, as viewed by the Minister, constituted presenting homosexual behavior with the intention of recruiting<sup>10</sup> a student (Pezda 2007(a)). Critics attacked him for perpetuating homophobia and even described his actions as homosexual propaganda. Deputy Minister of Labor, Joanna Kluzik-Rostkowska, attacked LPR and Giertych for their incorrect assumption that homosexuality is a deviation in *Gazeta Wyborcza*. She states that her concerns lay not with the promotion of homosexuality, but with the aggressive promotion of sexuality in general. The

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<sup>10</sup> I use the word recruiting because that is what the Minister and many of his cohorts seek to convey when they make statements about homosexual propaganda. The more direct translation of the phrase is convincing or persuading. However, the fear here is recruitment to homosexuality.

only “homosexual propaganda” that exists in Poland, she argues (and claims she read on the internet), is being committed by Minister Giertych. She posits that, by giving homosexuality so much attention, the Minister is actually having the opposite effect that he intended (Pezda 2007 (a)). KPH and other gay activists specifically sought to challenge the Minister’s homophobia and present the potential dangers associated with misinformation and the propagation of anti-gay rhetoric. This was done through awareness raising campaigns. While Polish officials increasingly attacked same-sex couples, the homosexual lifestyle, and members of the LGBT community, homosexuality continued to be a relevant topic and gay rights groups benefited from the constant attention. Poles had limited experience with homosexuality, as discussed earlier, and thus the constant stream of events related to homosexuality increased their exposure to the LGBT community. Activists were able to capitalize on this exposure as they fought the ruling coalition’s anti-gay politics and attempted to catalyze changes in the perception of homosexuals. This will be discussed in greater detail later in the chapter.

### *The Government on Homosexuality*

KPH’s founder and long-term President, Robert Biedron, claims that Poland’s political elites largely negated the problem of Polish homophobia, while concurrently utilizing it as a tool to consolidate political support and differentiate “Catholic Poland” from the rest of Europe (Biedron 2007: 37-38). Kazimierz Marcinkiewicz (PiS) became Poland’s Prime Minister following the 2005 parliamentary elections. In an interview with *Newsweek Polska* several weeks before the formation of the governing coalition, Marcinkiewicz expressed his views on homosexuality. While he claimed that he did not care if individuals were homosexuals, he did believe they were “diseased”, that homosexuality was “unnatural”, and that it was worthy of

condemnation (Wierzę w kapitalizm 2005). <sup>11</sup>He stated that, “if homosexuals begin to violate the freedom of other citizens, [the government] could not permit this. The promotion of homosexuality violates freedom of other citizens” (Wierzę w kapitalizm 2005). He rationalizes his party’s attack by claiming that displays of homosexuality violate the rights of other citizen’s to live free of homosexual influence. However, in their attempt to “protect” Polish citizens’ freedom from “homosexual propaganda,” PiS fails to protect the freedoms of their critics. Although many Polish politicians espoused this attitude following Poland’s accession, the PiS-LPR-SO coalition, and even the more liberal PO did not only employ homophobic rhetoric as a political tool, but actively sought to marginalize Poland’s sexual minorities. One of the first actions of the new government was to eliminate the Office of the Plenipotentiary for the Equal Status of Women and Men. This office was responsible for initiating anti-discrimination legislation. Polish NGOs representing groups marginalized by Polish society including women, sexual minorities, and religious and ethnic minorities protested the government’s decision to abolish the office. It was reconstituted as a branch of the Ministry of Labor several months later as the Department for Women, Family and Preventing Discrimination (UniFem 2006). This department’s mandate explicitly dealt with women and the family and it was subordinated to another ministry. The new mandate reflected PiS’s vision for a Fourth Polish Republic focused on the “traditional Polish family”, a tradition with no room for homosexual families. The anti-democratic tendencies expressed by PiS officials in public statements helped catalyze the shift

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<sup>11</sup> When questioned about his view on freedom of the media, the future Prime Minister expressed his belief that the government should introduce measures to protect the public from demoralization and ban “pornographic writing”—a reference to discussion of homosexuality (Wierze w kapitalizm 2005). <sup>11</sup> Recall the Deputy Minister of Labor’s criticism of the governing coalition’s constant discussion of sexuality in general. When LGBT groups discussed homosexuality, the PiS government accused them of “propagating homosexuality”. These same individuals constantly generated discussion on the topic.



from a largely pro-gay awareness raising strategy to one incorporating a strong pro-democracy message.

It is interesting to note that, following the EU Parliament's explicit criticism of Poland in June 2006, as described in Chapter 2, the Polish parliament adopted a resolution that condemned the EU's "attacks on Poland" (Polish Parliament. 2006). This resolution pointedly states that, "the protection of minorities and the fight against intolerance is one of the constant concerns of the President, Parliament, and the Government of the Republic of Poland" and that "the Polish Sejm, identifying with the Judeo-Christian moral heritage of Europe, does not approve of utilizing concepts such as 'homophobia' in EU documents" (Polish Parliament. 2006) The resolution then explicitly states that Poland has been a nation that traditionally protects ethnic and religious minorities. Although the resolution was sponsored by PO, PiS's addendum included stipulations that incidents of intolerance are completely marginal, and that they are met with swift governmental recourse, and cannot be generalized to reflect Polish societal opinion (Sejm skrytykuje 2006). While the resolution addresses the EU Parliament's condemnation of Polish discrimination, the only substantive mention of homophobia is the proclamation that discussing homophobia in EU documents violates Europe's Judeo-Christian heritage (Polish Parliament 2006). Recall that members of the government had initiated bans against demonstrations promoting tolerance and spoken out actively against homosexuality. Thus, as Biedron states, the government completely negates its anti-gay political rhetoric and policies of discrimination by simply stating that homosexuality is not European. Therefore, the Parliament believes that the EU should not use this term to criticize Poland, which has a tradition of tolerance anyway. Officially adopting this policy of negation would ultimately backfire and would prove particularly problematic when Giertych went on his campaign against

homosexuality. Furthermore, it would also give gay rights activists a simple point to counter. That is, as the right attempted to promote the message that Poland was a nation defined by its “tradition of tolerance”, gay rights activists would be able to showcase the intolerance that characterized Polish society and the impact this had on marginalized Poles.

Before I turn to a more focused analysis of the strategic approach developed by gay rights activists during the PiS years, it is important to examine statements made amid Giertych’s attack on Poland’s LGBT minority. J. Kaczynski, shortly after his appointment to the position of Prime Minister in 2006, attempted to mollify the EU’s concerns over the ruling coalition’s homophobic campaign. During discussions with EU Commission President Manuel Barroso, he claimed that Poland’s homosexual institutions functioned normally and that Poland was not homophobic. Barroso appeared satisfied with the Prime Minister’s claims (Parker 2006). . Kaczynski reaffirmed his opinion that the tolerance of homosexuality and its support are fundamentally different in 2007 following Giertych’s proposal to ban “homosexual propaganda” from schools. The Prime Minister claimed that he supports tolerance of homosexuals, but does not support promoting the lifestyle in schools. He specifically cites Poland’s long-standing decriminalization of homosexuality and states that intolerance towards homosexuals “is not Poland’s problem, because this is not Polish tradition” (Premier o gejowskim style 2007). The Prime Minister claims that following democratization, there has been a proliferation of homosexual media, clubs, literature, and institutions and as such he does not “really see that there exists an issue [in Poland]” (Premier o gejowski syle 2007). Both the Prime Minister and the Deputy Minister of Education, Orzechowski, explicitly note that the anti-propaganda legislation would not affect the rights of homosexual individuals “affected by the condition” (Premier o gejowskim style 2007). His views mirror statements made by his brother in Ireland (interestingly enough another fiercely

Catholic country) only several weeks earlier. During this visit, L. Kaczynski defended his decisions to ban the 2004 and 2005 Warsaw Equality marches on the grounds that if a homosexual “approach to sexual life were to be promoted on a grand scale, the human race would disappear” (Brennan and Byrne 2007). He did, however, admit that he recognizes homosexuality occurs naturally, as he claims to have gay friends, and that he does not believe homosexuals should be cured (Brennan and Byrne 2007). There is however a difference in severity that defines the brothers’ statements, which will be addressed later in the chapter. The Kaczynski brothers denied responsibility for the homophobic rhetoric that came to characterize their coalition. They claimed that homophobia was not a widespread issue within Polish society because of Poland’s tradition of restrained tolerance, a tolerance that they purported to uphold while attempting to concurrently preserve the nation’s mythical Catholic tradition. As has been shown, the brothers did not always actively promote integral homophobia and did not want to eradicate homosexuality, although they certainly blurred lines between the two kinds of homophobia. However, by actively advocating against “displays of homosexuality” and possessing an election mandate based on reconstitution of the 4th Polish Republic upon Catholic mores, they mobilized homophobic sentiment throughout Polish society. As has been discussed above, by bombarding Polish society with homophobic rhetoric, the PiS coalition kept homosexuality a relevant sociopolitical issue, generating unprecedented attention for gay rights activists.

### **Gay Activists Fight Back**

PiS’s electoral success and the formation of the right-wing PiS-LPR-SO forced gay rights activists to change their approach towards activism. While local PiS politicians had attempted to

ban public displays of homosexuality and LPR had spoken out against homosexuality, these politicians had not dictated the course of national policy. However, as positions on homosexuality defined the social platforms of political parties during the 2005 campaign, PiS's electoral success and its formation of a coalition with LPR thrust these homophobic politicians into political office. As discussed earlier in this chapter, local politicians, who had previously lodged no objection to gay demonstrations, were uncertain how the ruling coalition would proceed with its realization of the "4<sup>th</sup> Polish Republic". Thus a ban was issued against the March for Tolerance in Poznan and police arrested protestors (Gruszczynska 2009). As discussed earlier in this chapter gay rights activists began to challenge the coalition's commitment to democratic principles. PiS's anti-gay message forced them to re-frame their activism. They were forced to shift the message of their activism from "upbeat, educational, and inclusive" (Fetner 2008: 122) to anti-PiS and focused on combating discrimination of sexual and other minorities.

### *Promoting Tolerance and Combating Discrimination*

Shortly after the 2005 elections, KPH published a handbook titled *Jestem Gejem, Jestem Lesbijka. Komu moze o tym powiedziec* (I'm gay. I'm a lesbian. Who can I tell about this?). Although similar in name to the *Jestem Gejem, Jestem Lesbijka. Poznaj Nas* campaign discussed in Chapter 1, the explicit goal of this handbook was to instruct psychologists on how to interact with members of the LGBT community and convince readers that LGBT individuals were, in fact, just like heterosexuals. KPH bases a large part of the information contained in the handbook on questionnaires distributed during a series of seminars titled "Tolerance Workshops" (Abramowicz and Bratkiewicz 2005: 5). The handbook addresses stereotypes and prejudices and how the two can fuel discrimination (Abramowicz and Bratkiewicz 2005: 7, 11-12). It enumerates the various kinds of discrimination that individuals can experience including race,

religion, sexual orientation, etc. (Abramowicz and Bratkiewicz 2005: 10-11). After introducing the reader to the idea of discrimination and stereotyping, the handbook specifically addresses the common stereotypes associated with gays and lesbians in Poland and then poses and answers 22 questions (Abramowicz and Bratkiewicz 2005: 12-22). Several of these questions are fairly basic and seek to explain the concept of sexual orientation and the formation of sexual preference. Several others are rather specific and address general gay and lesbian stereotypes, whether homosexuality can be cured, and whether or not gays and lesbians can be happy (Abramowicz and Bratkiewicz 2005: 14-18). The handbook also asks about “the difference between homosexuality and pedophilia”, the reason “gays and lesbians organize marches and parades”; and the reasons “gays and lesbians need to discuss their sexual orientation” (Abramowicz and Bratkiewicz 2005: 19-21).<sup>12</sup> If we recall statements made by members of the ruling coalition both prior to and immediately following the 2005 parliamentary elections, we recognize that the three questions directly address the campaign of politicized homophobia that defined PiS’s and LPR’s platform. The inclusion of these questions in a document intended primarily to educate psychologists evinces the pervasive influence of the anti-gay political rhetoric that characterized Polish politics. Because the Polish Right had been so successful electorally and thus had secured a platform from which to further promote its vision of a “traditional Catholic nation”, KPH was forced to challenge its inflammatory rhetoric. It is important to note that KPH addressed the right’s homophobic propaganda in a serious and constructive way. These questions were not dismissed as simply damaging political rhetoric. Although this handbook is just one example of KPH’s publications, the questions discussed demonstrate the influence of PiS’s anti-gay agenda on the issues tackled by gay activists. Of particular note is the assertion that all demonstrations

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<sup>12</sup> Although this document is presented as a handbook for psychologists, it also addresses the contemporary legal situation for Poland’s homosexuals amid a discussion of psychological problems that may be encountered (Abramowicz 2005: 22-32, 40-41).

involving sexual minorities in Poland are protests against discrimination in general (Abramowicz and Bratkiewicz 2005: 20). Thus demonstrations involving sexual minorities are not necessarily framed as pro-gay advocacy, but as protests against all manifestations of discrimination in Poland. KPH would continue to present the struggle of Poland's sexual minorities as part of a greater struggle against discrimination. Gay rights activists would also, as discussed in the context of the Poznan March for Equality, market many of their events not as strictly pro-gay, but also as anti-Kaczynski (Szczeczplocki 2012).

In 2005, the Regional Administrative Court had ruled the ban on the Poznan March for Equality illegal, which forced authorities to permit the 2006 March to take place unimpeded (Gruszczynska 2009: 325). Marchers carried signs reading "Poznan for Equality, Tolerance, Solidarity", "Jointly Against Discrimination", and "Poznan is a city of the future and tolerance" along with rainbow flags (Przybylska 2006). The march celebrated the marchers' victory in the court. The 2006 March for Tolerance in Krakow, organized by the independent Foundation for a Culture for Tolerance, also occurred largely unimpeded, though marchers were met with nationalist protestors. Green Party member Rafal Malarski, who took place in the March, claimed that police responded very slowly to the violence against marchers, despite witnessing several acts of violence (Malarski 2006). Like the decision by the Regional Administrative Court, the Polish Constitutional Tribunal ruled that the cited violation of traffic patterns was not a sufficient reason to violate freedom of assembly<sup>13</sup>. An administrative court ruled that a demonstration could not be banned, as had been in the past, on the grounds that a counter demonstration was to take place in the same area (Fusiecki 2006). Therefore, the Warsaw city

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<sup>13</sup> In early 2007 the non-EU European Court of Human Rights (ECHR), in *Baczkowski vs. Poland*, ruled that the ban on the 2005 Warsaw *Parada Rownosci* had violated the participants' right to freedom of assembly (van den Bogaert 2007).

council was forced to permit the 2006 *Parada Rownosci* to take place. The chief of the magisterial bureau of safety stated that he hoped the court would take responsibility in the event of physical altercations (Fusiecki 2006). These early legal successes would also shape the strategies of gay rights activists. Organizations such as KPH learned that courts were willing to rule in their favor, as long as the transgressions against sexual minorities were presented as direct violations of the Polish constitution or Polish law (i.e. an illegal ban on freedom of assembly). Thus the PiS government's battle with "homosexual propaganda" pushed gay rights activists into Polish courts as they appeared more likely to "produce positive social change" (Fetner 2008: 125). This would become an important component of Polish gay rights activism even after the opposing movement dynamic began to fade (Szczeczplowski 2012)

During the PiS years, KPH and other gay rights organizations remained active in Poland despite curtailed funding (Czarnecki 2012, Szczeczplowski 2012) and the onslaught of homophobic rhetoric and sentiment generated and aroused by the ruling coalition. As discussed above, there was a marked departure from earlier advocacy strategies. Although the focus was on LGBT rights, many events included, such as those discussed earlier and the Equality Days in Warsaw, a reference to tolerance and/or to equality (KPH 2006, KPH 2007). Activists also began to place increased emphasis on hate speech in general and in the Polish context as a result of the homophobic rhetoric that Polish society had been introduced to by the PiS led government. KPH organized a conference titled "Hate Speech. Polish Phobias and Prejudices" that brought together representatives from Polish education, NGOs, and the Police. This event took place in early 2006, shortly after the PiS-LPR coalition had formed. They also held an event in Torun that directly addressed the legal, social, and cultural problems facing Poland's homosexuals (KPH 2006). These differed substantially from the KPH's aims prior to the rise of PiS and the

introduction of vehemently homophobic rhetoric into national discourse. Not only were activists forced to tackle this rhetoric, they were also forced to challenge and address the negation that characterized PiS's approach toward rights for sexual minorities. While these strategies raised awareness among subsets of the general population, they did not receive nearly as much public attention as the campaign of politicized homophobia being waged by the PiS-LPR-SO coalition. As a result of this, KPH launched the controversial *Nienawisc Boli* campaign.

In March of 2007, KPH commenced its *Nienawisc Boli*<sup>14</sup> (Hatred Hurts) campaign. The first stage of this campaign lasted a week. Warsaw was plastered with posters that read “What are you looking at faggot?” and “What are you looking at lesbo?”. KPH's stated intention was to expose Varsovians to the hate speech that had infiltrated Polish society with an element of shock. The second stage of the campaign replaced these posters with “Faggot! Lesbo! I hear this every day. Hatred Hurts” (Homofobia. Tak to wyglada! 2007). This generated a discussion about hate speech throughout Polish society. KPH claims that, for the first time, no right-wing politicians commented on a KPH campaign because they feared they would draw attention to themselves and the hateful language they used (Nienawisc Boli 2007). Perhaps most striking about this claim is that the comments made by J. Kaczynski in March of 2007 occurred after the campaign had been launched. The Prime Minister insisted that he tolerated homosexuals and that he simply opposed the discussion of homosexuality in schools. That is, it appears that the approach taken by KPH to focus more on the hate speech that had dominated Polish political discourse, forced PiS and members of the ruling government to refine their politicized homophobia so that it was not perceived as hate-mongering, but rather more concretely as an opposition to homosexual recruitment. The campaign also included a “Week Against Homophobia” which was a pointed

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<sup>14</sup> This campaign was funded by the Council of Europe (Nienawisc Boli 2007).



attack on Poland's culture of intolerance (Tydzien przeciwko Homofobii 2007). The campaign's website explains that the shock aspect of the campaign was intended to mirror the shock value of statements made by the Polish President, Polish MEPs and, members of the Polish government proclaiming homosexuals to be a threat to civilization and pedophiles (Nienawisc Boli 2007). Recall the differences between the two Kaczynski brothers' statements as described earlier in the chapter. L. Kaczynski, speaking before the launch of the campaign, made significantly more inflammatory statements than his brother J. Kaczynski, who spoke after it had been launched. The Prime Minister claimed that he wished to curb homosexual influence, but did not make a bold declaration proclaiming homosexuals to be pedophiles and a threat to human civilization. *Nienawisc Boli* mirrored the strategies employed by *Niech nas Zobacza* to shock Polish society into viewing hate speech. It commenced a societal shift away from acceptance of homophobia and forced mainstream politicians to abandon their hateful rhetoric.

## **Conclusion**

The purpose of this chapter was to show the interaction between PiS and Polish gay rights activists between 2005 and 2007. It demonstrates how the ruling coalition's rhetoric and anti-gay policies shaped both the strategies and the methods utilized by KPH and other gay rights activists to combat the homophobia that PiS's election mobilized within Polish society. Gay rights activists were forced to refocus their efforts on combating homophobic rhetoric in a country only recently exposed to homosexuality. Therefore, they adopted a strategy that focused on promoting tolerance and equality for minority citizens as central tenets of legitimate democratic regimes. While they were forced to go on the offensive, the omnipresent debate surrounding homosexuality, homosexuals, and "homosexual propaganda" exposed Poland to an issue traditionally relegated to the bedroom. Thus Polish society, with almost no understanding

of sexual identity, was thrust into a battle between the Polish government and an ideologically constructed EU driven homosexual agenda. However, this provided gay rights activists with increased opportunity to promote their message of tolerance and equality as a response to the ruling coalition's barrage of attacks. As Polish society became more familiar with the aims of the gay rights movement, a slow culture shift toward tolerance commenced and PiS amended some of its policies. The following chapter will examine the role of homosexuality in the 2007 parliamentary elections and PiS's legacy following their defeat.

#### Chapter 4: Frustrating Moderation

This chapter will examine the collapse of the PiS-LPR-SO coalition and the role of homosexuality in the 2007 Parliamentary elections. Although these elections proved to be a decisive victory for PO, PiS's Lech Kaczynski remained as Poland's president<sup>15</sup> until his death in 2010 and was instrumental in securing Poland's Lisbon Protocol as discussed in Chapter 3. This policy maneuver was Kaczynski's most successful anti-gay policy move, however it also constituted the last significant direct attack on gay and lesbian rights from the ruling political elite. This chapter will dissect changes that occurred to the right's homophobic platform during this time and the ambivalent position of the PO government on gay and lesbian rights. I posit that, as the political influence of Poland's right waned and its anti-gay message became less rhetorically prominent, the opposing movement dynamic started to unravel and the mechanisms through which opposing movements interact largely stopped operating. Although a vehemently anti-gay radical right contingent continues to exist, its negligible sociopolitical influence does not constitute a socio-politically influential opposing movement, thus minimizing the relevance of the LGBT movement.

I will also discuss the effects of a growing tolerance, albeit reluctant, of sexual minorities among Poles on homosexuality's salience in society, which this has been a result of increased domestic familiarity with homosexuality, a familiarity that has been largely the product of PiS's politicized homophobia and the response of activists. I will then analyze the extant organizational structure and strategic approach of the Polish gay rights movement and how they have transformed, focusing primarily on changes at KPH. Finally, this chapter will assess the contemporary sociopolitical situation of the gay rights movement in Poland following the 2011 parliamentary elections.

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<sup>15</sup> Polish presidential term is 5 years.

## 2007 Parliamentary Elections and Homosexuality

### *A Gay Agenda?*

The 2007 Polish parliamentary election was the direct consequence of the PiS-LPR-SO coalition's disintegration. A focal point of the election was criticism of the PiS government's attempts at reconstructing Polish society around its vision of a socially conservative Fourth Republic (Szczerbiak 2008: 415). Although PO ran a weak campaign, it attempted and was able to convince Polish voters that casting their ballots for PO was best way to oust PiS from government (Szczerbiak 2008: 416, 422). PiS ran a successful campaign based largely on its party's record of battling corruption. However, because PiS had a polarizing effect on Polish society and its government's approval ratings had fallen to less than 25%, its influence among swing-voters was negligible (Szczerbiak 2008: 421-422). Following a strong performance in a debate a short time before the election by its leader Donald Tusk, PO reformulated its electoral campaign. It championed economic liberalism alongside social solidarism, as it sought to attract anyone who opposed PiS (Szczerbiak 2008: 422-423). This electoral dynamic had the effect of relegating homosexuality to minimal discussion. Although Tusk acknowledged that his party's policies favored social solidarism, he views homosexuality as a non-salient political issue, which his party assigns little attention. This would come to characterize PO's stance on the issue and will be discussed later. In an interview with *Gazeta Wyborcza* discussing the state of liberalism in Poland prior to the elections, Tusk specifically cites homosexuality as a subject that has received a great deal of attention from vocal minorities, but an issue on which the vast majority of Polish society has a moderate perspective. Tusk states that his government would "cultivate the Polish approach of a soft attitude towards differences and [would] mitigate conflict" (Polacy dobrymi liberałami? 2007). Thus, only two years after PiS had championed a cultural

transformation based in large part on the exclusion of homosexuality from societal norms, the issue had lost its political salience. PiS sought to distance itself from the failed attempts at societal reformation and PO did not want to alienate potential swing voters and eschewed taking a definitive stance on divisive issues. The rhetorical utility of homosexuality had diminished and with it, the mechanisms by which opposing movements influence one another, began to unravel.

*Successes of the 4<sup>th</sup> Polish Republic: The EU Charter*

Although Poland's inclusion in the British Protocol was discussed in chapter 2 and chapter 3 dealt with the PiS government's anti-gay policies, the "opt-out" was not utilized as a political tool until after the formation of the PO government. As discussed above, debate concerning morality was largely absent from the 2007 parliamentary elections. However, several months later, as EU member states began to ratify the treaty, President Lech Kaczynski held a televised news conference. The stated purpose of this conference was to explain the President's decision to not sign the treaty to Polish voters. In actuality, the speech was a final attempt to pitch PiS's anti-gay social conservatism to the Polish public (Graff 2010: 596). In chapter 2, I explained Poland's addendum to the British Protocol, which guaranteed the primacy of Polish law over the EU Charter of Fundamental Rights in the event that a conflict developed. Once he had been installed as Prime Minister, Donald Tusk signed the British Protocol so that Lisbon's ratification went unimpeded as PiS still had a significant representation in the Polish parliament (Tusk: *Nie przekonujmy* 2007). Nowhere in this address does Kaczynski explicitly state that Poland could be forced to adopt gay marriage, the issue at the center of the PiS government's campaign against the Charter. Instead, he notes the document's failure to define marriage as between a man and a woman and the potential of this omission to challenge Polish society's moral convictions. As he questions Poland's level of EU integration, images of a gay male

wedding in Canada are flashed on the screen (Orzedzie Prezydenta RP 2008). Graff states that Kaczynski's primary objective in displaying the images was not to arouse homophobia, but rather to utilize it as a means of achieving national cohesion (Graff 2010: 597). Thus, it was a calculated attempt to invoke Poland's tradition of "otherization" of minority groups as a means of facilitating societal cohesion without launching an explicit attack on homosexuals. This attempt at utilizing an anti-gay appeal to traditional Polish values mimicked the social agenda of PiS's Fourth Republic. However, unlike the 2005 electoral campaign, this strategy backfired.

L. Kaczynski's attempt at rendering homosexuality a politically salient issue failed for several reasons. After the video was aired, the American couple depicted addressed a letter to the Polish President, who did not respond. They then traveled to Poland and were interviewed on television. They discussed their relationship, their Catholic faith, and their belief in family values and were attacked by the Polish Right for challenging Poland's core value structure (Graff 2010: 597-598). However, the right's condemnations of the couple's trip as an element of homosexual propaganda were largely ignored by a society, which had come to view them as victims of Kaczynski's politicized homophobia. Furthermore, the couple appeared to be warm and friendly individuals who presented themselves as devout Catholics in a country where Catholicism and homosexuality had been traditionally considered incongruous, challenging Poland's perception of homosexuality. These men quickly came to be viewed as Kaczynski's victims (Graff 2010: 599). Although Kaczynski had attempted to utilize the Lisbon Treaty to arouse nationalist sympathies, it became clear that anti-gay discourse had lost a significant degree of its political salience and Kaczynski was largely ridiculed for his message (Graff 2010: 599). The discussion surrounding the gay couple's visit forced many Poles to reconsider their perceptions of homosexuality, gay identity, and religion. It also compelled gay rights activists to reconsider

their strategic approach. That is, the American couple touted their commitment to family values and their faith; a foreign concept to Polish society, which tended to associate homosexuality with progressive secularism (Graff 2010: 602). Graff argues that, in the European context, Politicized homophobia is, in a sense, a manifestation of Poland's insecurity. That is, by making homophobic statements and asserting Poland's right to make homophobic statements, Polish politicians are not in fact seeking to discuss sexual freedom, but rather securing Poland's hierarchical position in the EU power structure. Therefore, she argues, politicized homophobia operates in tandem with the "instrumentalization of the idea of sexual freedom" (Graff 2010: 601-602). The couple's visit to Poland and their unintentional challenge to Poland's experience with homosexuality in the public discourse had unintended consequences for both Polish society and the gay rights movement. It introduced Poles to the possibility that homosexuals could, in fact, operate as "normal" members of Polish society who were both Catholic and committed to "family values" thus distinguishing it from liberalized sexuality (Graff 2010: 602). This distinction would become important for the Polish gay rights movement.

L. Kaczynski's decision to use images of a gay wedding in his televised address served to generate attention for the Polish gay rights movement, which had waned following the collapse of the PiS led coalition. He sought to draw attention to the threat that further EU integration posed to traditional Polish Catholic morality. However, attention quickly shifted to the positive brand of LGBT friendly Catholicism espoused by the American couple. This contested the President's implication that Polish family values and Catholicism were incompatible with homosexual relationships. It presented LGBT activists with an opportunity to reframe their presentation of homosexuality to the Polish public. Although this opportunity was pursued, it is important to note that gay rights activists have not attempted to capitalize on an LGBT friendly

brand of Catholicism. This is largely the result of the Polish Catholic Church's stance on homosexuality as discussed in Chapter 1. The idea of a liberal, progressive Polish priest who is LGBT friendly is almost unheard of (Czarnecki 2012). Perhaps the more striking strategic shift concerned terminology. In an interview with KPH lawyer Zosia Jablonska, she stressed that Poland's LGBT activists had shied away from utilizing the term "sexual minority" to describe Poland's LGBT citizens. The term sexual minority tends to cause Poles to conflate the concept of sex with homosexuality. The use of this term had made it difficult for Poles to recognize the existence of homosexuality as an identity distinct from heterosexuality, but equally as complex. Poles, who had been bombarded with anti-gay statements, struggled to view homosexuality as anything more than a sexual attraction to members of the same-sex. In a society with little exposure to both homosexuality and a very hetero-normative understanding of sexuality (Czarnecki 2012, Gruszczynska 2009: 315-317), this implicit association was detrimental to Poland's gay rights activists (Jablonska 2012). That is, their message of tolerance was easily perceived as an attempt by "sexual minorities" to flaunt their same-sex attractions. Activists had attempted to combat this perception by disassociating their activism from the sexually charged demonstrations of Western Europe. Disassociation was one of the reasons activists decided to name pro-gay demonstrations Equality Marches, Marches for Tolerance, etc. and not Pride parades (Graff 2006: 442-443). Despite these attempts to dissociate their movement from sexual liberation, as Graff posits, sexuality was conflated with sexual freedom. As a result of this Poles tended to associate sexual minorities with liberal attitudes about sex, thereby otherizing Poland's LGBT community.

Graff posits, and I agree, that the positive discussion surrounding the couple's visit catalyzed a slight shift in the perception of homosexuals and their overall relationship to Polish



society (Graff 2010: 602). That is, following the media attention discussed above, a celebrity gay couple was featured in a special on Polish celebrity relationships. Their relationship was portrayed very positively, the romantic component was discussed, and they were even voted “Beautiful Couple of the Year” by a magazine. As Polish society slowly adjusted to a tacit acceptance of homosexual relationships based on a combination of piqued curiosity and genuine inspiration (Graff 2010: 602-603), KPH began to capitalize on this change. In October of 2008, it organized the first *Festiwal Tęczowych Rodzin* (Festival of Rainbow Families) with the explicit purpose of exposing Polish society to diverse and non-nuclear families. The festival was billed as an occasion to “get to know” families, which had traditionally been marginalized and discriminated against by society (KPH 2008: 23). The positive portrayal of gay couples in the media and the resultant societal fascination with homosexual couples compelled KPH to further familiarize Poles with non-traditional families. Thus Lech Kaczynski unintentionally exposed Polish society to a couple that defied Polish society’s understanding of homosexuality, generated unprecedented positive attention for gay couples, and commenced a shift toward tacit acceptance of homosexual couples.

### **Post PiS “Tolerance”**

From its election in late 2007, the PO government has been ambivalent about its position on the place of the LGBT community in Polish society. Unlike the predecessor government, it has avoided making homophobic statements and largely avoided public discussions of potentially controversial social issues. Many of the mechanisms that operated during the PiS coalition have largely ceased functioning, as even PiS has moved away from its politicized homophobia. Furthermore, Polish society has marginalized the right-wing groups that continue to promote homophobia and anti-gay rhetoric. As a result of this, the opposing movements

dynamic has faded and homosexuality has lost its salience in the national sociopolitical discourse. This has catalyzed a shift in Polish society's perception of domestic homophobia and has forced the LGBT movement to reformulate its activism strategies.

### *A New Coalition*

As discussed above, the PO government campaigned on an anti-PiS platform largely centered on the failures of the "Fourth Republic". This did not mean that PO actively promoted a progressive liberal social agenda as it entered a coalition with the more conservative *Polskie Stronnictwo Ludowe* (Polish People's Party, PSL). PO and PSL announced the formation of their governmental coalition in early November of 2007 (PO I PSL zgodzily sie 2007). While they did not mention homosexuality, the leaders of both parties announced their commitment to upholding democratic values. Tusk stated that the PiS-LPR-SO coalition "allowed any difference in [Polish] public, cultural, or economic life had to be turned into a conflict" (PO I PSL zgodzily sie 2007) and promised that his party "would close any unnecessary conflicts" and that there would be no "lesser Poles, lesser voivodships, or lesser ethnic groups" (PO I PSL zgodzily sie 2007). PSL's leader Waldemar Pawlak proclaimed that "[his party] wants to build [the PO-PSL] coalition on positive values, on freedom, brotherhood, equality, tolerance...and the principles of solidarity" (PO I PSL zgodzily sie). In their announcement of the coalition's formation, the two Party leaders maintain a positive attitude and commit to upholding democratic norms. What is particularly important in this announcement is their commitment to promoting Polish social cohesion, not by division and conflict, as had been attempted by the PiS coalition, but by promoting tolerance and inclusion. Of course, this does not mean that either party would promote gay rights, as both opposed various pro-gay legislative measures for Poles. However, the method of opposition differed markedly from the PiS years. That is, while neither party was gay friendly,

neither attacked homosexuality, nor did they attempt to utilize governmental institutions to marginalize homosexuals. Prime Minister Tusk remained resolute in his commitment to approach potentially divisive issues with Poland's "traditionally soft approach toward differences" during the early years of his tenure as Prime Minister. Additionally, prominent PiS politicians began to reconsider their anti-gay stances. Ostensibly, the de-politicization of homophobia should have benefitted Poland's homosexuals as the government remained committed to protecting the Polish constitution's democratic principles. However, even during the PiS years, the ruling government's institutionalization of homophobia was limited by an independent court system. Therefore, while the PO-PSL coalition remained steadfastly committed to protecting Polish democracy, its non-confrontational positions on socially divisive issues undermined the mechanisms that had defined the relationship between Poland's LGBT movement and the PiS led coalition. The effects of this will be discussed later.

Despite PO's general aversion to discussing homosexuality, Tusk's first government was not completely without its own gay scandal. In September of 2010, a firestorm of controversy erupted when the Plenipotentiary for Equality, Elzbieta Radziszewska, stated that a Catholic school in Poland could dismiss an employee on the grounds that the woman was a lesbian. When she appeared on Polish television with Krzysztof Smiszek, a representative of the Polish Society of Antidiscrimination Law, to discuss the right of Catholic schools to discriminate in their hiring practices, the Minister "outed" Smiszek (Grochal 2010 (a)). "It is an open secret who Mr. Smiszek's partner is" the Minister said in reference to Smiszek's partner KPH President Robert Biedron (Radziszewska and Smiszek 2010). Smiszek later accused her of homophobia and she apologized for outing him on television, stating that she met him through his partner and claiming that she had not been made aware that he had not come out publicly (Grochal 2010 (a)).

Despite public criticism and calls for her ouster, she remained in office. However, following a meeting with Tusk, Radziszewska stated that “she accepted, with humility, all of the [Prime Minister’s] comments” (Grochal 2010 (b)) and reaffirmed her commitment to combating discrimination in Polish society. Smiszek responded by stating that, “the prime minister’s decision was the icing on the cake [demonstrating] the incompetence of this government in the area of equalization of opportunities” (Grochal 2010 (b)). Several NGO’s commenced a campaign against Radziszewska, refusing to work with her. Perhaps most interestingly, the Marshal of the Polish Parliament Grzegorz Schetyna (PO) expressed concern over “the awkwardness, which occurred in the television studio [which] causes everyone, the political class, the nation, trouble” (Grochal 2010 (b)). He also stated that Radziszewska had crossed a “certain line” during her interview and expressed concern over her judgement (Grochal 2010 (b)). The Plenipotentiary’s comments are important for several reasons. First, the political response, although criticized by gay rights activists, demonstrates the beginnings of the normative shift in Polish politics sought by PO. The Marshall of the Polish Parliament explicitly criticized Radziszewska for her behavior and proposed that it reflected badly not only on the government, but also on Polish society as a whole. This showed a marked departure from the culture of homophobia that had characterized Polish politics a few short years earlier; a culture under which ad hominem denunciation of “homosexual propaganda” was the norm. However Tusk’s response sent a muddled message. While Radziszewska’s comments concerning hiring discrimination in Catholic schools earned her a meeting with the Prime Minister to discuss her political future, the Prime Minister also dismissed her detractors as “generating noise” (Beylin 2010). Given the Prime Minister’s commitment to moderation, it is likely that Radziszewska herself was chastised for “generating noise” around the gay issue. However, because the Prime

Minister had declared his commitment to moderation, and dismissing Radziszewska would potentially generate further controversy, as her supporters included influential Catholic bishops (Grochal 2010 (b)).

Although the Radziszewska incident described above generated some controversy, the Prime Minister's view that his position required him to act as a societal mediator proved terribly frustrating for Poland's gay rights activists. That is, a society that had been saturated with politicized homophobia from various levels of government suddenly lacked much substantial discussion on the issue. This created the allusion that a cultural shift had taken place in Poland following the political demise of the PiS regime. As mainstream politicians avoided making homophobic statements the anti-gay Polish Right quickly took the shape described by Tusk during the 2007 elections: an extremist and vocal minority whose radical opinions did not represent those of Polish society. Several months later MP Robert Węgrzyn claimed that he had been joking when he said that, "[Poles] should give it a rest with gays, but [he'd] willingly watch lesbians" (Poseł Węgrzyn 2011) during a discussion about civil partnership legislation. He apologized, but his apology was not successful (Poseł Węgrzyn 2011). As a result of his commentary, PO kicked Węgrzyn out of the party (Węgrzen ostatecznie wyrzucony 2011). Thus, while Tusk was reluctant to take a position on Radziszewska, PO did not hesitate to remove an MP following his disparaging and offensive comments about homosexuals and women. The Marshal's comments about Radziszewska's television appearance coupled with the decision to remove Węgrzyn from the party for his statement demonstrates a shift away from the acceptability of inflammatory rhetoric.

## The Unfortunate end of Politicized Homophobia

The sudden end of politicized homophobia left the Polish gay rights movement in a bit of a crisis. As discussed in Chapter 3, the PiS coalition's anti-gay rhetoric and political maneuvers constituted a deliberate effort to marginalize Poland's LGBT minority. This created an opposing movement dynamic between the Polish Right, specifically the Polish political right, and the Polish gay rights movement. Once this dynamic had been initiated, the seven mechanisms enumerated by Fetner (framing political claims, mobilizing resources, affecting organization, heightening emotions, diverting agendas, creating barriers to progress, and generating attention) began to operate. Of course, some of these can harm one, or both, of the social movements. However, any harm that these mechanisms caused the Polish gay rights movement was significantly outweighed by the overall benefits of the right's politicized homophobia. Polish gay rights activists express nostalgia for PiS's reign. In this section, I will discuss interviews with two Polish gay rights activists who vividly recall the effects of the PiS years on the LGBT movement and with whom I discussed the direction in which the Polish LGBT movement was headed. However, before I dissect the effects of the mainstream Polish Right's decision to abandon its socially conservative campaign of exclusion and marginalization of Poland's gays, I will examine the legacy that it has left.

*Faggotry Forbidden*



Figure 5 (NOP 2009)

As briefly mentioned above, homophobic rhetoric continued to be employed against Poland's LGBT minority. However, as posited by Tusk, these divisive positions were relegated to the margins of Polish politics and became confined to extremist organizations such as *Narodowe Odrodzenie Polski* (National Revival of Poland, NOP), *Młodzież Wszechpolska* and *Prawica Rzeczypospolitej* (the Right of the Republic, PR). LPR, former champions of homophobia did not receive a sufficient percentage of the popular vote in the 2007 elections to be represented in the Polish parliament (Szczurbiak 2008: 416). With its electoral defeat went most of its political influence. Recall from earlier that, although PiS leadership had adopted an anti-gay platform prior to the formation of the PiS-LPR-SO coalition, LPR was the more homophobic party as it represented "traditional Polish Catholic values" of family. The collapse of the coalition, PO's successful anti "Fourth Republic" campaign, and the sudden shift away from politicized homophobia by the larger and more mainstreamed PiS catalyzed the shift away from sociopolitical acceptance of controversial and divisive dialogue. Thus homophobia was removed from mainstream politics and began to operate strictly as a political tool of the hard right. Unlike the political capital once enjoyed by LPR, none of these right parties maintain any representation in Parliament. Of the two mentioned above, PR was unable to secure enough signatures to launch its candidacy in the 2011 parliamentary elections (Sejm bez Jurka 2011). NOP is significant because it has launched a homophobic campaign that not only opposes gay rights, but also employs vehemently anti-gay methods of promoting its views. Perhaps most shocking is the usage of the slogan and symbol "faggotry forbidden" as seen in Figure 5. The use of this symbol generated a great degree of controversy in Poland and it entered the Polish regional and national court system in the late November 2011 (Adamaszek and Budzyński

2011). According to its president Adam Gmurczyk, registering the symbol was intended to subvert the government's attempts to codify anti-hate speech legislation (Gmurczyk 2011). Despite the lack of political influence, NOP members actively protested against Poland's LGBT minority at Equality Parades, Marches for Equality, and Euro Pride 2010. While these expressions of homophobia mirrored protests under the PiS regime, the ruling PO coalition government avoided engaging in the anti-gay rhetoric (Przeszli geje i lesbijki 2009, Karpieszuk and Machajski 2010, Strzelczyk and Osienkiewicz 2011). It is interesting to note that PiS engages NOP and has organized events, including a "Patriotism March" in April 2011 to which NOP and other nationalist and radical right parties were invited. Although this engagement has occurred, it has been minimal and PiS politicians have distanced themselves from the political views of these radical right parties (Szymanski 2011). Tusk's government followed his stated position on the issue of homophobia: that it was the manifestation of anti-gay sentiment, which the vast majority of Poles did not support. However, as a result of Tusk's persistent moderation, he also eschewed legislation that may have favored the LGBT minority.

### *Frustration*

Two of the men I interviewed when I traveled to Poland expressed a tremendous frustration with the Tusk government. Both agreed that the departure from the divisively anti-gay political rhetoric of the PiS government was a more exciting time for Polish gay rights activism. They also agreed that the PiS experience had forced activists to alter their strategic approach toward realizing positive social change for Poland's LGBT minority (Czarnecki 2012, Szczeczplocki 2012). However, they disagreed over the direction LGBT activism should take. This disagreement, I posit, is the product of several of the mechanisms that operated under the opposing movements dynamic. That is, as the anti-gay PiS campaign became more salient,



activists were able to attract support and expand their organizations. They were united against the Polish political elite as they shared similar goals of securing gay rights. However, following the collapse of the PiS coalition, the unity fostered by the existence of an opposing movement began to dissipate. Thus KPH, which had grown into a national organization with 6 regional offices in 2008 and 14 in 2009 (in addition to the Warsaw office) (KPH 2009, KPH 2010), began to lose branches. Regional branches disappeared for two reasons. In one case, the group desired more autonomy in its actions and thus wanted to found its own activist organization. This happened to the Torun branch of KPH, which reformed itself as *Pracownia Różnorodności* (The Diversity Workshop) with Przemek Szczepłocki as its head (Szczepłocki 2012, Pracownia Różnorodności 2009). Without the external pressure of an influential opposing movement, the diverging interests were not driven together out of a necessity to cooperate to promote gay rights nor were their distinct agendas diverted. Alternatively, regional branches could also disappear as local interest diminished. As the governmental threat to gay rights diminished significantly under the PO administration, it became difficult to rally and maintain support for pro-gay organizations. While interest faded, new interest was not being generated to fill the void since homosexuality received so little attention in the media. Greg Czarnecki informed me that KPH was beginning to move away from maintaining the regional branches as it began to refocus its strategic approach toward promoting gay rights in Poland. That is, it was transitioning from more of an activist organization to a monitoring and lobbying organization (Czarnecki 2012). I believe that KPH's transition into a monitoring and lobbying organization, although it had commenced in 2008 (Czarnecki 2012), is a natural response to the dearth of national politicized homophobia. As discussed earlier in the chapter, because politicized homophobia is not omnipresent, there exists a superficial tolerance in Polish society. However, this does not mean that Polish society

has moved into an era of complete equality. Thus, national gay rights organizations, like KPH, have transitioned from the role of activist to the role of informer and reformer by publishing reports monitoring extant homophobia and hate speech and homophobic violence in Poland and lobbying the government for legislative reform (Makuchowska 2011, Kowalski 2009).

While the absence of a strong opposing movement has allowed Poland's gay rights activists to reconsider their strategies, the absence of an omnipresent palpable threat has made it difficult to convince many that actual problems exist, even those among the LGBT community. Czarnecki explained that even many homosexual Poles do not believe that Polish society discriminates against them. He cited public displays of affection as one example by which Polish gays and lesbians may not feel marginalized or discriminated against because they can simply choose not to partake in such displays of their homosexuality. However, this is not perceived as discrimination. Being able to comfortably discuss one's sexuality at work was cited as another example of marginalization that many Polish homosexuals oftentimes do not perceive as discrimination (Czarnecki 2012). Recall Biedron's description of the Polish homosexual's traditional relationship with the rest of society: what you do in private is your business, but keep it to yourself. The idea of sexual identity is new and directly challenges societal norms. Thus convincing Poles that discrimination against a particular subset of the population that struggles to accept its own discrimination exists can be a challenge. In the event that anti-gay rhetoric surfaces, as discussed earlier in the chapter, the issue is swiftly dealt with and apologies are issued. Gay rights organizations are weary to denounce homophobic statements that are not especially egregious because they fear that constant bombardment with such stories would both desensitize the public to homophobic rhetoric and also paint the organizations as sensationalist (Jablonska 2012).

## **Conclusion**

PiS's destruction of the relationship that had defined Poland's tacit acceptance of homosexuality forced gay rights activists to respond and the two interacted as opposing social movements. During this time the gay rights movement was bombarded with constant anti-gay political rhetoric. One would think that the end of PiS's politicized homophobia would benefit gay rights activists because, following the demise of an anti-gay sociopolitical force, activists would operate in an environment with few barriers to progress. However, the opposing movement dynamic made gay rights a prominent topic of discussion throughout Poland by constantly attracting attention to it and helping to grow its support base. The re-normalization of Polish politics under PO ostensibly created a political environment that was not actively hostile to gay rights activists. However, and more importantly, it was also not friendly. This created a situation for gay rights activists which terribly frustrating and slow moving. Pro-gay initiatives were largely ignored and gay rights activists were able to secure almost no progress during the first Tusk administration. Activists were now not only tasked with promoting rights for Poland's LGBT community, but also with convincing Polish society and lawmakers that their rights needed institutionalized protection. This created a situation for Polish gays that, although devoid of a fear of the establishment by gays, was also terribly frustrating for those individuals who were attempting to realize societal and legal change.

## Conclusion

### **Summary of Argument**

The primary purpose of this thesis has been to examine how the Polish Right has shaped the Polish gay rights movement. To accomplish this, I first addressed Poland's historical

relationship with homosexuality and Polish society's first collective exposure to the LGBT minority during *Niech nas Zobacza*. I then detailed how homosexuality became a salient issue in national Polish politics following EU accession. I applied Zubrzycki's framework concerning Polish national mythology to argue that the PiS-LPR coalition mobilized a weakening national mythology using Graff's and Gruszczynska's arguments that homosexuals served as symbolic Jews in this reformulated post-accession mythology (Zubrzycki 2011: 53, Gruszczynska 2007: 14-15, Graff 2006: 444). I then considered the role of the EU as an intervening actor in the opposing movement dynamic that developed under the PiS regime. I argued that, although EU accession provided Poland's homosexuals and gay rights activists with some tangible benefits, these were largely mundane. However, I also noted that although the EU failed to combat the PiS government's homophobic rhetoric, Poland's EU membership bound the government to maintain democratic standards. This limited its ability to institutionalize anti-gay policies. I then applied the framework Fetner develops to describe the interaction between the American Religious Right and Gay and Lesbian activism (Fetner 2008: 122) to the interaction between the Polish Right and Poland's LGBT activists. As has been discussed in this thesis, the primary mechanisms through which Polish LGBT activism was shaped by the Right are: generating attention, framing political claims, creating barriers to progress, and diverting agendas. To a lesser extent, the other mechanisms Fetner details i.e. inspiring change in opposing movement structure, heightening emotions, and mobilizing resources (Fetner 2008: 122-128) also characterize the interaction between the two groups. I have argued that the politicization of homophobia actually benefitted the Polish gay rights movement overall, despite creating institutional barriers to the promotion of gay rights. The anti-gay agenda also introduced Polish society to a litany of homophobic terminology, which continues to exist in the national consciousness. However, because

homophobic discourse became so prevalent in national politics, gay rights activists decided to confront it through campaigns such as *Nienawisc Boli*, which forced Polish society to consider not just its prejudice against homosexuals, but also the impact of hate speech on individuals. In the last chapter, I analyzed the de-politicization of homophobia in Polish politics and discussed the PO government's aversion to discussing controversial issues and Tusk's stated opposition to societal division. I discuss the tolerant and inclusive message adopted by Donald Tusk's government. I note that Tusk, in his desire to minimize controversy, avoided most discussion specifically concerning gay rights. I posit that the collapse of the PiS coalition and an end to governmentally sanctioned homophobia proved detrimental to the gay rights movement. Without an extant influential opposing movement, attention quickly shifted away from gay rights. Activists found it difficult to identify a suitable "them" against whom they could frame their message. The presentation of gay rights as an intrinsic component of democratic Poland became ineffective under the PO regime. LGBT activism, which had been largely united in its cause against the PiS government, began to splinter as agendas diverged. Thus, under an anti-gay regime limited by democratic principles, LGBT activism flourished.

### **Recent Developments**

Although I briefly discuss NOP and its homophobic rhetoric in the previous chapter, my analysis largely stops in mid-2011. Since then, however, homosexuality has again entered the national consciousness, although discussion has taken a much different tone centered on civil partnership legislation. This has largely been the product of the 2011 parliamentary elections. This election cycle saw a new political party founded by a former member of PO, Janusz Palikot, enter the contest. He formed *Ruch Palikota* (Palikot's Movement, RP) based on libertarian values, including the legalization of same-sex civil unions, and won over 10% of the vote in the

2011 elections (Kulich 2011). International attention turned to two of his MP's Robert Biedron, former KPH president, and Anna Grodzka, a transsexual woman. Biedron is the first openly gay male to serve in the Polish parliament and Grodzka the first transsexual (Trudelle 2011). In an interview with the Warsaw Business Journal, Biedron affirms his commitment to fighting for anti-hate speech and civil partnership legislation through institutional structures as a Member of Parliament (Trudelle 2011). While the entry of a new political party is not a striking occurrence in Polish politics as all of the major political parties are only several years old, it ostensibly changes the way in which gay rights organizations interact with governmental institutions. That is, with two members of the LGBT community in parliament, one with an extensive history of pro-gay activism, gay rights activists have allies whom they know will champion their causes. Furthermore, prior to the 2011 elections, Tusk declared that he believed "the timing was ripe for the Polish [Parliament] to adopt civil partnership laws following the elections" (PO powalczy o miłość gejów 2011). As of April 20<sup>th</sup>, 2012, PO's Artur Dunin has put forth a bill proposing domestic partnership legislation. However, it appears that PO remains divided over the issue and consensus may not be reached (Blumsztajn 2012). To appease these more conservative politicians, past attempts at legalizing domestic partnership had been presented as civil partnerships for both homosexual and heterosexual couples and the lack of controversy underscored (Ustawa o związkach partnerskich 2011). The activists I interviewed stated that, although the primary concern of civil partnership legislation was to secure legal recognition for same-sex couples, packaging it into a bill concerning rights for heterosexuals increased the possibility of the legislation being passed (Szczecplocki 2012). Despite this strategic approach, PO party leader and Prime Minister Donald Tusk's promise of realizing civil partnership

legislation, and RP's pro-gay stance six months (as of April 2012) have passed since the 2011 parliamentary elections and movement on the issue remains stagnant.

### **The Future of Gay Rights in Poland**

As I have demonstrated, the existence of an opposing movement shaped Polish gay rights activism. While the politicization of homophobia left a lasting legacy of homophobic rhetoric, this has now been largely relegated to the margins of extremist politics. It appears that, in the absence of an influential opposing movement, gay rights and, in turn, gay activism stagnate. The political environment Tusk has created for LGBT organizations has made it extremely difficult for them to secure any sort of pro-gay legislation. Even when civil partnership is introduced as universal, it fails. Tusk's failure to address civil partnership legislation and other gay rights draws little societal criticism in the absence of an influential anti-gay movement as the memory of the homophobia that defined the PiS years has largely dissipated from the public consciousness. Civil partnership remains an unfilled campaign promise from PO and RP. Activists remain optimistic that over the course of the next five to ten years, civil partnerships will be legalized. However, changing Polish society's opinions on homosexuality is perhaps best left to the effects of Europeanization. Because, as one of the activists retorted during his interview, "how do you catalyze a fundamental cultural shift in a society that just doesn't care?"

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