

Published in: Johnson Carol, Paternotte David & Tremblay Manon (eds.), *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship*, Ashgate, 2011: 119-133.

POLAND: SOVEREIGNTY AND SEXUALITY IN POST-SOCIALIST TIMES

Agnès CHETAILLE

(Institut de recherche interdisciplinaire sur les enjeux sociaux, Paris)

Lesbian and gay (LG) organizations have existed in Poland since the mid-1980s, and have witnessed dramatic political and institutional change. What is often described as the *democratization* and the *Europeanization* of the Polish state appear as very complex and conflictive processes. Neither the political transformation of 1989, nor the accession to European Union (EU) membership in 2004 represented « natural » steps towards some kind of sexual modernity, which would include more openness to pluralistic ways of life, conceptions of gender and sexuality, and forms of family in both society and state legislation. On the contrary, collective action undertaken by Polish lesbians and gays was slow to emerge and to reach the public sphere after 1989. When it finally did, at the beginning of the years 2000, it faced a strong resistance and sparked off a nation-wide public debate with contradictory effects.

This chapter examines the relationship of the Polish LG movement and the Polish state in a context of profound political transformations. During this period, two key factors have shaped the Polish state and the successive governments in power. The first one is the relation with the Catholic Church. Drawing its legitimacy from its role in the opposition against communism, it has played a prominent part both as a political actor and a moral

authority in the public sphere. The second factor is collective memory and the management of the past: distancing oneself from the communist regime has become a central source of legitimacy for political actors. In addition, two discourses have been central to the distribution of political legitimacy in this post-socialist context. The first one, a nationalist discourse, emphasizes the Polish nation's survival throughout the last centuries¹. It defines Polishness as being Catholic, and considers the heterosexual family as the pillar of the nation. The second discourse is related to « the West ». It argues that Poland has always been a part of (Western) Europe and should be reunited with it. It usually insists on modernization, and has been of particular importance during the negotiations for the accession to the EU in the nineties. These two discourses can be combined but also collide: it is the case at the beginning of the years 2000, when nationalist parties rise to power, breaking with the fifteen-years consensus between ruling parties on the positive attitude towards the EU, and framing this opposition to the EU, to a large extent, in sexual terms.

The article discusses the various factors that contributed to shape LG organizations' relation to the state in three different periods. The first period deals with the emergence of LG groups before and after 1989, and shows that the immediate aftermath of the political transformation did not provide numerous opportunities. The second period relates to the

¹ The Polish state ceased to exist in 1795 during the Third Partition of Poland between the Russian Empire, the Prussian Kingdom and Austria. It was restored with the Treaty of Versailles in 1919. In 1939, Poland was invaded and occupied by Nazi Germany. In 1944, the Red Army entered Polish territory, and a communist regime was installed over the following years, under Sovietic domination.

effects of the legal and institutional changes encouraged by the EU accession process. The third period sees the rise of homophobia as a political resource used by nationalist parties and members of the government, leading to reactions of LG organizations, such as the development of right-based claims, a more systematic resort to transnational strategies, and the simultaneous appropriation of national memory and space.

The Polish LG movement has thus been shaped to a very large extent by its relation to the state. Until the mid-nineties, it has failed to emerge, first because of the repressive nature of the socialist state, and later because of the dominant role of a national-Catholic model of citizenship suppressing political and discursive opportunities² for homosexual groups. The European integration process provided new opportunities for these groups who could finally reach the public. The resistance they faced forced them to switch from cultural claims to more political ones, to diversify their alliances and strategies and to directly challenge the state. The EU and transnational organizations have been a powerful leverage of these changes, although sometimes with contradictory effects and with different agendas, as to use the Polish case to push forward the issue of homophobia in the EU in general.

I. 1987-1997: From the repressive socialist state to the heterosexual democracy

The history of lesbian and gay groups in Poland challenges the representation of 1989 as a breaking point and shows that despite repression, windows of opportunity opened before the official fall of the socialist regime. It also questions the assumption that the

² I use the concept of « political opportunities » to refer to the political conditions facilitating the success of collective action, such as access points to the political system, or the possibility to gain powerful allies. See McAdam (1996).

transitional period brings necessarily opportunities for mobilized groups, since the immediate aftermath of 1989 saw a blocking of sexual politics.

a. Beyond « transition »: continuity in groups and practices

Political transformations in Central and Eastern Europe (CEE) after 1989 are often referred to as the « transition to democracy ». The transition model, crafted for other historical and social contexts (O'Donnell et al. 1986), was extensively used by political scientists to analyze how CEE regimes evolved from state socialism to liberal democracy. It focused on institutional changes and sought to define the appropriate conditions for the settlement of democracy. It has been widely criticized for its normative dimension and a-historical standpoint, including its conception of democracy as growing on empty ground, and following the same stages whatever the nature of the earlier regime and social organization (Holc 1997: 403-7).

The analysis of social mobilizations (or their absence) in Central Europe after 1989 has often followed key insights of the transition approach, particularly around the idea of building « civil society » (Einhorn and Sever 2003: 165-7). The rise of a strong, autonomous and vivid civil society became a wish shared by all observers and political actors to complete a fully achieved democracy. Simultaneously, concerns about its alleged weakness in CEE arose (Watson 2004: 288-94). Analyses of post-1989 mobilization frequently insisted on the political apathy and citizens' passivity (Mason et al. 1992), implying to some extent that collective actions did not exist in previous regimes and that there had been no intermediary body between the family and the state (Gal and Kligman 2000: 10-3).

A closer look at LG organizations before and after 1989 shows a much more nuanced picture. Firstly, (mostly gay male) groups have existed since the mid-1980s in some Polish cities: *ETAP* in Wrocław, *FILO* in Gdańsk or the *Warszawski Ruch Homoseksualny* (WRH) [the Warsaw Homosexual Movement] in Warsaw. The latter is the best known, and its experience shows that niches in the socialist state could be used as a space for early LG activism –particularly in 1987-89, due to the destabilization of the socialist regime– and combined with transnational resources. The WRH emerged in 1987 in the aftermath of the 9th International Lesbian and Gay Association (ILGA) conference in Cologne and the creation of an East European Information Pool within ILGA. Its first meeting took place at the Youth club of the Patriotic Movement for National Rebirth (PRON), an organization created by the state after the institution of Martial Law and the suppression of Solidarność Union in 1981, to counter the opposition movement. Later meetings of the WRH were held at the University of Warsaw, where LG activists were supported by the official students' association. In April 1988, the WRH hosted ILGA second Sub-regional Meeting for Eastern and South-Eastern Europe, which took place at a local committee of the Polish United Workers Party.³

The use of various official spaces does not imply, however, that the socialist state was supportive of emerging LG organizations. Although homosexuality was not criminalized since 1932, and homosexual prostitution had been erased from the Penal code in 1969, repression of gay men through police control was common, and had intensified in the mid-

³ Informations about WRH are drawn from interviews with former members and partners (2008-2010) and semi-legal publications such as *Filo* (1986-1991).

eighties (Stanley 2010: 428). Organized in the aftermath of Martial Law, the filing police operation « Hiacynth » specifically targeted homosexual men, increasing the level of fear among them. It probably contributed, along with the advent of HIV/AIDS, to the acceleration of organizing among Polish gay men and in transnational networks. The WRH attempted to publicize its cause in official newspapers and radio, to strategically use the HIV/AIDS crisis to gain state support⁴ and to gather endorsement from famous personalities. Despite these endeavors, the request for official registration of the association was turned down in 1988.

After the fall of the socialist regime, many members of the earlier groups were involved in the creation in 1990 of the first registered organization, nation-wide *Stowarzyszenie Grup 'Lambda'* (SGL) [the Association of 'Lambda' Groups], which had branches in main Polish cities. Some of them also invested in commercial enterprises, such as bars, clubs, or magazines. They kept earlier institutional partners, like *Stowarzyszenie MONAR*, an association struggling against drug-addiction and HIV/AIDS, as well as transnational connections with ILGA through the Sub-regional Eastern and South-Eastern Europe conferences taking place until 1996. In addition to their activities in consciousness-raising and community building, some members of this organization tried again to gain media attention, as well as a partnership with the Ministry of Health in the field of HIV/AIDS prevention. Yet these initiatives were mostly unsuccessful.

b. The impossible sexual citizen

⁴ From an epidemiological perspective, the impact of HIV/AIDS on gay men in the eighties and nineties was much less important than in Western Europe (Owczarzak 2009: 426).

The obstacles faced by LG groups in the nineties were not linked to a « political apathy » of Polish citizens or to a lack of experience in political practice and institutional collaboration. Rather, their failures came as a result of the emergence of a new definition of citizenship during the political transformations. Holc describes two competing models of democratic subjects in post-socialist Poland: the citizen as the « property owner » and « businessman », a model defended by Liberals, in which private property is the only elementary freedom that could lead to citizenship, and a « ‘nationalist’ conception of the citizen, embedded in family, community, and nation » (1997: 423). The second conception, which became hegemonic in 1991, emerged through the debate about the criminalization of abortion (1990-1993), strongly supported by the Catholic Church. It stresses the central role played by the Christian heterosexual family, represented as providing continuity with the past, in the production of citizens and thus could not foster any recognition of sexual rights.⁵

For this reason the human rights discourse, which has proved to be effective in other transition contexts (Croucher 2002: 324-5), could not be utilized by Polish activists in the nineties. Poland’s accession to the Council of Europe in 1991 did not enable LG organizations to launch a public campaign, as in other CEE countries that were still criminalizing homosexual sex (Long 1999: 243-6). LG activists trying to reach mainstream media faced indifference –at best polite interest, at worst cold hostility– and LG issues were

⁵ The dismissal of a Deputy Minister of Health by the Liberal Prime-Minister Bielecki for calling gays « perverts » in 1991 (Kliszczyński 2001: 165) marks the short moment during which the liberal model had some positive effects on LG rights.

not treated as a political problem. Attempts at political lobbying, such as the 1993-4 mobilization of the SGL in favor of the inclusion of sexual orientation among protected grounds of discrimination in the new Polish constitution, ultimately failed (Chruściak 1997).⁶ The failures to achieve state recognition and public visibility led to the decline of LG groups in the mid-nineties, and the disappearance of the SGL in 1997. The few local groups surviving the demise of SGL –in particular *Lambda Warszawa* in Warsaw– concentrated on community support and HIV/AIDS prevention.

Often explained by the weakness of the organizations and the conflicts between their members (Kliszczyński 2001: 163), this defeat also results from the rise of a neoliberal market economy. The capitalist economy certainly provided opportunities for a minority of gay men, who could invest already existing resources in commercial structures such as bars, clubs, and magazines, which became decisive spaces for the articulation of collective consciousness and identity. However, it also produced difference and inequality. As P. Watson argues, a neo-liberal « transition » to capitalist democracy involves a « differentiation of citizenship » along the lines of class and gender (2004: 296). The emergence of gay (and lesbian) commercial spaces mostly available to those with higher economic and social capital (men living in big cities) in 1990s Poland led to an unequal distribution of the symbolic resources necessary for articulating claims for rights. These

⁶ Interestingly, there is no evidence of mobilization against the Article 18, which describes marriage as the bond between a man and a woman and places family and parenthood under the protection of the Polish Republic. It has later been extensively used by opponents of same-sex marriage and partnership, and denounced by LG activists (Mizielińska 2001).

claims, anyway, were hardly audible due to the obstruction of the access to state institutions, political parties and the public space, as a result of the new position of the Catholic Church after 1989, both as a political actor directly interfering in state affairs, and a public moral authority.

II. 1997-2004: Europeanization and its consequences

As a result of the implementation of EU legislations, « sexual orientation » was introduced as a legal category in the Polish Labor code, and new political opportunities emerged for LG groups. Nonetheless, the absence of the appropriation of EU norms through a domestic public debate enabled nationalist political parties to seize the issue of LG rights and to frame it as opposed to Polish sovereignty.

a. The silent work of EU negotiations

At the end of the nineties, the Polish state initiated a new wave of transformations caused by the negotiation process with the European Commission (EC), preparing Poland's accession to the EU. European enlargement to the East was less about gradual *convergence* of norms and legal provisions than about *conditions* that candidate countries had to fulfill by implementing the totality of the *acquis communautaire* under the pressure of the EU (Whitehead 2003). On the other hand, the focus on economic issues over social ones (Heinen and Portet 2001: 56-7), and the lack of internal democracy in EU institutions have limited the negotiations' impact on gender and sexual issues (Klesse 2006). The EC yearly reports monitoring the implementation of the *acquis communautaire* in Poland did not mention discrimination on the ground of sexual orientation before 2002, the year the negotiations stopped. However, the changes induced within the Polish state in this context had important effects regarding LG rights and organizations.

As a consequence of the Clause 13 of the 1997 Amsterdam Treaty and the consequent Council Directive 2000/78/EC, the struggle against discrimination on the ground of sexual orientation in the field of employment became an integral part of the *acquis communautaire*. It was integrated into the Polish Labor Code in January 2004 (Pogodzińska 2006: 173-4), introducing the first (and only) mention of sexual orientation in Polish law « from above », as a technical detail and without any public debate. In October 2001, the same directive had brought about the creation of a government Plenipotentiary for Equal Status of Women and Men⁷, whose responsibilities had been extended in June 2002 to combating discrimination on the grounds of race, ethnic origin, religion and belief, age and sexual orientation until an independent body would be created to deal with these specific discriminations⁸. The office of the Plenipotentiary did effectively address the issue of discrimination against gays and lesbians, and collaborated with NGOs.

However, the weakness of this institution and the fact that the promised separate office was never actually created, show the limits of governmental support to the struggle against discrimination and throw light on negative side effects of the integration process. During the period preceding the 2003 referendum on Poland's accession to the EU, the government from the post-communist left party, SLD, feared that the 50% participation rate

⁷ The Plenipotentiary (*Pełnomocnik*) was created by an ordinance of the Council of Ministers, as part of the cabinet of the Prime Minister. It was neither independent nor stable.

⁸ *Rozporządzenie Rady Ministrów* Dz.U.02.96.849, Government Ordinance from June 25, 2002.

required by the Constitution would not be reached without the official support of the Catholic Church. As a result, the government tabled a bill on the legalization of abortion and unsuccessfully tried to add to Poland's Treaty of Accession a specific opt-out clause for « the protection of life, family and marriage, as well as cultural and moral issues » (Portet 2003: 149-150), so that the Church would back the referendum campaign in return. Bills on same-sex partnership were also ruled out in 2002 and 2004.

The accession process, finally, had an indirect but significant influence on the development of NGOs. ILGA-Europe, the European branch of ILGA created in 1996, went through a phase of rapid institutionalization thanks to the funding it received from the European Commission in 2001. It began to lobby European institutions about the situation of gays and lesbians in candidate countries, and, with the *Intergroup for Equal rights of lesbians and gay men* of the European Parliament, was essential in drawing the attention of the EU to sexual orientation issues in the negotiation process (Swiebel 2009: 24, Beger 2004: 23-30). ILGA-Europe started to order reports from their local member associations, and in 2000 coordinated systematic research on discrimination in four candidate countries including Poland. This transnational influence was decisive in the emergence of new Polish LG organizations and the transformation of their action repertoire.

b. New opportunities, new organizations

The new situation offered extended opportunities for LG activists who became interlocutors for transnational NGOs and institutions, as well as for the SLD government in the implementation of EU policy on antidiscrimination. The year 2001 appears as a turning point in Polish LG activism. ILGCN-Polska, the Polish branch of the *International Lesbian*

and Gay Cultural Network⁹, was registered in early 2001 and organized on May 1st the first *Parada Równości* [Equality Parade] in the streets of Warsaw, reportedly drawing up to 300 marchers, although failing to get media coverage. In September, an organization named *Kampania Przeciw Homofobii* (KPH) [the Campaign against Homophobia] was registered. After a year-long period of discussions, KPH decided to focus on lobbying and political activities, and became soon the favored interlocutor of ILGA-Europe and European institutions. The same year, an important lesbian Internet portal, *Kobiety-kobietom* [Women-to-women], was created, and queer studies emerged in Polish academia. Undoubtedly, the dramatic increase of LG initiatives was fostered by the diffusion of the Internet and new technologies (Gruszczyńska 2007), but it also corresponded to a new structure of political opportunities, both local and transnational.

All organizations, except for some radical lesbian groups rooted in anarcho-feminism, showed their willingness to collaborate with the state. Most of them effectively applied for public grants. For instance, in 2002, *Lambda Warszawa* got allocations from the Ministry of Health, the Municipal Office of the Center of Warsaw, the National Center for AIDS, the Office of the Committee for European Integration, and the government Plenipotentiary for Equal Status of Women and Men¹⁰. In December 2002, six LG organizations were invited

⁹ Dedicated to culture, ILGCN was created during the 1992 ILGA-World conference. It is a loose transnational network, with a secretariat located in Sweden, and representatives mostly around the Baltic Sea. <http://www.ilgcn.tupilak.org> [Accessed July 2010]

¹⁰ *Raport roczny Stowarzyszenia Lambda Warszawa. 2002 rok*. Published by Stowarzyszenie Lambda Warszawa, 2003.

to the government Plenipotentiary office for consultation. In summer 2003, ILGCN-Polska organized a campaign in support of the bill on same-sex partnership. In September 2004, the president of KPH became a member of the Consultative Council to the Plenipotentiary. Organizations appeared to be both trying to collaborate with willing public institutions and to lobby the government and MPs. Nevertheless, they did not choose to open a wide public debate.

The first real exposure of the LG movement to the public occurred with the action *Niech Nas Zobaczq* [Let Them See Us], a social campaign organized by KPH in 2002-2003 and partly financed by the government Plenipotentiary. Consisting of thirty photographs of same-sex couples holding hands in the street, it was shown as an exhibition in galleries, while some pictures were hung on billboards in main Polish cities. This action faced dramatic resistance and triggered the first public controversy on homosexuality, to the point that one of the models wrote that it was the « Polish Stonewall » (Leszkowicz 2004: 85). On May 7, 2004, one week after Poland's accession to the EU, a March for Tolerance was organized in Cracow by KPH's local branch. Counter-demonstrators stopped the march under the Wawel castle, attacked it with eggs and stones and chased some of the participants throughout the city. These two events, despite their emphasis on cultural rather than political aspects, marked the emergence of homosexuality as a political topic in the public debate.

c. Nationalist reactions and the rise of political homophobia

http://www.lambdawarszawa.org/component/option,com_docman/task,doc_download/gid,15/Itemid,33/ [Accessed March 2010].

The attacks, although coming from different sides at first, were quickly taken over by political parties and organizations. In the media, *Młodzież Wszechpolska* (MW) [the All-Polish Youth], a youth organization connected to the extreme-right, was often pictured as the « natural » adversary of the young Cracovian KPH activists. Two political parties also started to focus on the struggle against the « promotion of homosexuality »: Law and Justice (PiS), the right conservative party (as opposed to the right liberal Civic Platform (PO)), and the League of Polish Families (LPR), the extreme-right ultra-Catholic party. MPs from both parties introduced resolution drafts for the suppression of the government Plenipotentiary because of its support to the *Let Them See Us* campaign. In June 2004, Lech Kaczyński (PiS), then the mayor of Warsaw, forbade the Equality Parade. Despite numerous protests, he repeated the ban in 2005 and used the struggle against « homosexual propaganda » and for the defense of nation's morality as one of the most prominent themes of his presidential campaign on the same year.

Opponents of LG public actions pictured them as provocative, and incompatible with Polish culture and traditions. They claimed that the existence of Poland was threatened, and depicted the Catholic heterosexual family as the only institution able to reproduce and secure the nation. They used nationalistic symbols such as the Polish flag or the Wawel castle where the March for Tolerance had been stopped. The resistance against lesbian and gay rights began to symbolize Polish sovereignty against the EU (Graff 2006: 437). LG organizations paid a high price for being associated with the European integration process; their struggle was suddenly pictured as a symptom of the bad influence of the EU on Polish society, and their goals as threatening social models imported from the « West ». The success of these conservative critiques was favoured by the role played by obligation and

conditionality over persuasion in the asymmetrical relationship between the EU and the Polish state during the negotiation process (O'Dwyer 2010).

III. 2004-2010: Challenging the state within the EU

The transformations caused by the institutionalization of homophobic attacks in 2005-2007 had important consequences for the LG movement, which started to use a variety of resources to challenge the state, while also engaging in dialogue and collaboration with willing institutions.

a. The institutionalization of homophobia

The victory of PiS at both presidential and parliamentary elections in Fall 2005 came as a sign of backlash for LG organizations. In November, immediately following the elections, participants of the March for Equality, banned by the mayor of Poznań, were aggressively arrested and detained for a few hours by the police. This unprecedented police repression was seen as the symbol of a turn in the attitudes of the state towards the LG movement. K. Marcinkiewicz, the new Prime Minister, declared a few days before his nomination that « the promotion of homosexuality [was] a violation of other citizens' freedom », and that « [homosexuality was] unnatural. What is natural is the family, and the state must uphold the family. »¹¹ The first action of the government was to dissolve the Plenipotentiary for Equal Status of Women and Men. Part of its responsibilities was transferred to a Deputy Minister for Family, located in the Ministry of Work and Social Affairs. The new Deputy Minister made clear that she would not support the Equality

¹¹ Karnowski, M., Zaremba, P. Wierzę w kapitalizm. *Newsweek Polska*. October 2, 2005.

Parade and that she would never agree to the legalization of same-sex partnership and adoption for same-sex couples¹².

In May 2006, PiS had to build a new coalition to keep a majority in the Parliament. Among its new allies was the League of Polish Families. Its leader, Roman Giertych, became Vice-Prime Minister and Minister of Education. Jarosław Kaczyński, the President's twin brother, was nominated Prime Minister two months later. Under this new cabinet, attacks and affairs concerning LG issues appeared in Polish media almost on a daily basis, and youth and education issues became the main battlefield for the homophobic activities of the government and the condemnation of European policies. The Ministry of Education even prepared a bill criminalizing the « promotion of homosexuality and other perversions » in schools¹³. However, the coalition was dissolved in summer 2007, impeding approval of the law.

The omnipresence of homophobic statements from government officials during this period was part of an overall strategy of discursive hyper-activity in the fields of sexual rights (mostly homosexuality and abortion), foreign affairs (bitter criticism of both Russia and the EU), and the politics of memory. Homophobia became a political resource for the government and a source of legitimacy, insuring its morality in opposition both to previous governments and regimes and to Western secularized immoral countries.

¹² Dziobkowska, D., Kwaśniewski, T. Kluzik-Rostkowska: Nie będę bronić Parady Równości. *Gazeta Wyborcza*. November 7, 2005.

¹³ Orzechowski: kara za homoseksualizm i inne zbrocenia. *Gazeta Wyborcza*. March 13, 2007.

b. The lesbian and gay movement facing state homophobia

The effects of the institutionalization of homophobia on the LG movement were spectacular. First, its action repertoire, frames, and political allies diversified dramatically. In 2004 and 2005, the Equality Parades took place in Warsaw despite the legal ban, as acts of civil disobedience. The main organizations gathered in a federation, *Fundacja Równości* [the Equality Foundation], in charge of organizing the parade. Following the second ban of the parade in 2005, five activists from different organizations filed a lawsuit against local authorities. It went to the European Court of Human Rights, which condemned Poland in 2007. Similarly, reactions to the arrests of the marchers in Poznań in 2005 led to a renewal of the movement's claims, which were for the first time clearly framed in terms of citizenship and rights of assembly. New political allies appeared, such as former activists from *Solidarność*. Joint demonstrations with teachers against Roman Giertych's policies paved the way for further collaboration with trade unions. Earlier alliances, such as the one with women's organizations, deepened during this period: on March 8, 2005 lesbianism was one of the main topics of the feminist march for the International Women's Day.

Second, the closure of political opportunities at the domestic level contributed to the deepening of European connections. Encouraged and supported by transnational NGOs such as ILGA-Europe, Polish activists display an example of « boomerang pattern » (Keck and Sikkink 1998: 13), as they sought international partners able to pressure the Polish state from the outside. Despite numerous solidarity manifestations by Western European NGOs, however, Western governments did not officially interfere in the Polish situation. In June 2006 and April 2007, the European Parliament passed two resolutions against homophobia specifically targeting Poland. They were denounced by nationalists as proofs of the EU

willingness to impose homosexual rights in Poland. The 2007 judgement from the European Court of Human Rights had a better media coverage, possibly due to a higher legitimacy of Courts and legal discourse. In sum, reactions of the European institutions did not force the Polish government to back down, although they may have been an important factor impeding the realization in the law of the homophobic program of the government.

Finally, collaboration with the EU and Western countries was not the only strategy of Polish LG organizations. Facing homophobia entangled with nationalism, and being treated as Poland's enemies, LG activists started to use national symbols. In Cracow, the organizers of the March for Tolerance reclaimed elements like the Wawel castle and the Polish flag. The comparison and connection of the experience of different marginalized groups, such as Jews, women, gays and lesbians gave rise to innovative alternative narrations of Polish history. Telling the everyday life of gay/transgender men in the People's Republic of Poland, the 2005 novel *Lubiewo* (Witkowski 2010) was an important milestone of this growing interest for the past. In 2006, *Porozumienie Lesbijek* [The Lesbian Agreement] started to systematically collect information concerning lesbian, bisexual and transgender women in Polish history and to present them in the form of a calendar. In 2007, two activists undertook the required procedure at the Institute of National Remembrance (IPN) for recognizing of *Operation Hiacyinth* as a communist crime¹⁴. This initiative, although unsuccessful, was an important step in the discovery of the condition of gays and lesbians under communism by younger generations. The knowledge about previous organizations, lives, and modes of repression helped advocates

¹⁴ Stachowiak, J. Różowe archiwum. *Polityka* 43(2626). October 27, 2007

of LG rights to root their action in the Polish context and to resist accusations of ‘otherness’ from the national community.

Yet, although the LG movement was deeply transformed by the institutionalized attacks, its basic relation to the state did not change dramatically. Most organizations still tried to access public funding, and maintained a dialogue with the Deputy Minister for Family in charge of the struggle against discrimination. And while they became a symbol of resistance against the unpopular government, they did not become a mass movement nor gain new allies with significant access to the political institutional space.

c. Silence and statu-quo: the new configuration

Following the dissolution of the government coalition in Summer 2007, new parliamentary elections were held in the Fall and the Civic Platform (PO) came to power. Claiming just like PiS the legacy from the Solidarność movement, PO had marked its difference by resolutely embracing a strategic image of modernity. It often emphasized the liberal model of citizenship based on property over the national-Catholic model used by the PiS, and also distinguished itself by its commitment to a neoliberal economy and EU integration. Nevertheless, the distinction had not always been clear, as members moved from one party to another over the years, and a coalition between both parties was seriously considered in 2005. After PiS leaders refused this alliance, PO became the main opposition party but did not choose, however, to support LG rights. PO politicians’ general attitude toward this issue had most of the time swung between silence, which ensured them a positive image among their Western partners, and conservative positions emphasizing that it should not be among the government’s priorities.

Immediately after the 2007 elections, Donald Tusk, the new Prime Minister, ignored the call from numerous LG and women's organizations for a strong policy against discrimination and the restoration of the government Plenipotentiary office abolished by PiS. Only on March 8, 2008, on the International Women's Day, did he announce the nomination of a new government Plenipotentiary « for Equal Treatment », responding to EU pressures. Still not fully recognized by EU institutions due to the weakness of her position, the new Plenipotentiary appeared over time, paradoxically, to be more conservative than the Deputy Minister for family of the former PiS government, who had stayed on good terms with many LG activists. She repeatedly refused to meet representatives of LG organizations, and declared in September 2010 that Catholic schools were allowed to refuse to hire a lesbian teacher¹⁵, sparking off a scandal in liberal media and a large wave of protests among LG organizations and their allies, at the domestic as well as European level, but the Prime Minister refused to dismiss her. This new configuration shows the limits of the EU influence, as the government successfully combines a pro-EU discourse, a positive image among its Western partners and a very conservative standpoint on LG rights issues.

During this last period, the LG movement has continued to diversify. Queer groups have emerged from the backgrounds of LG activism, anarcho-feminism, and academia. The attitude of the liberal party gave rise to new critiques of capitalism and international power relations amongst radical groups. Nevertheless, collaboration between radical queers and

¹⁵ Puścikowska, A. Misja Elżbieta. Rozmowa z Elżbietą Radziszewską. *Gość Niedzielny*. September 12, 2010.

mainstream groups is not uncommon. Most organizations agree on a bitter evaluation of the action of the government, and a large consensus exists on the need for a more direct challenge of the state on the issue of rights. In January 2008, the first nation-wide « Round Table » of Polish LGBTQ organizations called for a strong common stance on the registered partnership bill. At the end of 2009, activists from three organizations proposed a joint new bill that gained the support of SLD party, which announced that it will introduce it in Parliament in the Fall of 2010.

Conclusion

The history of the LG movement in Poland cannot be separated from the history of transformations of the Polish state. First groups emerged in the interstices of the weakened socialist state, despite the very high normative control exerted on the citizens' private life and sexuality. In the nineties, post-1989 initiatives slowed down because of the role of the Catholic Church in the transition process, and the new definition of citizenship excluding sexual rights. In the early years of the twenty-first century, new opportunities emerged in the preparative phase of the EU accession. However, the negotiation process also led to several problems, such as the adoption of anti-discrimination laws « from above », the absence of public debate, and the low legitimacy of EU norms. These circumstances enabled nationalist political parties to turn resistance to sexual rights into a symbol of Poland sovereignty, and the few successes in the field of antidiscrimination policy seem very fragile.

Between transnational influences and the transformations of the state, the Polish LG movement has constantly played with changing external factors. The influence that it may have had in turn on the state is more difficult to assess. If the mobilizations have not been

able to question the state's definitions of marriage and family, they have contributed to the reaffirmation of the right of assembly for all citizens, including those who are considered the furthest from the normative moral and social order.

More significantly, the Polish LG movement may have played an important –though mostly unintentional– role in the transformation of EU institutions. Indeed, transnational activists working with the EU and the Council of Europe extensively used the « case » of homophobia in Poland in their lobbying actions for a stronger EU stance against homophobia. The outburst of political homophobia in Poland thus appeared as a window of opportunity for European transnational NGOs to push their agenda and convince EU representatives of the importance of the issue. The emergence of the category of *homophobia* itself in official documentation and resolutions is a crucial and direct result of the transnational uses of the information provided by Polish LG organizations.

References

- Beger, N.J. 2004. *Tensions in the Struggle for Sexual Minority Rights in Europe. Que(e)rying Political Practices*. Manchester: Manchester University Press.
- Chruściak R. 1997. *Projekty Konstytucji 1993-1997, Część I*. Warszawa: Wydawnictwo Sejmowe.
- Croucher, S. 2002. South Africa's Democratisation and the Politics of Gay Liberation. *Journal of Southern African Studies*, 28(2), 315-30.
- Einhorn, B., Sever, C. 2003. Gender and Civil Society in Central and Eastern Europe. *International Feminist Journal of Politics*, 5(2), 163-90.
- Gal, S., Kligman, G. 2000. *The Politics of Gender After Socialism*. Princeton: Princeton University Press.

Graff, A. 2006. We Are (Not All) Homophobes: A Report from Poland, *Feminist Studies*, 32(2), 434-49.

Gruszczyńska, A. 2007. Living 'la Vida' Internet: Some notes on the Cyberization of Polish LGBT Community, in *Beyond the Pink Curtain. Everyday Life of LGBT People in Eastern Europe*, edited by R. Kuhar and J. Takács. Ljubljana: Peace Institute, 95-115.

Heinen, J., Portet, S. 2001. L'intégration de la Pologne à l'Union Européenne peut-elle modifier les rapports de genre ?, *Lien social et Politiques*, 45, 55-69.

Holc, J.P. 1997. Liberalism and the Construction of the Democratic Subject in Postcommunism: The Case of Poland. *Slavic Review*, 56(3), 401-27.

Keck, M.E., Sikkink, K. 1998. *Activists Beyond Borders. Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Klesse, C. 2006. Beyond Visibility, Rights, and Citizenship. Critical Notes on Sexual Politics in the European Union. *Interalia*, [Online] 1. Available at:

http://www.interalia.org.pl/pl/artykuly/2006_1/03_beyond_visibility_rights_and_citizenship.htm [accessed :15 May 2010]

Kliszczyński, K. 2001. A Child of a Young Democracy: The Polish Gay and Lesbian Movement, 1989-1999, in *Pink, Purple, Green. Women's, Religious, Environmental and Gay/Lesbian Movements in Central Europe Today*, edited by H. Flam. New York: University of Columbia Press, 161-68.

Leszkowicz, P. 2004. Przełamując Hetero-Matrix. Wojna seksualna w Polsce i kryzys praw człowieka, in *Homofobia po polsku*, edited by Z. Sypniewski and B. Warkocki, B. Warszawa: Wydawnictwo Sic !, 85-112.

- Long, S. 1999. Gay and Lesbian Movements in Eastern Europe. Romania, Hungary, and the Czech Republic, in *The Global Emergence of Gay and Lesbian Politics. National Imprints of a Worldwide Movement*, edited by B.D. Adam, J.W. Duyvendak and A. Krouwel. Philadelphia: Temple University Press, 242-65.
- Mason, D., Nelson, D., Szklarski, B. 1991. Apathy and the Birth of Democracy: The Polish Struggle. *East European Politics and Societies*, 5(2), 205-33.
- McAdam, D. 1996. Political Opportunities: Conceptual Origins, Current Problems, Future Directions, in *Comparative Perspectives on Social Movements*, edited by D. McAdam, J. McCarthy, and M. Zald. New York: Cambridge University Press, 23-40.
- Mizieleńska, J. 2001. 'The Rest is Silence...' Polish Nationalism and the Question of Lesbian Existence. *The European Journal of Women's Studies*, 8(3), 281-97.
- O'Donnell, G., Schmitter, P.S., Whitehead, L. (eds). 1986. *Transitions from Authoritarian Rule: Prospects for Democracy*. Baltimore: Johns Hopkins University Press.
- O'Dwyer, C. 2010. From Conditionality to Persuasion? Europeanization and the Rights of Sexual Minorities in Post-Accession Poland. *European Integration*, 32(3), 229-47.
- Owczarzak J. 2009. Defining Democracy and the Terms of Engagement with the Postsocialist State. Insights from HIV/AIDS. *East European Politics and Societies*, 23(3), 421-45.
- Pogodzińska, P. 2006. Recognizing Sexual Orientation in Polish Law. From Combating Discrimination to Claiming New Rights, in *The Gays' and Lesbians' Rights in an Enlarged European Union*, edited by A. Weyembergh and S. Cârstocea, Brussels: Éditions de l'Université de Bruxelles, 169-84.

- Portet, S. 2003. Limites du deus-ex-machina. Le féminisme polonais face à l'adhésion à l'Europe. *Mouvements*, 26, 146-52.
- Stanley, J. 2010. Sex and Solidarity, 1980-1990. *Canadian Slavonic Papers/Revue canadienne des slavistes*, LII(1-2), 131-51.
- Swiebel, J. 2009. Lesbian, Gay, Bisexual and Transgender Human Rights: the Search for an International Strategy. *Contemporary Politics*, 15(1), 19-35.
- Watson, P. 2004. Rethinking transition: Globalism, Gender, and Class in *Going Public, Feminism and the Shifting Boundaries of the Private Sphere*, edited by J.W. Scott and D. Keats. Urbana: University of Illinois Press, 278-308.
- Whitehead, L. 2003. The Enlargement of the European Union: A 'Risky' Form of Democracy Promotion, in *The International Dimension of Democratization. Europe and the Americas*, edited by L. Whitehead, Oxford Scholarship Online, 415-43.
- Witkowski, M. 2010. *Lovetown*. London: Portobello Books [2005. Lubiewo. Cracow: *Korporacja ha!art*].