LGBT-rights in Poland, Italy and Portugal

Why does

acceptance differ?

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Introduction

The rights of Lesbian, Gay, Bisexual and transgender (LGBT) people have become an increasingly important part of European Union legislation (ILGA). Most of these rights are concerned with freedom of expression and anti-discrimination legislation. Together with EU involvement in these rights more and more countries within the EU have legalized same-sex marriage and the populations of these countries have become increasingly acceptant of the LGBT rights.

Within the EU there is however a big contrast between the countries in western and eastern Europe. Where in the western countries popular support for LGBT rights is high and in most of these countries same-sex marriage is legal. Show the eastern European member states reluctance towards LGBT rights (including marriage). Popular support for these rights in these countries is very low and some countries even have adopted constitutional limitations for same-sex marriage.

Another, sometimes given difference within the EU is between Catholic and non-Catholic, or more secularized countries. In these cases it is said that support for the Catholic Church determines whether a countries supports LGBT rights. Other research however showed that religion does not necessarily plays a determining role in the acceptance of LGBT rights. In a research conducted by O'Dwyer and Schwartz (2010) it was shown that both Poland and Latvia are very reluctant to accept LGBT right. This even though both countries show are very different support for religion, Poland is very religious (with over 97% of the population being a member of the catholic church), where in Latvia only 55% of the population is religious (Pew 2012, 47-48)[1].

These two countries are not the only ones that point towards a different explanation for the acceptance of LGBT rights than religion. For example, Portugal is a country that shows almost the same amount of support for the Catholic Church as Poland. Portugal however has legalized same-sex marriage in 2010 (Pew 2013). Italy which has, on basis of religion the same characteristics as Poland and Portugal, and has a bill to legalize same-sex marriage pending in parliament.

These differences have led to the following research question: *"What factors shaped the acceptance, or lack thereof, of LGBT rights in Poland, Italy and Portugal?"* This research thus sets out to explain the difference in acceptance of LGBT rights in these three, catholic, EU member states, this based on the support for same-sex marriage and the freedom of expression (here operationalized as the possibility to organize a LGBT pride parade).

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[1] Other sources, such as the CIA World Fact Book point to lower scores of religion for both of the countries; with only 20% for Latvia and 83% for Poland (CIA 2015).

The three countries as introduced in the research question have been selected based on three characteristics. First the prevalence of Catholicism in these countries; in each of the countries is at least 80% of the population member of the Catholic Church. The second characteristic is also shared by all three states: membership of the European Union. The last item on which countries have been selected is the acceptance of LGBT rights; this is the only characteristic on which the three countries differ from each other. A deeper explanation of the cases will be given later on in this paper.

To explain the differences between the three countries, this thesis will make use of two theoretical approaches. First norm localization, which focuses its explanation on the influence of local factors to explain why norms are (not) introduced in a new environment. The second theoretical approach is constructivism, which sets out to explain the same questions as norm localization. This approach however seeks explanation more in structural factors, instead of agents.

The use of these theories and the derived hypotheses; have resulted in finding that the factors which determine the acceptance of LGBT-rights are not unambiguously. For the three countries different factors have been found which are country specific. Nationalism has been identified as a factor as is macho culture. These two factors however are not mutually exclusive; and do not rule out religion as a factor completely.

In the following chapters this paper will first examine other research in the field of LGBT-rights, followed by the theoretical framework to determine the hypotheses and possible explaining factors. This is followed by a study of the three countries separately, this to find any country specific factor that explain the acceptance of LGBT-rights. After the discussion of the countries a comparison will be made between the countries in which also the country specific factors will be tested for the other countries. This will be followed by a test of the hypotheses and finally, of course, the conclusion.

Literature review

Discussions on the acceptance of LGBT rights have already been the subject of several papers. These papers have mainly focused on the acceptance in one or two countries (O'Dwyer & Schwartz 2010), or the acceptance amongst a very specific group in society (Hooghe et.al. 2010). These studies did thus not focus on a comparison between, relatively, similar countries.[2] Other studies had their focus on the arguments

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[2] O'Dwyer and Schwartz did study two countries; these however were not comparable on the independent variable but on the dependent.

used in the debates surrounding LGBT rights (Lee 2010; Schuman 2008). These studies will be explained more broadly in the following chapter; the conclusion stemming from the discussed literature will give more insight in how to assess the arguments used in the debates surrounding LGBT rights and the origins of these arguments.

Debates

Lee (2010) wrote about the discussions concerning same-sex marriage and the arguments used by both opponents and proponents of this possibility. Lee gives several explanations on why same-sex marriage might controversial in some countries (2010, 51-54). She first points out that in many countries opposition against same-sex marriage finds its basis in religion; meaning that opponents argue against this right using religious arguments e.g.: "God says it is not allowed, so we should not allow it in our country either." Lee argues that religion forms deep-seated convictions of value and that people who belong to a certain religion thus will use it to oppose same-sex marriage.

Religion however, is not the only basis of opposition against same-sex marriage. Some opponents will not use arguments based on religion, but focus in turn on societal problems they see; if same-sex couples are allowed to get married. They could argue for example that same-sex marriage could endanger the safety of the state (Lee 2010, 62). Lee further found that many opponents of same-sex marriage see marriage as something with an intrinsic value, and not just as a social contract between two persons (2010, 66). This is in line with both a religious view on marriage, and the importance of heterosexual marriage to society. Lastly Lee identified in many discourses on same-sex marriage that; opponents, when not using a religious of societal argument, they tend to focus on biology. By stating that the use of marriage is to produce offspring, and that a marriage between two persons of the same sex thus cannot be valid due to the fact that they are not able to receive children in a biological way (Lee 2010, 63).

In contrast to the description above Schuman (2008) argued in his article God & Gays that most, if not all arguments against same-sex marriage are based is religion (2124) . He thus states that there are no real secular arguments against same-sex marriage. For this research this would mean that every arguments put forward by politician should be considered as religious, no matter how this persons dressed his argument. However, this will not be the case for this research, this because Schuman based his argument on three main arguments only. It is thus important to keep in mind that many arguments could be based in something else besides religion.

Even though not all arguments used against same-sex marriage will automatically be seen as religious in this paper, for three groups of arguments the classification of Schuman will be used. Firstly, the arguments concerning the definition of marriage; this group of arguments states that marriage is defined, and had always been defined as a union between one man and one woman. Secondly the arguments stating that legalizing same-sex marriage would mean a stamp of approval for homosexual behavior. Using this argument means that the person using it thinks that homosexuality is inherently wrong and should never be endorsed. Lastly the arguments stating that legalizing same-sex marriage would lead to devolution in the sanctity of all heterosexual marriages (Schuman 2008, 2113). These three groups of arguments will, in this research, be seen as (semi-)religious. This because these arguments, which as explained, do not necessarily have to be voiced by religious persons. For that reason they will be seen as mainly conservative arguments. Even though it could be argued that conservative ideas are based on religious ideas.

Where Lee and Schumann focused on the discussion of rights in a broader context, assessing how the arguments are created. Other research has focused on the development of LGBT rights in specific countries, or how certain ideas influence the acceptance of LGBT rights. Or the acceptance within specific groups in society. O'Dwyer and Schwartz (2010) compared the situation of LGBT rights in two, new, European Union member states. Whereas Hooghe et.al. (2010) investigated the acceptance of LGBT rights amongst high school students, in Belgium and Canada. This in combination with factors such as religious affiliation.

Comparative studies

In their article about LGBT rights in Poland and Latvia, O'Dwyer and Schwartz compared these two countries based on the acceptance of homosexuality (2010). The similarities between these countries were large; even though Poland is a very religious country and Latvia is mostly secular. O'Dwyer and Schwartz thus set out to explain these similarities, which could not immediately be explained in terms of religion. They found that in both the acceptance of LGBT rights declined after accession to the European Union and a rise in support for nationalistic religious parties. While Latvia is a mostly secular country the support for one religious party was very strong. These parties main issue was: to not accept LGBT right and certainly to prevent the legalization of same-sex marriage.

These arguments from nationalistic parties are also seen in Poland, but there these nationalistic arguments are mainly used by religious parties in the Sejm (O'Dwyer & Schwartz 2010, 231-2). Poland and

Latvia thus show that support (or lack thereof) for LGBT rights does not only depend on the religiosity within the general population. Looking closer at the actions as explained in the paper will give the suggestion that the accession to the EU has led to a rise in homophobia in both countries. This would then be a nationalistic reaction towards the actions the EU demands from its member states.

O'Dwyer and Schwartz further explain that, in the case of Poland and Latvia, the determining factors were not religious. They argued that the discrimination of sexual minorities came from an interaction between: religion, national identity and the party system (2010, 222). These factors combined gave rise to discrimination against LGBT persons, before and after the accession process of the two countries.

The main focus in the research of O'Dwyer and Schwartz is the political and public response to LGBT pride events in both countries. They found that three factors showed that in the case of these parades the liberal government of Poland and Latvia failed: first they were not able to uphold basic liberties; second, the political elite gave broad support to an illiberal agenda; and third harsh antigay speech in the public sphere (O'Dwyer & Schwartz 2010, 222). These illiberal tendencies in Poland and Latvia manly showed, as mentioned above, after the accession process. The authors explain this behavior from a constructivist point of view: after the process of accession there were no more external incentives to comply with norms as presented by the EU. After the process these incentives became weaker and had as result that internal tendencies became more important that EU directives (O'Dwyer & Schwartz 2010, 222).

In their article Hooghe et.al (2010) saw a causal relation between religion and the acceptance of LGBT rights. This research, conducted in high schools in Belgium and Canada, showed that religious affiliation is a determining factor for the acceptance of LGBT people and rights. Not only was religion a determining factor concerning the acceptance of LGBT rights, they further showed that Catholic teenagers in Belgium and Canada are more acceptant of LGBT right than persons belonging to any of the other major religions (Hooghe et.al. 2010, 391).

These results may lead to some expectation about the acceptance of LGBT rights in Poland, Italy and Portugal. Despite these possibilities it important to note that this research was conducted after Belgium and Canada legalized same-sex marriages (2003 and 2005 respectively (PEW 2013), this gives reason to expect that it is possible that the legalization of same-sex marriage has influenced to opinions on this issue. It could however give explanations for the possible change in public opinion on LGBT rights in Portugal after same-sex marriage was introduced.

While it might not give insight in how people think about LGBT marriage this article presents how people with different religious backgrounds think about homosexuality. This could thus help to determine the influence of certain religious ideas on how LGBT rights, including marriage and the freedom of expression, are seen by people with these backgrounds.

The factors as described by the discussed author already show some determinants of acceptance of LGBT-rights. The situation in Poland and Latvia show that religion alone is not a determining factor for the acceptance of LGBT rights. This because as shown: Latvia despite being a very secular country the population does not approve of LGBT rights. In contrast with this finding, the research by Hooghe et.al. shows that religious people, even when they are young, are less acceptant of LGBT rights.

The research by Lee and Schuman show that many of the arguments used against LGBT rights are, in essence religious. Even those arguments that at first glance seem to be secular. It is important to take this into account for when assessing the arguments used in the different countries. This as to be fully able to assess the value of the arguments used in the debates surrounding the rights of LGBT people.

It is thus important to take these factors into account. When assessing the arguments used in the debates, there are more items to account for than just those arguments stemming from religion. It is further important to take into account that the religious surroundings are necessarily the main determinant for the acceptance of LGBT rights. Other factors, which have yet to be identified may also, have a role in this debate. The factors however might be influenced by a factor such as religion; this because the three countries in this research all have a large religious population.

The research presented in the review show that research has been done to determine what factors do not play a role in the acceptance of LGBT-rights. However no real answers have been given to the question which factors do determine acceptance of LGBT-rights, if it is not clearly religion.

Research has been done to determine what kinds of arguments are used in the debates surrounding the acceptance of LGBT-rights, though with a strong focus on the right to marry. Arguments and reactions in favor or against pride parades are not documented.

Theoretical framework

As explained in the introduction the theoretical basis for this thesis is found in Norm Localization and Constructivism. Both theories aim to explain how (new) global norms are translated into a domestic

setting. Both theories however differ in how they explain the transfer of norms, and which factors play a role in the acceptance of these norms. Despite these differences the two theories are not mutually exclusive; they both aim to explain the same phenomenon, and borrow, in some cases, from each other in the explanation. The following chapter will give insight in the theories and the hypothesis developed from the two approaches.

What causes the change of norms?

The constructivist approach argues that concrete cooperation in constructing the framework of human rights contributes to shared values and community building (Zwingel 2012, 117). From these arguments follows that when states are involved in the creation of the norms they will be more likely to comply with these norms and values.

This in contrast to the norm localization approach which argues that local actors ate the main players in the construction and acceptance of new norms. Norm localization is described as the process in which local actors try to incorporate new (global or regional) norms into a local framework (Archaya 2004, 243). This theoretical approach further sheds light on how international ideas become domestically persuasive (Zwingel 2012, 126). This is thus in contrast with other approaches on the implementation of global norms in domestic settings; which argue that international actors are the driving force. Archaya describes the importance of local actors by explaining that they are better suited to frame these new norms in a context which is more acceptable for the local population (2004, 243-4). He thus claims hereby that local actors are better suited to introduce new norms, this because they have a better understanding of the local context than international actors would have.

In combination with this argument from the norm localization approach constructivism also emphasize the role of local factors, mainly the population. An argument made by Zwingel (2012, 118) is in line with this idea: domestic factors and the strength of these factors determine whether a states complies with the norms set out in a body of human rights. It is thus possible to argue that popular support for measures to improve LGBT-rights might be more important than any factor, such as coercion. Constructivism further argues that when rights are a part of a larger body of human rights will be more likely to be followed than rights that are perceived as alone standing. This argument could help to explain why states do comply with the human rights legislation as presented by the European Union. This follows from the reasoning that the EU has presented a large body of human rights law. If LGBT-rights are part of this body of legislation, it is more likely that states will comply with these rights. However, one could also be argued that the EU LGBT-rights legislation is not part of a larger body of rights. This argument is one

that would probably be made by some who opposes the implementation of these norms. This where the domestic factors come in to play when decisions on whether or not to comply with international norms, according to the constructivist approach.

Constructivism further relies on the influence of non-state actors in the international arena. It assumes that non-state actors play a vital role in the promotion of ideas and rights (Newman 2001, 247). In combination with this constructivism also underlines that behavior, interests and relationships are a social construct and can thus be changed (Ibid.). These changes are the result of an agent orientated process.

This is in contrast with the approach norm localization suggests. They argue that it is not so much the international arena that determines which rights are implemented, but rather the wishes of the local population.

Archaya (2004, 247) claims that localization is not just a response to local demands for new norms. Norm takers can also use the introduction of new global norms to impact their local legitimacy. Another factor that has to be taken into account when assessing the localization of norms is the strength of prior local norms, and the credibility of the key norm takers. These three factors can explain if, and how new norms are implemented. Norm takers will thus try to implement new norms if they believe that new norms will enhance their authority and legitimacy, but only without altering social structures too much.

The process of change

Norm localization and Constructivism do not only give a model to explain why new norms are introduced and accepted. They also give insight in how the process of norm adaption might work. The process of norm adaptation is described by Finnemore and Sikkink (1998, 895) for the constructivist approach and by Archaya (2004, 251) for norm localization.

Finnemore and Sikkink proposed a three stage process for the emergence and following acceptance of norms: The norm "Life Cycle" (1998, 895). This process starts with norm emergence which entails the efforts of norm entrepreneurs to convince leaders (norm takers) to embrace the new norms (ibid.). In this stage the norm entrepreneurs thus present new norms to a public that could implements these norms in social structures and policy. In the following stage: Norm cascade takes place when the norms takers try to socialize the norms as presented in the first stage. There are various reasons presented why norm takers would try to implement and socialize these new norms. Finnemore and Sikkink argue that norm cascade happens through a combination of pressure for conformity and a wish for international

legitimation and a desire to enhance the self-esteem of the leaders (1998, 895). The last stage of this life cycle is internalization, when this stage is reached the norms are no longer part of a large public debate, and both the leaders and population have fully accepted these norms (ibid.).

This model however has been criticized by Zwingel; she argues that this model focuses too heavily on global issues and does not take domestic factors into account (2012, 118). She further argues that Finnemore and Sikkink failed to take into account the difference between states that implement these norms because they really support them and the states that do so out of opportunism (Ibid.). Instead of the norm life cycle she follows a model that is, according to Zwingel, able to measure the salience of these norms in a domestic context. This means that the domestic factors provide the context in which the norms take meaning (Zwingel 2012, 118). Using this model gives the opportunity to take domestic norms and values into consideration when discussing the transfer of international norms in different states. This is so because there is no general pattern in which norms are transferred in different contexts; since every country has its particularities, and thus a different way in which norms become accepted.

Norm localization presents another model for the introduction of new, and the change of old norms. This is a four step model: first, Prelocalization. In this step resistance against the new norms is the main characteristic of this step. The opposition against these norms can however also lead to more local norm entrepreneurs accepting these norms. The second step is the local initiative, in which local norm entrepreneurs frame the new norms into a local setting. This is followed by adaptation; here the norms are adapted to fit the local existing model of norms and values. It is however also possible that the existing local norms are changed to fit into the new model. The introduction of norms is finished with amplification and 'universalization.' Here the norms are fully adapted to the local framework, which results in the acceptance of the norm, but the influence of existing norms remains high (Archaya 2004, 251).

Local norms can predict whether certain new norms will be implemented, this because if the new norms are in line with the old, it will be easier for norm takers to implement them. This also means that, if the strong old norms oppose the new norm it will be very difficult to implement these. Lastly, if the norm takers are seen as credible, trustworthy persons it will be more likely that new norms are implemented. (Archaya 2004, 247-8).

For this research the three explanations of why norms are implemented in a new context have different implications. The enhancement of authority and legitimacy would then mean that the norm

takers, or political leaders, see the acceptance of LGBT-rights as something which is desired by the population and could thus create a position of more power for the leaders if these norms are implemented. The pre-existing norms, which could be an overall acceptance of LGBT-people in society, or the opposite, in combination with how the ideas of the population are influences by other actors, such as the Church. Lastly if the leaders who want to implement new rights for LGBT-persons have strong support from the population it will be easier for them to introduce these norms.

The acceptance of new norms cannot be achieved through promotion alone, this is what Levitt and Merry argue in their paper on women's rights (2009). They state that the consciousness of those involved in the decision making process needs to be changed (Levitt & Merry 2009, 457). This however leads to a problem as they point out: the new norms need to resonate with norms which are already accepted by society. For LGBT-rights this thus means that in order to accomplish the acceptance of these rights, acceptance of LGBT-people in society is needed before the rights can be accepted.

The acceptance of LGBT-people in the countries in this study is thus an important factor in order to explain whether those people in the position to make a decision on LGBT-rights will implement legislation to improve the position of LGBT-people.

Hypotheses

A combination of the two described models will give the opportunity to get a full understanding of how and why norms are (not) transferred in Poland, Italy and Portugal. The model of Finnemore and Sikkink will give the opportunity to really follow the process in which the norms are transferred and implemented in the three countries. It will further make it possible to empirically asses the process in these three countries. When the model as used by Zwingel is introduced; it will be possible to see how norms are implemented and to track the discussion concerning the rights. Following the models of Zwingel, and Finnemore and Sikkink; constructivism leads to the following hypotheses:

H1: Governments that support LGBT-rights do so out of opportunism.
H2: When public support for LGBT-rights is high, political support for these rights is high too.

The first hypothesis relies on the idea that governments can have different motivations for the implementation of LGBT-rights legislation. As explained by Zwingel, states can implement legislation concerning LGBT- rights for two reasons; out of opportunism, with as a result being accepted by other states, but without really supporting these rights. And secondly because they firmly believe that it is

important to grant LGBT-persons these rights. This idea ties in with hypothesis five, the use of new human rights legislation in order achieve higher legitimacy. The second hypothesis already ties in with the norm localization approach, which is to be explained in the following part. This hypothesis stems from the idea that political parties and leaders will follow the opinion of the public, despite their own stances on the issue. Thus if the public support for LGBT-rights is high, parties will be more inclined to introduce legislation to improve these rights. Even if they oppose these rights.

Norm localization theory will help to explain if local actors will introduce LGBT-rights into the domestic context, and how these rights are accepted by society. Norn localization can thus help to explain why LGBT-rights are accepted. From the explanation of norm localization the following three hypotheses are derived:

H3: High (perceived) public support for LGBT-rights will lead to the implementation of these rights by the political leaders.
H4: Politicians whom oppose LGBT-rights will use arguments based on local culture.
H5: Politicians who support the European Union are more likely to implement LGBT-rights legislation.

Hypothesis three argues that in countries where the support for LGBT-rights is high amongst the public, political leaders will be more inclined to propose, and accept legislation improving the rights of LGBT-persons. For measurements this means that in countries where political support for LGBT-rights is low, the public support must be low too, and vice versa. Hypothesis four stems from the importance of local norms and ideas, if those norms oppose LGBT-rights it will be less likely that these rights are accepted by politicians. It further means those politicians who oppose these rights will use these local norms as an argument against LGBT-rights. The last hypothesis argues that politicians can use the implementation of LGBT-rights to enhance the acceptance of their overall policies within the framework of the EU. It also means that politicians might oppose LGBT-rights legislation as a reaction against EU norms and directives.

Case selection

As stated in the introduction and research question, there are three countries selected for this research: Poland, Italy and Portugal. These countries show different levels of support for LGBT-rights. This in combination with the size of the Catholic population has formed the basis for the case selection. The following part will give a short overview of the three countries in this research.

Poland

Of the selected cases Poland has the largest religious population, with 94% of the population being member of the Roman Catholic Church and some other, but very small, religious groups (PEW 2012, 48). The Polish government grants very limited rights to LGBT-people: anti-discrimination legislation for example is limited; LGBT-people are only protected against discrimination in employment. Discrimination in other areas in not banned, and LGBT-people have thus limited protection against it. Marriage is in Poland constitutionally defined as a union between a man and woman; making same-sex marriage impossible. At this moment in time there is no legal recognition of same-sex couples, however a bill to make this possible is currently pending in parliament. Since marriage is not legal and there is no legal recognition of relationships adoption by same-sex couples is not possible, nor is it possible to adopt a legal step-child (ILGA-Europe 2014, 130-131).

In recent years Polish city councils have started to allow for LGBT-pride parades; in the last five years no permit for such an event has been denied or withdrawn. (ILGA-Europe 2011,

Italy

In Italy Catholics form 83% of the total population, this makes Italy the least Catholic country of the three selected states. The other 17% of the population are either unaffiliated (12%) or part of a small minority religion , for most them it is thus not clear whether or not they are religious (PEW 2012, 47).

The Italian government grants, as the Polish does, limited protection against discrimination based on sexual orientation. Only in employment people are protected against discrimination, for other areas the government does not give protection. In contrast with Poland pus the Italian constitution no limitations on marriage. However, same-sex marriage is not legal in Italy, but a bill making this possible is pending in parliament; as is official recognition of same-sex couples and step-child adoption. These pieces of legislation however are met with public protests.

LGBT-pride parades are possible in Italy and in the last five years no permit has been denied or revoked. Expressions of same-sex relationships or gay people have been targets of degrading comments and vandalism by politicians as well as the public. (ILGA-Europe 2014, 96).

Portugal

With a religious population of 93% Portugal ranks just below Poland (PEW 2012, 48). In all other aspects this country could not differ more from the other two. The Portuguese government has issued anti-discrimination legislation in all areas, and criminalized hate speech against homosexuals in 2007 and for

transgender people in 2013. Same-sex marriage has been legalized in 2010, making Portugal the only of the three countries to have legalized this and has given legal recognition for same-sex couples.

Concerning the freedom of expression, there have been no obstructions for LGBT-pride parades in, at least, the last five years. LGBT-rights organizations have further not reported on mayor counter protest during these parades (ILGA-Europe 2014, 133).

These descriptions of the three selected countries will form the basis of the analysis, which will be explained more extensively later in this paper. In conclusion: the countries are the same in three mayor aspects, they all have a large Christian (Catholic) population (83-94%) and they are all EU members. For these reasons it is already possible to conclude that these two characteristics do no play a large role in why a country officially accepts LGBT-rights. It is thus the goal to find the reasons behind the differences between these countries, this following the concepts and hypotheses developed in the theoretical framework.

Methods of analysis

To conduct this research two methods have been selected, first discourse analysis, and second process tracing. How these methods will be used is the subject of the following chapter. This chapter will further discuss the operationalization of the hypothesis and the collection of the data as well as the data needed.

Operationalization of the hypotheses

The first and second hypotheses are concerned with the interplay between public opinion and political action. In the research public opinion is concerned with the acceptance of pride parades, same-sex marriage and homosexuality in general. This means that the opinion will be measured on a larger scale than is possibly necessary for this research. This choice made because there is more data available on the general acceptance of homosexuality than on the other two topics. The measurement for the acceptance of these rights comes from data collected in surveys amongst the public; this is done by (commercial) polling organizations and academic research. The results of these polls will give insight in the general opinion on LGBT-rights in the countries under investigation. The actions of politicians in these areas will be measured by using data on LGBT-rights legislation and reports on the debates by human rights organizations.

The third hypothesis is concerned with arguments based on local culture, the specific factor of local culture are at this point unknown. Religion can, of course, be one of them. But since the three countries all have a large religious population other factors will probably come into play as a determining factor. The arguments will be found using statements by politicians and other high public figures in the three countries.

The last hypothesis, the enlargement of legitimacy, is operationalized as being a part of the European Union. This means that politicians will use the states' membership of the EU as an argument to implement LGBT-rights legislations as proposed by the EU. It can however also mean the opposite; that is: politicians will deny LGBT-persons the rights as proposed by the EU as to gain more support from the local population. Which might oppose LGBT-rights and it will thus be beneficial to these politicians to oppose these rights.

Required data

The data needed to answer the research question for my thesis varies depending on the part to be answered. To look into marriage legislation other sources are needed than when looking in the right of freedom of expression, which for this research will be operationalized as the possibility to organize a pride parade.

For the part about same-sex marriage the data will mainly consist of legal documents, these can be either legislative or court rulings on the subject. These data will be used to determine which marriage rights are granted by the national government, of which rights should be granted according to the judiciary. However, legal documents cannot be the only source, because these will only give an answer to the question: if a state has legalized same-sex marriage, and not why. To answer this second question other data is necessary. This will consist of both political statements, either issued by governments or political parties. Using these statements will give the opportunity to answer why a state has or has not legalized same-sex marriage. It will further be possible to determine the positions of the different political parties involved in the decision making process.

Concerning the freedom of expression, or the possibility to organize a pride parade other data sources are needed in addition to legal documents. These documents are necessary to determine whether it is legal to organize one. However, these documents give no insight in whether or not these parades are accepted by the public and political parties. To determine this; political statements are needed, in addition to reports on organized parades and the public response to these parades. These two sources give insight

in the acceptance of these parades, while official legal documents only show if it is possible to organize such an event.

The last sources needed to answer the research question are European Union legislation and directives. These two are necessary to determine the possible influence of the EU on national legislation on same-sex marriage and the freedom of expression. EU legislation and directive are not the only sources needed to answer the question. Rulings by the European Court of Human Rights (ECHR) will help to show how EU legislation should be interpreted and what governmental decisions are in conflict with this legislation.

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The last sources needed to answer the research question are European Union legislation and directives. These two are necessary to determine the possible influence of the EU on national legislation

on same-sex marriage and the freedom of expression. EU legislation and directive are not the only sources needed to answer the question. Rulings by the European Court of Human Rights (ECHR) will help to show how EU legislation should be interpreted and what governmental decisions are in conflict with this legislation.

The necessary data can be collected from different sources. The national legislation will be collected from governmental publications on these subjects, when possible from governmental websites. In combination with these legal documents the political statements will be, if possible, collected from parliamentary websites. This only for statements made in parliamentary debates. Public statements will be collected for new articles and in some case from scientific articles. The latter will only be used to find the original source, this to ensure that the statements are correctly interpreted.

Other sources needed to answer the research question include human/LGBT-rights organizations, these mainly on the topic of the freedom of expression. To be able to conclude whether this rights is also applicable to the LGBT-community and whether they are protected when making use of this right. Further sources of data may include: the national Ombudsman, whom is concerned with the treatment of human rights by the national government. Newspapers, for both statements from political leaders, and public response to LGBT-rights. The International Lesbian and Gay Alliance (ILGA); which is concerned with LGBT-rights worldwide and has a special advisory position to the European Union. This organization also publishes annual reports on the status of LGBT-rights in the member states of the EU.

In summary the most data needed for this research will be retrieved from; Legal documents, as issued by the governments. The statements made by political leaders and government officials; these will be retrieved from newspapers. In combination with these governmental statements this research will also use documents published by the national Ombudsmen, these organizations give advice all sorts of human rights issues within states.

In combination with these, mostly, national documents reviews of the LGBT-rights will also be used. These are, mostly, published by international organizations, and give insight in how the rights are implemented in the selected states. The last source for data will be the European Court of Human Rights (ECHR); this court has issued several rulings on the LGBT-rights situation in the selected countries.

Data analysis

The proposed hypotheses will be tested using two methods within a controlled comparison framework: discourse analysis and process tracing. These methods give the opportunity to first of all focus on the

main question in the thesis; and secondly give the opportunity to identify other variables that might determine the position on LGBT-rights of the people involved in the discussion on these rights. The proposed methods will lastly give the opportunity to see if and how the acceptance of LGBT-rights has changed over the period under investigation.

The framework of a controlled comparison is chosen in order to be able to only test the hypothesis, while having no interference from other data. Using this method will thus allow only to focus on the two main rights concerned in this research; same-sex marriage and the organization of pride parades. Using the controlled comparison method also allows to focus on specific explanatory factors which are associated with these rights. It further allows to find the country specific factors that might explain the (lack of) acceptance of LGBT-rights.

The first method used is discourse analysis, this in order to find the arguments used by the opponents and proponents of LGBT-rights in the three countries. These arguments will further by analyzed used the classification provided by Schuman (2010); as shown in table 1. Using this classification allows for the creation of a clear picture whether the arguments used are religious. Discourse analysis further allows to see what other kind of arguments are used in the different countries, this since they might differ between the countries.

Argument	Explanation
Definitional argument	Marriage is a union between one man and one woman
Stamp of approval argument	Granting the same-sex couples the right to marry is an endorsement of homosexuality
Defense of marriage argument	Same-sex marriage will undermine the sanctity of heterosexual marriage

Table 1 Arguments as described by Schuman (2010, 2113) to identify the different arguments used in the debate surrounding same-sex marriage

The other method used is process tracing, this method allows to see how the rights of LGBT-people in the three countries have developed over time. The data used for this analysis is provided by human rights organizations, reports form intergovernmental organizations, and news articles. These three sources will allow for a full comparison over time for Poland, Italy and Portugal. This will be done following the frameworks as described by Finnemore and Sikkink (1998), and Archaya (2004); as presented in table 2 and 3.

Step	Description
Norm emergence	Norm entrepreneurs try to convince leaders of the importance of the new norms.
Norm cascade	Norm taker try to socialize the new norms
Internalization	Both leaders and the public have accepted the new norms.

Table 2 The framework of the introduction of new norms as described by Finnemore and Sikkink (1998).

Step	Description
Prelocalization	Large opposition against the proposed new norms.
Local initiative	The new norms are framed in a local setting.
Adaptation	Norms are adapted to fit the existing framework of norms.
Amplification	Norms are fully accepted in the new setting.

Table 3 The framework of the adaptation of norms as described by Archaya (2004).

Process tracing will further be used in order to give an overview of the progress on LBT-rights in the three countries. These figures however will give insight in the developments in the three countries. And will thus allow to see in which stage of the two proposed framework the countries are.

Poland

The situation of LGBT-people in Poland is, as said in the previous chapter, the worst of the three countries. There is almost no legislation to protect them from discrimination; only for the workplace discrimination is outlawed. There is further no recognition of same-sex unions, let alone marriage. Despite the limited recognition of LGBT-people there have been LGBT-pride parades in various Polish cities;[3] these parades have been met with violent counter demonstrations.

Pride parades

The period leading to the accession of the Poland the European Union the situation of LGBT-people became better. This was due to the strong influence of the European Commission concerning the situation of minorities. In this period the first equality parade in Warsaw was organized. The situation of the LGBT-people worsened after the accession. In 2004 the mayor of Warsaw banned the equality parade. Despite this ban around 5000 people held a parade in Warsaw in 2005 (BBC 2010), the organization appealed against the decision of the mayor and won the case in for the European Court of Human Rights (ECHR). After the ban was lifted the parade became annual as of 2006 and resulted in the organization of Euro Pride in 2010.[4]

These demonstrations have been met with (sometimes) violent counter demonstrations. The groups organizing the counter demonstrations are usually right-wing nationalistic organizations, sometimes with support of the Catholic Church. Despite the fact that these demonstrations are supported by the Catholic Church, the motivation of the demonstrators does not seem to be entirely religious. The BBC (2006) reported that many of the protestors held up sings saying: "Ban pedophilia". This is a trend

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[3] In Poland these parades are known as equality parades instead of pride parades.
[4] Euro pride is the largest LGBT-pride parade in Europe; organized in a different city every year.

seen with many people in Poland who oppose LGBT-rights, a politician for example called for an investigation of the ties between "homosexual groups and pedophilia and organized crime" (BBC 2006).

Events though, almost, every equality parade has been met with violent counter demonstrations; observers and journalist also note that the police protects' the participants of the equality parade instead of those participating in the counter demonstrations. This is in contrast to what is seen in many other countries and an improvement over time in Poland itself. Until 2006 the participants of the equality parades did not only had to fear violence from counter demonstrators but also from police forces.

Public support for the equality parades is very low; 78% of the Polish population opposes the right to hold public events for LGBT-organizations (Danish Institute for Human Rights 2009, 7). In combination with low public support for the parades; LGBT-rights organizations are also amongst the few NGO's in Poland that do not receive governmental funding for their buildings and activities: *"In Parliament in 2006 the Minister for Education stated that there "will be no more money spent on the organization [...] Campaign Against Homophobia""* (Ibid.). This means that in contrast to many other NGO's active in Poland the Campaign Against Homophobia does not receive any support from the government.

Same-sex marriage

In 2003 the first draft to introduce recognition of same-sex couples was prepared in the senate. This draft however did not receive any support from the government and did thus not proceed in parliament. Same-sex couples do thus not receive any formal recognition and are subject to discrimination in many fields, such as health care and inheritance (Danish Institute for Human Rights 2009, 7). In contrast to the unwillingness of the government to recognize same-sex couples with a form of civil unions, the general population is more willing to accept this; research showed an increase in support from 34 to 62% (ibid.).

In 2007 Polish LGBT-rights NGO's tried again to propose a bill to create to possibility of the registration of same-sex partnerships under Polish law. This bill never went to parliament, with the office of the prime minister arguing that the Polish government has never dealt with and will not deal with this issue (Rzepliński 2008, 48-49). By the end of March 2008 the Alliance of Democratic Left announced it would present a bill in parliament to create limited recognition for same-sex couples. It is important to note that there was, at that point in time, no chance for the bill to pass. This was due to the opposition of two parties, which together formed a majority[5] (Ibid.).

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[5] To this day no legislation to make recognition of same-sex couples possible has passed the Polish parliament.

When looking at the situation of the recognition of same-sex couples in Poland it is clear that recognition for these couples is far away. This is due to both political leaders who oppose it, as well as strong public opposition. In 2013 support for same-sex marriage was 26%, it is important to note that this was a rise a comparison with three years before when only 16% of the population supported same-sex marriage.

Support for same-sex marriage is mainly found in larger cities and amongst liberal politicians. The election of more liberal parties in the Sejm[6] resulted in an increase in the living conditions of LGBT-people (Mirosława & Pawlęga 2012, 13). This increase however was only small and did not result in better legal recognition or protection.

Even though the population of the larger cities show some support for the rights of LGBT-persons, the general population is still opposes the rights. Surveys conducted in the period 2005-2014 all show that only a small minority supports same-sex marriage; and only a small majority supports a form of civil unions for same-sex couples. This is reflected in how the Polish parliament and government treats this subject. As explained; legislations surrounding this recognition of same-sex couples. These pieces of legislation have either never reached parliament or were rejected in parliament.

Since 2005 the public discourse on homosexuality has changed, this is mainly due to the language used by right-wing politicians. They are known for their, so called, gay bashing; this resulted in a situation in which LGBT-persons started to receive support from people who first would not support LGBT-rights (Graff 2010, 588). On the other hand, strong resolutions by the European Parliament concerning the situation of LGBT-persons in Poland resulted in harsher language by those who already opposed LGBT-rights. It further resulted in a lowering of the support by those who were previously won over (Graff 2010, 588).

The debates surrounding the rights of LGBT-persons in Poland show no direct signs of influences of the Catholic Church in this debate. Those who oppose LGBT-rights usually do so in a more secular manner. Even the clergy does refrain from clear religious arguments in this debate (Graff 2010, 589). The arguments used are mainly concerned with the morality of people, security of the state and the natural order (BBC 2006). Next to these three arguments one other stands out; nationalism. Politicians and the public often refer to the Polish national identity as one that is of high moral and should thus oppose homosexuality and rights for sexual minorities.[7]

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[6] The Polish Lower House.
[7] Or sexual deviants as they are often called.

When using these arguments many nationalistic politicians refer to the acceptance of homosexuality in western Europa as an act that shows how low morality is in those countries. It is thus use as a method to set the Polish people apart from the other countries within the EU: Poland is a country of high moral and will never fall to the lows of other countries in the EU (Graff 2010, 583; 597). These arguments are also used, as said, by member of the clergy. They do not, other than expected use full religious arguments when debating the rights of LGBT-people but they tend to use arguments based in nationalistic views.

As explained the arguments used in the debate on LGBT-rights in Poland are not based on religious ideas, this leads to the question what does determine the arguments used against LGBT-rights? The article by Schuman *"God and Gays"* (2008) explains that it is necessary not to be too quick with dismissing arguments as not religious. Schuman argues that it is important to note that many, so called secular, arguments do find a basis in religion. This is for example the case when arguments are about moral, and those stating that something (such as homosexuality) is against the natural order.

When looking at the polish arguments it becomes clear the many of the opponents of LGBT-rights use arguments which state that the Polish non-acceptance of LGBT-rights show the high moral of the Polish people. It thus possible to say that this argument is, at least in part religious. It is however important to note that this argument also has one full secular note; it refers the Polish national identity. Of course, this could be seen as a referral to the high support of Poland for the Catholic Church and its teachings.

When looking at the debates surrounding the rights of LGBT-people in Poland. It becomes clear that much of the opposition towards these rights stems from a cultural and religious influence in the debate. This religious influence is not always clear at first sight. These arguments are often disguised as secular, stating that the acceptance of homosexuality is a sign of low public moral. Other argument set the Polish culture apart from the rest of Europe trying to make the local culture, where homosexuality is not accepted, something special and inherently polish.

These arguments have become more and more popular after the accession of Poland to the European Union. This despite efforts made by the European Commission in the process leading up to the accession to enhance the rights of LGBT-people in Poland. These efforts seemed to have some effect in this period. However after Poland became a member of the European Union the EC had no more possibilities the pressure the Polish government, which resulted in a declining attention for LGBT-rights in Poland.

The process

As explained in the previous parts full acceptance of LGBT-rights in Poland is far away. Both the public and the politicians are not willing to accept the rights of LGBT-persons. Recognition of same-sex couples has been discussed in the years under investigation. The bill presented to grant this recognition however, have all been rejected. Since recognition in the form of civil unions has been rejected in all cases, recognition through marriage is not to be discussed at all.

Regarding the acceptance of LGBT-pride parade; they are legal. The public opinion concerning these parades is however strongly opposed. Political leaders too have voiced negative opinions concerning these parades. It is important to note that some public officials have shown their support for the equality parades, and some even have participated in one or more parades.

In contrast to this new support, national laws have created situations in which the right to organize an equality march have been severely limited. This however is the case for all demonstrations organized in Poland. These provisions state that a demonstration can be cancelled by local authorities, when they expect violent counter demonstrations, or other forms of uproar.

The progress of acceptance of LGBT-rights in Poland is, as explained slow. Some political parties have tried to implement legislation to recognize same-sex relationships in the form of civil unions. These bills have all been rejected in parliament, if they reached the parliamentary floor. Some of these bills have never passed beyond the discussion phase in the parliamentary commissions. A full overview of the main events concerning LGBT-rights, including marriage and freedom of assembly are presented in table 4.

Year	Event
2005	Equality parade forbidden by mayor of Warsaw; organization appealed against it, up to the European Court for Human Rights; won all cases.
2006	Euro pride organized in Warsaw
2007	Minster for education introduced regulations to stop what he called the "promotion of homosexuality in schools" (Kiepuszewski 2007).
2008	
2009	
2010	
2011	The *Family and Foster Care Act* came to vote and was accepted, with as a result that people with a 'homosexual orientation' were not allowed to run a children's home or foster family (ILGA 2012, 129). The SLD, brought a bill to parliament proposing gender-neutral civil partnerships. This to allow same-sex couples to enter in such a partnership. This bill did not pass parliament (ILGA 2012, 130).
2012	Palikot and SLD proposed two bill to introduce registered partnerships, both were reject by the legislative commission (ILGA 2013, 175-6). A bill limiting the freedom of assembly was introduced in parliament, and subsequently accepted. Meaning that assemblies can be moved or cancelled if more than one gathering is planned on the same place and time, with possible consequences to public safety (ILGA 2013, 176).
2013	In January, the parliament rejected three bills creating civil partnerships for all couples (same-sex and different-sex) (ILGA 2014, 131). Former president Lech Walesa states: "that as a minority, gays have no right to a prominent position in politics, and should sit perhaps at the rear of parliament of or even "behind a wall." (Day 2013)
2014	The annual Equality Parade took place in Warsaw for the 14th consecutive year, with leading political figures attending (ILGA 2015, 128). In December 2014, a motion to add the first reading of a draft bill on civil partnerships to the parliamentary agenda was defeated in parliament (ILGA 2015, 128).

Table 4 Overview of events concerning LGBT-rights, and commends made by public figures in Poland

The overview of the development of LGBT-rights in Poland shows that Poland is in the first stage of both of the frameworks as proposed in the theoretical framework. For constructivism Poland is in the phase of norm emergence; meaning that local norm entrepreneurs try to implement new norms in the national setting. Following the norm localization approach it becomes clear that Poland is in the stage of Prelocalization. The new norm are being proposed, but they are met with strong public and political opposition.

Public opinion

The Polish public has voiced strong opposition against LGBT-rights, and homosexuality in general. Support for LGBT-rights in Poland is amongst the lowest in the European Union, support almost never exceeds 50%. There are differences amongst the different subjects researched by polling bureaus. The general acceptance of homosexuality is generally higher than acceptance of same-sex marriage.

Despite the low public support for LGBT-rights, the research conducted on the subject shows that support for these rights is rising. In 2003 only 18% of the population accepted homosexuality, while in 2013 this was between 21 and 42% (depending on the polling organization).

These results also show that the opposition in parliament against same-sex marriage is in accordance with the public opinion on this right.

Year	Organization	Support (%)
2003	Gallup	18
2005	CBOS	22
2006	Eurobarometer	17
2008	CBOS	1
2010	CBOS	16
2012	?	16
2013	PEW	42
2013	IPSOS	21

Table 54 Public support for same-sex marriage in Poland

Italy

In comparison with Poland the situation for LGBT-persons in Italy is better, but not by much. Same-sex unions are not recognized by the Italian government, and only in some cities it is possible to get a foreign same-sex marriage recognized as a civil union. As explained in the chapter on the case selection there is next no protection against discrimination based on sexual orientation. However in contrast to Poland the public acceptance of LGBT-rights is higher. Recently some efforts have been made by the Italian parliament to recognize same-sex unions, however none of these bills have passed as of today. The fact that no legislation exists to protect LGBT-people or to recognize same-sex relationships means that homosexual people legally do not exist in Italy (Chu 2014). Observers mention that the resistance against LGBT-rights can be traced down to both the 'macho-culture' in Italy and the strong influence of the Catholic Church in Italy (Chu 2014). In contrast to the political opposition against same-sex marriage; the public support is slowly rising (Poggioli 2014).

Pride parades

The Italian constitution provides for a full freedom of assembly, under the condition that a demonstration in both unarmed and peaceful. There are thus no limits to organize LGBT-pride parade, however a counter demonstration is also allowed. Since the freedom of assembly is protected under the constitution there is no official data on either of the demonstration in Italy. The minister of Internal Affairs however stated that in 2007, 13 parades were organized in 13 cities across Italy (Cartabia 2008, 15-16). In addition to official reports by the Italian governments, ILGA-Europa also monitors whether pride parades are allowed and with what responses they were met, for the period 2005-2013 ILGA did not see ant obstructions for the organizations of a LGBT-pride parade or any other public assembly.

In contrast to option of the assembly in public places assembly in non-public spaces is often obstructed. Since buildings commonly used for these meeting are in majority owned by the Catholic Church, which is thus able to deny LGBT-rights organizations access to these buildings (Danish Institute for Human Rights 2009, 7). In these cases is it thus clear that the influence of the Catholic Church is high. It is important to note that there are no other cases know where LGBT-rights organizations were denied access to a building to organize an event concerning LGBT-rights. Over the entire period under review by ILGA-Europe (2010-2013) there were no reports on obstructions of LGBT-pride parades.

LGBT-rights organizations have thus the full freedom to organize pride parades in any Italian city. There are however reports of mayors in Italy whom officially opposed the possibility to organize such an event: Claiming that a pride parade would be harmful to the city and the children living in it. In this case an argument shows that could be traced back to religion, the claim that homosexuality is something dangerous and could badly influence children.

Even though parts of the political elite oppose the organization of a LGBT-pride event, the events regularly organized in the larger cities in Italy. In 2011 Euro pride was organized in Rome, where the political elite and the Catholic Church were the focus of the protest (ILGA 2012, 91). Both the government and the Church were accused of encouraging homophobia in Italy (ibid.).

Same-sex marriage

In 2010 the first few Italian cities recognized some form of civil union for same-sex couples (ILGA 2011, 90). These recognized the union in so far that they could receive benefits the municipality was allowed to provide. The benefits distributed by the state or inheritance are not possible for same-sex couples. In this year the then prime minister Silvio Berlusconi affirmed that same-sex unions and marriage would not

become possible as long as his party was in power (ibid, 91). In 2010 the constitutional court ruled that is was up to the parliament to decide on same-sex unions and marriage. Reviews of the status of LGBT-rights in Italy did not show any progress on this subject.

In 2012 there was still no option for same-sex civil unions and the Italian parliament has made no progress in the recognition of same-sex marriages conducted outside of Italy. In response to this the judiciary decided to grant such couples recognition and thus grant them the same rights as married couples. In August 173 members of parliament, all part of the conservative PDL signed a document that opposed marriage equality (ILGA 2013, 130).

The number of municipalities recognizing same-sex couples grew in 2013. Also, several large companies granted their employees a leave to marry their (same-sex) partner abroad. Lastly reviews reported on growing support for same-sex unions amongst high level figures, including prime minister Mario Monti (ILGA 2014, 95-6); who proposed a legal recognition of civil partnerships in 2015 (Lavers 2015).

In February 2015 the Italian Supreme Court ruled that marriage between couples of the same-sex is not permitted under Italian law. The court also argued that there is no constitutional requirement for the government to extend marriage to same-sex couples (Lavers 2015).
The political support for same-sex marriage and civil unions thus has been low and remains that way. Opinion surveys amongst the public show the same trend. Public disapproval of same-sex marriage rose in 2015 from 50.7% (in 2014) to 59.2%. In contrast to the low support for marriage, the general public supports in majority civil unions for all couples (including same-sex (ANSA.it 2015).[8]

Even though support for same-sex marriage decline between 2014 and 2015, it has risen form 2003 onward, for this has to be noted that different researches show (very different figures on the subject). Gallup showed in 2003 that 47% of the Italians supported same-sex marriage, of which 17% strongly supported (Gallup 2003). These figures are in contrast with Eurobarometer 66, conducted in 2006, which showed that only 31% of the population supported same-sex marriage.

While the political support for same-sex marriage in Italy is low, the public support for civil unions for same-sex couples is, as mentioned, rising, as is in some research the support for marriage. This in contrast with, as will be shown, Portugal, where public support lags behind the political. It is thus necessary to explain this difference. Observers have seen a strong influence of the Catholic Church in Italian national politics, more specifically the Church influences right wing conservative politicians. These politicians are

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[8] The Eurispes poll showed that 64.4% of the population supported civil unions for all couples.

thus more likely to follow the official line of the Catholic Church; which is that same-sex relationships are not permitted.

The arguments used by those who oppose same-sex marriage in Italy can be dived into two groups. First: arguments that find their basis in the constitution. Which means that the constitution defines marriage as a union between a man and woman? The second group of arguments are based in morality; this than means that the arguments used, try to show that same-sex civil unions/marriage is a show of bad moral, and same-sex civil unions being a thread to heterosexual marriage (Scappucci 2001, 524).

Those who support same-sex civil unions had, in 2001, only two arguments, which are both identified as having a legal basis (Scappucci 2001, 525). The first is that it would not be thread to the family as described in the constitution; this because same-sex civil unions would not abolish marriage, but would only create a new form of family alongside it. The second set of arguments relies on European Union decisions. This called for legal recognition of same-sex couples (Ibid.). Despite efforts by left-wing parties on this issue, the Catholic Church still strongly influences the political decision making process on family issues. Mainly the right-wing parties in parliament usually follow the lines on family as set out by the Church (Scappucci 2001, 526).

The process of change

The Italian case shows slow progress in the acceptance of LGBT-rights. As explained in the case selection Italy only has anti-discrimination legislation in the field of employment; meaning that sexual orientation cannot be a ground to refuse someone a job or fire a person. In all other fields however now provisions against discrimination have been implemented. This thus means that a gay person could lose his/her housing because they are gay.

When looking at the progress in other fields of LGBT-rights legislation it becomes clear that politicians are hesitant to grant rights to LGBT-persons. This is especially true for the right to marry or the formal recognition of same-sex relationship in the form of a civil union. This right is strongly opposed by many members of parliament, up to a group that signed an official declaration to never allow same-sex marriage in Italy (ILGA 2013, 130).

This opposition is not only against marriage; strong opposition against the official recognitions of same-sex couples is also noted. With some opponents claiming that this recognition would endanger the sanctity of marriage.

Despite the political opposition against the recognition of same-sex relationships the support for it amongst high level figures is growing. Late 2014 the prime minister promised to send a bill to arrange the recognition of same-sex couples to parliament in early 2015.

In combination with these changes on the national level, local politicians have been recognizing the same-sex couples for several years. This through recognition of marriages conducted abroad, and granting these couples the same rights as opposite sex couples. Albeit only for those provisions local government can grant; such as housing and social security measures.

Looking shortly at rights other than marriage and pride parades. It becomes apparent that there is also strong opposition in those fields. A bill to add sexual orientation into anti-discrimination legislation was voted down several years in a row (Rossoni 2014). The main arguments used against this bill was that it would be against the freedom of speech, and would thus defy the constitution. It would, according to the opposition also make it impossible to teach children about the real natural law; being that only men and women can join in a valuable relationship (Ibid.).

Despite the opposition against LGBT-rights, Italy show progress in the acceptance of these rights. Was it in 2005 unthinkable that one day the parliament would discuss same-sex marriage. In the years leading to 2015 it has happened several times; however without acceptance of recognition of same-sex couples.

Year	Event
2005	Controversy rises when posters with kissing gay couples are shown around Italy (MCMahon 2005).
2006	A senior judge celebrated "weddings" for 10 same-sex couples, in a ceremony of symbolic rather than legal value (BBC 2006c).
2008	Amendments to Italy's anti-discrimination law, to include sexual orientation, were voted down in parliament (Rossoni 2014).
2011	Despite the decision of the Constitutional Court, which in 2010 ruled that the Parliament is the institution which should decide on how to recognize same-sex couples and their families, no progress has been registered in Parliament (ILGA 2012, 91). Rome was the host for Euro Pride which was attended by hundreds of thousands of marchers (ILGA 2012, 91).
2012	In February, an Italian judgment of the First Instance Court of Reggio Emilia recognized for the first time the right to family reunification to a spouse of the same-sex in application of the Freedom of Movement Directive (ILGA 2013, 130) In March, the Supreme Court (Corte di Cassazione) ruled that a same-sex couple, married outside of Italy, enjoyed the 'right to family life' similarly to other de facto couples (ILGA 2013, 130). In August, 173 MPs elected in the right-wing party PDL sign a document against marriage equality (ILGA 2013, 130)
2013	Italy's Senate will start the debate on a new law allowing same-sex marriage. Senator Sergio Lo Giudice: 'We are very late'(Gessa 2013). A few high-level figures made statements in favor of civil unions (ILGA 2014, 96). Throughout the year, the cities of Bari, Genoa, Reggio Emilia, Monza and 18 other towns opened

2014	local civil registers for all unmarried couples, granting them rights under the cities' competences (ILGA 2014, 96).
2014	Prime Minister Matteo Renzi (PD) promised in June and July that a bill on same-sex unions would come to the senate floor by January 2015 (ILGA 2015, 94).
	After some municipalities registered same-sex unions in previous years, more local authorities followed this year, while opposition arose in other municipalities. Mayors and local courts in Bologna, Grosseto, Naples, Rome, and Milan started transcribing same-sex couples' foreign marriages into local civil registers (ILGA 2015, 94).
	The mayor of Borgosesia tried to enforce a ban on kissing between persons of the same sex in public (Mosbergen 2014).

Table 6 Time line of events concerning LGBT-rights in Italy

The timeline in table 1 and the discussed progress above shows that Italy is in both the phase of norm emergence and local initiative. The first phase because the norms are still being formed and presented to decision makers as being important to implement. The latter because some of the norms are slowly being accepted in the new context and are being framed to fit local initiatives. Such as mayors recognizing marriages conducted abroad.

Public support

Public support for LGBT-rights in Italy is higher than the support in Poland. It further shows both up and downward trends. Support for LGBT-rights is thus not consistent in Italy. Where in 2003 Gallup polled that 47% of the population supported same-sex marriage, in 2006 it was only 31%. As with Poland, some opinion research in the same year show very different numbers of support for same-sex marriage, as is shown for 2013. In that year either 74 or 48% of the Italian population supported marriage equality (see table 7).

Year	Organization	Support (%)
2003	Gallup	47
2006	Eurobarometer	31
2012	ISTAT	44
2013	PEW	74
2013	IPSOS	48
2014	Eurispes	41

Table 75 Pubic support for same-sex marriage in Italy

Portugal

After the legalization of sexual activities between persons of the same sex in 1982 Portugal has made large strides in accepting the rights of LGBT people. Of the three selected countries Portugal is the only

countries in which same-sex couples can get married.[9] Next to the right to marry, LGBT people are also protected against discrimination in all fields, and not just employment as is the case in both Poland and Italy. It is however important to mention that public support for same-sex marriage in Portugal is low, and that many LGBT persons remain in the closet due to prejudice.

Pride parades

In 1997 the first pride festival in Portugal was organized in Lisbon. Following this festival the first pride march was organized in 2000. LGBT rights organizations have not reported on any obstruction for these parades in the last ten years. Neither the government nor the public has tried to disrupt these events.

Same-sex marriage

In 1997 a proposal for the extension of rights to non-married couples (including same-sex couples) led to an intensive public debate on the rights of LGBT people. This proposal further showed a strong divide between and within political parties. Together these two effects this debate also led to increased attention for the LGBT community in Portugal (Carneiro & Menezes 2007, 73). The rights discussed in this proposal concerned the extension of the rights of married couple to couples with a long *standing relationship.*[10] In 2001 this debate led to extension of these rights including to same-sex couples; this only under the condition that they had lived together for at least two years (ibid.).

After the 2001 recognition of the same-sex partnerships and the introduction of civil unions for same-sex couples the rights of Portuguese LGBT persons slowly increased. Anti-discrimination laws were implemented, in all fields; education about sexual orientation had to include same-sex attraction from 2009 onwards. While the general rights of LGBT persons increased, same-sex marriage was not yet introduced (Ferreira & Silva 2014, 3).

In 2008 two bills were presented in parliament to legalize same-sex marriage, these two bill were, rejected by the then governing socialist party. This party in turn presented a bill in 2009, which passes parliament. With this law marriage was extended to couples of the same sex, adoption rights were not included in this bill (Ferreira & Silva 2014, 3). Before signing the bill the president requested the constitutional court to review the law, concerning possible problems with the constitutional definition of

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[9] These couples however do not receive the same rights as opposite-sex couples; same-sex couples cannot adopt children for example.

[10] E.g. health benefits, inheritance and taxes.

marriage. The court decided that the legalization of same-sex marriage was not in conflict with the constitution (On Top 2010).

The Portuguese debate on the extension of marriage rights differs in one mayor aspect from the debates in other countries: it has not been extensively documented by foreign press and human rights organizations. This might be due to the limited opposition against the bill, in contrast to other countries, such as Spain and France; the introduction of the bill on same-sex marriage in Portugal did not lead to large scale protests or a strong intervention by the Catholic Church (Dalje 2010)

In the week leading to the decision of the president to sign the bill Pope Benedict XVI visited Portugal. During this visit he condemned both same-sex marriage and abortion.[11] Despite these words of the Pope and the president being Catholic, the bill was signed into law on May 17[12]; with this following the advice of the constitutional court (The Telegraph 2010).

After the legalization of the same-sex marriage, without the right to adopt children, the discussion of LGBT partnership rights focused on this issue. In years following the legalization of same-sex marriage several bills introducing adoption by same-sex couples were presented in parliament. In February 2012 a bill presented by the Left Bloc and Green parties was presented; this bill was supported by members of most parties in parliament. It failed however to gain a majority (Portugaldailyview 2012).[13] *A law legalizing step-child adoption passed parliament in 2013, however it was still not possible to adopt as a couple* (Reuters 2013)*.* Opposition parties in parliament tried again to create possibility for same-sex couples to adopt, in 2015. This bill, again, did not receive a majority in parliament (TPN/LUSA 2015).

The process

Looking at the process of how LGBT-rights were implemented in Portugal it becomes clear that the Portuguese government made great strides in a relatively short time span. Was Homosexual activity in 1982 still illegal, less than thirty years later legislation to legalize same-sex marriage was approved.

Year	Event
2008	First bill to legalize same-sex marriage introduced in parliament.
2010	Same-sex marriage legalized.
2012	In January and February, there were two votes in the Portuguese Parliament regarding parenting by same-sex couples. The first vote rejected the extension of access to medically assisted reproduction to single women and lesbian couples. The second vote rejected the extension of the possibility of applying for adoption to same-sex couples that are either married or in de facto unions (ILGA 2013, 179).

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[11] This was decriminalized in Portugal in 2007.
[12] The law became active on June 5th
[13] Only one party, the Communist, was unanimous in its support for the bill.

2013	On 17 May, parliamentarians supported at first reading the Socialist Party's (SP, Labour/centre-left) proposal to allow individuals in same-sex couples, whether married or in a de facto union, to adopt the children of their spouse or partner. However, the parliament stopped short of allowing joint adoption, proposed by the Left Bloc (Bloco, socialist) and the Ecologist Party "The Greens" (PEV) (ILGA 2014, 133).
2014	In January, Parliament voted to submit a draft law on second-parent adoption to a national referendum (ILGA 2015, 131). In September, the Left Block (BE, socialist/anti-capitalist) announced it would put forward another proposal to allow same-sex couples to adopt (ILGA 2015, 131).
2015	Bill to legalize adoption by same-sex couples voted down in Parliament.

Table 8 Overview of main events concerning LGBT-rights in Portugal

In contrast to Poland and Italy, Portugal is several steps ahead in the frameworks as presented by Finnemore and Sikkink (1998) and Archaya (2004). In Portugal the rights of LGBT-persons are being accepted in the local framework of norms and values (Internalization). In combination with this the norms are being transformed to fit in the existing framework of norm, as described for adaptation.

This study of Portugal leads to one question: Why did the Portuguese government legalize same-sex marriage? Public support was, and still is, very low. The disapproval rates concerning homosexuality are still high. Despite these factors the Portuguese government did implement LGBT-rights legislation. And more than was to be expected from this country, when looking at the general characteristics. It is thus important to find out which factors that have been identified for Italy and Poland are absent in the Portuguese case.

Public support

When looking at public support for LGBT rights a different picture shows. While same-sex marriage is possible in Portugal since 2010, public support of same-sex marriage is still below 60%. However young people are more likely to support same-sex marriage, as was shown in research conducted at the University of Lisbon, where 78% of the students agreed with the statement that same-sex couples should have the right to get married (Alexandre Costa et.al. 2014, 1675). These students however strongly disagreed with the statement that same-sex coupled should have the right to adopt children[14] (ibid, 1674).

Support from the general public shows that support for same-sex marriage is slowly rising. In 2003 43% of the population agreed with same-sex marriage (Gallup 2003). However the Eurobarometer research in 2012 showed that only 29% of the population agreed with same-sex marriage. In de period leading up to vote on the legalization of same-sex marriage, the right-wing parties which opposed the bill

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[14] 84% of the students agreed with this statement, while 9% disagreed.

collected 90,000 signatures in order to try to organize a referendum on the issue. This referendum was rejected by parliament (RTÉ 2010).

A comparative study conducted by Hooghe & Meeusen (2013) showed that Portugal was the only European county where approval of homosexuality went down in the year after same-sex marriage was implemented. The study further found that, of the countries where same-sex marriage was implemented, Portugal had the highest disapproval rate in the years leading to the legalization (Hooghe & Meeusen 2013, 264). In this study Hooghe & Meeusen found that the Portuguese government implemented same-sex marriage as a way to show that Portugal was able to adopt modern legislation (Ibid., 265).

It is thus not possible to conclude that for Portugal a progressive public opinion led to the implementation of same-sex marriage. The political elite however lead the implementation of same-sex marriage. The Portuguese political elite in 2010 thus wanted to show to the country and possible other countries in Europe, its modernity.

Year	Organization	Support (%)
2003	Gallup	43
2006	Eurobarometer	29
2013	PEW	-
2013	IPSOS	-

Table 9 Acceptance of Same-sex marriage in Portugal

Comparison of the cases

After discussing the situation in the three countries separately, it is important to look for similarities and differences between the three. This in order to be able to conclude which factors do and do not contribute to the acceptance of LGBT rights in Poland, Italy and Portugal. These three countries have, as explained, a large Catholic population (in all over 80%) but do differ strongly on the support for LGBT rights. These differences show in both public and political support.

Two possible explanatory factors have been identified, these two factors however where only present in either Poland or Italy. The first one being nationalism, and the second macho-culture. For Portugal no reports have shown direct evidence of the presence of either of these factors. It is thus important to assess these two factors in the following chapter. In combination with this assessment the following chapter will also compare the cases on the arguments used in the debates surrounding LGBT-rights and how these arguments can be classified.

Same-sex marriage

The difference on the situation of the right to marry is clear; Portugal is the only country that allows same-sex couples to get married and to enter into a civil union. In both Poland and Italy strong opposition against same-sex marriage and civil unions remain. Although it is important to note that this opposition is mainly political and, at least for Italy, not so much coming from the general public. This in contrast to Portugal where opposition against same-sex marriage mainly was voiced by the public instead of politicians.[15]

The arguments used in the debates in Poland give a clear image of how both politicians and the public see homosexuality and the acceptance of LGBT rights. All the arguments seem to be based in a nationalistic ideology, setting the Polish people apart from the countries in the European Union. The Polish are the people with the highest moral, this as a result of not accepting LGBT rights and, according to some, being homophobic. These arguments seem, at first glance, not to be religiously inspired, since they only focus on how good and clean the Polish are.

Despite this seemingly non-religious background to the arguments, they are religious. This can be concluded from following the assessment in the article by Schuman (2008), where he states that many of the 'secular' arguments against LGBT rights in fact find their basis in religious ideas of what is right of wrong.

As for Italy the oppositions against same-sex marriage mainly stems from the right-wing parties in parliament. Which use two main types of arguments, first one based in morality: Stating that is dangerous for the sanctity of heterosexual marriage to allow same-sex couples to join in a civil union; without even starting about marriage between same-sex couples. This idea of the sanctity of marriage is one which can clearly be seen as a religious argument; strongly influenced by the views of the Catholic Church on marriage.

The second set of arguments used by the opponents of same-sex civil unions and marriage in Italy are constitutional. The Italian constitution defines the family as based in the traditional union between two persons; by politicians who oppose same-sex marriage this traditional union is defined as marriage, between one man and one woman. They thus state that marriage between two persons of the same sex is not possible because it is unconstitutional. Assessing this argument it becomes clear that it is not merely constitutional, the interpretation of what family means could also be defined differently, depending on

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[15] This does not mean that there was much public opposition against the bill, only one demonstration with 5000 participants was recorded.

how one sees a family. This definition of family is according to the opponents thus one between two person of opposite sexes.

As explained in the previous chapter the debate on same-sex marriage in Portugal was mellow, no description of counter arguments was really given in reports on the debate. It is thus not entirely clear how those who opposed the bill argued in parliament. In combination with this also the public opposition against the bill was small, or at least there was no large scale protest against the bill, except for one, relatively small demonstration.

The debates surrounding the rights of LGBT persons show different characteristics in each of the countries. The Portuguese debate focused on the legality of marriage between two people of the same sex. This happened without interference of the Catholic Church, except for one comment by the Pope during his visit to Portugal. The Italian debate sees a mixture between legal arguments and religious arguments (or morality based) these last arguments are strongly influence by the catholic doctrines concerning marriage and family life. The Polish debate shows strong influences from the Catholic doctrines on morality as well as arguments which are based in the Polish culture. Which in some cases stated that homophobia is an integral part of this culture.

These last arguments also have a basis in nationalism; this is due to how they are framed. First, of course, in stating that is a part of the Polish culture to oppose homosexuality. Secondly these arguments are often used to set Poland apart from the other countries in the European Union, mainly those in Western Europe where homosexuality is more accepted. These nationalistic arguments often state that Poland is a country of higher moral than the other countries, because they do not allow deviancies such as homosexuality.

Another difference between the three countries concerning the acceptation of same-sex marriage shows when looking at number of bills needed to come to the acceptance of some form of recognition of same-sex couples. In both Poland and Italy several bills have been presented in parliament to introduce civil unions for same-sex couples. In Poland however the number of bills is relatively low and the presented bills did in some cases not even made into parliament, but were already cancelled at the commission level.

In Italy the first bill to introduce official recognition of same-sex couples was presented in the late 1990's. After this bill several more were presented to parliament, the last in January 2015, but all of them were declined. This is in contrast to a growing number of municipalities where same-sex couples can receive formal recognition. This recognition however does not give the full rights as an opposite couple

would receive. The rights same-sex couples receive under this recognition only concern the benefits a municipality can grant its inhabitants.[16]

In Portugal, three proposals to introduce same-sex marriage were needed. This was not so much due to large opposition against the first two bills. The first two bills were introduced by opposition parties and gained only support from these parties, the governing party voted against these bills. A year later however the governing party, which first voted against, introduced its own bill to legalize same-sex marriage. This gives the idea that the governing party wanted to have its own name under the bill instead of the names of opposition parties.

The acceptation of same-sex marriage differs between the three countries; Portugal is the most acceptant of this right, while the Polish population is the most reluctant to accept this right. Despite being the most acceptant of marriage equality, of the three countries in this research, the Portuguese population is the least acceptant of same-sex marriage amongst the countries where it is introduced. Clear explanations for this low approval of same-sex marriage are not given. It is however very well possible that it can be partly explained by the fact that the Portuguese government introduced the bill to legalize same-sex marriage when only a small percentage of the population supported it. Another explanation, stemming from the hypotheses is the large Catholic population in Portugal.

In contrast to Portugal, in both Poland and Italy show low support for same-sex marriage; where the Polish population shows the least support. For Italy many observers contribute this low support to the influence the Catholic Church has on the daily life in Italy, as well as the strong macho culture for Italian males. This last one means that men should be chasing women, both because it is culture and because it gives status.

For Poland the explanation of het disapproval of same-sex marriage seems to be more singular, this despite the nationalistic arguments. This disapproval of same-sex marriage is largely inspired by Catholic doctrines on marriage, which state that only a union between a man and woman can be a real marriage. This argument is often used by those who oppose rights for same-sex couples. Of the three countries Poland is therefore the only one where religious arguments are only factor in the opposition against same-sex marriage.

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[16] These are rights such joint rent of a municipal controlled housing and unemployment benefits.

The arguments in the debate on same-sex marriage thus differ between the three countries. Both the Polish and the Italian debate have strong influences from Catholic doctrines. While this influence seems to be absent in the Portuguese case.

The arguments used in the Polish and Italian debate are however often disguised as either nationalistic or moralistic and not so much full religious arguments. To be sure whether these arguments are really secular it is important to dive deeper into the arguments. This because even legal arguments can have their basis in religion. This as shown in the paper by Schuman (2010). This is of course is also the case for arguments based on local culture, since the countries are overwhelmingly Catholic, the teachings of the Church inevitably have their influence on the debate.

Polish politicians are the most likely to used arguments based on the local culture of non-acceptance of homosexuality and prevalence of homophobia. They also argue that it is important to set the Polish people apart from the other European countries. This because of their high moral on these ethical issues. This argument seems to be purely nationalistic; however the claim of high moral and non-acceptance of rights for LGBT-persons show a clear "Stamp of approval argument" (Schuman 2010, 2113). This argument states that homosexuality is wrong and should not be endorsed.

In Italy arguments based on morality are also frequently used. The arguments used here can be identified as defense of marriage arguments. This since the argument used stated that introduction of civil-unions for same-sex couples would endanger the sanctity of heterosexual marriage.

It is also important to look at the so-called legal arguments used in the debates in Italy. The arguments are based on secular law, however laws can be amended. It is thus very well possible that the used arguments are based on religious definitions of marriage and relationships. The main argument as used in the legal debate in Italy comes down to definition of marriage; being a union between a man and a woman. The opponents of same-sex marriage concluded from this definition that same-sex marriage is unconstitutional, because it is not in line with the law.

This argument however seems to be more of a definitional argument. These arguments stem, as explained, from a religious point of view (Schuman 2010, 2113). This since marriage can be defined in any one way. In combination with this, an argument based on a legal definition is not as strong as it may seem. This since laws can amended. For the definitional argument In Italy it is thus possible to conclude that it is religious and not secular.

LGBT pride parades

All three countries see regularly occurring LGBT pride parades. The acceptance of these parades differs strongly between the three countries. The following paragraphs will consist of a comparison of the responses by both politicians and the public in Poland, Italy and Portugal.

Negative responses towards the parades are only recorded in Poland, and to a lesser degree Italy. In both these countries the parades have provoked negative responses from both the public and politicians. The negative responses in Poland were however much stronger, and harsher than were in Italy. The Polish pride/equality parades have been met with acts of violence from participants of counter demonstrations, as well as homophobic comments from politicians. In both cases the responses were mostly inspired by nationalism.

As explained in the paragraphs on marriage, opposition against LGBT rights in Poland is for a large part inspired by nationalistic tendencies. In combination with this nationalism those who oppose the LGBT pride parade also used arguments which tied in with ideas of morality; claiming that the open expression of homosexuality would be harmful to society and damaging for the children.

In contrast with these responses, in the Italian case the only arguments used by those who oppose the LGBT pride parades was one based in morality. No other arguments are mentioned in reports by LGBT rights organizations. Except for some counter demonstration no actions to disrupt the parades in Italy are recorded in the period from 2005-2014. Other than the Polish counter demonstrations the ones in Italy did not lead to violence against the LGBT pride parades.

For Portugal the situations surrounding the pride parades was clearly different. No counter demonstrations are mentioned in reports, nor are there any records of violence against the participants of the pride parades.

In combination with the absence of violence and counter demonstrations, reports on the pride parades in Portugal give no records of public and political disapproval of these parades. It is thus possible to say that the parades in Portugal have not seen any disturbance or whatsoever. This in contrast with Poland where the mayor of Warsaw forbade the equality march in 2005. The organization needed to appeal to get the ban on these marches removed.

Even after the removal of the ban on pride parades the organizers of parades in Poland still faced difficulties. This was due to a new piece of road legislation which gave local councils the permission to cancel permits for demonstrations if violence was to be expected. This thus meant that local equality marches could be cancelled if anti-gay organizations also announced to organize a demonstration. This

would be possible because earlier confrontations between the demonstrations had led to violence, who started the violence would thus not influence the decision.

The situation in Italy is different; the Italian constitution provides full freedom of assembly and demonstration. With one provision that large demonstration would be announced to city officials several days in advance and the demonstration should not provide a danger to the environment. This makes clear that Italian officials have no options to prevent a demonstration from taking place, even if a counter demonstration is planned. In cases like these both groups have to ensure the paths of the demonstrations do not cross, in order to prevent clashes between the two groups.

The Portuguese constitution also provides full freedom of assembly, both in private and in public. This under one provision, that the demonstration is unarmed and peaceful. There are thus no restrictions for LGBT pride parades to be organized, provided that none of the participants is armed. The Portuguese legal code further forbids non-participants to intervene with a demonstration, as well as punishments for those who try to do so.

In combination with full freedom of assembly the Portuguese constitution also states that no prior notice to local authorities is needed, before the assembly takes place. LGBT pride parades can thus be organized ad hoc, without any interference from local authorities. These assemblies can only be ended by authorities if they seriously disrupt the peace in the area where they take place, or if they turn into riots.

For the three countries can be concluded that the Portuguese law gives the most freedom for LGBT rights organizations to organize a pride parade. The constitution does not provide any limitations for peaceful demonstrations or assembly both in public and in private. Poland is the most restrictive country of the three; this is due to the legislations that give local authorities the possibility to cancel an assembly, if there is a possibility of violence. On this ground assemblies can forbidden even if the participants in this assembly are not the ones who pose a threat. The Italian constitution provides full freedom of assembly, however some restriction are placed upon this right; if a demonstration provides a threat to public safety local authorities have option to not provide a permit for this event. It is important to note that a permit can only be denied if the participants of the demonstration provide a threat. Local authorities can thus not deny or revoke a permit if another, possibly violent, demonstration is also organized.

Nationalism and its prevalence in the three countries

The main determinant of homophobia in Poland is, as described, nationalism. Nationalistic inspired groups show large opposition against LGBT rights. To assess whether this tendency also played a role in Italy and

Portugal, the following part will investigate the prevalence of nationalism in these two countries. This independent variable needs to be tested for the other two countries in this research. It is however also important to look at the general characteristics of Polish nationalism, before comparing it to nationalism in Italy and Portugal.

Polish nationalism is described as being influenced by three main factors: First, its idea of being a Catholic country and the fortress of Christianity in Europe; secondly, the importance of freedom and solidarity; lastly, the thread of its powerful neighbors, Germany and Russia (Karolewski & Suszycki 2011, 147-8).

The notion of being a Catholic country has shaped the influence of the Church on domestic politics. This mainly in the sectors of morality; such as abortion and same-sex marriage (Karolewski & Suszycki 2011, 148). This means that nationalism in Poland is strongly intertwined with religion. In Poland nationalism is thus not separate from the religion most of its citizens adhere to.

For these reasons it possible to conclude for Poland that religion might be a more important factor than for the other two countries. Although this religion is disguised as nationalism.

Italy on the other hand shows low support for 'real' nationalism. This since Italy is a country of regions, this results in a country where the ties with the region are stronger than those with the state (Euronat 2004, 27). Is important mention here that the strong ties with the regions do not exclude support for the European Union

Italian nationalism is characterized by three factors; Italy as the basis for western culture, secondly: a narrative of national unity and lastly Italian nationalist describe the state as a liberal one with large personal freedom (Karolewski & Suszycki 2011, 139). Of these descriptions the second is purely based on the story of the nation, and not so much on the characteristics of its population. The first and the second could provide and explanation for the more acceptant approach of Italians towards LGBT-rights.

The description of culture and mainly the openness of the population towards new ideas, as described in the third characteristic. Shows that Italian nationalism is fundamentally different from Polish nationalism. This because where Polish nationalist describe Poland as a country that does not, and will not accept homosexuality, because of its culture. Italian nationalist leave room for change and the acceptance of norms from other regions within western Europe.

These description are however only a small part of Italian nationalism, the nationalist movements in Italy mainly focus on the importance of the state and its independence (Karolewski & Suszycki 2011,

144). And not, as the Polish on morality. For Italy it is thus not possible to say that nationalism has influenced its attitude towards LGBT-rights.

Portugal shows a similar picture, support for nationalistic parties is low, however there is no real support for regionalist parties. Portugal thus shows no real support for nationalism, this in contrast to other two countries.

Machoism and its prevalence in the three countries

For Italy one of the factors identified for the non-acceptance of LGBT rights is the prevalence of the macho culture in the country. It thus necessary to see whether this culture also has influence in Polish and Portuguese discussion on LGBT rights.

Machoism, or masculinity has, in previous research been identified as a determining factor for homophobia (Theodore & Basow 2000, 42). It is thus possible that the non-acceptance of LGBT-rights is, in part, determined by views on how a man should behave.[17] It however also possible that for Poland the aggressive nationalism acts as a substitute for the machoism as identified in Italy.

For Poland masculinity is described as being intertwined with the nationalistic movements (Fischer 2007, 1). These movements show a strong tendency towards heteronormativity combined with a strong sense of what a man should be; someone who is attracted, and married to a woman. Poland thus shows a form of masculine nationalism, wherein the heterosexual norm is the basis for society; from which homosexuals should be excluded.

Implications

All determining factors for the acceptance, or lack thereof, of LGBT-rights have now been discussed. Therefore it is now necessary to which consequences this has for hypotheses as proposed in the theoretical framework. For this discussion Hypotheses one and five will be discussed together as will two and three. This is done because these hypotheses have, in part the same basis. These will therefore be proven or dismissed as a result of the same arguments.

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[17] For this point it is important to note that much of the violence against homosexuals is targeted at men rather than women.

H1: Governments that support LGBT-rights do so out of opportunism.
H5: Politicians who support the European Union are more likely to implement LGBT-rights legislation.

The support out of opportunism can be explained as the support for LGBT-rights in order to gain more legitimacy within the European Union, or amongst the electorate. The first can be seen in Portugal where the argument used by the governing party was: that it wanted to show that Portugal was capable of implementing modern legislation. This is thus also in accordance with hypothesis five; the Portuguese government supports the EU, and therefore implements legislation already implemented in other parts of Europe.

The contrary however can be argued for Italy and more importantly Poland. Where, despite pressure from the EU LGBT-rights legislation is hardly implemented. However, the support for the EU amongst the general population is not as low. (See table 10) However, as shown in both these countries the support for LGBT-rights is relatively low. Which means; that for politicians it is opportunistic not to implements these rights.

	Poland	Italy	Portugal
2005	54	50	58
2008	65	39	50
2010	62	48	43
2012	52	38	34

Table 10 Public support for the EU (in %) taken from the Euobarometer research

H2: When public support for LGBT-rights is high, political support for these rights is high too.
H3: High (perceived) public support for LGBT-rights will lead to the implementation of these rights by the political leaders.

Where hypotheses one and five have been proven right for Portugal, and (partly) wrong for Italy and Poland; these two hypotheses have shown to be right for Italy and Poland. In these two countries public support for LGBT-rights is low amongst the general public, as well as among politicians. This has resulted in no implementation of LGBT-rights, except for one piece of anti-discrimination legislation.

As with Poland and Italy the Portuguese population shows only little support for the implementation of LGBT-rights and marriage in particular. Despite this low public support the Portuguese legislature has implemented same-sex marriage as well as many other pieces of legislation to improve the rights of LGBT-persons.

H4: Politicians whom oppose LGBT-rights will use arguments based on local culture.

The opposition against LGBT-rights uses, as shown, different arguments. First of all, especially in Italy and Portugal the opposition used/uses arguments with a legal background, claiming that the definition of marriage is laid down in the constitution and can thus not be changed. In Poland however, most of the arguments are based on a form of morality coming from the nationalistic ideology.

Both oppositional arguments can be seen as secular; however, as explained in the literature review many of the so-called secular arguments have a religious background. This is even the case for the arguments that use the constitutionality of marriage. This since constitutions can be changed according to the new norms that rise in a state.

The only country in which arguments based on local are used is Poland, here the opposition against LGBT-rights, refers to high norms and moral in Polish society. These would then lead to the reasons why they would not accept LGBT-rights. Both Italy and Portugal do not show any arguments based on these ideas. Here the opposition only uses arguments based in the legality of same-sex marriage.

Discussion

The results of the analysis do not give one clear picture of what factors shape the acceptance, or lack thereof, of LGBT rights. The three countries show very different approaches to legislation on same-sex marriage and pride parades. For further research on this topic it thus necessary to look for different factor that solely religion. This factor is not enough to fully explain the acceptance of LGBT rights.

Another factor that might have explained the acceptance of LGBT rights could have been the duration of EU membership. This one however, is not enough to explain the differences. This because Italy has been a member of the European Union since the very beginning and Portugal did not enter the predecessor of the EU until 1986 (Lelieveldt & Princen 2011, 26-30). When following this hypothesis it would be expected that Italy would accept same-sex marriage before Portugal. This because Italy has been under the influence of other European states for a longer period than Portugal.

For Poland membership of the EU would have meant in this hypothesis that the acceptance of homosexuality should have been rising in their period of EU membership. It is however clear that this is not what happened. On the contrary, in Poland the tendency has to become to be less acceptant of homosexuality in order to set itself apart from the other EU member states.

One other possible contributing factor has not been tested in this research but could possible provide an explanation of the acceptance of same-sex marriage. This is whether neighboring countries have accepted

same-sex marriage, or the regional acceptance of this right. This is what could be seen in some areas in Europe. For example, shortly after the Netherlands introduced same-sex marriage Belgium followed. This is also seen amongst Scandinavian countries (PEW 2013).

Only one of the three countries in this research has a neighboring country where same-sex marriage has been legalized. Spain legalized same-sex marriage a few years before Portugal did so (PEW 2013). Both Italy and Poland do not border a country where same-sex marriage is possible. Thus could possibly explain the difference in acceptance of this right, maybe even better than religion alone.

Lastly it is important to note that this research has analyzed only three countries, this means that it is very well possible that factors, here not seen as very important, could prove to be more important in other countries. It is therefore important for further research to incorporate more countries, preferably with more religious diversity, to come to a comprehensive conclusion of which factors contribute to the acceptance of LGBT rights.

Conclusion

What factors determine the acceptance, or lack thereof, of LGBT-rights in Poland, Italy and Portugal?

When taking all findings into account it is not possible to find one determining factor for acceptance (or lack thereof) of LGBT-rights. As explained all three countries have a considerable religious population; at least 80% is Catholic. Even though this is the same for all of the three countries, the acceptance of LGBT-rights differs. Where in Portugal same-sex marriage has been legalized in 2010 and in Italy the discussion on the recognition of same-sex couples is ongoing. In Poland the acceptance of these rights is low and the discussion seems to be avoided in the political arena.

The debates on the rights of LGBT-persons also differ between the three countries, where in Portugal and Italy the debate mainly focused on the legal issues of same-sex marriage; the Polish debate can be characterized as homophobic. In this debate there is hardly any place for the rights of LGBT-persons, let alone that their rights are accepted.

If these debates differ so strongly while all countries have a population which can be characterized as Catholic; then what has determined the difference in acceptance in the three countries? This question has, as shown not a single answer. In Poland the lack of acceptance can be, in part, explained by, almost

violent, nationalism. This is however not the only determining factor in Poland; this nationalism is strongly influences by religion and the teaching of the Catholic clergy. It is thus an interplay of two factors.

For Italy the strong influence of the Catholic Church is clear, which has possibly to with closeness to the Vatican. It has also become apparent that the main opponents of LGBT-rights in Italy are conservative politicians, who are strongly influenced by the Catholic Church. In Italy also shows a strong macho-culture which expects from men to be only interested in women.

The Portuguese case shows none of the descriptions above. Yes, there are conservatives who oppose same-sex marriage. These have however not really tried the legalization of same-sex marriage. The nationalistic tendencies in Portugal are also not as strong Poland, it is rather the opposite. The politicians if favor of same-sex marriage stated that the implementation of this right would show that Portugal has a rightful place within the European Union.

Taking all these factors into account it is thus not possible to rule out the factor of religion completely. It is however not the only determining factor. Other ideas and practices come in to play when determining whether or not a state accepts LGBT-rights. These factors can be nationalism, macho-culture, or some yet unidentified factors in other states.

In conclusion it is thus not possible to identify only one, or two, determining factors for the acceptance of LGBT-rights. In every country there will be an interplay between different variables to determine whether the public or the politicians will, or will not, accept the rights of LGBT-people.

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