

LGBTIQ Advocacy at the Intersection of Transnational and Local Discourses on Human Rights and Citizenship in Croatia

By

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DECLARATION

I hereby declare that this dissertation contains no materials accepted for any other degree in any other institutions and no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

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ABSTRACT

This dissertation is an examination of the intersection of hegemonic discourses of human rights emerging in Europe in the past twenty years, the increasingly dominant practices of professionalization and NGO-ization of civil society, and Croatia's EU accession process in the context of Croatian LGBTIQ activism. Based on my research conducted in the field from 2008 to 2011, I argue that discourses on human rights, professionalization, and European identity in Croatian activists' collaborations with transnational activist organizations to lobby the Croatian government to adopt anti-discrimination legislation have relied on lobbying discourses of professionalization that have employed a narrow concept of human rights and a problematic conception of European identity as a marker of "progress" and "development" at the expense of a "Balkan" Other.

Using early forms of gay and lesbian activism that developed during the 1980s in the Socialist Federal Republic of Yugoslavia, embedded in broader solidarity-based movements as a point of comparison, I argue that contemporary Croatian activists' involvement in community-based activism and larger regional networks have become an increasingly less important aspect of their activities as they began to professionalize. The valorization of professionalized LGBTIQ activism in Croatia has meant that certain Croatian activists have simultaneously re-oriented their priorities towards lobbying and advocating for legal rights and lessened their participation in regional and local networks and engagement with the larger Croatian LGBTIQ community. I attempt to construct a possible alternative to the anti-discrimination rights-based strategies by using critical feminist scholarship on reflexive solidarity and subjectivity.

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CHAPTER 1: INTRODUCTION

The discourse of human rights has been a powerful tool for LGBTIQ¹ (activist) organizations working in the European transnational sphere as well as more locally in specific national contexts (Beger 2004; Stychin 2004; Kollman 2009; A. R. Wilson 2009). Perceived as rights possessed by virtue of one's humanity, they can be claimed by *all* irrespective of one's race, nationality, ethnicity, or any other specific group belonging. For some, human rights have been the only means available to make claims to social justice, contesting trans/national laws and institutions that have marginalized those who do not conform to the heteronormative nation-state and/or its sexualized citizen. Yet, the question of what rights are included within the broader category of human rights or how human rights get translated into actual practice has itself been a terrain of ambiguity and struggle and as such worthy of academic research.

The post-Cold War context in Europe has in some ways reinforced a narrowly framed concept of human rights, creating a hierarchy of rights in which political and civil rights have been prioritized while marginalizing critical socialist discourses on the importance of social and economic rights (Cossman 1991; Otto 1997; Cheah 2006; Fredman 2008). At the same time, the very same period saw some more visible and significant debates about the importance of sexual rights in the lives of women and people of non-normative sexuality (Miller 1999; A. Wilson 2002; Corrêa, Petchesky, and Parker 2008). These two intertwining political developments, I will argue, are reflected in the emerging LGBTIQ-rights based struggles in Europe and in Croatia; although they are not always apparent in the discourses used by LGBTIQ activists or the institutional structures that support them.

¹ I will use LGBTIQ as the acronym to refer to all lesbian, gay, bisexual, transgender, intersexual and queer groups. When it is necessary, I will change the acronym to reflect the specificity of a particular group (i.e. how they refer to themselves).

International institutions, human rights experts, scholars, and, most importantly, transnational NGOs and social movements have all participated in defining and redefining the meaning of sexual rights as part of the human rights discourses in which these actors engage. Sexual rights pertaining to different aspects of sexuality have been referred to in various ways by different actors in particular contexts addressing issues around “sexual orientation, gender identity, intimate relations, erotic practices, health, reproduction, bodily integrity, autonomy, and the potential for pleasure” (A. Wilson 2002, 251). Yet, rights-based struggles in Europe, shaped by the continuously transforming institutional, political, social, and economic landscape, have rallied around more specific legal mechanisms, such as anti-discrimination laws, which some have argued are products of and contribute to a liberal, individualist, market-oriented understanding of (sexual) citizenship (Duggan 1995; Somek 2011).

In spite of this criticism, the gradual introduction of sexual rights as more specific articulations of international human rights discourse have enabled local LGBTIQ communities across the globe to turn to supranational institutions and appeal to standards that national legal institutions have otherwise dismissed. The “imagined international community” of supranational bodies has become a “larger authority”, enabling national actors to “look past their national governments to the international arena for resources, recognition and leverage” (A. Wilson 2002, 255). This practice has been particularly relevant in Europe where the European Union and the Council of Europe have formed institutions to enforce transnational legal standards at the national level; in the EU through the EU *acquis* and the European Court of Justice, and through the European Court of Human Rights under the auspices of the Council of Europe. Through successful lobbying and advocacy campaigns, European LGBTIQ organizations, in particular the umbrella organization ILGA-Europe, have contributed to the introduction of sexual orientation as a basis of discrimination in anti-discrimination legislation into the European legal system (Beger 2004, 103–107). These

changes to the legal structures and mechanisms on the European level have been essential for local LGBTIQ struggles both inside the European Union and on its “periphery”, in particular for countries such as Croatia that have undergone extensive transformations as part of their strategy of achieving EU membership (Stychin 2003; Bagić and Kesić 2006; Hodžić 2010).

One of the most important transformations for understanding the current strategies employed by the rights-focused LGBTIQ activism in Croatia has been the political re-orientation towards “Europe”. There was a significant political shift in the year 2000 that led to what others have called “Europeanization”, understood as an effect of the transformative processes required by European accession. This has become the predominant concept used by scholars to describe the economic, political and social changes that have taken place in contemporary Croatia since 2000 (Stubbs 2007; Stubbs and Zrinščak 2007a; Matić 2008). The discourse of human rights as one prominent aspect of the process is an essential tool used by many civil society actors even before Croatia received the EU candidate status in 2004. The prevalence of human rights discourses in the 2000s is partly the legacy of social movements and oppositional political forces that emerged much earlier, in the Socialist Federal Republic of Yugoslavia (SFRY) in opposition to a state that was seen to have failed to achieve its own ideological objectives of social equality (Bilić 2012; Volčič and Planšak 2012). These human rights discourses were then reshaped and transformed during the post-transition period of the 1990s under the extraordinary circumstances of war and state-building in the wake of the violent dismantling of the Yugoslav Federation. During this period, human rights were used above all to draw attention to war crimes, both during periods of armed conflicts and after the war when President Franjo Tuđman held unprecedented powers (Stubbs 1996; Stubbs 2007; Bilić 2012).

It was after the death of Tuđman that brought an end to a decade of HDZ as the ruling party and during the period of EU accession in the 2000s that Croatian LGBTIQ activism

thrived and quickly developed into a “scene”, dominated by a handful of officially established LGBTIQ non-governmental organizations. As an important aspect of the “scene”, I will expand the concept of Europeanization and argue that it is also defined by processes of professionalization within civil society as well as by the emergence of discourses that explicitly foreground sexuality as a matter of human rights that are understood as markers of Europe identity, “development”, and “progress”. Such a concept can be used to understand or frame the emergence of professionalized LGBTIQ activism in Croatia.

My central interest in doing this research was to produce a critical understanding of the important historical forces and discourses that have shaped the emerging right-based LGBTIQ activist struggles in Croatia in the first decade of the 21st century. For my research, I did the fieldwork mainly from 2008 to 2011. Employing critical discourse analysis (CDA) as my methodological approach, I will analyze institutional documents, semi-structured interviews with local and transnational activists, and other activist materials that have shaped the emerging strategies. My ultimate objective is to develop my own critical understanding of human rights, European identity, and professionalization as the three central aspects that I have identified as constitutive of recent rights-based LGBTIQ activism in Croatia. I will argue that these rights-based struggles have emerged through the process of professionalization of NGO activity, which entails a small group of professionalized activists who focus on lobbying and advocacy. These lobbying and advocacy activities were shaped by the local activists’ participation in larger LGBTIQ networks such as ILGA-Europe as well as other (women’s and LGBTIQ) networks in the Southeastern Europe region. It is important to study the particular case of Croatia in so far as it reflects tendencies and strategies developed and used then elsewhere in the EU and Europe. I will argue that these rights-focused strategies with their enhanced focus on lobbying and advocacy activities for anti-discrimination legislation have narrowed the understanding of (sexual) human rights and

thereby that of (sexual) citizenship in particular. This individual-based, reform(ist) approach will be shown to rely on obfuscating the interconnectedness of larger social, economic, and political structures that produce sexually marginalized communities and brackets sexuality as the most important aspect of LGBTIQ individuals' identities.

For my major conclusion, I am going to contend that the European accession process – which started in the 2000 and intensified after 2008 during the final stage before Croatia's formal entry on July 1, 2013 (Dobrotić, Matković, and Zrinščak 2013) – has provided an extraordinary opportunity for LGBTIQ activists to apply pressure on the Croatian government. Both local activists and international actors have utilized the development of new legislative measures such as the anti-discrimination *Employment Directive 2000/78/EC* and the European Parliament's increasing vocal condemnation of homophobic violence and discrimination as support for applying pressure on Croatian and other Southeastern European countries' governments in favor of sexually marginalized people of the country. In agreement with the participant activists, I will argue that this strategy and the parallel process of professionalization has been successful in moving governments to adopt certain laws; yet, they have remained blind to the fact that these activists' and European institutions' discourses have appealed to “Europeanness” in opposition to the so-called “backward”, “homophobic”, and “undeveloped” South/Eastern European Others. This strategy problematically echoes a longer history of Balkanist discourses and (re)produces regional hierarchies within the logic of what Milica Bakić-Hayden has termed “nesting orientalism” (Bakić-Hayden 1995, 917).

Finally, as my most important contribution to the field, I will argue for a sexual politics that is based on a more complex understanding of the sources of social inequality that affect individuals within diverse LGBTIQ communities differently. I propose that using Iris Marion Young's concept of “structured inequality” (Young 2011) could be more constructive for developing strategies that can speak to economic and social modes of discrimination of

non-normative sexualities and challenge the dominant practice of the hierarchization of political and civil rights. This move would also require that NGOs, both on the transnational and local level, invest more energy into reaching out to their diverse constituencies and turn to solidarity-building in order to better assess the needs of larger, more diverse LGBTIQ populations as a starting point for developing different strategies. The particular case of Croatian LGBTIQ movements in 2000s can reveal that contemporary sexual politics must go beyond focusing on a struggle against a narrowly conceived “sex based” homophobia and heteronormativity and must expose how discrimination and marginalization affecting LGBTIQ communities is a product of diverse economic-, gender-, race-, ethnicity-based socially produced positions of power.

In Chapter 2, I introduce the social and political context in which early gay and lesbian struggles emerged as a part of the new social movements throughout the Socialist Federal Republic of Yugoslavia, with a particular focus on the Republic of Croatia but to some extent on the Republic of Slovenia as well, as the actors in both places often collaborated. I first introduce the important structural and legal changes that took place in the SFRY in the 1970s that enabled regional divergence in the federal state regarding the criminalization of male same-sex sex acts. I will argue that the socialist context requires that we understand the specificities of identity-based movements in the SFRY as different from those that have emerged in the newly formed independent Croatia in the 2000s. I discuss the character of the new social movements and feminist movements that took shape during the 80s as the basis for understanding the eventual transformation of political activism in the 90s and 2000s. Finally, I examine how the idea of civil society, understood as opposition to the state, obscures the important role the state plays in shaping and enabling those civil society activities themselves.

In Chapter 3, I reflect on my methodology and describe my data – interviews, policy papers, and other activist documents – seen as elements of the broader discourses on human rights, identities, and sexual citizenship. I will introduce critical discourse analysis and revisit it from a materialist feminist theory of discourse. My aim is to explain how the particular approach assisted me in identifying human rights, European identity, and professionalization as the most salient concepts that pull together the diverse materials and allow me to view LGBTIQ activist struggles in Croatia as evolving around them.

In Chapter 4, I examine the larger discursive field of human rights since the end of the Cold War. I argue that particular legal mechanisms such as anti-discrimination laws and liberal discourses of human rights, which have become hegemonic practices in LGBTIQ activists' strategies and discourses that I investigate, contribute to the construction of liberal sexual citizenship in which the multiplicity of identities are reduced to concerns about a single aspect of one's experience as a marginalized citizen; whereby economic and social inequalities are hidden.

In Chapter 5, I present my analysis of the textual materials that I collected and the interviews that I conducted in 2008-2011 with a focus on the emergence of human rights discourses and lobbying and advocacy as essential parts of the processes of what I will call "professionalization". I examine the increasingly important part played by international and transnational actors and the changing role of local government in shaping various LGBTIQ activist strategies. I then link my findings about the professionalization of LGBTIQ activism to the discussion of how various activists view their role in relation to larger LGBTIQ communities and how this transformation supports their "professional" approach to activism.

In Chapter 6, I examine the textual materials that I have collected for the project with a focus on how Croatian LGBTIQ activists, transnational LGBTIQ organizations, and several European institutions have employed the categories of "European identity" and "European

values” as key discursive tools in their struggles for sexual rights in Croatia. I show how these particular rights-based struggles, embedded in the accession processes for Croatia's membership to the European Union, have contributed to (re)inscribing unequal power relations within the larger European context as well as in the former-Yugoslav region.

Finally, in Chapter 7, I will revisit my main arguments, highlighting how my research findings support existing critical research on sexual rights, transnational LGBTIQ activism, and struggles against structurally produced social (sexual) inequalities. Lastly, I draw attention to my discussion on the need to rethink and develop alternative, critical approaches to doing solidarity- and rights-based sexual politics.

CHAPTER 2: SEXUAL POLITICS BEFORE 2000

2.1. Revisiting “Civil Society” as Opposition to the State

Prior to the collapse of state socialism in Southeastern and Eastern Europe, there was a substantial interest in conceptualizing and advocating for the expansion of civil society as a means for combating oppressive states (Hann and Dunn 1996; Kopecky and Mudde 2003; Somers 2008). In the post-1989 era in Europe, the strength of civil society continued to be a measure of the development of a democratic and thriving political society. Civil society became a rallying cry and part of larger discourses about these countries’ so-called “return to Europe”. As Katherine Verdery writes in her analysis of the discourses of civil society used by political dissidents in Eastern Europe in the 1990s:

[...] [D]issidents, or movements fashioned in after their example, brought the notion of civil society into post-1989 political symbolism and activity. Everywhere, it came closely intertwined with the idea of “Europe.” “Europe” was a vivid presence in the talk of dissidents; it remains, for many, the overarching symbol of the end of Party rule, signifying all the Western forms socialism repressed – forms such as civil society. To build civil society, then, is to *return to Europe* (Verdery 1996, 104, emphasis added).

The very extensive and unchecked power of the states in state socialist political systems in Europe meant among other things that activities that citizens as individuals or as groups could undertake of their autonomous choosing were restricted. Hence, in the period of transformation in the 1990s, civil society became not only an important and powerful discursive tool but also as Verdery argues, “a feature of [...] societal organization” (1996, 104). Integral to the processes of legitimizing their newly gained rise to power, the new political elites “accumulated moral [and political] capital” by “defending ideas about civil society [...] as a sphere free from politics, therefore morally superior to the corrupt politics of the Party and central to any quest for greater democracy” (Verdery 1996, 107). Discussions

about civil society intensified in Yugoslavia in particular in the 1980s (Križan 1989, 287).

Referring to these Yugoslav discussions, Bojan Bilić writes that:

[...] the idea of civil society was debated in the academic conferences organised in the socialist Yugoslavia throughout the 1980s. One such conference took place in Nova Gorica, Slovenia, in 1986. Another important academic venue was the Inter-University Centre [...]. The annual conference on social theory (co-chaired by the widely known American civil society scholar Jean Cohen), organised throughout the 1980s, gathered leading intellectuals from Europe and the world. In a certain way, this conference marked the polarisation between the scholars oriented towards “civil society” and those favouring a more Marxist perspective, related to the magazine *Praxis* (Bilić 2012, 54).

Writing towards the end of this period of debates in 1989, Križan argues in his article “Of ‘Civil Society’ and Socialism in Yugoslavia” that among the Marxist thinkers, the very notion of or possibility for a “social civil society” was rigorously debated (Križan 1989, 299). Some Marxists continued to argue that there could not be a separation between state and society (Križan 1989, 299). Yet, other Marxists such as the “praxis-philosophers” of the 1960s, rejecting “Soviet type socio-political orders”, argued that reform or a “revitalization” of Yugoslav self-government and the expansion of “*free public sphere*” could provide the necessary space for debate and further democratize socialism, exemplified by the emerging social movements in Yugoslavia (Križan 1989, 289-292). Warning against the potential valorization of “civil society”, however, Bilić points out how conceptualizing the sphere as *apolitical* tends to obscure the ideological nature of certain civil society initiatives, such as the nationalistic orientation of many civil society actors in the post-Yugoslav period, and their varying degrees of distance from centers of power (Bilić 2012, 55).

Chris Hann and Elizabeth Dunn, examining the meaning of the concept of civil society in the discourse of political resistance in Eastern Europe during the 80s, which is then taken over by the early 90s, write that this term became “a slogan, reified as a collective, homogenized agent, combating a demonic state” (Hann and Dunn 1996, 7). Barbara Einhorn

and Charlotte Sever, exploring the academic discourse of political changes in the same period, also write that Western and Eastern European political theory celebrated and idealized “civil society” and saw it as “central to the discourse of transformation, and the voices of hitherto marginalized and repressed peoples were expected to emerge from the ruined regime of state-organized collectivity” (2003, 163). As a combined effect of academic and non-academic political discourses, “civil society” came to be glorified not only as the most important field of autonomous action but, more importantly, as a personalized agent that is capable of challenging its “other”, namely, the state positioned as the ultimate and often abusive bearer of power. As a result, appeals to “civil society” inevitably lead to an ideological investment in building a more democratic society. Civil society by definition was conceived as something inherently “good” as opposed to the “bad” state (Mitlin, Hickey, and Bebbington 2007, 1702).

As civil society became understood as *a priori* good, “non-political” sphere of activity to oppose the oppressive “political” state, human rights also emerged as the most powerful instrument or discursive tool at the disposal of the anti-government actors (Baehr 1990). The perception of human rights as a tool to confront the state, as I will argue in Chapter 4, may impede future possibilities for collaboration with the state that may be necessary to ensure certain types of rights, such as economic and social rights. Such logic of limiting human rights to those political and civil rights that are used to protect individuals from state intervention or abuse, tends to obfuscate the need for and even existence of cooperation between state and civil society. As a result, the role the state plays in enabling and supporting political and civil rights through ensuring social and economic security cannot emerge as a meaningful and legitimate expectation. The chances of cooperation already limited by dominant political discourses of civil society may have been further worsened by free-market ideology, which gained currency in Croatia and the larger Eastern European region after

transition - albeit with varying intensity and consequences for each country - and were supported by growing trend towards neo-liberalization in some Western European countries (Aligica and Evans 2009).

In many Western countries, it was during the same period that pro-civil society and anti-statist rhetoric became central to the increasingly powerful processes of neoliberalization and contributed to the dismantling of welfare states (Somers 2008, 29-33). This change has meant not only an expansion of private capitalist activity in all spheres of life, but simultaneously the scaling-back of the government's role as regulator and distributor of welfare and other social subsidies. According to Paul Stubbs and Siniša Zrinščak, in Croatia, welfare and social policy were, however, complicated by war, the “construction of national identity and identification”, renewed centralization and “crony capitalism”, did not experience “neo-liberal shock therapy” that other Eastern European countries had during the early period of transition (Stubbs and Zrinščak 2007a, 131). Stubbs and Zrinščak point out that this period did delay some of the initial liberalization policies mostly due to the chaotic context of war and post-war reconstruction, from 1990 on, yet:

Croatia [saw] a coalition of international and domestic actors united in an economic notion of ‘the social’ as an unproductive, uneconomic ‘burden’, in need of radical reforms as part of a structural adjustment package, reducing expenditures, increasing efficiencies, and shifting the balance towards market mechanisms and new non-state actors (Stubbs and Zrinščak 2007b, 99).

Even though the effects of neo-liberalization have been “limited” and “muted” in comparison to transformations in other parts of Eastern Europe, the economic hardships that Croatia has faced over the decades of transition have included, for example, the continuation of high unemployment² and increasing income inequality.³

² See footnote 42 for statistics on unemployment.

³ The GINI index, which measures income distribution within a country, for Croatia for the most part steadily increased from 1988 (22.78) to 2008 (33.65) <http://www.indexmundi.com/facts/croatia/gini-index> (accessed September 27, 2013).

During the 1990s, HDZ's strong public and financial support for the war veteran's movement during the 1990s and its hostile relationship with the Anti-War Campaign in Croatia exemplify the complexity of civil society (Fisher 2003). Stubbs and Zrinščak point out the privileged position that war veterans and their families had during the 1990s in Croatia claiming that:

In the context of widespread perceptions of the unfairness of the privatization process and of increasingly visible social differentiation, groups such as war veterans and their families and, to an extent, pensioners, were able to press their demands for redistribution of national wealth on a populist regime (Stubbs and Zrinščak 2007a, 127-128).

As I will discuss in Chapter 5, different civil society organizations or public groups do not organize the same way, share the same goals, or more importantly have the same resources. Their relationships with the state or with other actors may advance and/or hinder their activities in particular ways. For LGBTIQ activism in Croatia, this has created some degree of competition for funding, support for some activities as opposed to others, and in some ways obstacles for creating a larger, solidarity-based movement. These observations about civil society requires us to question the homogenizing and normative uses of the term (in scholarship as well) that hide the complex and at times antagonistic relationships among different actors, including the state, foreign funders, and the large field of organizations and associations.

For conceptualizing "civil society" as an antagonistic discursive site, I turn to Nancy Fraser's work that has addressed what has become known as the public/private divide and provided the fundamental conceptual tools for deconstructing the complex, overlapping relations of power that exist within and across the state, market, and civil society. Although coming from different political contexts and ideological framings, feminists located in both Eastern state socialism and Western liberal democracies have problematized the ways in which women's work, for example, remains hidden within the so-called private sphere. The

role of women in all spheres (the state, politics, civil society, and the market) has been shaped by the diverse hierarchical distinctions that has been made between “public” and “private” activity (particularly in the realm of labor), forcing women’s issues to be linked to the less important realm of the private, as if clearly outside of politics, civil society, or the market.

Fraser in her critical essay “Rethinking the Public Sphere”, which examines the limits of democracy in late capitalist societies, singles out four problematic assumptions made by theorists of what she calls the “bourgeois public sphere” (1990, 58). Fraser takes issue with Jurgen Habermas’s concept of the public sphere. Similarly to the more recent criticisms (Hann and Dunn 1996; Kopecky and Mudde 2003; Somers 2008), above all, Fraser underscores the false assumption that a “democratic public sphere requires a sharp separation between civil society and the state” (1990, 63). She argues that:

[...] any conception of the public sphere that requires a sharp separation between (associational) civil society and the state will be unable to imagine the forms of self-management, inter-public coordination, and political accountability that are essential to a democratic and egalitarian society (Fraser 1990, 76).

Indeed, the Croatian state has been an important player in shaping the balance across various civil society actors by enabling some activities and ignoring others.⁴

Secondly, Fraser points out that “it is possible for interlocutors in a public sphere to bracket status differentials and to deliberate ‘as if’ they were social equals” (1990, 62). Relying on feminist historiographical research on the different “styles and decorums” that dominate bourgeois public spheres, Fraser argues that “informal impediments to participatory parity” such as strategies of communication persist in what are assumed to be formally inclusive public spheres and continue to marginalize certain social groups (1990, 63).⁵

Gender is, of course, not the only basis for unequal relations between and categorizations of

⁴ See my discussion of the effect of state funding on the NGO-ization of Croatian activism in Section 5.4.

⁵ Fraser cites feminist research which argues, for example, that in “deliberative bodies: men tend to interrupt women more than women interrupt men; men also speak more than women, taking more turns and longer terms; and women’s interventions are more often ignored or not responded to than men’s” (1990, 64).

participants that shape the modes of communication and ultimately the types of issues and discourses that emerge in such groups. Class, race and ethnicity, age and other aspects of social positionings, in complex and often contradictory ways, create different forms of knowledge and affect forms of communication and deliberative processes in the larger social context of dominance and subordination. In Chapter 5, I will discuss how this insight can be relevant for understanding internal power differentials within LGBTIQ organizations as well as their status in relation to centers of power - both national and international.

Thirdly, Fraser aims to expose that Habermas's premise that the "proliferation of a multiplicity of competing publics is necessarily a step away from, rather than toward, greater democracy" (1990, 62) is a totalizing move. The tendency to uncritically view the public sphere as one large homogenous field of political participation is counter-effective. Identifying the emergence of alternative discourses and knowledge about social situatedness in the public sphere, Fraser proposes "*subaltern counterpublics*" as "discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests and needs" (1990, 67). From Fraser's theoretical standpoint, the emergence of separate lesbian groups out of the feminist groups in the late 1980s in Croatia - and subsequent the development of separate male gay organizations in the 2000s - would be a sign of increased democraticization rather than increased conflict. The proliferation of different groups can, however, also lead to increased fragmentation. Proposing an alternative to fragmentation, I will discuss in Section 5.5 the centrality of the concept and practice of solidarity in pluralist, democratic civil societies.

The fourth important point of criticism that Fraser raises concerns what she calls civil republican theories of the public sphere. Civil republicanism, also known as communitarianism rather than focusing on individual needs stresses the importance of the

“common good” or “public good”. While these theories, on the one hand, expose the tendency of liberal individualism to make invisible the embeddedness and interdependence/interconnectedness of individuals within society, they tend to homogenize diverse communities (of activists) into one unified public and render the so-called “‘private interests and private issues’ as always undesirable” (Fraser 1990, 62). This public/private divide in Fraser’s understanding is “cultural classifications and rhetorical labels” that become “powerful terms that are frequently deployed to delegitimize some interests, views, and topics and to valorize others” (1990, 73).

In attempting to make gender and sexuality a public concern, Croatian feminists and LGBTIQ activists have forced into the public sphere what had traditionally been viewed as a private, non-political matter at best and completely invisible at worst. It is important to note, however, the different positions that the state, the markets, and civil society organizations have articulated for their members at different historical and geographical junctures in molding the discourses and the types of issues and the strategies used to raise them. In former Yugoslavia, the marginalization of women’s and feminists’ issues, for example, was fostered and developed through different practices during state socialism than during the transition and in the liberal, democratic parliamentary systems in place today.⁶ In Yugoslavia, the state, for instance, recognized woman as requiring specific economic and social rights (Dobos 1983; Jancar 1988; Ramet 1991; Benderly 1997). Describing the general situation of women in Eastern Europe under state socialism, Einhorn and Sever have also argued that:

The emancipation of women was a key factor in state socialist ideology. The equality of men and women was seen as central to the success of the collective, and the levels of female participation in the labour market and mainstream politics under state socialism far outstripped anything seen under liberal democracy (2003, 168).

⁶ It is these differences that inform, for instance, the (self-)perception of feminists in the country as “new feminists” (see discussion in Section 2.4).

Ultimately, many of the achievements made by women's and feminists' activities in Yugoslavia, such as the Conference for the Social Activity of Women (CSAW) that was a part of the ruling party, the League of Communists of Yugoslavia, or independent women and feminist advocates that emerged towards the end of Yugoslavia's existence, came under threat during the period of transformation due to the nationalist and patriarchal agendas of the emerging political parties in Croatia in the 90s. As Benderley points out, women's issues were essentially remarginalized by the new governing political parties and the more eminent issue of war (Benderly 1997, 184). In fact, many social policy issues, aside from those concerning war veterans and pensioners, were neglected by the HDZ government during the 90s in Croatia (Stubbs and Zrinščak 2007a, 132). Occupying a privileged position within the newly defined Croatian "nation" based on ethnicity and patriotic service to the "homeland" the case of the veterans exemplifies the problematic assumption of communitarian political models, which rely on exclusions. The redefinitions of the citizen-body and the consolidation of power in the hands of leaders within the newly defined nations of Eastern Europe can result in new marginalizations and redistributions of power and resources. The processes essentially redefine the role of civil society and the state after taking power. As Einhorn contends, "[t]he incorporation of (male) dissidents into the parliaments and the consequent valorization of state power over civil society, resulted in a civil society that was reinscribed in discourse as weak and secondary to the new power of the state" (2003, 172). While regarding the new expansive role of civil society organizations and associations within independent Croatia, Stubbs and Zrinščak argue that NGOs in particular came to be viewed as potential "enemies from within" and that a media-led campaign [began to] paint NGOs as an anti-Croatian conspiracy" (Stubbs and Zrinščak 2007b, 91).

Responding to the expansion of civil society organizations in the 1990s, the ruling HDZ government in Croatia adopted the *Act on Associations (Zakon o udrugama, NN 70/97)*

in 1997 in order to regulate the large field of these organizations' activities and to establish a more structured relationship across both these organizations, including foreign organizations, and the state. At the time of passing the law there were approximately 15,000 registered NGOs in Croatia (Djilas 1999). Many of the organizations were established to address the human rights crises that resulted from the armed conflict and worked predominantly to provide humanitarian aid and "psycho-social" services (Stubbs 2005). However, there were also more "radical initiatives" many of which were part of the larger Anti-War Campaign that could be viewed as continuation of the "civil society" activism that was established in the eighties (Stubbs 2006, 8). Aside from the existing exceptional circumstances of war, the work of associations and NGOs in the 90s in Croatia was influenced greatly by the government's inconsistent approach towards civil society actors, which tended to favor organizations that aligned within its own values and platform, such as the large war veterans movement (Fisher 2003). According to Sharon Fisher in her work on the war veteran's movement, "[u]nder the previous HDZ regime, most of the prominent veterans' groups were hardly distinguishable from the ruling party, using their connections to gain special privileges and funding" (2003, 87).

The HDZ government's approach towards most of the other organizations was quite skeptical if not hostile, especially towards those that were perceived as critical of the HDZ ruling party and the nationalist agenda or received funding from abroad (Djilas 1999; Fisher 2003; Stubbs 2007). The government's decision to pass the *Act on Associations (NN70/97)* and the establishment of the Office for Cooperation with NGOs in 1998 is, therefore, viewed less as a step towards better the relationship between the state and NGOs, and more as a means for monitoring and containing certain activities that the state deemed problematic (Stubbs 1997, Djilas 1999, Fisher 2003). Milivoj Djilas argues that the complicated legal framework, preferential tax code and funding schemes that favored activities which adhered

to the ruling parties platform and agenda, hostile pro-government media attacks, and even restrictions on the use of foreign words for registering associations all made it more difficult for many organizations that were deemed unfriendly to the government (1999). LGBTIQ groups hesitated to register officially as organizations after the passing of this law during the late years of the HDZ government, although official registration is necessary for an organization to receive funding (Bagić 2002). The Lesbian Group Kontra, for example, had existed since 1997, although they did not register until 2002. It is this hostile environment dominated by chauvinist, patriarchal, and homophobic discourses that explains the large gap between activism in the 1980s and early 1990s⁷ and, in comparison, the relative “boom” of LGBTIQ activism in the 2000s after the fall of HDZ.

This environment would change substantially for civil society organizing in 2000 when the HDZ government was replaced by a left-central coalition. As Davorka Matić writes “[C]ivil society forces, nongovernmental and human rights organizations and a free media that government had successfully stifled during the difficult years of war and occupation grew stronger and their critical voices found receptive audiences among large segments of the public” (2008, 17). The change in government is considered to be a moment of opportunity for LGBTIQ activists at that time as the left-oriented government coalition that took power was considered to be more sympathetic to the LGBTIQ struggle and human rights and much more cooperative with civil society in general (Franjo 2008, Maja 2009, Dražen 2010, Ruža 2011)⁸. Of the currently existing LGBTIQ organizations, except the Lesbian Group Kontra

⁷ There was one organization LIGMA (Lesbian and Gay Men Action), which was established in 1992, with the support of the Transnational Radical Party (originating in Italy). However, very soon after the organization faced many obstacles in their work. I discussed these obstacles with original member of the organization. “Already in ‘93 or maybe it was ‘94, I don’t remember exactly, there was some big fight in the LIGMA”, including a media scandal involving attempts to expose closeted gays to the public, and “And then it was in ‘95 we lost the space in the Radical Party, they had some financial problems. And all their activities were on the way out from Croatia so after that I didn’t have so much energy to do something else” (Ruža 2011). Eventually, Ruža would leave Croatia altogether to study abroad.

⁸ I have changed the names of all of my interviewees, indicating their gender by using male and female names accordingly. A list of all of my interviewees (indicated by the names that I have given them) and the year and location of the interview can be found on page 259-260.

(that was founded in 1997), Iskorak, LORI, Queer Zagreb⁹ and Zagreb Pride were all officially registered as NGOs during the 2000s, most from 2001 to 2002 during the mandate of the leftist coalition.¹⁰

These transformations illustrate the importance of the state's role in facilitating and restricting civil society initiatives and reveal the political nature of civil society and how that affects its relationship to the state. Emphasizing civil society as a political terrain is, therefore, quite different from many theories of civil society that celebrate its existence as *a priori* good and indication of a healthy democracy.

In Section 2.4, I will continue my discussion about the importance of recognizing the extent to which the socialist state had tried to secure the social rights of all citizens and recognized the importance of gender equality at least in the public spheres of life. That is to say, awareness of the need for certain human rights and social rights were not absent within the SFRY, even if human rights became the rallying cry for opposition to the state. Regarding the particular identity-based struggles that emerged in the Socialist Republic of Croatia before the transformations of the 90s, the fact that certain social and economic rights had already been established as priorities within the Yugoslav context and the reformist nature of their struggles would position their calls for inclusion very differently than current activists' struggles for rights. The social and economic rights that were taken for granted in the 80s did not necessarily maintain this priority status during and after the period of political transition in the 90s and 2000s. Like in many other societies of the larger Eastern European region, the citizens of Yugoslavia experienced a transformation of their social, economic, and political environments from state-socialist systems to what have now become neo-liberalizing economies and multi-party parliamentary political systems. These political,

⁹ Queer Zagreb is officially registered as Domino due to the restriction on naming which require that groups use Croatian words only (Josip 2009).

¹⁰ The first Zagreb Pride march took place in 2002 and was organized by an informal group of citizens dedicated to organizing the event. The group remained informal until 2008 when it officially registered as the Zagreb Pride organization.

economic, and social changes that were brought about by the break-up of Yugoslavia sometimes created contradictory and sometimes opposing consequences in terms of guaranteeing the rights of certain groups of citizens within the new independent states. Unlike in other countries in the Eastern European region that underwent extreme political and social change during the dismantling of communist states, the citizens of Yugoslavia, once a part of a large multi-ethnic country, experienced and continues to grapple with the consequences of a series of armed-conflicts. These conflicts resulted in, among other things, the formation of ethnically more homogenous, nation-states out of the constitutive states of ex-Federal Yugoslavia, the strengthening of patriarchal, heteronormative values as part of (re)emergence of nationalism and a worsening of what had already been a rather dire economic situation.

For certain social groups, such as women and gays and lesbians, these changes meant the resignification of their positions in society as wives and mothers or sexual deviants. Depicting the ruling parties agenda as exemplary of a general shift in social and political context during the transition, Dean Vuletić writes that “the HDZ’s conservative politics hampered the advancement of gay and lesbian visibility [...] by promoting cultural, political and social parameters for gender and sexuality there defined by Roman Catholic, masochistic and patriarchal values” (Vuletić 2008, 294). The rise of nationalism, the (re)emergence of strong patriarchal values in society and most importantly the large-scale economic transformation to a more free market economy that occurred through the 90s and 2000s were all important changes that (re)defined the social, political and economic contexts in which later struggles for the rights and recognition of sexual minorities emerged. These events did not occur overnight and some of the changes to a lesser degree had already started to take place before the establishment of the independent Republic of Croatia, even in the 70s and 80s. Yet, the emergence of sexual identity-based political activities during the late 70s and

early 80s in Yugoslavia were produced by and within a system in which the eradication of certain axes of oppression and discrimination were, at least officially, recognized to the extent that state policy were developed to help eradicate them.

As new international civil society actors swarmed onto the scene in the newly independent countries of former Yugoslavia in the 1990s and 2000s, new discourses of human rights emerged. As I will discuss in Chapter 4, human rights at this time came to mean the political and civil rights which dominate Western discussions as opposed to those based on principles of economic equality and justice, which were the preoccupation of socialist states. War, violence and political instability became the focus and priority of civil society both from within the independent Republic of Croatia and those who came from abroad to assist. LGBTIQ activists and newly established organizations would continue their struggles for visibility and equality but within a very different social, political and economic context.

2.2. Legal Changes and the Importance of Networking in Yugoslavia

Regarding significant legislative developments that contributed to the emergence of LGBTIQ politics in the Socialist Republic of Croatia prior to independence, the decriminalization of homosexuality in some of the Republics of Yugoslavia was important in that it would have erased the fear of legal prosecution of identifying oneself as gay, at least for men whom the law targeted, even if it was not implemented for some time.¹¹ For the Social Republics of Croatia and Slovenia, the loosening of federal powers over Republican legislation allowed local law-makers to abolish legislation that may not have otherwise been abolished on the federal level. Discussing the significance of the constitutional and legal changes with the passing of the Constitution of 1974 in the SFRY, legal scholar Matej

¹¹ Current research is underway into how the 1951 *Criminal Code* (Article 186), which penalized “unnatural fornication between men”, was used during the early years of the SFRY, often as a tool against political enemies (Dota 2010).

Accetto observes that from the beginning Yugoslavia was founded on the principles of “free volition [...], the right to self-determination [...] and national autonomy” as stated in the Constitution of 1946, yet, in practice there was a strong tendency towards the “centralization of economic and political power outside of institutionalized structures” (Accetto 2007, 198–199). Throughout the 1960s and early 70s, however, these centralizing powers were slowly chipped away through a series of constitutional amendments until 1974 when a new constitution was drafted in which the confederal system was given priority over the more centralized federal system that had existed until then. According to Accetto, “The new Constitution brought about an accentuated equality of all members and shifted the federal balance – previously heavily slanted towards centralization – in favor of the republics” (2007, 202).

From a legal perspective the changes brought about by the new constitution were important as they gave the republican judicial authorities more power in determining the constitutionality and validity of existing laws (Accetto 2007). In the new system, in case of conflicts about the level of legal authority, according to Accetto, “[...] temporary authority was now attributed to the law of the republics *unless* the federal authorities had both the legislative and implementing competences in the issues concerned” (2007, 206). Highlighting the significance of these developments for gays and lesbians in Croatia, Vuletić argues that “the legal position of gay men in Croatia underwent a major change in the 1970s, in accordance with constitutional and legal reforms that *inter alia* transferred responsibility for the legal regulation of sexual acts from the federal centre to the republics (2003, 114).¹² As a result, in 1977 the act of men having sex with men became decriminalized in Article 88 of the *Criminal Code* in the Socialist Republic of Croatia, as well as Slovenia, Montenegro and Vojvodina (Vuletić 2003, 114). These federal juridical changes were certainly not the only

¹² All translations of text originally in Croatia are mine unless otherwise indicated. This text by Dean Vuletić is published in Croatian in the cultural magazine *Gordogan*. However, the author also provided me with the original English version. Therefore, I have used his English text as the basis of my English translations.

reason for decriminalization of sexual conduct between men in these particular republics, but the space provided by these larger structural changes permitted these republics to deviate from this federally established legislation. The repeal of this law in Croatia and other republics echoed similar developments in nearby European countries in the previous decades, such as in East (1968) and West Germany (1969), Austria (1971), Czechoslovakia (1962) and Hungary (1962) (Itaborahy and Zhu 2013, 21). The extent to which discourses and information about developments in these other countries may have helped bring about these legal changes in these parts of Yugoslavia is for further research.

The decriminalization of sex acts between men in these Yugoslav Republics does not appear to be the result of gay or lesbian lobbying or advocacy, as there were no specific groups or activities focused on doing so at the time. According to some contemporary Croatian activists and Vuletić, academics at the University in Ljubljana may have spearheaded the initiative for this legislative change in Slovenia (Vuletić 2003; Dota and Jurčić 2011), but there is no mention of similar lobbying efforts having taken place in Croatia. As I have mentioned, the circumstances and the discourse surrounding this legal development in Croatia have yet to be fully researched. Whatever the reasons were for these legal changes in the Croatian republic, not all republican legislative bodies in Yugoslavia felt it necessary to repeal the existing legal mechanism. Criminal codes which penalized sex acts between individuals of the same sex were not changed in Serbia, Bosnia and Herzegovina, and Macedonia until the mid-1990s. Although, this is not to say that any of these laws were regularly enforced (Dota 2010).

This important legal change to the criminal code may have inspired activists or at least gave them more space to form communities as they did not feel any possibility of legal repercussions, at the very least by judicial or authoritative officials. Paradoxically, the discourses that emerged due to these legislative changes some would argue, nevertheless,

contributed to the denormalization of non-normative male sexuality. Commenting on the Croatian context, Vuletić emphasizes that the decriminalization process in Croatia continued the pathologization of these sex acts. The clause that clarified the extent of decriminalization still referred to sexual acts between consenting male adults as “unnatural” (2003, 114). The use of this term indicates that the legislatures intended to maintain the “deviant” status of “homosexuals” at least on the symbolic level in relation to “normal” heterosexuals even if Croatian medical institutions had already declassified “homosexuality” as an illness (Hodžić 2010, 271). It is important to note that lesbian sexuality was not mentioned in either the criminal code of 1951 that criminalized “unnatural fornication” or in the decriminalization of them in 1977.¹³

This particular change to the criminal code in the Social Republic of Croatia further reinforced the deviant status of men having sex with men in that it did not establish the same age of consent that was determined for heterosexual sex acts. For same-sex sex acts between men, the legal age of consent was 18; whereas, it was 14 for heterosexual acts (Graupner 2000). The equalization of age of consent to 14 for both opposite-sex and same-sex sexual relations occurred much later, after independence in 1998 (Hodžić 2010, 271). Therefore, in spite of the decriminalization, the 1977 legislative change still (symbolically) maintained a hierarchy of hetero/homosexual, and within this latter gay/lesbian, sex acts and could contribute to the continued stigmatization of sex between men and between gays and lesbians.

The republican governments’ decision to decriminalize consensual sex between men occurred at a time when many different civil and political initiatives were appearing throughout Yugoslavia (see Section 2.3 for this discussion). These social movements,

¹³ Describing the significance of this legislation for lesbian women, Roman Kuhar argues, “The invisibility of “women’s love” was actually a consequence of the patriarchal understanding of sexuality and love, according to which a sexual relationship between women was less problematic, owing to the absence of the male sexual organ, even considered impossible, therefore non-existent” (Kuhar 2003, 24).

particularly those that developed in the 1980s in Slovenia and Croatia empowered some gay and lesbian members of the larger activist community and encouraged them to organize themselves and begin making demands for their visibility and recognition.¹⁴ What is significant about the early forms of activism in the 1980s is the strength of the networks between activists and groups in different republics. Several activists and scholars that have written about gay and lesbian activism in Croatia before the establishment of an independent state in 1991 argue that the work of activists in Slovenia was a very important inspiration for Croatian activists (Vuletić 2003, Sagasta 2001, Tatijana 2011).¹⁵ My interviews and research reinforce Vuletić's findings about gay and lesbian activist collaborations in these two Republics and the role that the close proximity and great amount of exchange and travel between Ljubljana and Zagreb activists played in shaping developments in Zagreb. In particular, the contacts between feminists, especially lesbian feminists involved in activism in Slovenia were of great importance for the establishment of some of the first gay and lesbian events and organizations in Croatia.

During the 1980s, organized groups of activists emerged from youth groups and women's groups in Slovenia and began addressing publicly the issues faced by gay and lesbian people. The first gay and lesbian groups aimed to make gay and lesbian issues visible through a film festivals and publications and provided spaces for meetings and community development (Slovenian Queer Resources Directory 2013a; Slovenian Queer Resources Directory 2013b). With the support of the youth wing of the communist party and the Student Cultural Center (ŠKUC) of the University of Ljubljana, the first student gay group in

¹⁴ Recognition and the inclusion of transsexual and transgender rights and demands would emerge later on in the 2000s through the work of several activists groups and would eventually become a part of the platforms of most of the main activist organizations.

¹⁵ Vuletić writes, "The fact that the first gay and lesbian groups were founded in Ljubljana was of particular significance for gay men and lesbians in Croatia, and the proximity of Zagreb and Ljubljana facilitated active cooperation between gay and lesbian groups in Slovenia and interested persons from Croatia" (2003, 118).

Yugoslavia, MAGNUS, was founded in 1984 (Kuhar 2003, 26).¹⁶ Named the *Cultural Organization for Socialization of Homosexuality*, this group organized the first Gay and Lesbian Film Festival in 1984, which has been held annually ever since.¹⁷ Soon after, in 1987, the lesbian group ŠKUC-LL also emerged out of the feminist group Lilit, also within the auspices of the same student center, making it the first lesbian organization in Slovenia and in the larger Eastern European region.¹⁸ Lesbian activists formed their own group in the capital of Croatia soon after in 1989 (Vuletić 2003, 120). The establishment of the Lila Initiative, the first lesbian group in Croatia, is described by Sanja Sagasta as follows:

The Lila Initiative was formed as a subgroup of the Women's Group Trešnjevka¹⁹ (a feminist group founded in 1986 and which ran a helpline for lesbians), encouraged by the organizing of lesbians worldwide, particularly in Slovenia. In fact, many of the women who joined the Lila Initiative had been previously involved in various activities in Slovenia (Sagasta 2001, 358-359).

Andrea Spehar also writes about the significance of the founding of the Lila Initiative and how MAGNUS and ŠKUC-LL were both were “directly responsible for inspiring the initiative to form a similar organization in Zagreb” (Spehar 1997, 207). Tatijana, from the Lila Initiative, remembered that “groups were discussing with women who would also come from outside, [activists, for example,] from Ljubljana who later on started [the] lesbian group. So it was a constant exchange, these were mostly students at that time. And the exchange was very regular” (Tatijana 2011).

Networking with groups and activists' contacts outside of Yugoslavia was also important for lesbian activists in Croatia. Participation by Croatian lesbian activists and the

¹⁶ Tracing a direct result of the activities in Ljubljana, Vuletić discusses how one journalist assigned to cover the events of the first festival organized by MAGNUS in Ljubljana in 1984 inspired him to hold the first live radio show on gay and lesbian sexualities on Croatian radio that same year (2003, 118).

¹⁷ Information and the history of this organization in English can be found on the Slovenian Queer Resources Directory website <http://www.ljudmila.org/siqrd/magnus/> (accessed August 28, 2013).

¹⁸ Information and the history of this organization in English can be found on the Slovenian Queer Resources Directory website at <http://www.ljudmila.org/lesbo/english.htm#1> (accessed August 28, 2013).

¹⁹ Trešnjevka is the name of a neighborhood in Zagreb in which the group met.

decision to register as an organization at the 11th annual ILGA World Conference in Vienna in 1989 was also an important moment in the initial establishment of the Lila Initiative (Tatijana 2011). There was, already during the 80s, an interest on behalf of some activists to build relationships and possible collaborations with activists and organizations outside of Yugoslavia. Recalling the foundation of the Lila Initiative, one activist describes an ILGA meeting in Vienna as an indirect catalyst for the establishment of the group:

One of my friends from the group was in a relationship with a woman from lesbian group from Ljubljana and then they went to an ILGA meeting in Vienna and there was by chance another woman from Zagreb and they realized that they have to start the group as well. And they really reported the group to ILGA. And then when they returned back to Zagreb, then they started the group. So the first piece, the first trace of the group is in the ILGA catalogue actually. But they gave the name Lola. When they came back to Zagreb, they changed it into Lila Initiative (Tatijana 2011).

Increasingly over time, in particular during the 2000s, the degree of international cooperation between Western European-based or even American organizations would become much more important as sources of funding and locations of exchange for strategies and ideas than with local networks. Reorientation abroad and the transformation of activism from the community-based, local activism of the 1980s would give way to a more professionalized, NGO-based activism of the 90s and 2000s. As I will argue in more detail in Chapters 5 and 6, these changes in the nature of gay and lesbian and what is now LGBTIQ activism in Croatia has had important implications in terms of the types of goals, strategies, and discourses used by local activists in their struggles.

Connections between feminist and lesbian organizations in the region continued to be very significant for the development of lesbian activism in Croatia and in the region in general into 90s and early 2000s. In 1997, after the end of most of the armed conflicts in the region, lesbian groups and activists from around the region began meeting to discuss new issues faced by lesbians in the newly independent countries of the former SFRY. According

to documents posted on one Serbian lesbian organization's website²⁰, lesbian organizations from around the region took part in annual meetings, sometimes called "Lesbian Week", which took place in several cities in Serbian, Slovenia, Bosnia and Croatia:

We gathered at Pohorje [Slovenia], lesbians from Novi Sad, Maribor, Skopje, Ljubljana, Zagreb and Split, forty-five of us, to share our experiences in a unique way for the first time in history. Through this meeting we wanted to strengthen our relationships and lesbian solidarity among us. We wanted to bring out and discuss knowledge about lesbian and feminist theories and we wanted to support new initiatives of organizing lesbians especially in places where they were still not. [...] It turned out that we overcame national and state boundaries and met each other through the experi[e]nces of our lesbian exist[e]nces.²¹

One important point to take from this excerpt is how lesbian organizations from the region appear to challenge the surrounding environment of intensive nationalist activities and discourses. The entire project of bringing lesbian organizations together from newly independent nations, its timing, and the last sentence of this excerpt, which appeals to the power of lived experience, reveal the non-nationalist and solidarity-building character of these lesbian organizations' work after the break-up of Yugoslavia. The mention of feminist theories is also indicative of the strong influence that feminists and feminist thought have had on many lesbian organizations that have been established throughout the region and in Croatia. One of my activist interviewees highlighted this formative aspect of feminism on the lesbian community and the importance of these meetings for her personally:

And another thing that was important with this, let's say lesbian activism of the nineties, and later on is this regional networking that I think I have also mentioned, because a lot of these 90s lesbians were activists and were activists in feminist movement and a lot of them in anti-war movement, though not all. And they were connected with very strongly

²⁰ This document was accessed on the organization Labris's website at <http://www.labris.org.rs/en/what-we-do/lesbian-weeks/the-first-lesbian-week.html> (accessed August 24, 2010). However, it no longer exists.

²¹ This document was accessed on the organization Labris's website at <http://www.labris.org.rs/en/what-we-do/lesbian-weeks/the-first-lesbian-week.html> (accessed August 24, 2010). However, it no longer exists.

with other lesbians in other exYU countries and they had this network of support and communication [...].

I think the important goal was this regional networking and to keep these yearly or once in two years lesbian weeks going on in order to continue sharing experiences together. And a lot of women were talking about how hard it was for them to live like lesbians or to come out in a small environment, and to live under a lot of pressure as lesbians in Serbia, for example. And then this lezbijka nedjelja [lesbian Sunday] was experienced by all as this free space that gave you enough energy to live on for the next year, sort of utopic space that I remember it like that from that first meeting. And part of it was plans for activism and for cooperation and part of it was concentrated on music and art and I don't know creating music and talking and having a good time, and creating friendships that then were somehow the basis for political activism later (Jasmina 2012).

According to Jasmina's recollection, there was a strong focus on sharing experience, building community, and maintaining networks and solidarity. I would argue that the earlier focus on community-building may have helped maintain these networks.

Concerning later meetings, focus is said to shift towards more "professional" activism according to her:

It sort of reflected that it was organized by Slovenian lesbians. It was a bit more professional (laughing) with very very interesting, full of also lectures and a workshop and [a] lot of learning about advocacy and political literacy and networking (Jasmina 2012).

This change is reflected in a platform composed following the 2001 meeting or "Lesbian Week" held in Rovinj, Croatia. Included in this platform is a list of eight specific legislative changes demanded by the lesbian activist collective, which are the following: the inclusion of an anti-discrimination clause in the state constitutions, criminal penal codes that include penalties for discrimination and human rights abuses based on sexual orientation, workplace anti-discrimination laws, family laws that include the recognition of same-sex couples, reproductive rights that enable artificial insemination for all women, laws on school education that require education about gays and lesbians and their human rights, media laws that sanction homophobic or discriminatory language, and anti-discrimination mechanisms to

ensure access to health services (Lesbian Activist Collective 2001). The rights-based demands, focused particularly on anti-discrimination measures and partnership rights, in this platform indicate a shift away from community-based activities and foreshadow the increasing presence of the “professional” lobbying approach to activism that would become more common during the 2000s in Croatia. In a short report about the 2004 “Lesbian Week” that took place in Novi Sad, Serbia, the Serbian lesbian group Labris, which was one of the participating groups, also noted the professionalization of the network’s member organizations’ activities, highlighting activities such as “high-profile campaigns for [the] promotion of lesbian rights” and “successful lobbying [that] resulted in legislation changes in Croatia” and emphasized that “organizations are more powerful [and] have become professional”.²²

As my research participants told me, prior to this shift many lesbian groups across the region were involved in sharing experiences, consciousness-raising and building solidarity and a community together, on a regional scale. The Lila Initiative that was started by Croatian lesbian activists also aimed to develop these types of community-building activities at a local level in their group meetings in the late 1980s. In one pamphlet that listed their aims as an initiative, the organizers list their goals as the following: “provid[ing] social contacts, support, friendship, consciousness-raising”, “discuss[ing] specific issues (consciousness-raising, love, sexual roles, sexuality, bisexuality, physical and mental violence)” as well as “making a contact with groups from our country and from abroad” (Lila Initiative 1989).²³ Although they also include “the struggle against discrimination, including rights” in their agenda, this is only one activity out of a handful which seem to aim more towards developing networks and community and visibility through “women’s creativity”

²² This information was previously available on the website of the Belgrade lesbian group Labris, <http://www.labris.org.rs/en/what-we-do/lesbian-weeks/> (accessed August 24, 2010). However, it no longer exists.

²³ This pamphlet was translated into English and German. Here, I quote the English version of the pamphlet.

(Lila Initiative 1989). As I will discuss in Section 2.4, the Lila Initiative's work was stopped quite prematurely in 1990. However, lesbian activists from this group would take part in lesbian organizations that would be established in Croatia after independence and the regional lesbian networking meetings.

Like other later attempts to create regional networks of gay and lesbian activists, the regional lesbian networking meetings or "Lesbian Weeks" as they moved away from community-building activism into professionalized rights-based work would eventually stop being held. The last of these meetings occurred in 2004 in Novi Sad, Serbia, though another meeting was scheduled to take place in Croatia in 2006.²⁴ As I will discuss in Chapter 5, the structural changes and activities of the participant organizations, oriented towards more professional, project-based operations or lobbying and advocacy, may have had an impact on the activists' ability to maintain such regional cooperation. Moreover, the increasingly external orientation of these organizations' work towards European institutions may also be a significant factor in the loss of regional cooperation in so far as work with these institutions provides more leverage in advocating for legal changes and opportunities for funding. Although I will argue that the professionalization and NGO-ization of activism has been a determining factor in shaping contemporary LGBTIQ activism in Croatia and has contributed to the lack of solidarity and community outreach, another contributing factor could be "generational".

During my interviews with younger or newer members of the LGBTIQ activist community, the early period of gay and lesbian activism in Yugoslavia is rarely mentioned as a source for inspiration for current activities and strategies.²⁵ However, for a couple of

²⁴ This information was previously available on the website of the Belgrade lesbian group Labris, <http://www.labris.org.rs/en/what-we-do/lesbian-weeks/> (accessed August 24, 2010). However, it no longer exists.

²⁵ In one of my interviews while discussing cooperation between LGBTIQ activists, Josip, a director in the organization Queer Zagreb, argued that the generational gap and inexperience has led to a lack of cooperation. "And it's also that what is very important for the gay movement or queer movement in Croatia, I mean you see

individuals whom I interviewed and were engaged as activist during the 80s and 90s in the Croatian capital Zagreb, this earlier period was fondly remembered to some extent as a period of possibility and change. In an interview with one independent lesbian feminist activist who no longer lives in Croatia, Ruža, her period of coming out and meeting gays and lesbians in the public sphere in the 80s is referred to as an inspiring source of memories:

[...] in Zagreb there was one gay club or gay bar, during the eighties, near the central station called Bachus. And this was the place where gay artists were meeting and prostitutes and all kinds of people, a really special place and everyone in Zagreb knew that the gay people and lesbians were going there as well [...] And then I suddenly felt that I am a part of this gay community and especially for gay men they knew many good places in the center of Zagreb so it was a real good party time maybe from eighty nine, ninety before the war, many many different kind of places, people moving around so on [...] (Ruža 2011).

Another lesbian feminist activist who is currently a member of the Lesbian Group Kontra, Tatijana, also remembered the 80s as a time of possibility in which established socialist institutions, such as the youth organizations, were becoming more open.

So we used at that time [...]. It was quite a good time and a lot of cultural events. So a youth organization was also opening a lot. Everything was changing. [...] And they gave us possibility to meet in their places. So our helpline was also in a city socialist youth organization. And our Trešnjevka group was meeting in the premises of a municipal socialist youth organization (Tatijana 2011).

One gay man who was familiar with the underground gay scene in the 1980s but became an activist after 1990, Darko had a somewhat different take on the period, describing these later years of socialist Yugoslavia as a time of unspoken rules and laws in which gays and lesbians

the average year of people involved in activism. I would say it's below 25, maybe now it's a little more. But in 2000 and 2003, I think I was one of the oldest activists and I was then 28, 29, maybe there were two or three people older than me, [...] and many activists never had any experience in activism" (Josip 2009). He claimed that several leaders had no previous experience and lacked support from previous activists. "So many people entered into the activism through the LGBT movement and they didn't even have any experience of what [...] burning out [is]. So the young generation took everything over without a lot of experience, with no support of more experienced colleagues and this is the result" (Josip 2009).

had an unwritten agreement with law officials that they would be silent in order to avoid any problems (Darko 2009). Even from the more critical perspective of this activist, this was a time in which gays and lesbians were at least left alone or tolerated as opposed to being threatened with violence or public declarations of hate and intolerance, which he perceives to be more common since the 1990s.

One significant difference between these three activists is that the two lesbian women had participated in the Lila Initiative; whereas Darko did not get involved in activism until after 1990. It may be that Ruža and Tatijana's involvement in women's groups had given them a greater sense of empowerment and possibility for change during that period in the 1980s. Although, this was never mentioned explicitly in my interviews. Still, what is also significant about these memories is how all three activists rely on a relational understanding of the two periods and the perception of the 1990s as a time in which many social, economic, and political developments created larger, sometimes more violent, challenges for these struggles than the social marginalization in the 1980s. What my three interviewees who experienced the gay and lesbian scenes in the 1980s all shared was a sense that the situation in the 1990s in the independent Republic of Croatia created a much more hostile social and political environment for gays and lesbians, which was in a way a set-back. While those who entered activism in the late 1990s or 2000s rarely refer to the period prior to 1990, seeing the early 2000s as the "turning point" from the 1990s or even the "beginning" of LGBTIQ activism in Croatia.

The difference between the perceptions can be attributed to the social changes themselves. The political, social, and economic upheaval that accompanied the break-up of Yugoslavia resulted in somewhat of a gap between already existing activism that took place

pre-transition with those that came later.²⁶ Transition from state-socialism to a multi-party parliamentary system and market economy and the armed conflict that ensued in the established independent Republic of Croatia created a slew of new problems for many socially marginalized groups, in particular gays and lesbians, and new formations of powerful resistance to their struggles for recognition and rights. During the transition and times of war, some activists migrated abroad and many organizational materials were destroyed or lost.²⁷ Moreover, the momentum gained through increased public discourse about gay and lesbian issues in the 1980s, waned somewhat in the following decade in the face of more hostile homophobic discourses. The (re)emergence of ethnic nationalism and its underlying heterosexist foundations in the late 1980s and early 1990s made “the scapegoating of gay men and lesbians a tangible phenomenon in Croatian politics in the 1990s” (Vuletić 2008, 294). From a different perspective, Ruža summed up the broader context of gay and lesbian activism in the 1990s in wartime Croatia in a rather succinct, if not half-cynical manner, stating that “there were *more important* things going on” (Ruža 2011, emphasis added). That being said, it is important to note that Ruža, inspired by her participation in meetings of lesbian activists in the 80s, was the first and one of the few publicly visible or “out” lesbian activists during the early 90s in Croatia.

2.3. Gay and Lesbian Activism in Social Movements

For some contemporary LGBTIQ activists and organizations certain aspects of earlier struggles in the 1980s in Zagreb for social justice have been influential and created the basis for their activism. The participation of some lesbian activists, for instance, in the women’s

²⁶ The Lesbian Group Kontra seems to be an exception as some members were a part of the first lesbian group, the Lila Initiative.

²⁷ In one interview, an activist from the Lila Initiative described how after the change in the political system they had lost their funding, the physical space where they had held their meetings and how many of their documents and materials had been destroyed by those who had quickly taken over the space (Tatijana 2011).

movement in state-socialist Yugoslavia has created a strong feminist agenda within at least one of the newly established LGBTIQ organizations, namely for the Lesbian Group Kontra. For others, carrying on the legacy of new social movements and regionally-focused anti-war activism has resulted in a focus towards community solidarity and a continued struggle for *all* human rights, including social and economic rights in addition to political and civil recognition for LGBTIQ individuals, which for some is also based on their affinity to socialist thought. An awareness of struggles for social and economic equality and to some extent calls for solidarity that existed early on, however, do not seem to have maintained a strong presence within some more recent activist strategies and agendas in the 2000s. As I will discuss in Chapter 5, the eventual exclusion of agendas entailing social and economic demands may relate to the location and membership of the activist community and a tendency towards embracing professionally organized campaigns for LGBTIQ rights, echoing those that exist elsewhere in Europe and the West. It is necessary, therefore, to discuss in more detail how these social movements, in particular the women's movement, in Yugoslavia are understood in the existing literature in order to trace the historical transformations in LGBTIQ activism since the 1980s. I will discuss the relevance of the legacy of the women's movement in Section 2.4.

Social movements, or more generally, any political struggle for visibility, equality, justice, or rights are considered to be as part of and resistant to larger and smaller processes within particular, constantly changing social, political and economic contexts. The particular social movements that emerged in Yugoslavia in the 1980s were not only a resistance from below to the perceived lack of social justice for specific social groups in Yugoslav society, but also a product of the significant and larger social and political transformation that had been taking place within Yugoslavia for several decades. State socialism in Yugoslavia during the 37-year presidency of Marshall Josip Broz Tito, especially after breaking ties with

the Soviet Union in 1948, is argued to have undergone a substantial amount of liberalization, although not necessarily consistently or progressively, and earned this former communist country a certain amount of praise and support from foreign observers as being more “humane” or “enlightened” than in other Eastern European state-socialist countries (Gabrič 2000; Drapac 2010, 16; L. J. Cohen 2013, 189). Although always in the process of reform and change – which at times included counter reforms or attempts to roll back previous reforms, Yugoslavia is generally viewed to have been governed by the principles of so-called “new socialism”, which were meant to achieve “a strong emphasis on decentralization, some degree of worker’s autonomy in decision-making in local enterprises and accommodations with elements of market economy” (Drapac 2010, 212).

At the federal level, the political objectives of the League of Communists of Yugoslavia (LCY, the ruling party as it was called after the political break from the USSR) through the principles of new socialism and the self-management system could be understood as attempts at fostering a more participatory, locally-based form of socialist governing. According to Paul Stubbs, who sets out to question the dominant approach of American and European political discourses in which governments and institutions view their more recent historical role as exporters of civil society, community development projects, and other democratizing “tools” in Yugoslavia, “[t]he later phase of decentralization and full-scale implementation of self-management socialism, following the 1974 Constitution, is of great interest [...] as an experiment of ‘participatory socialism’” (2007, 166). He highlights the larger political and constitutional changes that occurred on the federal level that supported local participation and independence and underscores the need to acknowledge the role of local practices in fostering democratic changes as opposed to viewing processes of democratization as simply a top down or imported phenomenon.

By the 1970s, liberalization and decentralization had begun, in fact, to create various moments of crisis for the federal government of Yugoslavia. One of the most significant for the Republic of Croatia was what has become known as the Croatian Spring²⁸ or MASPOK, short for *masovni pokret* or mass movement (Zubak 2005, 197) which began in the late 1960s. This movement was thwarted to some extent in the early 70s through various interventions or “purges” by the federal government and Tito himself through a series of mass expulsions from the party (Ramet 2006, 258). Political and social pressure from different activists would continue, however, to put strain on the central federal powers throughout the 70s and 80s.

In spite of attempts at counter-reforms, changes that had begun in the 60s, including “decentralization and federalization through the Constitutional Amendments of 1967, 1969, and 1971”, and the powers given to local levels of government “remained untouched” (Pleština 1992, 141–142). Attempts to roll back reforms at the federal level did not impede the growth of local demands and activities aimed towards achieving more liberalization. Referring to the growing power of the liberal party leadership and those who led the Croatian Spring political movement at the local level in the Socialist Republic of Croatia, Sabrina Ramet writes that decisions made by liberal leaders had led to “the adoption of policies inspired by notions of tolerance of cultural and literary activities supportive of the development of national consciousness, a softening of censorship of the media, a softening of policies vis-à-vis religious associations, and noninterference in the affairs of other republics [...]” (2006, 227). These calls for liberalization and the extension of political freedoms by local Croatian, liberal politicians were also demanded by students throughout Croatia who held strikes and protests at their universities in 1971 (Ramet 2006, 256).

28 According to Ramet, the use of this term to indicate these events emerged in “the West” (Ramet 1992b, 111).

For leftist reformist activists in Yugoslavia, the principles of “self-management” were a solid basis for social organization, and problematic only in the sense that the communist party failed to properly implement them or to address other issues of social inequality and injustice that continues to permeate socialist Yugoslav society. In her dissertation about the feminist conference in Belgrade in 1978, Chiara Bonfiglioli writes about the debates between foreign and Yugoslav feminist activists present at the meeting and how locals struggled to defend their beliefs in the system of self-management, often unsuccessfully against Western European feminists accusations of party loyalty (Bonfiglioli 2008, 57). Bilić also discusses how members of the Croatian organization Svarun²⁹, which is considered to be along with the feminist movement a “precursor” to the anti-war campaign in Croatia called ARK (Bilić 2012, 118), found the principles of self-management to be inspiring even if disappointing due to the fact that they were not carried out in practice by Yugoslav institutions. Croatian members of Svarun wrote in 1987 about the peace movements and their relationship to the socialist system:

[...] the most important fact to bear in mind is the self-governing socialism in the Yugoslav political system [which is] after more than 30 years still [...] unique in the world. [...] strong bureaucracy which has developed within the system is a strong hindrance for a peace or any other movement. On the other hand, however, and more importantly, [is that] the basic principles of the self-management socialism are inherently non-centralist, non-hierarchical and, basically, anti-authoritarian... it is in this ambivalence between the foundations and the deviations in practice, that Yugoslav movements have to work... (as cited in Bilić 2012, 122-123).

Reformist activists were not, as Josef Figa emphasizes in his work on civil society growth in Slovenia at the time, aiming to initiate a process for “leaving Yugoslavia” (Figa 1997, 163) nor for abandoning socialism. Nevertheless, as Aleš Gabrič points out in his analysis of

²⁹ Bilić writes that Svarun “was founded in 1986 [as] a spontaneous enterprise which defined itself as a Working Group for Environmental, Pacifist, Feminist and Spiritual Initiatives [Radna grupa za ekološke, pacifističke, feminističke i duhovne inicijative] represented a point of convergence for a younger (post-1968) generation of Croatian political activists who were, at that time, students at the University of Zagreb (Bilić 2012, 121). One of the activists whom I interviewed, Tatijana, also discussed her collaboration with the Svarun group.

cultural activities in the last few decades of Yugoslavia, “[t]he student movement, which grew in strength in Slovenia after 1968 as in the rest of Europe, was accused by the authorities of being ultra-leftists” (2000, 16). The state’s attempt to delegitimize these movements with accusations that the movement’s demands were “radical” and anti-statist may indicate a fearful response to these legitimate criticisms of the state’s failure to carry out fully self-management policies.

Although these leftist and self-management principles may not have been successfully implemented in Yugoslavia, due to the frequency of reforms and the increasingly more open discussions about the nature of the system itself, ideas about how a socialist state and the Yugoslav system of self-management could become the subject of inquiry and debate within institutional sites in which the state maintained less direct control, such as publishing, universities, and various cultural institutions (Križan 1989, 288–289; Stubbs 2007). Referring to changes that took place throughout the 60s and 70s in Yugoslavia, Ramet highlights the press, for example, as a site of more open dissidence as it had been “dramatically decentralized”, especially after Tito’s death in 1980 (Ramet 1992a).³⁰ There was, in Ramet’s words, a period of “release” (1992a, 414) - that is, a decrease in the amount of control administered by government officials over certain public spheres, which could be observed in particular by those who worked in youth, women’s, and pornographic press (1992a, 415). In my reading, these less regulated channels of communication, particularly the printed press, film, and radio enabled activists and their oppositional or reform-oriented discourses to reach new and larger audiences, recruit more members and address issues surrounding new social and political rights that were previously taboo or marginalized.

³⁰ The death of the SFRY’s powerful and long-standing president Josip Broz Tito, who was often characterized as the “glue” holding together the rather fragile federal system, was for some scholars very significant as an important moment in which political power was to become even more decentralized, taken from the federal government and the strong hand of the former president and given to those within the local political sphere (Ramet 1992a; Magas 1993). Others give this event less significance and cite the long-term changes that had already taken place up to the point as more important (Banac 1992, 173).

Activists began advocating for feminist, pacifist, and ecologist ideas as well as rights for gays and lesbians. With the new space, public discussions, newspaper articles, and radio shows also began to address the topic of non-hegemonic sexuality to the public sphere. Vuletić writes in his brief account of gay and lesbian history in Croatia until 1990 that:

[i]n 1981, at a public forum organised by *Žene i društvo* (Women and Society) on the topic of homosexuality as a social phenomenon, the first public coming out of a Croatian lesbian occurred when Marija B. B., a typist at the daily newspaper *Vjesnik* (The Herald), stood up and declared that she was a lesbian (cited in Vuletić 2003, 116).

By the end of the 1980s and at the beginning of the 1990s, articles about the first lesbian group Lila Initiative had also appeared in, for example, aside from Croatian state-owned daily newspaper *Vjesnik*, the feminist publication *Svijet* and the Croatian Socialist Youth Association's publication *Polet* (Vuletić 2003, 118–120).

More than creating awareness of gays and lesbians in the public, these discussions and public discourses also inspired individuals to join newly established informal groups of feminists and lesbians. Tatijana, who was a university student at the time, highlighted the importance of the youth press for creating her awareness of the Women's Group Trešnjevka (Tatijana 2011). Ruža, who was even younger at the time recalled:

[...] I think I was 14 or 15 years old. I heard on the radio that one new feminist group was established in Zagreb. It was called feminist group Trešnjevka and they were talking about, on the radio, about the situation of women and gender equality and so on. And then they mentioned also the lesbians, that they also have a very hard time in societies, in our society [...]. And then I decided to, you know they were meeting, it was Tuesday or Wednesday in the evening and someone wants to join them, they're welcome, and then I decided to come to this meeting (Ruža 2011).

Activist groups such as the Women's Group Trešnjevka were empowered not only by the easing of regulations regarding the freedom of press but also by the financial and logistical support provided by state and local authorities to women's and youth organization,

out of which the groups could organize themselves. The state's indirect material and financial support for the socialist youth organizations and, hence, the Women's Group Trešnjevka enabled the first Croatia lesbian organization, Lila Initiative, to emerge. As Tatijana recalled in the interview:

So [the] lesbian group [Lila Initiative] was meeting on Tuesdays, this subgroup [of the Women's Group Trešnjevka]. [...] We used premises of socialist youth organization. [...] At that time you know the context of Yugoslavia in 80s, it was quite a good time, and a lot of cultural events. So a youth organization was also opening [up] a lot. Everything was changing. So youth organization was opening [up], and they gave us [the] possibility to meet in their places. So our helpline was also in a city socialist youth organization. And our Trešnjevka group was meeting in the premises of a municipal socialist youth organization (Tatijana 2011).

Besides noting the indirect state support via youth organizations, the lesbian activists in my sample who participated in women's organizations also most often highlight the importance of the existence of early women's organizations and the emergence of feminist activism in the public sphere for the possibility of lesbian activism, which I will discuss in more detail in Section 2.4.

These new, "alternative" social struggles that were taking shape both in the Slovenian and Croatian Socialist Republics of Yugoslavia echoed in some ways the new social movements of Europe and appeared to the greatest extent in the capitals, Ljubljana and Zagreb, in the late 1960s and early 1970s, but were not necessarily large scale movements (Volčič and Planšak 2012, 181). Referring to them as movements may be a bit of a misnomer as Slovenian researchers Zala Volčič and Mojca Planšak write in their work on the emergence of oppositional and alternative radio following the break-up of Yugoslavia (Volčič and Planšak 2012, 181). These "movements" were in fact quite small in numbers. However, Volčič and Planšak argue that "their spontaneity and readiness to raise social issues outside of the official political system constitute them as social movements" (Volčič and Planšak 2012, 181). Describing this social activism in more detail, the authors write:

Their self understanding was formed by a circle of younger sociologists, philosophers and theoreticians of culture and psychoanalysis, who strove for the autonomy of civil society in contrast to the existing state and against its repressive interventions. [...] These “new” social movements had no equivalent in Eastern Europe, and the alternative media were a part of them, providing grassroots support for the preservation of (reformed) Yugoslavia, staging peaceful demonstrations, circulating petitions, and “offering alternatives in thinking about peaceful future”. Their common concern was the establishment of democracy. They belonged to the political opposition, but had much more in common with “alternative society” in the West than with political dissidents in Prague, for example. (Volčič and Planšak 2012, 181-182).

Economic development within the Slovenian and Croatian Republics was far greater in comparison with other Yugoslav republics and may also have been a factor enabling more independent social activism. As a result of dissatisfaction with uneven distribution of wealth throughout the country, republics were given, for example, more autonomy over their economic policies as part of the process of decentralization (Pleština 1992). However, due to this uneven economic development and further decentralization, republics such as Socialist Republics of Slovenia, Croatia and Serbia as well accumulated much greater levels of wealth and maintained higher standards of living (Pleština 1992).³¹ The greater economic development in these republics may have then provided the space or economic security for citizens, especially for those individuals who maintained a higher economic standard of living, which allowed them to focus more attention on civil and political rights and issues such as freedom of press or social marginalization based on gender and sexuality.

Proposing the need for more research into the “class” dimension of the early social movements in the 1970s and 80s in the so-call “classless” Yugoslavia (Bilić 2012, 134), Bilić points out, for example, that the political “dissident” status in former Yugoslavia [...] in many cases related to appreciable amounts of social, symbolic and financial capital whose preservation sometimes made the activists choose strategic options which were not

³¹ Pleština writes, for example, that the income disparity “between Slovenia and Kosovo had increased by 1970 to 1:6” (1992, 137), and by 1980 it had increased to “a little over 1:7” (1992, 150).

particularly well suited to the promotion of their cause” (Bilić 2012, 32). Many of the feminists working during the 1970s, he writes, for instance, were also “highly educated elite/upper class women, occupying university posts or having other professional affiliations”, and some, he writes, were “[m]embers of a certain supra-national trans-European urban class [...] [who] had at their disposal both intellectual and social tools that made it possible for them to engage in non-radically transformative civic activism” (Bilić 2012, 92). Although higher standards of living and more exposure to Western movements may have enabled and inspired these activists to pay more attention to other types of social and political injustices as opposed to simply economic inequalities, I would argue, echoing Bilić’s concern, that similar tendencies found in LGBTIQ activism today may also lead to strategies that are not always best suited for achieving activists’ aims for sexual equality for LGBTIQ people in general.

Thus far, I have discussed the development of social movements as an important foundational catalyst for LGBTIQ activism in Croatia (and Slovenia). However, it is also important to note that at this time there were also political forces pushing for greater autonomy of the Republics of Croatia within the SFRY that entailed political ideologies that were not necessarily conducive to creating greater social solidarity and inclusiveness. Beginning in the 60s and 70s, most notably within some parts of the Croatian Spring, there had been an increase in nationalist-oriented demands about the perceived lack of equality between different ethnic groups (Zubak 2005). Writing about the radical nature of the 1971 student movement in comparison to the “Marxist” and “Yugoslav” student unrest of 1968 in both Zagreb and Belgrade, Marko Zubak writes that “[i]n the [later 1971] Croatian student movement [...] the affirmation of the Croatian national identity took over as the general priority – and, in its extreme form, expressed itself as a desire for Croatian statehood, no matter what the means for its achievement were” (Zubak 2005, 224). The simultaneous

development of activism aimed at attacking and dismantling the socialist state, within the guise of achieving Croatian independence, and the reformist social movements involving feminist, environmentalist, and peace activists would have created an unpleasant position for those activists who were vehemently against nationalist ideologies but also criticized the government (both before and after the break-up of Yugoslavia). As Bonfiglioli points out about the political changes in the 1980s:

This moment of internal rebellion and political liberalization brought to the fore different political, social and artistic movements, but also opened up a space for new nationalist movements, which gradually acquired hegemony while the socialist regime slid into a political and economic crisis. All the women and men who participated in the conference of 1978, and who had contributed to the internal critique of the socialist system were confronted with the nationalist movements a few years after (Bonfiglioli 2008, 100).

The growth of social activism that criticized the federal state and aimed to dismantle it was criticized by those within the reformist movements, such as individuals involved in the *Praxis*³² group who, although also critical of authoritarianism, condemned ideological nationalism (Zubak 2005, 204-205; Ramet 2006, 249). Some believed nationality-based demands - such as, demands for official recognition of Croatian language rather than Serbo-Croatian - were early indications of deeper nationalist desires for independence that could become detrimental to the maintenance of unity amongst the various republics (Ramet 2006, 231-232; Pleština 1992). In addition, the state's aggressive measures aimed at suppressing any nationalist tendencies would create a more hostile environment for social activism criticizing the state even if aimed at more democracy and social inclusiveness and non-nationalistic. As the events in 1990s of extreme variations of nationalism in Croatia would show, these legacies of nationalist tendencies in Yugoslavia were readily mobilized to achieve succession from the Yugoslav union and legitimize the stigmatization of the internal

³² This was a group of Marxist university professors in Zagreb and Belgrade who were dedicated to humanist Marxist revisionism and "assembled around" and contributed to a journal called *Praxis* (Zubak 2005, 204).

“Other.” However, as Zubak argues in his review essay in which he analyzes the view of Croatian historians after the breakup of Yugoslavia of the different factions that participated in the Croatian Spring, political demands and ideas about how to achieve these demands were diverse and at times in conflict (Zubak 2005). Some oppositional figures may have stressed the need for “national emancipation” on the basis of ethnic membership to a nation, while others called for democratic reforms within the multi-ethnic state and existing socialist system (Zubak 2005, 225). Participants of the later type of activism would later take part in anti-War and human rights movements in the 1990s and 2000s (Bilić 2012).

In spite of the unforeseen consequences of some of the subversive activities that took root in last three decades of the existence of the SFRY, democratic leftist struggles that emerged during this time prior to and after the transition in the early 90s created a strong foundation for later human rights and LGBTIQ activism. Yet, these alternative movements are often overlooked in the scholarship due to the focus on finding explanations for the wars and nationalist resurgence.³³ The fetishization of the actions and discourses of the political elites during the period of transition and the tendency of outside observers to emphasize the development (or according to more racist accounts, the “ancient history”) of “extreme nationalism” in the former Yugoslavia as “paradigmatic examples of ethnic conflict” (Gagnon 2004, xix) have overshadowed discussions about the important alternative civic activism that existed even prior to the establishment of the independent Croatian nation-state. Revealing the pluralistic nature of civil society and the existence of the strong political orientations of conflicting, sometimes non-cooperative, even non-democratic actors in civil society, as I argued in Section 2.1, raises the need for questioning any definition of civil society as *a priori* “good”.

³³ In her chapter in the book *Balkan as Metaphor*, Vesna Goldsworthy discusses the pronounced increase in scholarship and journalists’ book publications following the Yugoslav wars in the 1990s that perpetuate racist discourses about “Balkans” and its “ancient hatreds” (Goldsworthy 2002). She also provides a list of these publications in the notes on p. 37.

2.4. Feminist Roots: Subverting within the Socialist System

In Yugoslavia, the women's movement in the 80s and their struggles for equality, similar to other movements, were not aimed at destroying socialism but rather criticized the socialist state for its failure to live up to its promise of equality between men and women. Barbara Jancar, writing about what she calls new feminism in Yugoslavia in the middle of the 80s, discusses the significance of the "neo-feminists" (Jancar 1988) or new feminists as a "new generation of intellectuals [who] began to challenge [the] official and widely accepted view of the status of women in Yugoslavia" (Jancar 1985, 209) against an earlier generation of women activists, many of whom fought as Partisans against the fascist government and occupying armies in World War II. This earlier generation, contends Jancar, became politically active and gained economic independence through the policies of the new socialist state and argued that the "women's question" had essentially been solved (Jancar 1985, 209). The new generation of feminists from the 1970s criticized the existing system arguing that the women's movement had been incorrectly distinguished from the struggle of the working class and that the women's movement had been wrongly subordinated to "bureaucratic interests of postwar Yugoslavia" (Jancar 1985, 209–219). In their view, industrialization had created new forms of patriarchy and that industrialization and commodification resulted in the reification of human relations that could not be solved by economic means alone (Jancar 1985, 209-219).

The new feminists' struggles were not aimed at dismantling the socialist system altogether, but rather struggled to expose the failures of the ruling classes to achieve social equality which was a founding principle in the socialist system. Social groups such as gays and lesbians were certainly not on the minds of the drafters of the first Yugoslav Constitution in the post-World War II context and the several subsequent rewordings that would follow in the next few decades (e.g. the Constitutions of 1953, 1963, 1974). Still, the notion of equality

and the rights of all citizens were foundational to the SFRY, and the importance of particular social groups that had previously experienced conflict and social exclusion were spelled out quite clearly in the Constitution of 1946 just two years before the Universal Declaration of Human Rights was adopted by the UN General assembly. Under the heading “The Rights and Duties of Citizens”, it is stated that “All citizens of the FPRY³⁴ are equal before the law and enjoy equal rights regardless of nationality, race and creed. No privileges on account of birth, position, property status, or degree of education are recognized [...]” (Trifunovska 1994). Although heavily focused on economic or national inequalities, other aspects of social marginalization were also addressed, such as discrimination based on religion and gender. The official recognition of these principles in the law since the establishment of the SFRY would provide later social movements a strong basis from which to make their later demands.

Women and their rights as a social group were very clearly articulated, for example, within Article 24 of Chapter V of the first Yugoslav Constitution. It states that “Women have equal rights with men in all fields of state, economic and social-political life” (Trifunovska 1994, 215). The official recognition of these principles of equality at the moment of formation of Yugoslavia created an important space for women’s struggles that endured until Yugoslavia’s demise in 1991. Describing the “openness” of state officials in Croatia in the 80s to hear the demands of women and feminists, Tatijana, a former member of the lesbian group Lila Initiative, pointed out the strategic relevance of these constitutional principles:

It was opening, it was opening a lot. In youth organizations, it was stupid, quite bureaucratic, you know politicians and these institutions, they’re quite bureaucratic, stupid, women’s organizations...they were inviting us, we would come to some discussions, they had a magazine, but it was all kind of old fashioned. But you lived in a society that was based on the values that you support. Gender equality was one of the principles of the state (Tatijana 2011).

³⁴ The country at that time was referred to as the Federal People’s Republic of Yugoslavia.

Tatijana, referring to the process of “opening”, identifies an increasing willingness on the part of officials towards the end of Yugoslavia’s existence to discuss to what extent the official principles singled out in the constitutions had been achieved.

It may be the case that the strong criticisms and the new demands of social justice of youth and women activists for reform rather than the dismantling of the system, may have helped maintain their legitimacy in the eyes of state officials and, therefore, allowed for a space for these struggles as well as those for rights and visibility of gays and lesbians to emerge at that time. Even if this was simply a strategic maneuver and not an actual foundational value of some feminist activists, the fact that the existence of economic equality were taken for granted as equally important aspects of social justice or by default a larger aim to be achieved in Yugoslav society signifies the goal for social recognition and visibility of gays and lesbians differently than in neoliberal strategies in which economic justice is given little or no attention. Subsequent Yugoslav constitutions not only stressed the equality of the “peoples” of Yugoslavia and women’s rights but, as I have pointed out, articulated the principles of self-management as well: “[...] it is a socialist self-management democratic community of working people and citizens of nations and nationalities having equal rights” (Trifunovska 1994, 226), which was intended to be a system that would decentralize decision-making power and empower workers and workers’ councils to develop economic policies that would provide economic security for their communities. Without the foundational premise of the importance of economic and social equality, identity-based social movements take on a different significance and have different social and political consequences.

Although making clear the reformist nature of their agenda, these “new feminist” groups still faced substantial resistance to their claims. According to Jancar, this new feminist movement was “without official recognition”, presumably from government

institutions, and viewed by other women intellectuals in Yugoslavia with “some suspicion” (1985, 209). Indeed, the earlier “wartime generations” of women viewed feminism as a “dirty word, virtually synonymous with disloyalty to Yugoslavia”, an “import from the West and a product of capitalist decadence” (Jancar 1985, 209). At the same time, some newly established feminist groups also faced different critiques from within their ranks. Rifts about the extent to which lesbians’ concerns should be included and were discussed resulted in the formation of new lesbian initiatives as lesbian members of these groups felt that the only way to address the specific issues that they faced in their life experiences was to create a separate space.

Finding the women/feminist group insufficient for dealing with lesbian issues, the first Croatian lesbian organization, the Lila Initiative emerged in 1989 also out of discontent with the meetings of the new feminist women’s organization called Women’s Group Trešnjevka (Sagasta 2001, 358). According to Spehar, the Lila Initiative stemmed from the results of an anonymous survey that was conducted in 1988 by the Women’s Group Trešnjevka, in which a significant number of their members “suggested that the issues of lesbians [...] be treated more openly” (Spehar 1997, 207). The fact that the survey was conducted anonymously already shows the extent to which lesbian sexuality remained marginalized within this feminist group. Demands that the topic of lesbians be treated “more openly” suggests that there may have been previous attempts by women within the group to address the topic, albeit hesitantly and with no success. Spehar discusses the hesitations of feminist groups in the whole of the SFRY and in Croatia to address the topic of lesbian sexuality. She writes, “Those who were occupied with the ‘women’s question’ timidly emphasized the ‘lesbian question’ too, but that work around the issue was not organized. The question of lesbians in Croatia was taboo among feminists themselves” (Spehar 1997, 205).

Describing her experience as a feminist in the 1980s in Croatia during my interview, Tatijana, who was both a member of the Women's Groups Trešnjevka and then founding member of the Lila Initiative, claimed that although there was an emerging discussion about lesbian issues in the feminist groups, these tended to be directed towards the public space and were framed through academic or journalistic discourses, as if personally irrelevant for the group's members.

From '78 when there was this conference in Belgrade and then Women and Society groups started as more academic and there was the first discussion of lesbian issues within this group in Zagreb. And one woman who wrote a book later on, it was just on the level of public discussions, texts, and newspapers. [...] so, since then [...] women who were in this group were journalist or university professors or scientists, so they were connected in Yugoslavia, it was some kind of intellectual elite. And as journalists, they started to write about lesbian issues, gay issues, so this was another, so no matter that they were academic it was also activism because they wrote texts in newspapers [...] (Tatijana 2011).

Tatijana felt that the academic approach to dealing with lesbian issues was personally unhelpful in a way and exclusionary.

[The] Women's Group Trešnjevka was created as a reaction [to this] feminism that was more academic.[...] In the sense that there was no activism, just to write, call discussions, and public meetings like. You know, and panels. [...] It was for me, I didn't think about strategy. I was just trying to survive. It was a consciousness raising group. And I didn't think about strategies. And I thought, that was something close to me, because I came to some panels, some public discussions of first group, but I didn't feel like joining. They were quite exclusive, academic (Tatijana 2011).

Paradoxically, stressing the somewhat different character of the Women's Group Trešnjevka in comparison to other women's groups, Tatijana also argues that it was the *radical* nature of this group's feminist thought that allowed for lesbian issues to emerge at all. "And the group was quite radical feminist group, so the awareness on lesbian issues as one of the priorities was quite strong. And this [was a] precondition that within such feminist group [that a]

lesbian subgroup or something like that started” (Tatijana 2011). Yet, as Tatijana states, although the radical nature of the group may have allowed for such issues to emerge, the lesbians in this particular group still felt the need to establish their own initiative, which could meet separately and address their specific needs at the time, such as providing “a space [where members] were able to talk without prejudices and to receive positive information about the life of lesbians all around the world” (Spehar 1997, 207).

In terms of the agenda of the Lila Initiative, Spehar writes that the aims were over ambitious (1997, 207). The initiative strove to “to gain equal rights for lesbians and bisexuals, to eliminate homophobia, [and] to popularize all aspects of the female culture (literature, movies, expositions)” (Spehar 1997, 207). Yet, she acknowledges that one of the most important results of the group was to give “women a place to be together and relax. It helped lesbians overcome feelings of isolation, panic, and loneliness” (Spehar 1997, 207). In this sense, the group’s activities seemed to have focused on community building. Sagasta also briefly describes the work of the Lila Initiative in the late 80s. She deems the decade as integral for the development of the “Croatian women’s/feminist movement” (2001, 358). The groups “primary aims [were] to fight against lesbian anonymity, isolation and oppression” and that through these goals, the group “worked on increasing lesbian visibility, confronting homophobia, the socialization of lesbians on a local scale, making international contacts and offering much-needed support to its members” (Sagasta 2001, 359). Discussing her personal reasons for joining this group, Tatijana said in my interview:

But when I joined the [Lila Initiative], I felt like belonging. So this was definitely part of the consciousness raising strategy, organizing. [...] women are working on ourselves in a way, that we are not just thinkers [...] (Tatijana 2011).

Again, Tatijana underscores the importance of community development in comparison to more intellectual or elite focus. For members like her, the existence of this group provided a

safe space to meet other lesbians/feminists, discuss the personal struggles of living in those social conditions, and create the foundations for a larger social struggle against invisibility and for recognition. To what extent the Lila Initiative was able to achieve its goals can hardly be assessed given its short period of existence (1989-1990) and the overwhelming social, political, and economic changes that followed soon after its establishment.

In 1990, just a year after its founding, the Lila Initiative lost its meeting place at the Zagreb headquarters of the official Croatian Socialist Youth Union and the logistical support that they received via the youth organization. According to Spehar, these events led to a lack of motivation, and the group “dissolved” (1997, 207). Such activities were not supported by the newly elected political officials of independent Croatia, especially the new conservative ruling elites (i.e. President Franjo Tuđman and the ruling Croatian Democratic Union (HDZ)), who came to power in 1990 and would oversee the processes for achieving Croatia’s independence from the SFRY. Sagasta writes that in the context of Croatia in the 1990s “lesbians were labeled as dangerous and destructive for the new Croatian state and its moral values”, forcing many “women intellectuals” and lesbians to emigrate (Sagasta 2001, 360). Tatijana recalls her memories of the changes that took place during this period:

So in the time of privatization, better to say, stealing property started. And the premises where we were, we didn’t go to, and all of our papers that were there from Women’s Group Tresnjevka and the Lila Initiative disappeared. We didn’t go for a certain time, a couple of months because we were active of course on the elections, on this, on that, everywhere. And we didn’t go there and for example, in the socialist youth organization where we had a helpline and we had meetings because we were a much bigger group and we had this premises to meet, they throw away all from these books, everything that was all a pile of garbage in front. For example, you had envelopes, little patches, books on young people, heroes of Second World War, everything in one pile thrown away [...] (Tatijana 2011).

Whether for ideological or practical reasons, such as the grab for property as described in Tatijana’s account, from the very outset of the political, social transition of the 90s, there was

a disregard for the democratic reform activism of these youth and women's groups, if not outright hostility towards them on the part of the ruling political elites. The initial opposition to such movements would become even more apparent in the following years of Tudman's and HDZ's time in power (Sagasta 2001; Vuletić 2004; Vuletić 2008).

CHAPTER 3: METHODOLOGY

Before engaging in a discussion about the proliferation of human rights discourses and the NGO-ization of LGBTIQ activism in Croatia during the 1990s and 2000s, it is necessary to reflect on the theoretical works that have informed my understanding of discourse and the approach and categories that I will use when analyzing discursive and non-discursive practices. In this relatively shorter chapter, I briefly outline my understanding of Discourse Theory and Critical Discourse Analysis or CDA, relying on the works of Ernesto Laclau and Chantal Mouffe and Norman Fairclough. I will introduce the analytical categories that these theoreticians have developed for grasping the specificities of a given discourse and I have used as guides for analyzing ideologically invested representations of “human rights” and “LGBTIQ activism” in texts (mostly) produced in Europe and Croatia. In Section 3.2, I will go on to discuss how feminists have intervened into the field of critical discourse analysis and applied feminist critique alongside CDA as a means to developing a more reflexive critique that can expose the crucial role of power as it contributes to the emergence of particular discursive formations. Finally, I will briefly describe my data; the method of gathering materials for analysis and how I envision their contribution to my overall observations and arguments within a critical approach to discourse.

3.1. Critical Approaches to Discourse

As the title of their book *Discourse Analysis as Theory and Method* makes clear, Marianne Jorgensen and Louise J. Phillips argue that discourse analysis cannot be viewed as simply a “method” used for analyzing data (2002). Discourse analysis is rather, quoting their metaphor, a complete “package”:

The package contains, first, philosophical (ontological and epistemological) premises regarding the role of language in the social construction of the world, second, theoretical models, third, methodological guidelines for how to approach a research domain, and fourth, specific techniques for analysis (2002, 4).

In other words, discourse analysis is not simply a set of techniques for analyzing (mostly) textual materials collected for a research, although specific tools and techniques are necessary as argued especially in the work of the social linguist Norman Fairclough (2003), who is credited with the first formulation of Critical Discourse Analysis (CDA) in *Language and Power* back in 1989. CDA requires a particular approach to or a particular theory of those *materials* which are being analyzed. Interviews, articles, and speeches are not conceptualized as or reduced to self-contained texts only to be interpreted from within their own logic. Such a reduction of discourse to texts, for example, would entail “content analysis” of the text, or an attempt to measure and formalize the frequency that a specific topic is mentioned in order to reflect on its accuracy in reflecting “reality” (Fairclough 2003). Understanding texts as part of larger discursive formations presupposes a very different understanding about the relationship between the text and “reality” and the role of the researcher in contributing to knowledge about them:

Reality (the potential, the actual) cannot be reduced to our knowledge of reality, which is contingent, shifting, and partial. This applies also to texts: we should not assume that the reality of texts is exhausted by our knowledge about texts. One consequence is that we should assume that no analysis of a text can tell us all there is to be said about it – there is no such thing as a complete and definitive analysis of a text. That does not mean they are unknowable – social scientific knowledge of them is possible and real enough, and hopefully increasing, but still inevitably partial (Fairclough 2003, 14).

CDA requires then that the researcher consider the limitations of their own interpretations and analyses. It necessitates a particular understanding of the given practices of producing/consuming and circulating the materials that the researcher analyzes, including the very practice of critical analysis as well. The importance of considering the historical context

from which these practices emerge entails a specific set of methods for an analysis that is invested in exploring the textual production of perspectives that result in differential meanings as well as in exposing the social-cultural reasons for the different horizons of intelligibility.

Jorgensen and Phillips produce their conceptualization of what it means to analyze or rather to study discourse from their readings of the works of the political theorists Laclau and Mouffe, Norman Fairclough and the proponents of discursive psychology such as Derek Edwards and Jonathan Potter while underscoring the important foundational works of Michel Foucault (1972) in developing the concept of “discourse” other than language and Jacques Derrida (1998) for developing deconstruction as a method for exploring and exposing intertextual gaps and ruptures that make the assumption of perspectives other than the “obvious” understandings possible. Although each of these theories contains specific, somewhat differing conceptualizations of discourse and/or the corresponding categories of analysis, there are some important assumptions that Jorgensen and Phillips identify as shared by the actual theories. As the authors state, these theories all make similar claims about the role of language in the production of knowledge and identity formation that indicate their adherence to the larger field of social constructionism (Jorgensen and Phillips 2002, 4-5), which is also known as poststructuralist theories of language and subjectivity.

The first similarity across these theories that Jorgensen and Phillips highlight is their “critical approach to taken-for-granted knowledge” (2002, 5). Rather than being a consequential reflection or extension of reality and as such essential for revealing *the truth*, knowledge is seen as a product of discursive practices as well as the various categories that are contained within their horizon of intelligibility and are used to name social relations, thereby making all claims to knowledge suspect. Underscoring one of Foucault’s major premises, they write, “Truth is a discursive construction and different regimes of knowledge

determine what is true and what is false” (Jorgensen and Phillips 2002, 13). As a corollary to that, knowledge is not posited as universal but rather “historically and culturally specific and *contingent*” (Jorgensen and Phillips 2002, 5). In other words, knowledge is produced by specific historical and social relations, which transform with time and differ according to the location of origin. Foucault, highlighting the relationship between particular discourse formations and the context from which they emerge, writes that “we must grasp the statement in the exact specificity of its occurrence; determine its conditions of existence, fix at least its limits, establish its correlations with other statements that may be connected with it, and show what other forms of statement it excludes” (1972, 28). Knowledge is conceptualized by Jorgensen and Phillips as a product of social interaction embedded in particular social processes and conversely, knowledge shapes these social relations as a source of inspiration for social action (Jorgensen and Phillips 2002, 6). It is understood to be always “in the making”, a product of discourses and social practices relative to the context of their production/consumption, and not as something which already exists as a realm of transparent and obvious “truth”. It should not simply need to be found and understood, but rather made *the* object of inquiry.³⁵ Moreover, knowledge, seen to be emerging from within particular social, historical relations, will simultaneously shape and impact the very social relations from which it emerges. Although certain concepts or bodies of knowledge appear to be fixed, unchanging, universal, and even natural at any given moment, they are in fact the result of various “conventions, negotiations and conflicts” (Jorgensen and Phillips 2002, 25).

³⁵ This study reflects my research concerns with the *political* implications of language as it is used in discourses on sexuality, including the discourses of sexuality emerging in the course of producing one’s research piece. Hence, analysis is more than simply a discussion about in what ways sexuality is constructed. Performing a critical feminist approach to doing discourse analysis (as defined by Deborah Cameron (2006)), I am interested in deconstructing sexual relations and exposing in what ways and with what semiotically mediated consequences language use (re)shapes existing social inequalities. Defining her critical feminist approach, Cameron writes, “For me what defines feminism is not its theory of gender but its critique of gender *relations*. Asserting the constructed and provisional nature of masculinity and femininity is only a feminist gesture when it is alluded to, or put in the service of, a critical view of the prevailing social arrangements between men and women” (Cameron 2006, 2, emphasis in the original).

The works that have contributed most prominently to my understanding of discourse, the role discourses play in shaping social relations, and the categories that make up specific discourses in the process of knowledge production are those by Ernesto Laclau and Chantal Mouffe (1985) and Norman Fairclough (2003). In their book *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, Laclau and Mouffe develop their conceptualization of discourse by engaging with Foucauldian poststructuralist theories of discourse and the Gramscian concept of hegemonic power. They critique structuralist theories of signification that conceptualize language as a fixed and complete structure in which all signs are given meaning or value through their binary relations to other signs, assuming that the number of the elements in a sign system is fixed and unchanging. Like other social constructionists, they argue against such a totalizing concept of the sign and conceptualize meaning as an emerging product of *contingency* (1985, 114). According to their own observation in the *Preface* to the book, Laclau and Mouffe rely on Lacanian and Derridian theories of language which argue that the meaning of a particular sign does not derive solely from its relation to other signs, as if existing in a closed totality, but rather meaning is constantly shaped by the changing specific historical, social, and culture context from which its meaning emerges (1985). They define the practice of signification, i.e. the use of signs as the dynamic act of “articulation” which is the key concept of their own theory of discourse:

[W]e will call articulation any practice establishing a relation among elements such that *their identity is modified as a result of the articulatory practice*. The structured totality resulting from the articulatory practice, we will call discourse. The differential positions, insofar as they appear articulated within a discourse, we will call moments. By contrast, we will call element any difference that is not discursively articulated. (Laclau and Mouffe 1985, 105, emphasis added)

In their theory of the process of meaning production, the emergence of particular “moments” or intelligible, meaningful signs within a discourse are emerging products of the process of articulation. That is, articulation results in the transformation of these elements’

“previous” identity, or meaning. The establishment of relations between the different, previously non-articulated elements is contingent, that is, partial and never fixed and results in actual discourse formations or systems of relative coherence: “[I]f contingency and articulation are possible, this is because no discursive formation is a structured totality and the transformation of the elements into moments is never complete” (Laclau and Mouffe 1985, 107). Although appearing as complete, all-encompassing and universal – a status necessary in order to maintain social and political stability and bestow authority as well as secure the conditions of intelligibility – discourses and the knowledge claims within them are unable to encompass the entire field of social relations. They are always (unrecognized) *elements* in any given discursive field left un-articulated. As I will discuss in Section 3.2, Rosemary Hennessy makes a similar conclusion and argues for the necessity of questioning the “universality of liberal humanist knowledges, mak[ing] visible their mechanisms of exclusion” in order to draw attention to their limitations and partiality (Hennessy 1993, 37).

Laclau and Mouffe’s theory of discourse, understood as a social practice of articulation, acknowledges a larger discursive field in which meaning production is a socially regulated activity in which actual discourses are confronted with other competing discourses. Such regulated practices would ultimately marginalize, reject, or exclude any meanings that conflict with the one(s) (re)articulated as dominant or hegemonic. They designate the exclusions which are necessary in order for a discourse to appear as a structured totality as *the field of discursivity* of elements (Laclau and Mouffe 1985, 112-135). Reformulating the concept in their own words, Jorgensen and Phillips write, “The field of discursivity is a reservoir for the ‘surplus of meaning’ produced by the articulatory practice – that is, the meanings that each sign has, or has had, in other discourses, but which are excluded by the specific discourses in order to create a unity of meaning” (2002, 27). Consequently, “[t]he aim of discourse analysis is to map out the processes in which we struggle about the way in

which the meaning of signs is fixed, and the process by which some fixations of meaning become so conventionalized that we think of them as natural” (Jorgensen and Phillips 2002, 26). I would argue that a critical approach to analyzing discourse should deconstruct the logic of these naturalized modes of thinking or conventions. When revealed, it is possible for us to understand how the exclusions of other ideas is inherent to the very formation of the dominant discourses and for what reasons these exclusions are necessary.

To say that some discourses are made “hidden” or rather implied only in order for dominant discourses to appear as a coherent and “inevitable” totality or to argue that these discourses are somehow “excluded” is not to claim, however, that there should be some *outside* to the discursive field escaping signification:

[...] every object is constituted as an object of discourse, insofar as no object is given outside every discursive condition of emergence, and b) any distinction between what are usually called the linguistic and behavioural aspects of social practice, is either an incorrect distinction or ought to find its place as a differentiation within the social production of meaning, which is structured under the form of discursive totalities (Laclau and Mouffe 1985, 107).

That is, Laclau and Mouffe explicitly argue that all social practices are caught within semiotic formations. Moreover, as a corollary to this claim, the formation of particular discourses is not assumed to be a vacuum void of power. Relying on Foucault’s concept of power, which he understood as being dispersed and “omnipresent” or emerging from all social practices (Foucault 1992, 121-122), the process of meaning making, or the competing production of knowledge is understood to be a product of an ongoing series of multiple struggles of power. It is this contingent nature of the process of articulation that allows for the logical possibility of its transformation. This also means that the coherence of discourse that Laclau and Mouffe call “totality” is also conceptualized to be productive and not simply limiting in so far as shifts in power can occur during the ongoing struggles and, therefore, unimagined discursive formations can emerge and achieve dominance. As products of

struggles for power, discourses are contingent, incomplete, and politically inflected. Yet, particular discourses “momentarily” achieve dominance, winning some equilibrium of power relations, and through this dominance particular meanings become understood as the “proper”, taken-for-granted knowledge about social relations at a given moment.

In order to move beyond an unlimited contingency and theorize the existence of dominating discursive formations, Laclau and Mouffe turn to the work of Antonio Gramsci. Through their reading of Gramsci’s concept of hegemony, Laclau and Mouffe are able to capture and articulate the process through which it is certain discourses and not others that come to achieve dominant status. Gramsci’s notion of hegemony can be understood as “*the organisation of consent* – the process through which subordinated forms of consciousness are constructed without recourse to violence or coercion” (Michele Barrett 1991, 54, emphasis in the original).³⁶ Hegemony is achieved and maintained not only on the level of state politics but also throughout the entire social formation, including scientific knowledge and popular culture (Barrett 1991, 54). Through the production of consent, *antagonisms* that occur between competing discourses – that is, when one discourse requires exclusions of different understandings of elements to appear as a coherent totality and in that sense is understood to be antagonistic with other competing discourses that expose these exclusions – are dissolved and one discourse or a particular range of discourses may achieve hegemony. Although Laclau and Mouffe agree with Foucault’s position that power operates everywhere and informs all social practices and is, therefore, productive, working with Gramsci’s concept of hegemonic dispersion of power, Laclau and Mouffe are able to explain why the productivity of power does not necessarily lead to an infinite, arbitrary reproduction and dispersion of

³⁶ According to Barrett there are disagreements as to whether Gramsci, indeed, disregarded completely the significance of coercive forces as part of the process of achieving hegemony (Barrett 1991, 54-55).

power within a given system.³⁷ In other words, the contingency of articulation does not preclude hegemonic formations.

The formation of the dominant discourses are forged around what Laclau and Mouffe calls *nodal points*, securing the emergence and relative stability of hegemonic discourses and the exclusion of alternative meanings for particular social relations. Laclau and Mouffe's concept of nodal points is derived from Lacan's *points de capiton*, "which are privileged signifiers that fix the meaning of a signifying chain" (Laclau and Mouffe 1985, 112). In Laclau and Mouffe's theory, these nodal points are the important concepts on which a discursive formation depends for its meaning and, thereby, shapes other signifiers' acquisition of meaning. They write:

The impossibility of an ultimate fixity of meaning implies that there have to be partial fixations [...]. Even in order to differ, to subvert meaning, there has to be *a* meaning [...]. Any discourse is constituted as an attempt to dominate the field of discursivity, to arrest the flow of differences, to construct a centre. We will call the privileged discursive points of this partial fixation, *nodal points* (Laclau and Mouffe 1985, 112, emphasis in the original).

In my own analysis of the discourses within the LGBTIQ struggles in Croatia and Europe, I have identified three nodal points of the discursive formation emerging in the ongoing political debates. They are human rights, Europe or European identity, and professionalization. In order to establish the relevant interpretative context for these three particular discourses, it is necessary to have more specific tools, actual categories of analysis that correspond to the more abstract dimensions of these discursive formations. I have chosen to draw on CDA as developed by Norman Fairclough (2003) to assist me in this endeavor.

³⁷ Revisiting Foucault's theorization of power, Erzsébet Barát also argues that "all forms of power are constitutive in the sense that power is not possessed (i.e. not something to be captured) but is exercised (i.e. exists only in and through performing social action). As such, power inevitably runs the risk of contingency, of changing itself" However, she argues "[...] it does not have to preclude the possibility of assessing the effects of its workings as systematic. Nor does it remain caught in the infinite reproduction of multiple social formations of exclusion. Power is productive to me rather in that it brings about either hierarchical or non-hierarchical relations" (Barát 2013, 224).

Fairclough's major point of critique – also shared by Rosemary Hennessy (1993) – of Laclau and Mouffe's model concerns the contradiction that while they argue that all social practices are caught within discourse, they refuse to distinguish between linguistic and non-linguistic social practices when it comes to carrying out any actual analysis. Laclau and Mouffe argue that "[...] the practice of articulation, as fixation/dislocation of a system of differences, cannot consist of purely linguistic phenomena; but must instead pierce the entire material density of the multifarious institutions, rituals and practices through which a discursive formation is structured" (1985, 109). However, from Laclau and Mouffe's perspective, there is no reason to make an analytical distinction between particular linguistic and non-linguistic practices because these practices can only be understood through linguistic mediation. For example, according to Laclau and Mouffe's logic the process of professionalization in the community of LGBTIQ organizations and NGOs entailing activities such as fundraising, traveling to transnational conferences and meetings, and certain lobbying techniques that have been established in the NGO sector, as well as the linguistic representations produced by and about these material practices would all be part of the larger discourses of human rights and European identity, but only in so far as they come to be represented, or rather articulated. However, it becomes impossible to analyze the complex relationship between non-linguistic and linguistic social practices, or between texts and ideas, and their institutional sites of production, distribution, and circulation. For example, questions concerning the financial and material constraints faced by those who struggle for human rights, the organization of the composition of important human rights documents and reports or the conditions of entitlements of the actors involved, and the extent to which certain actors have access to decision-making institutions would be collapsed into a textual practice of close reading. Laclau and Mouffe's refusal to make this relative yet important conceptual differentiation between the discursive and non-discursive elements does not,

however, mean that they do not acknowledge the existence of non-semiotic social practice. They would rather conclude that being caught within the discursive formation the non-discursive cannot be viewed as *outside* the logic of discourse to any extent; the most we can acknowledge is its – in my view abstract – existence.

Fairclough, however, does differentiate semiotic and non-semiotic elements of social practice as well as that of orders of discourse and their embodiment in particular texts. He views the elements as part of a dialectical structure in which each element has its own relatively distinct structural logic, with each element affecting the formation of the others and requiring categories for their analysis:

When we come to texts as elements of social events, the ‘overdetermination’ of language by other social elements becomes massive: texts are not just effects of linguistic structures and orders of discourse, they are also effects of other social structures, and of social practices in all their aspects, so that it becomes difficult to separate out the factors shaping texts (Fairclough 2003, 25).

In this sense, the texts which I analyze in this research must be understood as products of social practice including the particular practice of signification, i.e. the use of signs and that simultaneously contribute to and shape other, non-signifying elements of social practice. When, for example, a Croatian LGBTIQ organization publishes and distributes a report on the human rights of LGBTIQ individuals in Croatia, it is necessary to see that publication as a product of particular non-signifying practices, such as specific methods of gathering information, collaborations with various individuals and institutions (including international and local actors), and financing priorities. These particular ways of doing “human rights monitoring” will shape the textually mediated actual discourse of the final report; just as much as the report may set into motion certain social events such as increased awareness of human rights violations as well as ideological reproductions of negative representations of certain societies and cultures.

I believe Fairclough's CDA provides, therefore, more specific tools for engaging in the actual act of discourse analysis. As a starting point for understanding Fairclough's model of discourse, I turn to Jorgensen and Phillips who point out the importance of Fairclough's distinction between discourse as a *communicative event* (i.e. actual texts) and discourse as *the order of discourse*, or "the configuration of all the discourse types which are used within a social institution or a social field" (2002, 67). In my research, the communicative events which I analyze would be materialized in the different individual interviews that I have conducted with LGBTIQ activists in Croatia and other transnational activists in Europe and the particular letters, policy papers and public announcements, and speeches produced by LGBTIQ activists and other European institutions that contribute to the larger activist discourses. I argue that these communicative events can be understood to be shaped by and part of the processes of professionalization, the processes of European Accession, and other legal, economic, and social changes that I identify as integral for understanding LGBTIQ struggles in Croatia and, ultimately, larger discourses of human rights and European identity - which in turn are shaped by global processes of market relations, gender and sexuality relations, and political relations of the European Union.

In Fairclough's model *orders of discourse* is defined as "the language [signifying] aspects of social practices in which language variation is socially controlled" (2003, 37). The symbolic (signifying) aspect of discourse is possible to define as a consequence of the dialectical distinction Fairclough makes between texts and the larger social practices of a society as they are mediated through specific discursive practices, also described as the "production and consumption of texts" (Jorgensen and Phillips 2002, 67). Pointing out the mediating function of actual discourses, Fairclough writes that "[t]he level of discourse is an intermediate level, a mediating level between the text per se and its social context (social events, social practices, social structures)" (2003, 37). The circulation of professionalized

standards or practices, for example, within LGBTIQ activism, which include advocacy approaches such as “human rights monitoring” (Loudes and Paradis 2008) or lobbying that are encouraged by international organizations such as ILGA-Europe, facilitate the reproduction of a standardized language and produce limitations for articulating demands while also enabling these demands to be heard within the larger professionalized, institutional spheres of national governments and international bodies such as the institutions of the European Union.

When it comes to actual analyses of texts, the task is to substantiate my claim to the dominant existence of the three recurring discourses or nodal points in Laclau and Mouffe’s terminology, namely discourses of professionalization, European identity, and human rights. More specifically, the task of analysis is to establish the value systems with which the actual discourses come to be inflected. The key categories of textual analysis follow from Fairclough’s conceptualization of texts as systematically organized, relatively coherent pieces, having distinct specificities of texturing which need to be studied:

Discourses, genres and styles are both elements of texts, and social elements. In texts they are organized together in interdiscursive relations, relations in which different genres, discourses and styles may be ‘mixed’, articulated and textured together in particular ways. As social elements, they are articulated together in particular ways in orders of discourse – the language aspects of social practices in which language variation is socially controlled (2003, 37).

By introducing the category of interdiscursivity, Fairclough theorizes the potential for social change to be integral to the discursive formation and the other way around. In so far as these different articulations preserve the already existing relationship between actual discourses, genres, and styles, they are reproductive or “conventional”; whereas when the elements are brought together in non-conventional constellations, there is the potential for change (Jorgensen and Phillips 2002, 73). Discourses come to be more or less conventionalized or transformed/ non-conventional through the strategic use of the particular linguistic devices of

assumptions and intertextuality (Fairclough, 2003, 41). “Intertextuality” or the use of citation and the implied presence of various kinds of assumptions, for any explicitly stated statement to be meaningful at all, are the two linguistic devices that make it possible to evoke, modulate, or exclude established or non-conventional ways of understanding. Assessing these different processes Fairclough contends that intertextuality “broadly opens up difference by bringing together other ‘voices’ into a text, whereas [assumption] broadly reduces difference by assuming a common ground” (2003, 41).

These key analytic categories may direct the researcher’s attention to explore how certain “speakers” signify their own contributions to discourses by making apparent their relationship to other speakers or institutions of authority. As I will argue, for instance, in Chapter 6, LGBTIQ organizations in Croatia would often include the “voices” of various European institutions and other professional NGO language in their own speeches and in activist platforms appealing to the political and cultural capital or leverage of those “voices” when lobbying their own government for certain changes. This practice does not only exemplify the relatively little power these organizations have and the (imaginary) important leverage held by the European organizations and institutions but also shows simultaneously how such appeals may re-enforce the existing hegemonic power relations, or rather power inequalities.

3.2. Materialist Feminist Politics of Discourse and the Subject

Poststructuralist theories of discourse which have problematized the relationship between knowledge and power and the theorization of the subject have been a springboard for feminist theories of identity, gendered relations of power, and resistance as of the late 1980s (Spivak 1988; Hennessy 1993; Butler 1999). The implications for re-theorizing the importance of discourses for the construction of subjectivity, at the same time, have also

created a crisis within feminist scholarship. According to the materialist feminist researcher Rosemary Hennessy “[o]ne of foremost issues – perhaps even *the* issue – western feminism faces in the nineties is the impact of the general crisis of knowledge on its historical subject” and “anxiety around the category woman” (Hennessy 1993, xi, emphasis in the original). This anxiety is believed to stem from the tendency to essentialize the category “woman” and universalize “women’s experience” thereby making invisible the importance of race, sexuality, and class as “differential axis” of identity and experience (Hennessy 1993, xii). Without undermining the crucial task of investigating the “differential positioning of women”, Hennessy stresses the importance to view the differences in light of feminist thinkers’ insights into larger “social totalities like patriarchy and capitalism” (1993, xii). Pushing theories of ideology to the core of her analysis and understanding of discourse, Hennessy believes that to be able to expose and eliminate various modes of “exploitation and oppression” (1993, xv):

Conceptualizing discourse as ideology allows us to consider the discursive construction of the subject, “woman,” across multiple modalities of difference, but without forfeiting feminism’s recognition that the continued success of patriarchy depends upon its systematic operation - the hierarchical social relations it maintains and the other material forces it marshals and is shaped by” (Hennessy 1993, xv).

Hennessy’s theory of the subject begins with her acknowledgment of the importance of feminist standpoint theory for a historically embedded materialist criticism (1993, 67). She sets out to explain why feminist (activists/academics) are better able to identify the “forces of oppression and exploitation” and yet refute the assumption that simply “being” a woman is enough to ensure this privileged perspective. Instead of such a foundationalist view, feminist standpoint theorists have argued that “feminist standpoint is socially produced and so not necessarily immediately available to all women” (Hennessy 1993, 67). In other words, although it is necessary to make women’s experience *the* object of inquiry as it is a privileged

experience from which the oppression mechanisms of the sex-gender system in capitalism can be observed, this does not, yet, guarantee that all women give meaning to their experience through the lenses of feminist criticism. This particular maneuver, however, is not sufficient for Hennessy. She identifies several weaknesses in standpoint theory. Hennessy argues that standpoint theory fails to address the relationship between “the discursive materiality of feminism and the empirical materiality of women’s lives” (1993, 68). This reluctance is especially problematic when it comes to seeing feminism’s “monolithic” view of the category woman, which does not conceptualize identity in a way that accounts for the complex, heterogeneous, and intersecting positions an individual occupies in society (1993, 68). As a solution, she revisits standpoint theories gaps through her reading of the works of Althusser, Gramsci, and Laclau and Mouffe. This overlap in authors makes her work appropriate for my feminist reflections on the so-called critical approaches to discourse I took up in Section 3.1.

Hennessy’s understanding of the subject as a discursive construction echoes in some ways Laclau and Mouffe’s theory of “subject positions”. However, Hennessy takes issue with their conceptualization of the subject and “the relationship between the discursive and non-discursive” which, she argues, “mystif[ies] the relationship between capital’s insidious and pervasive operations and the increasingly fetishized notion of language” (1993, 64).

Laclau and Mouffe understand the individual as “‘subject positions’ within a discursive structure” (1985, 115) They argue that “[s]ubjects cannot, therefore, be the origin of social relations — not even in the limited sense of being endowed with powers that render an experience possible — as all ‘experience’ depends on precise discursive conditions of possibility” (Laclau and Mouffe 1985, 115). Hennessy critiques Laclau and Mouffe’s understanding of the subject as inadequate in that it relies on a formalist or a decontextualized understanding of “signification” and in doing so they eventually dismiss the materiality, or

historically contingent formation of identity (Hennessy 1993, 60). Hennessy goes on to reread Laclau and Mouffe's theory of *antagonism* (1985, 128), the process through which identity formation occurs as an effect of signification and points out that:

Explaining antagonism as an effect of the instability of signification mystifies the relationship between signification and the commodity, between alienation at the level of cultural meaning and at the level of economic and political relations. It reifies in the processes of signification the mediated relation between discursive and non-discursive practices, in other words, what is at stake in the history of struggles waged of words (1993, 63).

According to Hennessy, the incomplete process through which identities emerge and are rendered relatively complete cannot be simply understood as a formal characteristic of language itself, but requires the theorization of the relationship between discursive (the linguistic or symbolic, signifying aspect) and non-discursive practices and how this relationship enables the emergence of the subject while rendering certain understandings of the subject invisible. By differentiating between the discursive and non-discursive elements of social practices, Hennessy is also able to attribute a certain agency to the subject caught within actual orders of discourse. To do so, she engages with Althusser's theory of ideology and Gramsci's concept of hegemony.

Echoing Laclau and Mouffe, Hennessy assumes the ideological nature of discursive meaning making. Drawing on Althusser's concept of ideology, Hennessy writes that ideology is productive of "reality" in the sense that it enables as well as delimits our understanding of social relations, shaping what is made visible, how it is understood as well as what is rendered invisible (1993, 75). Yet, it does not amount to argue for the homogeneity of ideologies. Discourses are ideological in multiple ways. This constitutive multiplicity of ideology is theorized to be the effect of "overdetermination". Discourses are overdetermined in that they are both shaped by and shape the existing "economic and political forces". That is, "material forces, both economic and political, are not merely reflected in ideology [...] but

are at least in part shaped by ideology” (Hennessy 1993, 75). Similarly to Fairclough then, Hennessy theorizes a dialectic relationship between discourses “through which ideology works” and the “*material* relations which comprise economic and political practices” in which discourses both constitute these “*material* structures” and are shaped by them (1993, 75, emphasis in the original).

Hennessy argues that Gramsci’s concept of hegemony is “critical” for understanding the effectiveness and the failure of ideology in that ideology is viewed not as monolithic but rather “an articulated ensemble of contesting discourses which produce what comes to count as “the way it is” or in other words common sense (1993, 76). She stresses the necessity of seeing hegemony as an incomplete project through which certain ways of seeing or social experiences are made invisible or threaten ideological coherence. It is from this position or perspective that Hennessy argues that feminism can obtain “authority” as a form of critique, producing what she terms “counterhegemonic discourse” (1993, 77).

By exposing the failures or cracks within hegemonic discourses and negotiating their own differential investments, feminists may develop a shared position of critique and solidarity; one which, Hennessy contends, is better able to account for the effects of complex individual and group identity formations. This method of critique can be the basis for an alternative to the kind of identity politics which in late modernity has come to dominate mainstream feminist modes of resistance as well as other identity-based groups’ (such as LGBTIQ groups) struggles to resist oppression.

Similarly to “woman” as a category, the categories of non-normative sexuality have been critiqued as an insufficient objects of inquiry by many feminists in that it is seen to be unable to encompass the various and diverse experiences of the individuals who make up these communities. Their difference is rather assumed to be fully established and self-contained prior to negotiations, as if simply “sexual orientation appropriate”. As Hennessy

argues, “Once subjectivity is theorized as [articulated out of] an ensemble of discursive positions, no monolithic identity can serve as the subject of representation or liberation” (1993, 95). Her alternative position is to argue for a project of “dis-identifying”:

The dis-identifying subject of critique does not claim any one group identity as its ground but instead speaks from/for a counter-hegemonic collective subject. [...] [The collective subject of feminist standpoint] supersedes the individual by exposing the historicity of the preconstructed system of differences on which they depend. [...] Unlike the subject of a group identity who strives for the reformation of one axis of the symbolic order, the collective subject of a counter-hegemonic ideology critique emerges from a discourse which calls for a sweeping rearrangement of the social imaginary and the political and economic structures it supports (Hennessy 1993, 97).

That is, Hennessy’s political project is less concerned with the position from which a critique is annunciated as rather with the researcher’s focus on the “*effects* of knowledges as always invested [ideologically inflected] ways of making sense of the world” (1993, 97, emphasis in the original) that are collectively negotiated (from) within particular cultural/political contexts.

Hennessy’s concern about feminist scholarship’s anxiety around the category woman in the face of various post-structuralist models of difference also requires that she distinguish her standpoint of critique from the strategy of other standpoint theorists who have argued for the project of “strategic essentialism” (de Lauretis 1989; Fuss 1989; Schor 1989). Strategic essentialism is an approach used by groups that have historically been positioned as marginal or invisible and are strategically bracketed off as *a* group, making internal differences come to be disregarded for the sake of achieving particular aims. Recalling the arguments of Gayatri Spivak in her essay “Subaltern Studies: Deconstructing Historiography” (1988), Hennessy finds Spivak’s reading of “subaltern consciousness” useful in that it emphasizes the counterhegemonic nature of the subalterns’ project as one which “[...] turns western historiography back on itself and in so doing mark[s] out the limits – the symptomatic blanks

– in western knowledges” (1993, 98) and “[...] rewrites the western notion of the collective singular subject” (1993, 97). Counterhegemonic discourses of the subaltern project struggle to expose the gaps in dominant western historiography that obscures how, to use Hennessy’s words, the “western individual subject has been mediated through an exploitative division of labor, institutionalized political domination, and inscriptions of racial and ethnic difference” (Hennessy 1993, 98). Such a critical move reveals hegemonic western historiography as produced by and reproductive of global inequalities through multiple and complexly intertwining social practices. Moreover, Hennessy finds Spivak’s discussion of the subaltern consciousness useful for critiquing individualist understandings of identity. She rethinks identity as symptomatic of “a troubling ideological ‘excess’ in the hegemonic discourse” emerging from an “ensemble of discursive positions” (Hennessy 1993, 98). Emphasizing the “common ground” between feminist critiques and the project of the subaltern as “excesses” to hegemonic historiography, she argues for greater solidarity based on a combined effort among feminists and other counterhegemonic projects to deconstruct these hegemonic formations (Hennessy 1993, 98).

Aligning her own critical standpoint with Spivak’s, Hennessy argues that the aim of both “feminists and other counterhegemonic standpoints [is] to expose the “ideological ‘excess’ of hegemonic discourse” (1993, 98). That is, materialist feminist critique is one which reveals the contradictions, exclusions, and the exploitative and oppressive mechanisms or social arrangements on which hegemonic discourses rely to maintain the mechanisms of oppression, making use of that constitutive excess. Feminist praxis for Hennessy must be never-ending and “always in the process of rearticulation” (1993, 99). Just as hegemonic discourses are products of their continually changing relations to other competing discourses, so too must feminist counter-hegemonic discourses always reflect on their own relation to counter-hegemonic discourses of *other* critical projects aimed at exposing the effects of

hegemonic discourses on other marginalized groups. From the perspective of counter-hegemony, the political project of the subaltern or the feminist cannot be founded on a “discourse of liberalism which offers self-evident persons or groups as the guarantors of access to rights or representation before the law” (1993, 98). Making claims for particular rights based on one’s sexual subjectivity alone, therefore, does little to question the very mechanisms of multiple exclusions and oppressions on which liberal notions of the citizen are founded (1993, 95).

Hennessy’s critical materialist feminist standpoint and the conceptual tools developed by the theorists of discourse and critical discourse analysis provide the necessary theoretical foundations and analytical tools from which I can develop own my critical analysis of the intersections of the three discourses of human rights, Europe and European identity, and professionalism that are produced and maintained by Croatian LGBTIQ activists and other European organizations and institutions in the course of their negotiation over recognition in the context of the country’s aspiration for EU membership. Viewing discourses as ideological products of particular material and historical social arrangements, I hope to expose the oppressive as well as the potentially emancipatory aspects of the discourses. Before discussing my particular reading of the discourses that I collected for my project in Chapter 5 and Chapter 6, I will first discuss the hegemonic and counterhegemonic discourses of human rights and European and sexual identity from which Croatian and European activists have developed their own understanding of themselves in Chapter 4.

3.3. Data

During my research period from 2008 to 2011, I conducted 26 interviews with 17 activists working full-time or part time in LGBTIQ organizations and 9 individuals who consider themselves to be activists although they are not employed or currently directly

involved with any particular organization. Based on my existing personal contacts in Zagreb, I initially approached two more experienced, well-known activists; and based on references provided in these interviews, I began to approach other activists and representatives from other organizations. By collecting references and due to a general willingness on behalf of Croatian activists to speak with me as a researcher, I became easily acquainted with a larger circle of activists. It was also during these interviews that I became aware of whether or not an individual had been or was employed by an LGBTIQ organization. I held multiple interviews with several individual activists, but with most I conducted semi-structured interviews only once. I asked each activist about the history of her/his involvement in activism, how s(he) became involved and in what capacity s(he) was involved at the time of my interview. Since it became apparent that most of the activists had been a member of more than one organization at different times during their lives or even simultaneously, I asked about the activities that the individual was involved in for each organization. I inquired about the individual's perceptions of the strategies used by their organizations, which ones they found more successful and which ones they believe have been less successful, and the ways these strategies have changed over time. I asked the individuals to identify any significant obstacles that they have faced in their struggles for social change and any events or factors that have positively supported activists in their struggles.

As it became more and more obvious that there had been significant power struggles within organizations, amongst the organizations, and at times with external actors - all of which have shaped the ways in which organizations now cooperate with each other - I also asked the interviewees about their perceptions of these struggles and how and why they had come about. I also inquired about the structures of the organizations and how these had changed over time and in what ways this may have shaped the activities that the organizations focused on. When applicable I asked about the activists' experience in working

with non-Croatian donors and organizations, for example, about the types of activities these collaborations involved, the relationship between the local activists and their collaborators; and any impressions they had about working with these external organizations.³⁸ Finally, I asked them to discuss the significance of larger political changes in Croatia for their work, in particular the European accession process. I also asked them to reflect on the significance of the anti-discrimination law, which was generally viewed as an important achievement for the activist community at the time and as one that was brought about in part due to the accession process.

I conducted five interviews and held one informal conversation with representatives of five international and transnational organizations that collaborate with or act as funders for Croatian LGBTIQ organizations (i.e. ILGA-Europe, IGLHRC, COC Netherlands, Astraea Lesbian Foundation for Justice, and Global Fund for Women). These interviews allowed me to gain some insights into the different ways that these external actors perceived their own work in Croatia as well as how they viewed their relationship with local activist individuals and organizations. Unfortunately, it was much more difficult to organize these interviews as they required extensive travel and the individuals in these organizations were available usually only for short interviews, in which they sometimes tended to speak about the region in general rather than their particular work in Croatia. However, because I was able to conduct interviews with individuals from several important organizations/donors, I was also able to compare to some extent the different approaches of each organization.

As I began conducting my interviews in 2008, it became clear that one particular Croatian activist organization, the Zagreb Pride organizing committee, would be willing to allow me to observe their activities on a more regular basis. This was in part because the group considered itself to be an open, citizens' initiative and, therefore, welcomed any new

³⁸ I have changed the names of all of my interviewees, indicating their gender by using male and female names accordingly. A list of all of my interviewees (indicated by the names that I have given them) and the year and location of the interview can be found on page 259-260.

participants. This group of individuals who organized the annual Zagreb Pride march was an informal collective of volunteers and activists committed to the successful organization of the annual march when I began my research. The structure of Zagreb Pride's organizational committee is described on the organizations website as "open", "fluid", and "non-hierarchical" (Zagreb Pride 2013a), which indicates a "horizontal" structure in which power is intended to be shared equally. This group, having since lost some members while gaining others, still maintains an open policy and invites, via its website and through distribution of emails, any interested individuals to join the group and assist in the organization of the event. However, the organization underwent some substantial changes between 2008 and 2009. These changes turned out to be relevant for my discussion of NGO-ization. The organizers not only registered in 2008 as an official NGO, some of Zagreb Pride's activities have also changed and expanded to include more rights-based advocacy, legal assistance, and government lobbying activities. This transformation can be explained in terms of professionalization. Consequently, observing and participating in their activities turned out to be an opportunity to examine one particular example of this type of transformation from community-based to professionalized NGO activism.

Aside from the interviews, which I transcribed and therefore turned into textual documents, I also analyze documents and textual materials produced by both transnational and local NGOs. The documents that I analyze include those documents or texts that have been posted on the organizations' websites, such as their organizational platforms or the principles and policies that they have adopted, pamphlets about public events that they have organized, their annual activity reports, reports about their finances and sources of funding, and other announcements, declarations, and speeches that are provided on their websites. I also examine organizational reports that have been published in print form as well, which are longer documents that the organizations produce to inform the public about their annual

activities as well as present their views about particular issue, such as ILGA-Europe's reports on EU directives and anti-discrimination legislation throughout Europe or the annual human rights reports produced by the Team for Legal Changes of Iskorak and Kontra (the Team for Legal Changes).

The Team for Legal Changes' reports are particularly important as are intended to provide a broad overview of the activities of LGBTIQ organizations in Croatia and to draw the attention of Croatian government institutions to human rights abuses against LGBTIQ people. These reports are available online and also distributed as printed books among the local LGBTIQ activists, transnational activists that cooperate with local Croatian LGBTIQ activists, and some Croatian governmental institutions. The distribution of these reports in print form to specific organizations and government institutions acts as a type of evidence of the Team for Legal Changes' professionalized work, which has been funded by external donors such as ILGA-Europe and the Astraea Lesbian Foundation for Justice, and reflects the authors' intention to target specific institutions in their advocacy campaigns. As I will discuss in Section 5.2, the production and scope of these reports are problematic in that there is not a concerted efforts among the activist community to produce them and there tends to be an emphasis on some LGBTIQ activities and issues, marginalizing others.

Another type of report that I analyze are the reports that were produced about meetings that were held between various LGBTIQ organizations and activists. These meetings include those that were organized to bring together local organizations in Croatia, meetings that included independent activists and representatives from organizations from the larger Southeastern Europe region, and meetings that include local activists and representatives of transnational organizations. On one occasion, I was able to observe a meeting organized by COC Netherlands that was held in Zagreb, Croatia, which brought together representatives from organizations in the Southeastern Europe region,

representatives from COC Netherlands, and their “back donor” Hivos.³⁹ This particular experience, which took place in 2008 at the beginning of my research period, became a point of comparison that affected my reading of documents about other meetings that were organized by and for transnational organizations for activists and organizations in Croatia and the larger region. I will discuss this meeting and compare it to another particular meeting that included LGBTIQ activists and organizations from the Southeastern Europe region and feminist donor organizations from Europe and the U.S., with which these local activists collaborate in Section 5.3.

I also present my analysis of letters produced jointly by ILGA-Europe and IGLHRC that were used as part of advocacy and lobbying campaigns directed towards the Croatian government as well as other governments within the Southeastern European region. These letters, as I will discuss in Chapter 6, contribute to larger discourses on European identity and re-signify anti-discrimination laws, a particular type of sexual right, as markers of development and progress. Another important source of pressure that is used by both transnational and local LGBTIQ organizations in their advocacy and lobbying efforts are documents produced by EU institutions. Therefore, I analyze several of the European Commission’s annual reports on Croatia’s EU accession progress and declarations adopted by the European Parliament pertaining to the importance of anti-discrimination directives and legislative measures against discrimination based on sexual orientation and the EU member states’ responsibility to comply with these directives.

³⁹ This is the Dutch development organization that provided COC Netherlands with funding for the project that it conducted in the region. I will discuss this meeting in Section 5.3.

CHAPTER 4: DISCOURSES OF HUMAN RIGHTS, IDENTITY, AND SEXUAL CITIZENSHIP

In so far as there has been a salient presence of discourses of human rights during the post-cold war transformation of Europe, in this chapter I will explore the internal differentiation of those discourses themselves. I will then outline the larger debates on human rights that have been central to more recent LGBTIQ struggles in Europe and Croatia from 2008-2011, the period in which I conducted my field work. I will locate my own position within these debates that had anti-discrimination laws in their focus. Finally, for grounding my analysis of the actual documents and practices in Chapters 5 and 6, I will discuss how the particular organizations' understanding of human rights and strategies for achieving recognition and equality perpetuate certain ideas of sexual citizenship.

4.1. Investing in Human Rights in Post-Cold War Europe

In her 1991 article "Reform, Revolution, or Retrenchment?: International Human Rights in the Post-Cold War Era", professor of law Brenda Cossman examines the emergence of human rights discourses in post-cold war Europe's political and institutional landscape and their increasing power to inspire and mobilize "disadvantaged groups" and to buttress their claims for recognition and equality (Cossman 1991, 340). Cossman reflects on the significance of these discourses within this historical moment in which state socialist governments throughout Eastern Europe were collapsing or had collapsed and were to be replaced by multi-party parliamentary political systems. In her critical analysis of these events, she examines the basis of these more enthusiastic claims about the greater potential of international human rights as tools for ensuring the political rights of previously oppressed individuals and groups throughout the world. She questions the assumption that "[i]n a world

no longer divided along the East/West axis, this political discourse may have heightened possibilities. A world no longer divided may better lend itself to the international cooperation so essential to the realization of the vision of international human rights” (Cossman 1991, 340). Cossman’s conclusion is similar to what contemporary human rights theorists (Cheah 2006, Fredman 2008) now argue; that is, the lack of political and ideological conflict and the achievement of consensus on the discursive terrain of human rights embraced by political and intellectual elites at that time has, in fact, resulted in a narrowing of the concept and practices of human rights and made struggles for more substantive equality much more challenging.

Before the radical political, social, and economic transformations within the “Eastern bloc”, argues Cossman, the competing ideological forces of the West and East during the Cold War had created an international ideological divide in which different and in some ways conflicting definitions of human rights impeded collaboration (1991, 340). As a result, international organizations failed to create the necessary institutions that could respond to human rights abuses, including those committed by the established Western “superpowers” (Cossman 1991, 340). These competing ideological constructions of human rights emphasized the importance of different types of rights and in doing so singled out different causes of social inequality. Cossman distinguishes between the two competing conceptions of human rights that dominated the European political landscape. Western powers or “Western liberal democracies”, she argues, emphasized and championed civil and political rights (1991, 344). This emphasis on civil and political rights frames the state as the major source of injustice and inequality in that it is understood to be a potential obstacle to human freedom such as freedom of speech, religion or certain political affiliation. Eastern socialist states, on the other hand, focused on the importance of economic rights (Cossman 1991, 344). Economic inequality in this framework is believed to stem from the economic structures and the class system; while the state’s role is primarily seen to be one of redistribution and

economic organization. As Cossman points out, these ideological conflicts over the definition of human rights have created an obstacle in terms of their implementation in that there was a lack of consensus in terms of the meaning and importance of varying types of rights. This conflict resulted in the lack of international human rights standards to which abusers could be held accountable.

The fall of state socialism and Eastern Europe's new willingness to embrace liberal democratic forms of government and free market economies were viewed by many as the beginning of a new era of international consensus and cooperation (Einhorn and Sever 2003, 163; Calhoun 2007, 77). For Cossman, however, these new changes were suspect in that they also contained the potential for something to be lost. Cossman points out that there was a substantial political shift to the right in the years following the collapse of state socialism in many Eastern European countries that resulted in a loss of critical disposition to these narrowly defined concepts of human rights, weakening these societies' commitment to economic and social rights and to more communitarian-based human rights, in particular those of certain social groups, such as women and ethnic minorities:

The countries of the East and West may now agree on the priority of civil and political rights over social and economic rights. Indeed, they may even agree that the latter are not appropriately understood as rights, but only as aspirations. Paradoxically, the possibility for heightened cooperation in the promotion of human rights may be a product of the narrowing of the discourse itself (1991, 345).

Cossman poses a very important question about the developing consensus around "human rights". She asks whether the "[...] shifting ideological balance [would] privilege individualistic, libertarian rights of freedom *from state intervention* over collective, egalitarian rights, such as freedom from discrimination" (1991, 345, emphasis added). This ideological shift she identifies is similar to what the political theorist Jack Donnelly calls a "perverse and internally inconsistent" minimal liberalism in which "the dual pursuit of

autonomy and equality is replaced in minimalism by a single-minded pursuit of autonomy” (Donnelly 1989, 75). Concerns about tendencies towards minimal liberalism have become all the more important following the onset of the global financial crisis, more specifically in Europe. Any analysis of contemporary discourses of human rights as a tool for achieving equality, whether used by LGBTIQ activists or institutions of the European Union, must take into account the specific socio-economic circumstances in which their rights struggles function in order to expose their (potential) effects on changes in the meaning of rights and citizenship. As Adalbert Evers and Anne-Marie Guillemard warn in their study on the transformation of social policy in Europe in the last 20 years towards “sustainable welfare based on the activating social investment” and how it has shaped social citizenship:

Cutting social spending, which represents a large percentage of GDP (about 30% in France, for example), has become a major preoccupation of nation-states in a context where it is imperative to reduce the national debt. Many observers are declaring that, given the tempest in the financial markets now threatening all national economies in Europe, the time is past for concern about the survival of a costly welfare system that was designed during a time of prosperity, so different from the current age of austerity. This era of belt-tightening tends toward setting limits on welfare spending. How should we implement policies for redistribution when state coffers are empty and national governments are heavily in debt? In this context, we observe a return to the prevalence of an approach that is questioning the very foundations of politics, to the degree it is argued that there is a need for quick decisions and no alternatives given. In this perspective, issues of how to use and strengthen active citizenship and civic responsibility, dimensions so important for both democracy and citizenship, become hidden. The peoples of Europe are given the message to hold out and suffer without a complementary message about (active) citizenship (Evers and Guillemard 2013, 384–385).

The narrowing of the field of human rights to a focus on civil and political rights is augmented by an understanding of rights as predominantly “negative” in nature in relation to the state, which relieves states from developing “positive” rights. Rights are negative in that they are *not taken from* a citizen or *violated* (Donnelly 1989, 33). Rights viewed from the negative perspective positions states at worst as potential violators of rights or as passive

observers to larger market and social processes. The positive conception of rights, on the other hand, means that states are also expected to take certain “pro” action in order to facilitate the achievement of equality (Donnelly 1989, 33). As I will argue in Section 4.2, Donnelly’s distinction between positive and negative rights is a false one; human rights (whether civil, political, economic, or social) are rather interdependent. In other words, social and economic security are integral to the efficacy of civil and political rights; just as “civic political culture” or “social dialogue” is necessary for the recognition of “the concerns of excluded groups in its concepts of the common and public good” (Evers and Guillemard 2013, 381).

One more recently developed legal mechanism that has become part and parcel to discussions of human rights are anti-discrimination measures. Emphasizing the importance of anti-discrimination mechanisms as a means for supporting welfare and social policy, Evers and Guillemard write that, “[t]he development of an international regime of human rights and protection against discrimination has had important implications for the rights, opportunities, and scope of citizen participation.” As I will discuss in Section 4.3, anti-discrimination measures can, however, reinforce the passive position of the state. As I will try to argue, for those who have been most excluded as subjects of the laws of liberal, democratic societies, the development of anti-discrimination as a particular example of human rights, has in some ways become a symbolic gesture of an attempt to guarantee equality. For mainstream LGBTIQ activists in Croatia, anti-discrimination laws have become one of the main focuses of their activist and advocacy efforts. These laws are arguably important for these communities in terms of achieving recognition and requiring states to recognize the existence of inequality based on homophobia and discrimination. Yet, they have been conceived and put into practice in ways that have reduced the state’s role to a passively reacting player, echoing and reinforcing larger social and political structures rather than forcing them to

actively pursue and ensure social equality. These laws alone require very little effort from authorities and place the burden of achieving justice in the hands of those who have been discriminated against. In fact, as a product of liberal conceptions of rights and a particular form of “negative” civil rights, these legal mechanisms may do very little to address the economic and social inequalities that stem from larger economic and social forces that disproportionately affect marginalized groups, including LGBTIQ communities.

Cossman’s concerns and observation about the transformation of human rights discourses emerging over the post-Cold War period not only illustrate the importance of the changing socio-economic circumstances in shaping the meaning as well as the effects of these rights discourses. They also point to the potential losses that can accompany the achievement of consensus, often viewed as progress. Debates about the relevance of social and economic justice are largely missing from many contemporary citizen-based initiatives and discussions about sexual human rights as well. Transnational and local LGBTIQ struggles have committed much of their time and resources to ensuring that LGBTIQ groups are protected and recognized as deserving their human rights through more narrowly focused campaigns for anti-discrimination laws. In this sense, they have been caught within the historical developments and discourses in which social and economic rights are often absent or, if mentioned, often elusive. I will argue that they draw on discourses that construct sexual identity on the basis of sexual exclusion alone and in doing so limit their struggles for equality and recognition in scope and effect. To counter that, a critical position that conceives human rights as a field of competing, overlapping, and sometimes conflicting discourses, could subvert hegemonic conceptualizations of human rights.

4.2. Advanced Neo-liberal Capitalism and the Limits of “Human Rights” Discourses

Current political discourses and the spread of neo-liberal, market fundamentalist notions of governance in which the government is feared and viewed as something to be controlled and should refrain from intervention have created a clear hierarchical distinction between the two sets of rights (Woods 2003, 764; Bilchitz 2008, 1–2). As a result, current hegemonic discourses of human rights have pushed social and economic rights to the status of what Laclau and Mouffe might call *elements in the field of discursivity* only, whereby more narrow and liberal notions of human rights and equality appear as if natural and taken-for-granted. Echoing the claims of Brenda Cossman, critical legal theorists Dianne Otto argues in her article “Rethinking the ‘Universality’ of Human Rights Law” that in the post-Cold War era there has been a re-establishment of the dominance of “first generation” human rights, or civil and political rights, over other competing discourses of human rights (1997). Pointing to the effect of the economic transformation from Cold War to post-Cold War consolidation towards free market economy, Otto argues:

As the Soviet Union pointed out in 1948, gross disparities in social, economic, and political power contradict the idea of universal principles. As these inequalities are deepened by post-Cold War economic restructuring, transformative dialogue between the various interests of the people of the world, without a redistribution of wealth, becomes ever more inconceivable (Otto 1997, 34).

In her essay providing a historical account of the drafting of the Universal Declaration of Human Rights, Mary Ann Glendon argues as well that while “[t]he sections devoted to traditional political and civil liberties are frequently, but unevenly, invoked. The provisions on social and economic justice are commonly ignored, even by major human rights organizations” (1998, 1153–1154). It is precisely this universalization of these “first generation” human rights as a given and taken-for-granted category of “international” human rights that, according to Otto, has become part of and reinforced the “modernist” worldview

(1997, 18-19). She contends that the universalization of this particular worldview emerged from and has been embraced mostly, although not exclusively, by Western/Northern and European elites and has also been essential for buttressing “masculinist” regimes of power (Otto 1997, 14). To put it another way, discourses of human rights in the sense of political and civil rights have been central to ideological constructions of modernity and progress and have contributed to the re-production of social inequality and the economic hegemony of Western societies and states.

In order to understand contemporary hegemonic discourses of human rights, it is helpful to trace these conceptions of human rights back to their historical emergence and ideological foundations in European liberal political theory. Much debate has developed about whether or to what extent universal human rights are indeed universal or rather culturally specific since they are historically based on Western cultural and social values. Current hegemonic human rights are a product of Western understandings of “human nature”, “human dignity” and the ensuing relationship between the individual and the state (Donnelly 1989; Cheah 2006; Fredman 2008; Donnelly 2007). The origins of Western conceptions of human rights are commonly understood to emerge in the political debates in seventeenth century England and the philosophical writings of John Locke. The conceptual tools such as the notion of natural rights which were developed as a means for countering the absolute powers of the monarchy are central to the articulation of the “citizen” as the bearer of rights (Donnelly 1989, 105). The *natural rights of man* were the mechanisms through which (male) individuals could secure their political subjectivity and a certain degree of social equality, at least in terms of securing the possibility for political participation and property ownership as citizens in the public sphere. Within liberal political theory, privilege should no longer be determined by social status at birth, but rather in nature all *men* are considered equal and endowed certain inalienable rights which could be exercised by individuals against the

authoritarian powers of the state. This liberal understanding of rights as tools of protection against a potential harmful (at that time monarchical) state has continued to inform our contemporary notions of human rights as based in the *individual* now also involving relations with other individuals who may attempt to limit or impede one's access to political and civil participation (Fredman 2008, 9-23).

Feminist political theorist Carol Pateman in her work *The Sexual Contract* (1988) unmasks the relations of domination and gendered nature of this seemingly neutral conception of the individual citizen, which forms the basis of liberalism's social contract theory. The individual appears neutral, she argues, only by making the private sphere to which women are often confined invisible and politically irrelevant and by ignoring the patriarchal "male sex-right" to women (borrowing from Adrienne Rich 1980, 645). She calls the institution the *sexual contract* on which the concept of the citizen-state contract relies (1988). "Men's freedom and women's subjection are created through the original contract – and the character of civil freedom cannot be understood without the missing half of the story that reveals how men's patriarchal right over women is established through contract" (1988, 3). For Pateman, the institutionalization of patriarchal power through a legal contract discredits the notion of freely consenting individual citizen as it pertains to women. She draws a parallel between men-women and capitalist-worker relations, arguing that the capitalists' monopoly on the means of production also calls into question the idea that wage labor is one of consent-based contract (1988, 133). The failures of liberal notions of individual autonomy as the basis of universal citizenship are made apparent when the structures of gender and class inequality are built into its theory of the subject.

With the growth of the bourgeoisie ruling classes, the original 17th century "revolutionary character" of these newly established rights and political tools would become a means through which ruling classes could maintain "privilege, inequality, and oppression"

and result in what Donnelly describes as a minimalist interpretations of liberal theory (1989, 105). The aim of these classes was to limit state power that was seen “legitimate (only) to the extent that it actually protects human rights through positive law and practice” (Donnelly 1989, 90). Any additional intervention into and between the lives of private citizens was thought to be an abuse of state power, disturbing the alleged *natural* order of society, i.e. the dominant status quo. The most important rights for proponents of liberalism were those that ensured (economic) autonomy (as opposed to (economic) equality) and political participation such as the right to representation; and consequently the right to vote, the right to own private property, freedom of speech and religion as well as rights to be protected from certain tyrannical acts, such as torture and arbitrary detention. These are all examples of what have come to be known as “first generation” political and civil rights. The right to own property could, for example, be considered an economic right rather than a political or civil right. However, it is important to stress that in so far as this is meant to be a right for the *individual’s possibility* to own property and not a guarantee to property ownership on a collective basis. What all these rights have in common is their emphasis on freedom from state intervention, or equality as *opportunity* – the opportunity to achieve wealth and prosperity as opposed to the importance of achieving relative economic or social equality as a substantive outcome. As Sandra Fredman argues, “Human rights are therefore presumed to give rise only to duties restraining the State from unjustified interference, rather than positive duties to take action” (2008, 9). It is not important, for example, for the state to ameliorate the harmful effects of larger social or economic structures that may impede on the rights-bearers’ ability to exercise their political or civil rights.

As the economic and social structures of society changed and developed throughout history, these rights came to be viewed as insufficient, including their confinement to political and civil rights only. Growing dissatisfaction with the inhumane working and living

conditions of the working classes during the industrial revolution of the 19th century created a new awareness of the need for a certain level of social and economic equality as a means for ensuring a certain level of human dignity. The emergence of socialist and Marxist political thought created a new class consciousness and political/ideological divide that resulted in the establishment of a new political left. Leftist political theories harshly criticized liberal theories of justice and rights as tools used by the bourgeoisie to secure their own class position and economic power. According to Donnelly, over time the ideological conflict about the necessity of social and economic rights has slowly diminished to the point where “[t]oday almost all “bourgeois” Western governments are strong defenders of economic and social rights” (1989, 31). Leaving aside any debate about the accuracy of this particular claim even at that time, I would argue along with Otto (1997) and Cossman (1991) that since the end of the Cold War, economic and political developments of the last two decades have proven that any gains for economic and social rights through the establishment of social welfare states are and continue to be endangered. While pointing out that there are some differences in terms of the degree of changes taking place in Western Europe in comparison with Eastern European countries, Evers and Guillemard conclude that since the 1980s earlier redistributive welfare states have been replaced by the more individualist “social investment agenda” in which the state invests in “resources and services to enable [citizens] to become the authors of their own lives” (2013, 12). As a result, they conclude, “social rights are being made ever less universal in nature and ever more conditional” focused on individuals’ obligation to work (Evers and Guillemard 2013, 365), which runs the risk of excluding many individuals who for one reason or another are unemployed or unable to work.

Although more recent social policy changes in Europe call into question Donnelly’s statement about universal acceptance of economic, social, and cultural rights, I support his point about the importance of acknowledging the “interdependence” of these rights and

political and civil rights as a means for achieving substantive equality and his observation about the political nature of attempts to make a hierarchical distinction between these two sets of rights. Responding to arguments that claim that political and civil rights are, in fact, rights whereas social and economic rights are rather aspirations, Donnelly argues that this is a political - that is an ideological - argument in that by focusing on one sets of rights one must ignore the fact that economic structures and inequalities can also limit the exercise of political and civil rights (1989, 41). In order to achieve human dignity, it is necessary to include *all of them* as basic rights (Donnelly 1989, 41). In other words, Donnelly deconstructs “the natural” distinction between positive and negative rights the dominant discourses of human rights rely on and shows how both categories of rights - political and civil rights versus economic, social, and cultural rights - can require major “positive” state action in order to guarantee their efficacy: “*All* human rights require *both* positive action and restraint on the part of the state. Furthermore, whether a right is *relatively* positive or negative usually depends on historically contingent circumstances” (Donnelly 1989, 33, emphasis in the original). For example, the right to vote becomes less important to someone who is homeless and occupied with finding enough food every day, just as the right to social welfare is made less meaningful for those who live in constant fear of their lives due to tyrannical governments or hostile political surroundings. Social and economic rights as well as political and civil rights can require states to play a more active role to ensure their implementation.

The struggle to expose this invisible field of rights, of course, does exist. However, the competing discourses may perpetuate incomplete or even problematic understandings of equality and justice (Otto 1997; Cheah 2006). Some non-European/non-Western governments have set out to prove the cultural specificity of *universal* rights as well as their failure to ensure social equality (Cheah 2006). This debate has often been characterized as one pitting “universalist” against the “cultural relativists”. As Donnelly (1989) points out, many non-

Western cultures and political communities have had different understandings of human nature, social relations, and how to achieve human dignity. Social and economic rights have been viewed as being much more relevant and important, for example, in Eastern Europe or other post-socialist nations in which Marxist and socialist ideologies have had more political and cultural influence. It is only insofar as non-Western societies have adopted “Western” social, political, and economic regimes, sometimes by force through the projects of colonialism and imperialism, that they have needed such conceptions of rights (Donnelly 1989, 50-65). Many non-Western states have used precisely this fact to delegitimize discourses of universal human rights as reinforcing hierarchical relations of power between the Western and non-Western countries, while maintaining imperialist or colonialist regimes of power:

The united stand by Asian governments at the Vienna Convention [1993] in rejecting the intervention by Northern states over human rights issues on the grounds of cultural differences is partly a collective assertion of postcolonial national sovereignty in response to a history of colonialism and the inequality of North-South relations. Moreover, these cultural reassertions are not necessarily ideological constructions of state elites. They also express the interests of disadvantaged social groups that seek to change economic conditions (Cheah 2006, 103).

Paradoxically, however, it is the most disadvantaged social groups that are ignored once these political regimes succeed to instrumentalize national sovereignty as a means to prevent any further Western intervention. As Otto argues, all too often critiques of hegemonic Western discourses of universal human rights, which emerge from non-Western states and societies, work to make invisible configurations of power which are detrimental to women and other minorities within these societies (1997, 14). What is more, these critiques would still rely on the concept of state sovereignty, which *is* a product of the same Western, modernist ideologies they seem to discredit so selectively.

This selectivity points to the importance of understanding state sovereignty and the nation state in the changes of human rights practice.⁴⁰ It is precisely the appeal to sovereignty that can ensure all governments maintain territorial integrity, the foundation of the modernist “nation state”. As Otto argues, it is important to underscore that these hegemonic discourses human rights are not only used by Western European elites, but any elites worldwide who may benefit from these discourses as they reinforce modernist notions of state sovereignty as well as gendered hierarchies and existing capitalist economic regimes of power (1997, 13). In her opinion, both universalist conceptualizations and the countering discourses of cultural relativist critiques maintain and reinforce the dominance of existing elites throughout the world: “[...] both sides of the debate – between the universalists and cultural relativists – reproduce a masculinist narrative of legitimization. The underlying agenda in the current historical conjuncture is to shore up the economic interests of dominant states in the global economy” (Otto 1997, 14).

I would like to take women’s rights as an example to demonstrate that both parties have their ideological investments in the universalism versus localism debate, though to systematically different effects. For instance, Western or rather nations in the global North may be only interested in the rights of women elsewhere in the sense that the “protection” of women’s rights in other countries may legitimize intervention, at times through the use of the military, into the affairs of another country or help facilitate the expansion and security of a larger labor force serving the production needs of expanding capitalism. As for the states outside of the Northern circles of power as they tend to appeal to the importance of state

⁴⁰ In terms of an individual’s ability to claim and secure human rights, it is only possible to the extent that they can be claimed and exercised in national courts and institutions. “The global human rights regime relies on national implementation of internationally recognized human rights. Norm creation has been internationalized. Enforcement of authoritative international human rights norms, however, is left almost entirely to sovereign states. The few and limited exceptions—most notably genocide, crimes against humanity, certain war crimes, and perhaps torture and arbitrary execution—only underscore the almost complete sovereign authority of states to implement human rights in their territories as they see fit” (Donnelly 2007, 293). Europe is also an exception to the extent that the European Court of Human Rights and the European Court of Justice enforce human rights within member countries.

sovereignty as a means for combating intervention in the name of a local understandings of rights, they very often use these discourses to cover up internal abuses of power, where the gender regimes of power are in fact to secure the state's position as an equally important economic player within the global capitalist order. As Otto concludes, this debate:

[F]unctions as a means of obscuring the issues of power and depoliticizing the struggle for economic dominance that is taking place. Understood in this way, the universalist are defending Europe's dominance and the relativists are seeking to reverse the duality that presently constitutes the South as Europe's Other (1997, 15).

Similar debates have emerged in Croatia in the past two decades of its struggles to forge an independent nation state as well. However, as I will discuss in Chapter 6, the debates have not been about women's rights but sexuality based rights.⁴¹

At this point, I would like to stress that for my own analysis, I would prefer to position Croatia and the Eastern European region in relation to the term "South" as used by Otto to designate the oppositional discourses to Western European conceptions of rights. This distinction, however, does problematically limit the frame of this discussion between the North/South, which as, Otto points out, is supported by ruling elites who may benefit from such distinction. Although it is not possible to include Croatia or any other Eastern or Southeastern European nation unproblematically within the concept *South*, I do so in order to underscore the "Otherness" of Eastern Europe and the Balkans in relation to the idea of Europe in this regard. As I will show in my analysis of European Union documents about sexual human rights in Croatia, Western Europe often uses the same hegemonic discourses of development and progress to position itself against so-called backward, underdeveloped Eastern European cultures, societies, and governments because they are deemed homophobic. Yet, Eastern Europe cannot easily be positioned within the global South; as to a large extent,

⁴¹ Discourses of women's rights have existed in Croatia and the broader region for almost just as long as they have existed in other Western European countries, albeit in different forms. As I have already pointed out in Chapter 2, women's rights in Croatia and the former SFRY developed in relation to, and were subsumed within, other discursive struggles for economic and social rights in state socialism.

it shares political, cultural, and social history and ideas with Western Europe. Neither can it be said to assume unproblematically the dominant economic or cultural position of the West. Particular elites within Eastern European countries, and in particular Croatia, do embrace alternately the two positions depending on how they perceive which should buttress their own particular agendas better; either countering or aligning themselves with Western European modernist discourses of human rights – in particular in debates about the European Union accession processes. As I will discuss in Chapter 6, the European Accession process in Croatia has led to a proliferation of discourses on human rights which construct human rights as first and foremost *European* and, therefore, necessary instruments for European (Union) membership.

As the example of the misappropriation of women's rights by both Western and non-Western states shows, there are real dangers in situations in which groups of supposedly self-evident identity attempt to achieve equality through rights-based struggles. The emergence of LGBTIQ struggles for rights and recognition in the last couple of decades has also carried some of the same consequences for these movements. Without undermining the courage of any of these movements and the individuals who have played an important role in the transforming the concept of “human” as the subject of human rights, I would like to examine how a failure to problematize the readily available liberal, universal discourses of human rights and anti-discrimination laws has resulted in perpetuating a certain notion of equality, while making invisible other mechanisms of social inequality and power.

4.3. Anti-Discrimination Laws as Neo-liberal Human Rights

The Universal Declaration of Human Rights (UDHR) clearly states in Article 2 that these rights should be owned by every human being without any distinction:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty (1948).

The quote expresses the intention of its drafters to underscore the important claim that human rights are to be the rights of all human beings. The need to make this principle explicit stems from the post-World War II context in which it was clear that citizens in various nations were by no means considered equal either in terms of social status or by the rights they were guaranteed by their own governing bodies. The paradoxical nature of human rights, however, is that it presupposes that a human being is already recognized as a subject, indeed as a citizen, in order to have rights at all (Arendt 1979 *The Origins of Totalitarianism* in Somers 2008, 123). It is precisely this failure of states to protect their citizens that may force an individual to turn to international, universal human rights as their last resort (Donnelly 1989, 13). Without international or supranational legal bodies to ensure that these rights are guaranteed, they stand as mere principles to appeal to, rather than legally binding tools to be implemented, even if as Donnelly points out, they have achieved “conceptual universality” (Donnelly 2007, 282). This is why institutions such as the European Court of Human Rights have been developed as means to legally reinforce these principles. However, as sociologist Kate Nash points out, these rights are still unevenly exercised and ignored in cases “where issues of immigration and security tempt authorities into sacrificing the rights of unpopular minorities” (Nash 2009, 1072) and, more importantly for my argument, they less often refer to economic and social rights in the way that political and civil rights are emphasized (Nash 2009, 1079).

This under-emphasis of social and economic rights is not a reflection, however, of the precise rights that are listed within the UDHR. Many very important social and economic

rights *are* clearly articulated within the document, including the right to family (Article 16), social security (Article 22), employment and “equal pay for equal work” (Article 23), the right to form unions (Article 23), the right to rest and leisure as well as reasonable work conditions (Article 24), and the “right to a standard of living adequate for the health and well-being of himself and of his family” (Article 25) (UN General Assembly 1948). Yet, even during the drafting of the Declaration, Glendon notes, there was some resistance on the part of certain leaders within the international community, including the American and British delegations towards the inclusion of social and economic rights on equal footing with the other “old” rights, whereas Soviet representatives refused attempts to create a hierarchy (1998, 1166–1167). The differentiation between these groups of rights was eventually reinforced in 1966, a moment right within the peak of the Cold War, with the adoption of two separate covenants; the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; the latter of which has not been ratified by the United States to date.

Returning to the clause I have included above, Article 2 of the UDHR makes clear is that the list of potential grounds of discrimination implicated the very social groups whose members have historically been denied the recognition necessary in order to have rights. Women, Jews, certain racial, ethnic, religious, and sexuality-based groups have all been marginalized, made invisible, or explicitly denied their rights as citizens belonging in the “nation”, making them second class citizens at best, if not completely *de facto* without citizenship. Individuals of non-normative sexuality have been denied citizenship status through the lack of basic citizenship rights, such as the right to privacy, protection against physical harm and arbitrary incarceration, the right to work and other available social goods and services, and the right to family. Through activism, lobbying, and other means of visibility for (the partial) entitlements to these rights, individuals of non-normative sexuality

have attempted to achieve social and political recognition (Kollman 2009). The struggle to build a “minority” community and establish a (sense of belonging in) collective identity has also contributed to furthering social equality and justice. Having achieved a certain amount of public visibility, many mainstream LGBTIQ activist organizations have more aggressively turned to legal mechanisms as a means for achieving equality, particularly in the last two decades.

As several scholars have pointed out though, struggles for recognition exclusively or predominantly via the law can have unfavourable consequences (Brown 1995, Butler 1999, Phelan 2002, Kollman 2009). For example, activists in Croatia have placed anti-discrimination laws at the forefront of their legal struggles, yet it has arguably done little if anything to subvert the larger systematic and structurally created inequalities of homophobia, which may diversely inflect the sexuality-based discrimination within the larger collective represented by these LGBTIQ organizations. Moreover, it may have impeded the formation of larger solidarity within the community or across various marginalized communities. As Wendy Brown in *States of Injury: Power and Freedom in Late Modernity* observes:

[...] efforts to pursue legal redress for injuries related to social subordination by marked attributes or behaviours: race, sexuality and so forth [...] delimits a specific site of blame of suffering by constituting sovereign subjects and events as responsible for the ‘injury’ of social subordination. It fixes the identity of the injured and the injuring as social positions, and codifies as well the meanings of their actions against all possibilities of indeterminacy, ambiguity, and struggle for resignification or repositioning. This effort also casts the law as neutral arbiters of injury rather than as themselves invested with the power to injure (Brown 1995, 3).

Brown makes clear that the mechanisms for combating configurations of power and the configurations themselves are both specific to late modern capitalist, liberal, and bureaucratic disciplinary social orders. The focus of Brown’s inquiry is precisely the types of solutions that are made possible within this particular historical moment and social order, such as the

legal mechanisms developed by/within the system in an attempt to control social discrimination and inequality. Her concerns draw attention to the ways in which these mechanisms are at once created to correct the inequalities produced within the liberal democratic social order and to make opaque the multiple and complex causes of these injuries, which emerge from the very same system or structures on which this order relies.

Judith Butler in *Gender Trouble* (1999), echoing earlier concerns expressed by Pateman, criticizes the “foundationalist fiction” of classical liberalism and argues for a critical investigation into the ways that subject positions such as gender and sexuality are in fact (re)produced rather than merely represented in the discourse of the jurisdiction. She writes:

In effect, the law produces and then conceals the notion of ‘a subject before the law’ in order to invoke that discursive formation as a naturalized foundational premise that subsequently legitimates that law’s own regulatory hegemony. It is not enough to inquire into how women might become more fully represented in language and politics. Feminist critique ought also to understand how the category of “women,” the subject of feminism, is produced and restrained by the very structures of power through which emancipation is sought (Butler 1999, 5).

In addition to liberal theory’s obfuscation of the ways in which it naturalizes certain subject positions by making them appear as if pre-social, Butler argues that categories such as *women* have the effect of making invisible the multiple axes of domination that produce complex matrices of power and diverse social positions within larger group representations (1999, 5). According to Butler, these categories such as *women* as they have been used by some feminist theorists and activists can become “decontextualized and separated off analytically and politically from the constitution of class, race, ethnicity, and other axes of power relations that both constitute ‘identity’ and make the singular notion of identity a misnomer” (1999, 7). Similarly, sexual orientation as it has been included into anti-discrimination law and bracketed off as something distinct from other structurally produced social positions can

make invisible the ways that sexuality is shaped by other social produced positioning such as gender, class, and race. The acronym LGBTIQ, for instance, to the extent that it makes other axes of domination such as gender, class, race, or ethnicity invisible, may also (re)produce social inequalities.

Butler and Brown's concerns are most relevant to a rights-based activism which often mostly focuses on legislative solutions such as anti-discrimination laws. Anti-discrimination laws have become in the last decade an essential part of the European LGBTIQ movements' human rights agenda and of many national mainstream LGBTIQ activist groups' strategies to achieving equality and justice for communities of those marginalized based on their sexuality. In Croatia, the professionalized, legislation-focused, lobbying type activism that accompanies this agenda began in the early 2000s. The Team for Legal Changes Iskorak and Kontra, established by members of the two, now mainstream LGBTIQ activist groups Iskorak and the Lesbian Group Kontra, for example, wrote in a report (with the support of ILGA-Europe) in 2002:

It is important to broaden the term human rights so that sexual rights are included as well. That is why it is important that the Constitution and other laws forbid any form of discrimination on the basis of sexual orientation. It is vital to legalize same-sex partnerships, and sensitize state institutions to a consistent and transparent enforcement of such laws; to disable the spreading of discrimination and hate speech, promote the right to sexual diversity and ensure the monitoring of media coverage of relevant topics; to speak out against the manipulation of religious feelings of the country's citizens for the purpose of spreading hate towards LGBT persons (Juras and Manzin 2002).

Falling in line with the human rights-based NGO activism that had taken root within Croatia during the 90s (see Chapter 2) and echoing the lobbying and legislative-based strategies of LGBTIQ organizations in Europe (Beger 2004), Sanja Juras and Dorino Manzin appeal to human rights and the rule of law as the means for combating discrimination and the

institutional marginalization of LGBT⁴² persons in Croatia. In response to these lobbying efforts, as part of their pro-European Union agenda, within the next couple of years the Croatian Parliament would amend a handful of laws to include clauses which explicitly prohibit discrimination based on sexual orientation: including in the *Gender Equality Act* (*Zakon o ravnopravnosti spolova*, NN116/03), the *Penal Code* (*Kazneni zakon*, NN 111/03), the *Labour Act* (*Zakon o radu*, NN 114/03), the *Scientific Work and Higher Education Act* (*Zakon o znanstvenoj djelatnosti i visokom školstvu*, NN 123/03) and laws regulating school textbook standards (Juras and Bulić 2010). Eventually in 2008, the Croatian Parliament would adopt the more far-reaching *Anti-Discrimination Act* (*Zakon o suzbijanju diskriminacije*, NN 85/08) as part of its obligation to align Croatian legislation with the EU acquis.

Anti-discrimination laws in Europe until more recently have been limited to the area of employment such as the *Employment Directive 2000/78/EC*. This directive aims to ensure the “equal treatment in employment and occupation” and to combat any discrimination that may have occurred within the employment practices of a hiring institution (European Commission 2000). In order to guarantee that this right within the workplace (not work/employment itself) is extended to *all* individuals, anti-discrimination legislation that has been adopted by Member States of the EU in response to this EU directive contains a list of social groups that have been deemed most likely to need such legislation. For whom does this legislation actually make a difference? How does this law participate in shaping our understanding of sexual subjects within today’s larger social and economic context? For one, it is important to keep in mind that this law applies only to those who already have a job or see any possibility of getting a job in the first place. Considering contemporary levels of unemployment within Croatia, this law can appear quite insignificant as a means for

⁴² I and Q were not used in the 2002 report.

addressing larger economic forces and their disproportionate contribution to social inequality experienced by marginalized groups such as women, racial minorities, or individuals of non-normative sexuality. Having access to a poorly paid job with little or no security is also a poor substitute for a substantial social or economic policy that secures income, comfortable working conditions, and proper compensation for all. Social policy that would ensure such conditions would require a critical understanding of the sources of inequality and the intersection of multiple axes of oppression that effect individuals.

The fact that lists of vulnerable social groups found in anti-discrimination laws have been updated periodically,⁴³ including sexual orientation, shows that general declarations of human rights for all or broadly defined anti-discrimination legislation alone in no way guarantees this particular protection to all individuals in need. Rather it has been necessary to explicitly name and extend the list of identity “traits” serving as potential basis upon which discrimination or exclusion can occur. Croatia’s recently adopted anti-discrimination law, for example, states that it:

creates prerequisites for the realisation of equal opportunities and regulates protection against discrimination on the grounds of race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity, expression or sexual orientation (*Anti-Discrimination Act, NN 85/08*).

The Croatian law is more comprehensive than the EU Directive and expands the “other status” category listed in the Universal Declaration of Human Rights to contain a long list of specific social groups that are most likely to experience discrimination. Codifying them as if transparent characteristics pertaining to an individual, the text of the law simultaneously

⁴³ For an overview of the history of the institutional resistance to and eventual inclusion of sexual orientation into European Union law see Aaron Xavier Fellmeth’s work “State Regulation of Sexuality in International Human Rights Law and Theory” (2008) or Mark Bell’s more recent “Gender Identity and Sexual Orientation: Alternative Pathways in EU Equality Law” (2012), which includes a discussion on the more recently included category to anti-discrimination law *gender identity*.

reifies these “qualities” as the actual foundation of the “legal subject”. In this way, as Brown warns, social groups are acknowledged and given recognition only through the act of injury, in this case via the act of discrimination. The political existence and visibility of such social groups via legislation such as anti-discrimination laws paradoxically makes them dependent on their own marginalization and discrimination. Moreover, this eternal project of inclusion of additional seemingly self-contained, distinct identity-based groups is what Hennessy compares and counters to her “project of dis-identifying” or counterhegemonic project of feminist critique, which I discussed in the previous chapter, that would expose the ways in which claiming one single group identity brackets off that identity and makes unintelligible the complex, multiple, and intersecting axes of discrimination and oppression that (re)produce subject positions.

Anti-discrimination laws and the kind of identity-based politics they entail have been critiqued for being unable to take into consideration the complex multiple or intersecting basis upon which discrimination often occurs (Crenshaw 1993). In an attempt to address this possibility of multiple, overlapping forms of discrimination, anti-discrimination laws have also included provisions aimed to ameliorate this problem. Article 6 of the Croatian *Anti-Discrimination Act (NN 85/08)* states that:

Discrimination against a certain person on more than one of the grounds referred to in Article 1 paragraph 1 of this Act (multiple discrimination), discrimination committed several times (repeated discrimination), discrimination which lasted a longer period of time (continued discrimination), or discrimination whose consequences are particularly harmful for the victim shall be deemed to be a more serious form of discrimination within the meaning of this Act (*Anti-Discrimination Act, NN 85/08*).

Recognizing the potential for multiple (“more than one of the grounds”), continual, and more severe forms of discrimination, Paragraph 2 of the same Article also stipulates that there

should be greater penalties for such types of discrimination.⁴⁴ Even while attempting to create a space for the existence of multiple axes of discrimination, by increasing monetary penalties, for instance, anti-discrimination laws are still unable to address the ways in which inequalities are the result of institutionalized practices rather than *individual* responsibility. In the case of multiple or overlapping instances of discrimination, the case is still addressed after the harm has been inflicted and the responsible individuals pay the penalty.

As these individualized penalties imply, justice is applied through anti-discrimination laws by placing the blame for structural inequality and injustice on the few individuals who are seen as “the violators” in the event that the court deems a singular instance of discrimination by some “deviant” offenders. These singular legal decisions applied to particular discrimination cases will deter attention away from a larger debate or discussion about systematic inequality and the structural causes for such “treatment” or injustice. Fredman exposes the same ideological problem integral to the logic of the existing legal institutions:

The ineffectiveness of a litigation-centred approach to addressing status inequality is a direct result of limiting the right to equality to a duty of restraint. Given that the right can only be breached by deliberate action aimed at the individual right-holder, the focus of litigation is inevitably on the need to prove fault. Structural and institutional inequalities which cannot be traced to an individual perpetrator are outside of the scope of enforcement (Fredman 2008, 189).

Legal scholar Alexander Somek argues that, in fact, “[i]t is not true that abiding by anti-discrimination norms merely requires employers to abstain from certain acts” (2011, 179). Somek refers here to *direct* discrimination in which it must be proven that an individual/employer refuses to hire or fires an individual based on prejudice and discrimination. He continues, “Compliance with anti-discrimination norms presupposes

⁴⁴ The final section of the law, Section V on “Penalty Provisions,” dictates the proper misdemeanor fines to be charged to the responsible *individuals* in cases in which it has been proven that there was an intention to discriminate - fines range from 1,000 Kuna to 250,000 Kuna (or approximately 130 Euro to 33,000 Euro) (*Anti-Discrimination Act, NN 85/08*).

awareness of race, gender, or nationality disadvantage that might result from stereotyping and entrenched hiring practices” (Somek 2011, 179). In other words, the law must recognize *indirect* discrimination and with it, there is the possibility of proving discrimination based on systematic practice rather than simply due to the conscious act of one “odd” individual. Indirect discrimination happens in cases in which certain practices, despite the lack of harmful intentions, may result in discriminatory outcomes. Cases in which it is found that indirect discrimination has occurred, however, still identify “systematic” practices on a smaller scale (in a business or a particular organization) and aim to hold particular individuals responsible.

Feminist political scholar Iris Marion Young discusses the growing prevalence of these individualist, blame-based systems of justice or what she calls the “liability model of responsibility” in her book *Responsibility as Justice* (2011, 97). In Young’s reading this system of justice is “backward-looking” in that it attempts to blame or find guilty *individuals* (2011, 108, emphasis added). Individual cases and court decisions that tie cases of discrimination to individual perpetrators do little to change institutionalized or systematic practices of homophobia and discrimination as it does nothing to address the larger, complex social practices that perpetuate discrimination, which she refers to as “structural injustice” (Young 2011, 26). Due to this ideologically directed attention, systematic and institutionalized homophobia and discrimination are indirectly enabled. Arguing along with Young, Somek also takes issue with the fact that anti-discrimination law aims to create larger social transformation through providing justice on a case-by-case bases, in his words “small and unexciting results” (Somek 2011, 157). Targeting what Somek calls “distributive agents” or employers through these individual acts of litigation, brought about only by the bravery of individual victims of discrimination, calls into question the transformative potential of this legislation. Somek argues that this approach is a deficient substitute of actual transformative

social policy and that it adheres to the larger market-orientated ideology that permeates all social relations today (Somek 2011).

For Fredman, the problem with this individualist approach consists in that the responsibility for seeking redress for a particular instance of injustice eventually is the responsibility of the victim who experienced the discrimination. One of the potential unintended consequences of such laws in practice can be the further marginalization of the individual. The act of taking such cases to court, for example, forces individuals to make public their sexuality (something of a forced confession), whether the individual in fact identifies with the social categorization that was the basis of discrimination or she/he is simply “perceived” to be part of this group and wishes to “right” this wrong perception and the discrimination that occurred because of it. These individuals may have the fear of losing their case, consequently their job, and the possibility of experiencing further discrimination following a lost case, or even in the event of a successful complaint.⁴⁵ Therefore, this need to demand justice in the courts places a particularly large emotional and psychological burden on the targeted individuals involved. As I will discuss in Chapter 5, in Croatia the extraordinary amount of individual energy such litigation takes would seem even more extraordinary considering the widespread general distrust in Croatian legal and judicial institutions.

⁴⁵ In terms of the burden it puts on the individual to address the systematic and institutionalized prevalence of discrimination, the most “successful” example of this law being exercised in Croatia is quite revealing. In the first case in which the anti-discrimination law in Croatia was successfully used, the complainant, an openly gay man, proved that he had been discriminated against by his department at the university in which he taught. Less than a year later, however, the same court found this individual guilty of having publically smeared the reputation and honor of the individuals who were implicated in and successfully charged in the initial case of discrimination. The original victim of discrimination was charged a 30,000 HRK fine in this defamation case (approximately 4,000 Euro). In response to this case, one of the Team for Legal Changes that was involved in the initial suit immediately announced their intention to appeal the case as well as calling for the Ministry of Justice to develop proper training of the judges to ensure the proper implementation of anti-discrimination laws in such cases (Index.hr 2013). This particular case reveals on many levels the inadequacy of anti-discrimination laws. Most importantly, it highlights the impossible mission that a single individuals faces when forced to take on the larger system of institutionalized homophobia and discrimination. It also calls into question the idea that the state acts as a neutral arbiter between individual social and economic relations. The court did in fact decide in favor of the initial complaint of discrimination. As this case reveals, however, this particular act of filing a case of discrimination is accompanied by the very real possibility of retaliation, which can obviously be exercised in various legal ways.

In addition to the emotional and psychological strength this endeavor requires, this burden can also be difficult for those who either do not have the time or money to seek justice through the courts (Fredman 2008, 190). It can, for example, be particularly challenging for those who have poor paying jobs and little money to spare for litigation, or only few other job prospects and, therefore, a fear of losing one's only source of income, which has been the case for a large portion of the Croatian population for some time and has gotten worse since the global economic crisis.⁴⁶ The practical difficulty in the implementation of anti-discrimination laws, which has also been the concern of LGBTIQ groups in Croatia since the legislation was passed, raises important questions not only about the functioning of this type of legislation but also its larger purpose within the existing social-economic system as a solution to inequality. Examining what he calls the "original contamination" of "existing human rights practical discourses" Pheng Cheah writes, "Human rights are generated as concrete rights at the level of bodily needs and materialized through institutional practices as part of a complex of processes by which global capitalism continually sustains and reproduced itself through the production of human subjects with rights" (2006, 172). Cheah stresses, similarly to Brown, the importance of understanding human rights regimes as having emerged from and as part of cosmopolitan discourses of globalization, progress, and human development and the accompanying often destructive global economic and free-market based practices. Viewing human rights as "violent gifts", Cheah discusses the positioning of human rights in larger processes of globalization that at once produce the subjects of these rights while also providing them with the only means to counter the destructive consequences of these forces (Cheah 2006, 172). Cheah further on argues:

Human rights are not our instruments as rational actors, for we are their product-effects rather than their originators. Neither progressive nor

⁴⁶ Unemployment in Croatia according to the 2008 Eurostat statistics online was around 8% overall and 22% for the labor force under 25 years of age; whereas in 2013 it was 18% overall and 50% for labor force under 25. http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_rt_a&lang=en (accessed July 14, 2013).

capitalist forces can choose either to embrace or to repudiate human rights, for they are given to us as finite historical actors by existing historical forces, and they constitute us. What we can do is calculate their effectiveness in situations we can envision and act accordingly (Cheah 2006, 175).

In his work *Engineering Equality: An Essay on European Anti-Discrimination Law*, Somek examines European anti-discrimination policy on the level of its contribution to our understanding of changes in European Union social policy and the larger context of recent social and economic developments (Somek 2011). When discussing contemporary neo-liberalization of social relations, Somek differentiates neo-liberalism from liberalism: “neoliberalism—by contrast to classical liberalism—as the belief that the market is not merely one social sphere amongst others (which needs to be sheltered against state intrusion), but rather the universal law governing our social existence” (Somek 2011, 84-85). That is, Somek emphasizes the importance of neo-liberalist, or “the spirit of this age” (Somek 2011, 85), and its understandings of *all* social relations as “essentially market dealings”, characterized by individualism, competition, self-interest or market rationality (Somek 2011, 85). He concedes that there are other important competing ideologies; but that within the neo-liberal framework, market forces take precedent over other social relations leaving individuals essentially at the mercy of self-interest and competition or essentially market conduct (Somek 2011, 84-85). Within the neo-liberal paradigm the subordination of social relations to market rationality may not necessarily be something to be viewed as inherently good or bad, but rather an inevitable state of affairs or taken-for-granted and, therefore beyond ethical judgments, condoned or accepted more readily.

The establishment of anti-discrimination laws and their practical implementation are also part and parcel of the same neo-liberal system and logic. Echoing law professor Mark Bell’s position (2002), Somek writes:

Anti-discrimination law, to be sure, is not primarily *directed* at decommodification. In other words, it is different from a type of social legislation that aims at backing up the provision of goods with some market-defying or market-bypassing distributive mechanism. Indeed, the very point of anti-discrimination law is to facilitate market access and not to exempt a certain sphere from the operation of the market (Somek 2011, 137).

A government's obligation to provide and actively ensure universal health care to all of its citizens would be an example of social policy that aims for decommodification, whereas anti-discrimination laws regulating hiring practices within the workplace are still subject to market forces. This characteristic of anti-discrimination laws is what Somek identifies as part of their "normative deficiency" (Somek 2011, 141).

Identifying the major aspects of anti-discrimination laws that make them normatively deficient, Somek argues that "anti-discrimination law is congruent with the market mentality and does not transcend it. It is committed to a normative vision of market equality and unwittingly reflective of patterns of market exclusion" (Somek 2011, 157). For example, the market-based criteria to determine whether an individual is "the best" candidate for a job are not problematized, but rather only the personal discriminatory thinking of a potential employer if it is determined that it stems from prejudices or bias directed against certain indicated social groups. In cases in which employers are able to give "objective" factors for justifying unequal treatment, the claims to discrimination can be much harder to prove. Often in cases where it can be shown that there was no direct discrimination, meaning that it was not intentional, but rather caused by market supply or demand, then these forces can trump any claims to indirect discrimination. These cases exemplify one of Somek's other claims that "anti-discrimination law is sufficiently flexible to have, where necessary, protection from discrimination yield to the imperatives of economic rationality" (2011, 158).

Young exposes this problem and attributes the oversight of these effects to the failure to recognize structural injustice and the ways in which apparently individual moral behavior

can still contribute to unjust outcomes. Although individuals may intentionally or knowingly commit particular acts which contribute to large systems of injustice, structural injustice, she argues, is more often “produced and reproduced by thousands or millions of persons usually acting within institutional rules and according to practices that most people regard as morally acceptable” (Young 2011, 95). She continues:

In principle, moreover, structural injustice may be ongoing even when some of the participating actors have done nothing that existing practices of criminal, legal, or moral blame or fault finding would identify as wrong. Those who participate by their actions in producing and reproducing structural injustice are usually minding their own business and acting within accepted norms and rules (2011, 106).

Liberal understandings of the discrimination that limit the cause of injustice to individual acts are unable to explain instances in which a person acts morally but still perpetuates oppressive social relations.

The last point I would like to make is how this individual, litigation-based solution is also characterized by its confrontational approach rather than one of building solidarity or transforming notions of public and social good. These individual cases, which are often initiated at the appearance of discrimination towards one identity-based group, cannot be considered what Hennessy might call a “dis-identifying” critique of hegemonic power relations. When identity-based groups, such as but not limited to LGBTIQ groups, bracket this single aspect of their identity from other aspects, they have concealed the various relations of power that constitute their own diverse subject positionings. Moreover, the blame game of finding individuals guilty, reinforces a sense of us vs. them, which according to Young creates a sense of resentment (2011, 113). Young argues, “The language of blame in political debates, I suggest, often impedes discussion that will end in collective action, because it expresses a spirit of resentment, produces defensiveness, or focuses people more on themselves than on the social relations they should be trying to change” (2011, 114). Anti-

discrimination laws, as I have tried to argue hide the economically and socially destructive institutionalized neo-liberal, free market-oriented discourses and practices that shape social relations and reproduce social and economic inequality. In order to combat structural injustice, it is important to create an awareness of these complex intersecting axes of domination and to share the responsibility for transforming these relations together as a larger community.

Anti-discrimination law as a particular contemporary manifestation of human rights law is a poor solution for achieving larger social transformation and change in terms of addressing social and economic inequalities. It is, in its essence, a neo-liberal solution aimed to facilitate market access to those individuals disproportionately marginalized and excluded based on prejudices like homophobia. Conceived as a solution to social and economic inequality, it in fact reinforces the market-based relations and doing so leaves untouched already existing market-determined hierarchies. It also perpetuates the historical division and hierarchical differentiation between political and civil rights and social and economic rights. Anti-discrimination laws not only have a very limited scope of intervention but are, as the case above shows, inadequate at doing even that. At best, these laws have emerged to demonstrate governments and some international institutions growing awareness of, or lip-service to, the problem of social inequality rather than their willingness to find pro-active solutions to addressing it.

4.4. Sexual Citizenship

What I have argued for, thus far, is a broader and more complex notion of human rights as a means for proactively achieving social justice. Such notion could go beyond a quantitative approach that would simply “add” economic and social rights to the narrow category of political rights. Struggles for substantive equality as opposed to the more

formalistic legal equality calls for a different understanding of the relationship among individuals and between individuals, the state and the market, such as the approach developed by Young (2011). Another way of framing this relationship is through the concept of citizenship. Just as many feminist scholars have engaged in the re-theorization of citizenship as a means for discussing the ways in which gender has been central for defining who is and who is not a citizen, queer scholars and scholars of sexuality have also debated the relative importance of sexual citizenship for theorizing the ways in which sexuality has factored into whether one is a full member in a political community and in what ways sexuality is integral the rights and duties associated with citizenship.

In her summary of Western feminist struggles for full citizenship, feminist philosopher Alison Jaggar discusses the importance of the symbolic differentiation between the public sphere, designated as the domain of state and its related institutions and, more recently, that of market relations in which men have dominated, and the private sphere, which has been marked off as a sphere of familial and private relations occupied by “less fully human” individuals such as women, children, slaves, and servants (2005, 92). This differentiation has contributed to the idea that these *lesser humans* should require protection from the harsh, “dirty business” of politics and been used to limit women’s participation in politics, constrain them to the home and familial spheres (Jaggar 2005, 92) and as a consequence made them second class citizens.

Feminists have not only struggled for the full inclusion of women into this public sphere through demanding rights to political participation and inclusion into the labor markets – one of the main demands of earlier socialist feminists’ struggles - but also emphasized the importance of women’s work within the private sphere as constitutive of human activity both in the private and public spheres. Moving beyond the personalized and essentialized gendered understanding of social relations within the two spheres, second-wave

feminists would eventually question this public/private differentiation by drawing attention to the ways the state plays an active role in shaping private, personal relations. Rallying around the claim that the “personal is political” and “assert[ing] that the so-called personal or private life is shaped by power inequalities that are rooted not only in individual characteristics but also in social structures” (Jaggar 2005, 95), these feminists exposed the ways in which citizenship and political membership is shaped by the state’s regulation and institutionalization of what counts as “private”. Emphasizing the importance of the state in conferring citizenship status, Jaggar writes:

Citizenship has always been a cluster of privileged relations holding on the one hand between states and (some of) the individuals who reside in the territory they govern and on the other hand among individuals who are members of the same political community. Because the state is integral to both these aspects of citizenship, competing accounts of citizens’ qualifications, rights and responsibilities typically have been embedded in larger theories about the proper function of the state (Jaggar 2005, 91).

As I discussed in Section 4.2, liberal thought has argued for a more passive role for the state, which must refrain from interfering in affairs deemed to be outside of its scope of jurisdiction, hence positioned and viewed as the private sphere. Along this line of thought, liberal gay and lesbian activists have struggled, for example, to limit the state’s regulation of sexual relations as a matter of privacy. It is an important transformation, yet, the decriminalization of same-sex practices within the private sphere based on the right to privacy has certainly not led to social justice and sexual freedom. Expressing their concerns about the limitations of rights claims, in particular claims to “private life and private choice”, David Bell and Jon Binnie in “The Sexual Citizen: Queer Politics and Beyond” write:

The outcome of rights claims, then, is to secure *private* space to be a sexual citizen; while this might involve an intervention into the public space, [...] this is merely a tactic to enable the claim of privacy – the ‘proper home’ of the sexual citizen. From our perspective, such a programme is intensely problematic, not least because it sides with phobic arguments that grant sexual rights only on the understanding that they will

be kept private [...]. While there is a need to protect some notion of privacy – if that means defining a space where law cannot intervene, for example – there is a bigger risk to be taken in stressing the private as the proper home of sexual citizenship (Bell and Binnie 2000, 4–5, emphasis in original).

Concerning the bigger risks, referring to Peter Cohen and his critical work on AIDS activism in the U.S., Bell and Binnie highlight the ideological function of privacy claims. They allow certain individuals to enjoy privilege by hiding the only thing that could potentially stigmatize them, i.e. their sexuality (Bell and Binnie 2000, 22). The “class style” of activism of ACT UP/New York, which refers to their reformist agenda of getting the system to work for them again, is a case in point. According to Cohen, ACT UP’s activism is a product of “class dislocation” (P. F. Cohen 1997, 87). It is an expression of entitlement felt by gay, white, middle- and upper-class men who made up the majority of this group’s early membership base and who, before the AIDS epidemic, experienced the “power, privilege and material well-being” that came with being able to keep their sexuality private (P. F. Cohen 1997, 87).

What liberal theories of rights and the role of state fail to acknowledge are the ways in which sexuality is not simply a matter of personal choice or practice, which is either sanctioned or left alone by the state, and can be kept behind four walls, but is actively and continually shaped by a multitude of social, economic, and political practices as well as state institutions. Lesbian feminists such as Adrienne Rich (1980) and Tamsin Wilton (1995), for example, have written about the ways in which gender as well as sexuality are not simply pre-existing human conditions upon which a state acts but rather are articulated through heteronormative or heteropatriarchal institutions and discourses. Earlier forms of institutionalized marriage contributed to the dominance of men in the household, for example, by limiting women’s property rights or through the male sex-right that allowed men to have unconditional access to women’s bodies and reproduction thereby making women

dependent on men and buttressing hegemonic heterosexuality (Pateman 1988). Through the institution of marriage that conferred additional rights such as tax exemptions, immigration status, or adoption and custody rights over children, the state has also ensured the primacy of monogamous, heterosexual relationships and, thereby, the privileged citizenship status of married heterosexuals and marginalizing individuals of non-normative sexualities. Expressing fears about the rights-based gay and lesbian activism that rallies around the right to marry, some have pointed out that the inclusion of same-sex couples into these “heteronormative modalit[ies] of sexual citizenship” (Bell and Binnie 2000, 33) could lead to “good gay citizens” and “bad queers” (Stychin 1998; Bell and Binnie 2000).

Lesbian feminists’ struggle to expose the heteronormative and sexist structures and institutions can problematize liberal rights-based approaches to struggling for equality through inclusion and integration. As feminist sociologist Diane Richardson argues, “lesbian/feminist theory [...] has not entirely eschewed the language of sexual citizenship” making demands for “sexual self-determination, bodily control and safety” and “for conditions which enable women to exercise sexual autonomy in general” (Richardson 2000, 259). Although they rely on a discourse of rights, these particular demands do not “call for ‘rights’ in the ‘equal rights’ sense of the term”, but are rather “critique[s] of the rights and privileges accorded to heterosexuals” (Richardson 2000, 259).

In her work “Queering the State” (1995), Lisa Duggan also calls for an alternative approach to liberal rights-based gay and lesbian movements in the U.S. She points out the increase in oppositional discourses that critique gay and lesbian rights struggles as allegedly “promoting” homosexuality and advocating for “special rights”. In order to counter them, it is necessary to “look beyond the language of rights” (Duggan 1995, 188). In an attempt to turn the tables, Duggan claims that it may be more powerful to expose the ways in which the establishment, in fact, promotes and confers special rights to heterosexuals. Just as earlier

religious struggles attempted to “disestablish” state religion, queering the state would entail “disestablishing” sexual normativity (Duggan 1995, 189). This rhetorical move she claims would “highlight the embeddedness of heteronormativity in a wide range of state policies, institutions and practices”, is “articulated within the terms of a widely understood and accepted liberal discourse”, and would have “implications [that] are much more radical and far-reaching than the [current] rights claims” (Duggan 1995, 189). Duggan argues that this more assertive approach could be understood as “dissent” which would confirm our rights “to a multiplicity of possible shifting identities, our right to state a viewpoint and promote it, and to express ourselves publically, politically and culturally” (Duggan 1995, 192). It would also avoid preclude essentializing and fixing certain sexualities into “minority” categories.

Comparing sexual freedom struggles with those of religious freedom could, in fact, have a particular resonance in Croatia today in terms of how it would reflect on the freedom of religion. Since the establishment of an independent state, the Catholic Church has maintained a particularly privileged relationship with the Croatian government. As a result of a series of treaties established between the government and the Catholic Church, the Croatian state, for example, provides clergymen with salaries and benefits and has allowed the Church to introduce religious teaching in public schools through the introduction of the subject catechism, which is also funded by state taxes (Perica 2006, 314). Described by the scholar of theology Thomas Bremer as “probably the most influential organization in Croatia” (Bremer 2008, 251), the Catholic Church has also been one of the loudest proponents against sexual rights. It was particularly active against the inclusion of sexual orientation and gender identity within the *Anti-Discrimination Act (NN 85/08)* in 2008 and succeeded in lobbying for changes to the law that would provide exemptions for religious institutions, allowing them to discriminate in order to adhere to their religious doctrine. The Church has more recently rallied against the introduction of the current government’s proposed sexual education

program for primary education (Penić 2013) and supported a citizens' initiative to collect signatures for a petition that would amend the Croatian Constitution to define marriage as a union between a man and woman ("Kardinal Bozanić Dao Podršku Inicijativi 'U Ime Obitelji' [Cardinal Bozanić Supported the Initiative 'In the Name of the Family']" 2013). Furthermore, struggles for sexual freedom framed similarly to struggles for religious freedom may possibly appeal to and create a basis for solidarity with those "disestablishmentarians" (Duggan 1995, 189) who see the privileged status of the Catholic Church in Croatia as problematic for reasons other than its stance on sexuality. On the other hand, considering the role of various religious institutions in countering claims to sexual freedom and justice, this strategy may, in fact, provoke greater resistance and outcry.

Although furthering the deconstruction of the heteronormativity of state institutions and practices, the move to frame these struggles in terms of liberalism or the liberal right to freedom of religion or speech could also "construct a zone of liberty in negative relation to the state" (Duggan 1995, 191). In Duggan's view, "this is not a historical moment when we want to set up a negative relation to state power, or slip into limiting forms of libertarianism" but rather should exercise more "evenhanded[ness] in the arena of sexuality" (Duggan 1995, 191). As I have tried to argue thus far, it is important to see the crucial role of the state as productive in advancing and ensuring justice. The state's role consists in providing economic and social security to its citizens. That security is essential for enabling these citizens to exercise civil and political rights and to participate in political decision-making. The Croatian state's role to secure sexual health through the social health care system and to provide sex education in public schools would exemplify the importance of not only eliminating heteronormativity as an institutionalized practice but also promoting diversity and sexual freedom.

The importance of the “social” aspect of queer/sexual politics has been a central point of debate within academic discussions of sexual citizenship and, according to Bell and Binnie, has been “manifest in the split between social theory and cultural studies” (Bell and Binnie 2000, 67). Referring to the “recognition vs. redistribution” debate between Nancy Fraser (1997), Judith Butler (1997), and Iris Marion Young (1997), Bell and Binnie side with those (Probyn 1996; Young 1997; Isin and Wood 1999) who argue for the importance of moving beyond the dichotomy (Bell and Binnie 2000, 71):

[...] the distinction between the social and the cultural, or the politics of redistribution and the politics of representation, is an oversimplified and outmoded distinction to make. The realms are, in fact, complexly intertwined, in that economic capital is inseparable from social, cultural and symbolic capital in structuring and sustaining patterns of inequality and injustice (citing Isin and Wood, 1999; Bell and Binnie 2000, 70).

Although Young disagrees with Fraser’s distinction between recognition and redistribution, which was brought about by her fears of the “‘post-socialist’ [context in which] group identity supplants class interest as the chief medium of political mobilization” (Fraser 1995 cited in Young 1997, 147), she agrees with Fraser there is a need for “the social” in sexual politics. Bell and Binnie (2000) claim that the destabilization of the dichotomy would require both social theorists to give sexuality a central place within their investigations as well as queer theorists to “reinstate the social in queer theory” (Bell and Binnie 2000, 71). Illustrating their point and citing Young’s observation that gay and lesbian movements do not necessarily only strive for recognition but may also “conceiv[e] cultural recognition as a means to economic and political justice” (Young 1997, 148), Bell and Binnie argue:

Poverty makes invisible the experiences of socially marginalized lesbians and gay men, whose social and economic condition serves to reinforce isolation and exclusion from the urban commercial scenes that represent the most visible and intelligible manifestations of gay culture to the straight onlooker. The extent to which lesbian and gay commercial spaces are misrecognized and seen as representative of all lesbians and gay men as a uniformly affluent and economically privileged group in society

serves to deny the material impacts of homophobia (in the workplace, for example) and the economic constraints that deny universal access to those spaces (Bell and Binnie 2000, 71).

The struggle against discrimination in the workplace would emerge as *a* measure towards bringing the social into sexual politics. Aside from the limitations of the anti-discrimination legislation that I have already discussed, the issue of poverty can and should be understood more broadly than simply combating discrimination in the workplace. LGBTIQ communities in Croatia are affected similarly to the general Croatian population, for example, by widespread unemployment (in particular for Croatian youth⁴⁷) and low wages even when they do have jobs. This unemployment perpetuates their dependency on family which in the first place may not approve of their sexuality and, therefore, withdrawal financial support. The urban-rural disparities in terms of quality of education, health care, and income in Croatia could also mean an important gap between the activist strategies developed by individuals living in urban areas as opposed to the needs of those living outside of Zagreb, Rijeka or even Split.⁴⁸

As the above quote shows, central to Bell and Binnie's theory of sexual citizenship is the concept of space or more specifically urban space (Bell and Binnie 2000, 83). "The city", they write, "is the prime site both for the materialization of sexual identity, community and politics, and for conflicts and struggles around sexuality identity, community and politics" (Bell and Binnie 2000, 83). In terms of space, the current LGBTIQ activism scene in Croatia is limited to urban areas and has, for the most part, been centralized in the capital. I highlight this point not to dismiss the importance of regional activism that has developed, for example, in Rijeka or even during different periods in Osijek, or more recently in Split, but rather to draw attention again to the large disparities in terms of the economic and material circumstances of these urban spaces compared with much of Croatia. Even viewing a city

⁴⁷ See previous footnote.

⁴⁸ See footnote 82 for statistics on disparities between rural-urban incomes in Croatia.

such as the capital of Zagreb, it is obvious that economy and class shape where and under what conditions LGBTIQ communities are able to form and thrive there. When, for example, several individual entrepreneurs, including one gay activist that I interviewed, attempted to open an “official” and “open” gay club called “G-Bar” in the wealthier upper town of Zagreb in 2010, it was unable to stay in business. Although it is possible that business management or, as someone has claimed, internal homophobia within the community contributed to its failure, it is also possible that economic factors played a role. Compared to the more “posh” environment (both the club and the neighborhood in which it was located) aimed for in the “G Bar” club initiative, the Autonomous Cultural Center Medika, the cultural venue for subcultural events such as those of Zagreb Pride, has managed to maintain a more permanent space for community-building in an abandoned old pharmaceutical factory in the traditionally working-class neighborhood of Trešnjevka, where some events are free or at least more reasonably priced.

Given the current economic and social situation in Croatia and the failure of consumer-based activism or pink economy, it would seem necessary to find ways of reaching out to a broader base of LGBTIQ communities in order to more properly assess the potential needs and problems faced by these constituencies and how best to achieve them. Reaching out need not only be about finding problems and obstacles however. Activists could also reach out to support individuals and groups that have found different ways of surviving or developing support mechanisms, for example, through larger “families” or networks of friendship⁴⁹ as opposed to a narrowly defined agenda that keeps supporting monogamous coupledoms through same-sex marriage initiatives or representing individuals on a case by

⁴⁹ Some of my interviewees as well as other LGBTIQ individuals, for example, have mentioned to me the importance of informal groups of lesbians that meet annually in Croatia that seem to an alternative example of community- or solidarity-based activism/activities. I believe there could also be a need, for example, for further research on the importance of “community-based” support mechanisms that provide assistance to individuals in finding safe housing, for example, for individuals who have been forced into homelessness.

case basis in the courtroom.⁵⁰ Although we may all be sexual citizens and sexual citizenship may provide a lens through which we can interrogate how citizenship is sexualized and heteronormativized, there may be a “myriad forms of what we might label *dissident sexual citizenship*” and “different modalities of citizenship that mark the same sexual categories differently” (Bell and Binnie 2000, 33), which would require an investigation into the larger cultural, social and economic context in which sexual political initiatives form.

This would include reflecting on the relevance of the nation-state, even in an increasingly globalizing world, in which sexual citizenship is located and “consider[ing] the extent to which political strategies around citizenship are inevitably shaped by the national contexts in which they arise” (Bell and Binnie 2000, 108) and whether a strategy in one country works as well in another. Considering the nation-state-based European context in which sexual politics is more recently forming around a European-wide understanding of sexual human rights buttressed by European institutions, I believe it is necessary to question whether the concerns of the gay, male, upper-class, urban citizen in the Netherlands are the same as a unemployed lesbians living in rural Croatia. It would then also be questionable whether the tools and strategies used by LGBTIQ organizations in Brussels or Amsterdam are also well-suited at the moment for addressing sexual injustices faced by dissent sexual citizens in Croatia, either in Zagreb or other rural areas. I will continue to discuss the significance of sexual human rights and citizenship in the European context more fully in Chapter 6.

⁵⁰ The Team for Legal Changes of Iskorak and Kontra has been lobbying for the recognition of same-sex couples to varying degrees since 2002 (Juras and Manzin 2002). More recently, in their collaborative effort to organize a Pride event in Split, the Lesbian Group Kontra and Iskorak made the theme of the Pride event about same-sex families and couples’ rights. See my discussion about this in Section 5.2. I will also discuss the Team for Legal Changes of Iskorak and Kontra’s efforts in lobbying for anti-discrimination legislation in more detail in Chapter 5. The Team for Legal Changes was an intervenor on behalf of the complainant in the first discrimination case about discrimination based on sexual orientation in Croatia. See note 43. In our interview in 2008, Jandranka (a member of the Team for Legal Changes) responded to my inquiry about what direction the work of the organization would take since the *Anti-Discrimination Act (NN 85/08)* had been passed, saying that they would focus on more cases and implementation of the law in the courts (Jandranka 2008).

CHAPTER 5: PROFESSIONALIZATION OF SEXUAL POLITICS IN THE 2000s IN CROATIA

5.1. Shift from Movements to NGOs

In order to understand the processes of professionalization within LGBTIQ activism in Croatia, we need to examine the proliferation of human rights and European identity discourses within Croatia and in European LGBTIQ activism on a wider scale. Early forms of lesbian and gay activism that began during the 80s in Yugoslavia or during the early 90s in the independent Croatian state can be considered as part of larger new social movements or countercultures that consisted of informal groups and consciousness-raising meetings of limited visibility. LGBTIQ activism that emerged in the late 90s and throughout the 2000s though has been shaped by its contact with professionalized activism and a larger network of NGOs in Europe and internationally (Bagić 2002; Kollman and Waites 2009, 4). Just like the social movements that appeared earlier, these new organizations have also struggled to expose and oppose the marginalization and discrimination of particular social groups. However, the financial and legal support structures that these organizations use, the international and transnational networks in which they take part, and their internal organizational structures are important mechanisms for understanding how their work and strategies are shaped and influenced.

The concept of professionalization can refer to the types of strategies organizations engage in, their organizational structures, the methods that they use to gather resources for their activities, their location in urban spaces close to state institutions, and the professional discourses necessary to take part in these organizations. Aida Bagić, drawing on the works of Sabine Lang (1997) and Sonia Alvarez (1999), uses the term NGO-ization to capture the processes through which Croatian women's organizations during the 90s transformed from

“social movements into professionalized organizations” (Bagić 2002, 17). Describing the shift from activism to professionalization, Bagić writes that “[I]n terms of strategies and programs, NGO-ization leads to issue-specific interventions and pragmatic strategies with strong employment focus instead of establishment of new democratic counterculture” (Bagić 2002, 17). She also argues that instead of continuing what she considers earlier Yugoslav feminist activism’s “complex agenda of emancipation and equality”, the emerging women’s NGOs tend to focus on single issues and applying pressure on the state as well as cooperating with it (Bagić 2002, 17).

Feminists’ insights into the workings of women’s NGOs and organizations and the process and effects of professionalization are helpful for understanding some of the issues that came up during my discussions with activists in Croatia and my observations of their work. In some cases, organizations such as the Lesbian Group Kontra were directly affected by these processes in the women’s organizations as many of the Lesbian Group Kontra’s members were and still are active in women and feminist NGOs and networks in Croatia. Out of the 20 Croatian activists that I interviewed, 10 were women and all of them identified as feminists and most had participated in feminist organizations before becoming members or volunteers in LGBTIQ organizations. Due to their experience and the transfer of knowledge between feminist activists about external donors and aid organizations who entered Croatia to assist during the war in the 1990s, there is a critical awareness among some of the feminist lesbian activists about these professionalization processes, in particular when it pertains to the growing non-desirable influences of external donors and organizations from abroad. Although aware of such influences and their potentially harmful consequences, as I will argue, for many activists professionalization is the key to gaining legitimacy with national political institutions and within transnational and international organization communities to

obtain funding. It is, therefore, seen as a whole, to be an effective way of advocating for larger social and political changes.

Regarding the specific strategies used by the five major LGBTIQ organizations that I have chosen to examine, I will argue in section 5.2 that there has been a clear orientation towards or substantial consolidation around legal rights-based activism, lobbying, and advocacy. Either having engaged in these particular activities for the last 10 years (the Team for Legal Changes of Iskorak and Kontra) or by developing newer orientation towards these activities to receive project funding (Center for LGBT Equality⁵¹, i.e. Zagreb Pride, Queer Zagreb and LORI), it is clear that these established LGBTIQ organizations as small, professionalized NGOs have considered it to be an imperative to take part to some extent in lobbying and legal rights-based activism. As a result, organizations having increasingly dedicated their capacities towards influencing state institutions as opposed to strengthening communities. I will discuss in section 5.2. and 5.3 how in different periods there has been a concerted effort or at least an attempt to combine resources and skills for engaging in these lobbying strategies. Often times these collaborations were made difficult due to different political orientations, competition for funding or simply the lack of capacity for maintaining multiple projects at once, which may be caused by the fact that staff are often limited to just a few people.

Echoing other scholars (Bagić 2002; Stubbs 2007) who have written about the NGO-ization of feminism and women's organizations in Croatia, Mitlin et al. raise questions about how professionalization has problematically influenced the development of NGO work in the

⁵¹ According to their website, the center "is an activist alliance that works to achieve equality for lesbians, gays, bisexuals and transgender individuals in the Republic of Croatia. It was created by activists from Zagreb and Rijeka due to the need to combat discrimination and violence against LGBTIQ individuals. Some of us were also exposed to violence and discrimination, so we believe we can sympathize with your situation and show solidarity to you. /Original text: [[Centar za LGBT ravnopravnost] je aktivistički savez koji radi na ostvarivanju jednakopravnosti lezbijki, gejeva, biseksualnih i transrodnih osoba u Republici Hrvatskoj. Osnovale/i su ga aktivistkinje i aktivisti iz Zagreba i Rijeke zbog potrebe da se suprotstavimo diskriminaciji i nasilju protiv LGBTIQ osoba. Neki od nas smo također bili izloženi nasilju i diskriminaciji, pa vjerujemo da možemo suosjećati s tvojom situacijom i iskazati ti solidarnost] (Center for LGBT Equality 2013).

last few decades and resulted in a lack of collaboration between diverse civil society actors and failures to work on mass mobilization (2007, 1706 and 1712). The failure of NGOs to recognize the effects of their strategies, according to Mitlin et al. (2007) stems from how they organize themselves and their activities and how they negotiate their relations to their own constituencies and other important institutions (2007). In section 5.2, I will discuss how the valorization of professional, lobbying work has both impeded and been the basis of cooperation between local organizations and collaboration with and support from international organizations and government institutions.

Bagić also underscores the important structural changes that took place within the broader women's movement in Croatia and how these changes have shaped the emerging women's organizations. Echoing Lang, she writes that:

[...] professionalized (and decentralized) small-scale organizations, with more hierarchical structures, become dominant, and replace over-arching movements focusing on politicization and mobilization of [the] feminist public; feminist organizations building and institutionalization replace movement activism (Bagić 2002, 17).

Similar tendencies are present within several LGBTIQ NGOs' structures. In terms of the size of the organizations, their function as places of employment, and their hierarchical structures, LGBTIQ activism in Croatia has also gone undergone many of the same processes of professionalization. There was no large-scale, established LGBTIQ movement in Croatia before the emergence of these small-scale NGOs, therefore, these tendencies cannot be viewed as a larger transformation such as in the women's movement. NGO-ization as it appears in many of the current LGBTIQ NGO structures and strategies, however, can be understood as a reflection of the larger transformations in the civil society sector that took place during the late 1990s and 2000s, including the changes that occurred within the women's movement in Croatia (Bagić 2002) and abroad (Lang 1997; Alvarez 1999).

Sabine Lang's work "The NGOization of Feminism" explores how the proliferation of NGOs and professionalized politics as the focus of feminist and women's agendas in Germany after the unification of East and West Germany inhibited broader public mobilization and in turn resulted in the depoliticization of women's rights and issues. She writes:

The effects of this radical reorientation are visible in structure, ideology, program and strategy. The transition from movement to NGO brought with it a structural emphasis on professionalized but decentralized small-scale organizations and a turn from antihierarchical to more-hierarchical structures. [...] While feminist movement building was once about the establishment of new democratic counterculture, feminist organizations today are about issue-specific intervention and pragmatic strategies that have a strong employment focus (1997, 102).

Similar to Lang's findings, Stubbs discuss how the NGO sector has developed in Croatia in the past 10 to 20 years, stressing the dominance of "elite, professional NGOs," which compete for funding from state and international donors for short-term projects (Stubbs 2007, 171). Regarding the size these five organizations, each of them maintains only a few paid staff positions, often no more than one to three. As Stubbs clarifies, the perception that NGO professionals "tailor their work according to the interests of donors, thematically and geographically" has created a sense of "mistrust" between and among NGOs and other actors (Stubbs 2007, 171), which could refer to other civil society organizations as well as citizens. In section 5.3, I will examine more closely the role played by international organizations in facilitated collaboration. In section 5.4, I will also discuss how international organizations' and government funding practices have also affected the level of solidarity between organizations, which as has fluctuated quite substantially in the last 15 years. The question remains then to what extent these activists collaborate with their constituencies in their lobbying initiatives and how much does their connection with these constituencies informs

their priorities and the content of these initiatives, which I will discuss in section 5.5 of this chapter.

The location of the five NGOs that I will discuss is also relevant for understanding these organizations' relationships with broader LGBTIQ communities in Croatia. Referring to the larger NGO sector in Croatia in the past two decades, Stubbs observes how "[p]atterns of NGO development are geographically uneven, with a concentration in urban areas" (Stubbs 2007, 171). This is certainly the case with these LGBTIQ organizations as they are all located in urban centers and most are in the capital Zagreb. This makes outreach to individuals in rural areas, where social exclusion based on poverty, high unemployment, and poor education is substantially greater (Ofak, Starc, and Šelo Šabić 2006), very difficult and, therefore, potentially marginalizes these constituencies' concerns to the concerns that would affect the activists and individuals who live in urban areas.

Professionalization in terms of skills and education is more complicated as different organizations require different skills, some more strict and others are less formal. However, based on my interviews with these organizations, I have observed that almost all of these organizational leaders speak an advanced level of English (enabling me to communicate easily with activists from the beginning of my research without having an advanced knowledge of Croatia). English is often needed to apply for funding, negotiate with project partners, or participate in transnational networks and trainings. Activists also have fairly high levels of education, either engaged in obtaining or having acquired a university degree, and come from or have studied in the urban centers across the country, though not necessarily always from Zagreb.

Writing about the effects that competition for projects and aid from donors on development of the NGO sector in Bosnia in the last two decades Adam Fagan argues, "The social or political worthiness of an NGO's activities, the organization's links to the

community and salience of the issues on which it works are of less significance than the capacity and the track record of the NGO in completely and managing short-term projects” (2006, 119). Certainly, engaging in lobbying and legal advocacy as the LGBTIQ organizations in Croatia have done, at the very least, requires a working knowledge of legal and government institutions both in Croatia and in the European Union and the English language skills to communicate with international donors, organizations, and institutional representatives.

Referring to sociolinguistic conventions, such as those that I refer to above in professionalized lobbying and advocacy activism, and their “dual relation to power”, Fairclough writes that “on the one hand they incorporate differences of power, on the other hand, they arise out of – and give rise to – particular relations of power” (Fairclough 1989, 1–2). The discourses of human rights that emerge in local activists’ lobbying and advocacy activities, based on Fairclough’s theory of language as a social practice, are understood as produced by and producing various complex relations of power. Higher levels of education and knowledge of English are necessary for and allow individual activists increased levels of access to international and transnational networks of NGOs and donor organizations, which provide both financial support and further professional trainings. These requirements can also create barriers for and marginalize the voices and concerns of those who have not achieved the necessary knowledge or language skills for them to be taken “seriously”. Human rights lobbying and advocacy trainings often entail becoming familiar with standardized, professional jargon that confer authority to the individual activist speaker and the organizations that they represent and enable them to be recognized as professional by governmental and international institutions. Although empowering activists by making their voices heard, viewing these lobbying activities and discourses of human rights used by

activists as merely professional also obscures the ideological nature of these particular rights-based struggles, which I discussed in Chapter 4.

5.2. The Division of Labor in the LGBT NGO Scene

Between 2008-2011, the sphere of more widely known LGBTIQ activism in Croatia consisted of the five major NGOs, which I have mentioned already; Iskorak, the Lesbian Group Kontra, LORI, Queer Zagreb, and Zagreb Pride, as well as several lesser-known groups such as LeZbor (a lesbian feminist choir (Le Zbhor 2013)), qSport (qSport 2013), Queerilica (Lesbian Group Kontra 2013a), Angelina Jolie Fan Club (Lesbian Group Kontra 2013b) and Inqueerzicija (which no longer exists). In addition to the work of these LGBTIQ issue-focused organizations, many other human rights and women's organizations have either occasionally or continually supported and/or collaborated in specific events or activists' campaigns on LGBTIQ issues, including organizations like Ženska Soba, B.a.B.e., the Center for Peace Studies, CESI and the Human Rights House Croatia to name only a few. For the most part, my discussion will focus on four out of the five major organizations, i.e. Lesbian Group Kontra and Iskorak in their collaborations including their early work together on the Pride march as well as the Team for Legal Changes of Iskorak and Kontra, LORI and Zagreb Pride as they are relevant for understanding the process of professionalization and in particular Zagreb Pride as I observed its transformation over several years. I will only briefly touch upon the organization Queer Zagreb, which is an NGO working in the field of culture and media, in order to discuss the significance of the differentiation between cultural activism and political activism. I want to highlight how the sphere of cultural activism in which they participate is likely to attract the state's support, through funding.

Although the five organizations are now officially registered, they did not all start out as small professionalized groups. The Lesbian Group Kontra began as an informal group of

women who had participated in the women's movement (some since the 80s) and several other women's organizations and/or participated in other previously established lesbian and gay groups such as the Lila Initiative (1989) and LIGMA (1992) (Lesbian Group Kontra 2013c). Founded in 1997, two of the first activities in which they were involved were a lesbian SOS info-line and counseling service and the establishment of a network of lesbian groups from the former Yugoslav region that would meet annually in different locations throughout the newly established countries (Lesbian Group Kontra 2013c).

The group Iskorak was founded in the early 2000s by about a dozen activists who aimed to produce a mass movement by obtaining as many members as possible of individuals all over Croatia via the internet (Franjo 2008, Dražen 2010). According to some of my interviewees, the size of this organization would eventually be reduced to a few important members/employees following a series of internal disagreements and many members being "kicked out" (Franjo 2008, Bojan 2009, Dražen 2010). LORI or the Lesbian Organization of Rijeka, the first registered LGBTIQ organization (2001) in Croatia and the only registered organization located outside of Zagreb at the time of my research, was organized by a group of lesbian friends from Rijeka, who were socializing and meeting regularly and then decided to engage in social activism (Jasmina 2008).

Zagreb Pride, although initially organized by the two groups, the Lesbian Group Kontra and Iskorak, for the most part has been a public manifestation and citizens' initiative in which new members come and go and new volunteers are encouraged to join and participate in the logistics and content of the event every year (Zagreb Pride 2013b). During my observations of Zagreb Pride from 2008 to 2011, the organizing committee officially registered as an organization, however, and created a clearer leadership structure, which eventually began applying for EU funding. This change did not occur dramatically and instantaneously. However, before the decision to register (brought about by the need for

additional sources of funding and support), the organizing committee predominantly focused on organizing the Pride march and events related to this manifestation (such as open public discussions, exhibitions, the translation of LGBTIQ literature, and social events), maintained an open membership policy and rotated its leadership. Zagreb Pride's involvement with legal cases was limited to those pertaining to individuals who were assaulted during any part of the annual event. Since obtaining official status, the organization has continued to conduct their activities around Zagreb Pride and sending invitations for membership, but they have also established another part of the organization that I would describe as have a more professional advocacy approach. They have also participated in the formation of the Center for LGBT Equality in 2009 that since its establishment has begun systematically documenting cases of violence and discrimination, advocating for LGBTIQ rights (including legislation related to discrimination in the workplace) and cooperating on local and international human rights initiatives (Center for LGBT Equality 2013).

Queer Zagreb was initiated by one particular individual who, working within a mainstream theater festival in Zagreb, decided to develop a separate cultural festival that would focus on Queer cultural production (Ivo 2009). Although their foundations varied to some degree, all of these organizations except for Queer Zagreb began as initiatives started by small informal groups of citizens.

Iskorak and the Lesbian Group Kontra have been recognized as “the” two groups that put LGBTIQ activism on the map in terms of national awareness in Croatia, although the first existing group of its kind was LIGMA and the first registered NGO was LORI.⁵² Remembering the significance of the founding of Iskorak and the public exposure it received, one of the founding members of the group in the interview described this as a pivotal shift from almost complete invisibility of homosexuality in the mainstream media and larger

⁵² The gay and lesbian group LIGMA was the first existing group of its kind in the newly independent Croatia and LORI was the first group to officially register (2001) following the introduction of new NGO registration laws in 1997.

public to a significant and lasting presence in public discourse on homosexuality (Dražen 2010). Moreover, these two groups were the organizers of the first Zagreb Pride march in 2002, the most significant large-scale public manifestation of LGBTIQ activism in the country.

These two organizations have a complex history of collaboration, which at times became difficult due to differences in political orientation as well as possibly conflicts between individual opinions. In spite of these differences, however, they have maintained a working professional relationship for over 10 years. I would argue that it is in part due to the dedication of some particular individuals who have been members of the Team for Legal Changes.⁵³ Aside from early cooperation in organizing the Pride marches in 2002, 2003, and 2004,⁵⁴ the Team for Legal Changes has been an important endeavor that has bridged the work of these two organizations. It should be noted that the two are divided for the most part down the lines of gender in the sense that the Lesbian Group Kontra is a women's organization; whereas Iskorak was led exclusively by men at the time of my research and for much of its existence.⁵⁵ Since its founding in 2002, the Team for Legal Changes has been the only initiative to focus predominantly on legal issues, providing legal advice and lobbying government officials.⁵⁶

The connection between the Zagreb Pride march and the struggle for legal rights has existed since the first *Gay Pride* in 2002. However, the struggle for specific legal changes has

⁵³ The Team for Legal Changes has been a project of collaboration for the two organizations since 2002 and for most of its existence has consisted of at least one member from each organization.

⁵⁴ This event was referred to during its first year in 2002 as the *Gay Pride*. Both the English spelling and the Croatian variation were used interchangeably in the official "short guide" for the first Pride event, although a dictionary of terms, including *gay* and *coming out*, was provided. Within the dictionary, the term 'gej' is listed and followed by a note that the term is spelled with an 'a' in English, i.e. 'eng. GAY' (Iskorak and Kontra 2002).

⁵⁵ Originally, the Team for Legal Changes consisted of several members from each organization (some of which would join other organizations in the future), but eventually became the project of two individuals, one from each group; consistently Sanja Juras from Kontra, but almost always in collaboration with a male member of Iskorak.

⁵⁶ More recently, in response to the quite frequent cases of violence after the event, the now official Zagreb Pride organization as well as the new umbrella organization the LGBT Center for Equality (which is a collaborative project between members of Zagreb Pride, Queer Zagreb and LORI) also began offering legal services to the public.

varied depending on the membership of the organizing committee and their consensus around the legal agenda. The authors of the “short guide” or political platform for the first event in 2002 relied heavily on the discourse of human rights as a strategy for legitimizing their claims. The authors write, “The Pride parades of lesbians, gays, bisexuals, transsexuals and transgender individuals (LGBT⁵⁷) are important because they alert the public to the violation of human rights”⁵⁸ (Iskorak and Kontra 2002). They go on to emphasize again that “the rights of LGBT individuals are human rights”⁵⁹ and underscores the fact that “the demand for LGBT rights is not a demand for privileges but rather for equal opportunities and equal treatment” and “full access to civil, political, social, economic and cultural rights”⁶⁰ (Iskorak and Kontra 2002). The authors specify then a series of rights that they believe are withheld from “lesbians and gays”, such as the right to individual freedom and security, the right to freely decide regarding one’s own body and sexuality, the right to personal and family life and the freedom to decide to have children, right to work and education, the right to medical and social benefits and the freedom of expression and association (Iskorak and Kontra 2002). This list clearly covers a wide scope of rights from political and civil as well as social and economic ones. In this sense, the early legal activism of Croatian activists’ was broader in scope than struggling for workplace anti-discrimination law or the right to marriage.

⁵⁷ The following year the second “T” be dropped from this acronym and LGBT or LGBTIQ would become the more commonly used acronym for referring the organizations’ constituencies of non-normative sexualities. According to one former member of several of the Zagreb Pride organizing committees, there was a debate as to whether to use one “T” or two. This activist was particularly disturbed by this debate because, according to him, there was not only much confusion about the acronym itself, but from this activist’s perspective there was a lack of genuine concern for the issues and problems that transgender individuals were facing then. Referring to the reason for including T and the surrounding debate, this activist stated that “they also don’t want to present themselves as being backwards in some way. There’s solidarity with the rest of the movement and if that’s where the movement is at, we’ll do it too in a way [...] Ok, we’ll do it. There’s never any, there isn’t ever situation where these people acknowledge the issue, like very rarely do they acknowledge, they’re like LGBT and their talking about gays and that’s the end” (Maja 2009).

⁵⁸ Original text: “Povorke ponosa lezbijki, gejeve, biseksualnih, transseksualnih i transrodnih osoba (LGBT) su važne jer upoyoravaju javnost na kršenje ljudskih prava” (Iskorak and Kontra 2002).

⁵⁹ Original text: “Prava LGBT osoba su ljudska prava” (Iskorak and Kontra 2002).

⁶⁰ Original text: “Zahtijevanje prava LGBT osoba nije zahtijevanje privilegija, već jednakih mogućnosti i jednakog tretmana – punopravne dostupnosti građanskim, političkim, socijalnim, ekonomskim i kulturnim pravima” (Iskorak and Kontra 2002).

Based on the above list of identified human rights abuses, the authors then make explicit their demands regarding the specific laws that the government should change. Their demand is for the government to include sexual orientation as a category within all non-discrimination clauses that already existed for example in the Constitution and the Labor Act (Zakon o radu); to include specific sanctions for discrimination and the abuse of human rights in relation to sexual orientation in the Penal Code (Kazneni Zakon); to include the possibility for homosexual couples to enter into marriage or civil unions and to have all the same rights permitted by these institutions; and to prevent all forms of discrimination in the media and promote non-homophobic discourse in the media through changing the Act on Media and Public Information (Zakon o medijima/zakon o javnom informiranju) (Iskorak and Kontra 2002). They also demanded changes to the Act on Health (Zakon o zdravstvu), the Gender Equality Act (Zakon o ravnopravnosti spolova) and the Act on Higher Education (Zakon o visokom školstvu) (Iskorak and Kontra 2002).

In support of their demands, the Pride organizers then list a slew of international declarations, resolutions, and directives that contain provisions about the need to protect human rights and combat discrimination, including discrimination based on sexual orientation. This list of documents includes international documents such the Universal Declaration of Human Rights, the International Covenant on Civil Rights and Political Rights, the Peking Declaration on Women's Rights and the European Convention on Human Rights. Pointing out the Croatia was not a member of the EU at the time, the authors still find it important to emphasize Croatia's duty to align Croatian legislation with the EU's legal framework (Iskorak and Kontra 2002).

In fact, Croatia was not given candidate status for EU accession until 2004 (Novak 2007). However, according to political scientist Danijela Donlenec, the leftist Social Democratic Party-led ruling coalition that took power in 2000, "made fast and determined

advances towards EU integration” (2008, 39). The Pride activists used this political orientation as an opportunity to draw the government’s attention to the existing EU Charter for Human Rights including Article 21, which prohibits discrimination on the basis of sexual orientation and European Parliament Resolutions against discrimination based on sexual orientation and homophobia (Iskorak and Kontra 2002).⁶¹

These attempts to lobby the government were not merely from an oppositional distance. Several representatives from the ruling coalition participated in the 2002 Pride event, including Šime Lučin who was then the Minister of Interior (SDP); Vesna Pusic, member of the Croatian People’s Party (HNS) and the current Deputy Prime Minister of the SDP-led coalition government that took power in 2011; and other parliamentary members as well as the wife of the then Prime Minister (SDP), Ivica Račan. During our interview, Dorino Manzin, a former President of Iskorak and former member of the Team for Legal Changes, discussed how surprised he was when just four months after they announced the establishment of the group, they were called for a meeting with the Minister of Labor and Social Welfare to discuss the government’s interest in legalizing some form of same-sex partnership. In an interview in the liberal newspaper *Jutarnji List* in May 2002 just before the Gay Pride, Sanja Juras, a current member and spokesperson for the Lesbian Group Kontra and member of the Team for Legal Changes, stated that “a few years ago it was unthinkable to talk about [one’s homosexuality] in public, and today the Minister of Labor and Presidents of the Parliamentary Committees are meeting with us” (Tolić 2002).⁶²

The Pride organizers’ reactions clearly show an element of surprise regarding the government’s positive reception of their struggle. This was a stark contrast to the previous

⁶¹ It is relevant to note that at this point the EU Directive (*Directive 2000/78/EC*) was passed. However, it is also important to point out the limitation of this Directive as it only addresses discrimination in the workplace. As I pointed out, Iskorak and Kontra’s demands in the 2002 Gay Pride platform called for a larger scope of rights or more comprehensive equality in the sense that they also mention social and economic rights.

⁶² Original text: “Prije nekoliko godina bilo je nezamislivo da se o tome javno govori, a danas nas na sastanak primaju ministar rada i predsjednici saborskih odbora” (Tolić 2002).

government's open hostility and homophobia. Dražen stated, for example, during the interview:

They did, they called us. You know, but they were Social Democrats, and when we came there the minister said to me, “see I invited you”. And the former minister who was [part of] Tudman's HDZ at that point, said that, not only that he would never invite you but he would chase you with dogs if you even came close, near to the building (Dražen 2010).

For Jadranka, member of the Lesbian Group Kontra, this was clearly a window of opportunity.

In the year 2002, well, in the year 2000 there had been great political changes with regards to the coalition government and for the first time we could openly advocate for changes and also because Croatia was a candidate country to join the European Union, this also brought possibilities because all the law were going through changes and that included the family act, the labor act, all the other important laws for the LGBT community and basically we decided to organize a small team between two organizations, Iskorak who a newly founded organization and Lesbian Group Kontra from 1997 (Jadranka 2008).

However, this was not the only reason that lobbying and advocacy seemed to be the best strategy according to either of the then main members of the Team for Legal Changes. When addressing the importance of legal changes in my interviews, several activists construct a hierarchy of activism, elevating the importance of lobbying and advocacy in comparison to cultural activities. From this perspective, lobbying and advocacy become part of the processes of professionalization, increasing the value of the work of NGOs that engage in this type of activism.

When asked about Iskorak's choice to take the political route as opposed to focusing on cultural activism or activism on AIDS/HIV and sexual health, Dražen stated:

Well, it was pragmatic. Because you know, you can be an activist, you can do demonstrations and protest and whatever on the street, it's ok. You can do what we did with this HIV and AIDS, visiting people who we know have HIV and AIDS and having sex, giving them condoms. It's all nice, but if you want *real* change, it must be on legislative grounds, on

that level. *And you cannot change it without political will.* And Croatia, and I think all the countries in transition, have this problem that they're not very institutionalized, like that the main decisions are done on the level of like government or you know institutions, whatever institution, but more like you know, let's drink a coffee with the president of one parliamentary party and try to convince him that that would be great, everybody listens to that, you know that kind of activism was necessary (Dražen 2010, emphasis added).

Indeed, the year 2003 was a pivotal year in terms of the adoption of new legislation. In their 2003 report, the Team for Legal Changes wrote, “Compared to the previous year, in 2003, the position of sexual and gender minorities in the Republic of Croatia improved considerably. The greatest improvement concerning the protection of sexual and gender minority rights was made in legislation” (Juras and Manzin 2003). That year alone, clauses that required protection against discrimination based on sexual orientation were included in the *Labor Act* (*Zakon o radu*, NN 114/03), the *Gender Equality Act* (*Zakon o ravnopravnosti spolova*, NN 116/03), the *Act on Scientific Work and Higher Education* (*Zakon o znanstvenoj djelatnosti i visokom školstvu*, NN 123/03), and the *Penal Code* (*Kazneni Zakon*, NN 111/03). This emphasis on lobbying and anti-discrimination laws echoes the priorities of the international organization ILGA-Europe during this time as well, which associates lobbying for legal changes as evidence of professionalism and “seriousness” (ILGA-Europe 2002).⁶³

Another significant reform-focused legal change was the adoption of the *Act on Same-Sex Unions* (*Zakon o istospolnim zajednicama*, NN 116/03). This law provides only two provisions, i.e. the obligation of one partner to support the other partner in the case that the union is dissolved and the latter individual does not have sufficient financial for living alone and equal ownership to the property obtained during the partnership. The partnership is

⁶³ In their Activity Report for 2001/2001, ILGA-Europe writes that it will “include lobbying skills of the highest order” and states “[b]y demonstrating our professionalism in these ways we will convince all of our contacts, and the wider public, of the seriousness of our cause” (ILGA-Europe 2002, 3). In terms of describing their work in Southeastern Europe, they write that they intend to provide “support and technical advice to assist in the development of LGBT human rights organizations in Central, Eastern and Southeastern Europe, in such areas as lobbying skills, funding, organizational development, combating discrimination and mobilizing international pressure in respect of particular human rights violations” (ILGA-Europe 2002, 20).

established as official when it has existed for more than three years. Although the amount of rights provided through this legislation is minimal, the Team for Legal Changes considered it to be an important symbolic step towards marriage equality (Juras and Manzin 2003). Since this law, however, no additional rights have been achieved and, according to several activists whom I spoke with, no one thus far has actually used the law.

There may be many reasons for this fact, for example, an existing fear to out one's self (which is a reason many activists have mentioned) or the fact that the rights provided by this law are so minimal and the method in which one is recognized as having a partnership is somewhat odd. The law addresses only negative situations in which partners are splitting as opposed to providing support to a functioning couple, or it may seem useless if there is little faith in existing institutions (such as the courts) to actually guarantee the law. In fact, general confidence in legal mechanisms, the judicial/legal system, and government institutions has been quite low in Croatia after the transition, especially pertaining to the protection of the rights of LGBTIQ individuals.⁶⁴ I will discuss this point in relation to the anti-discrimination law in more detail further in section 5.5 in this chapter.

Another important statement made by Dražen in the above quote pertains to his comment about “real” change while referring to lobbying and legal advocacy echoes comments made by other activists in my sample. Either when referring directly to the work of the Team for Legal Changes or anything related to law and court cases or while discussing other types of activism, for example, the cultural activism of Queer Zagreb, the qualification “real” implies that hierarchies are being made. The meaning of the term “real” and its

⁶⁴ See, for example, political scientist Vlasta Ilišin's chapter “Political Values and Attitudes” (Ilišin 2007). In this chapter Ilišin discusses the low level of trust in governmental institutions such as the police, legal system, government, political parties and public services. In a report published by Kontra in 2006, they also found base on surveys conducted in the LGBT community that “80% of persons who experienced some form of violence in the period from 2002 to 2005 did not report that violence to the police. The reasons for not reporting the violence to the police vary from *mistrust* towards the police, their own judgement of the insufficient severity of violence for reporting to the police, to fear, shame and unease [80% osoba koje su doživjele neki oblik nasilja u razdoblju od 2002. do kraja 2005. godine to nasilje nisu prijavile policiji. Razlozi neprijavlivanja nasilja policiji variraju od *nepovjerenja* prema policiji, vlastite procjene nedostatne težine nasilja za prijavu policiji, do straha, srama i nelagode] (Pikić and Jugović 2006, 37, emphasis added).

association with the “political” limits the sphere of activism to rights-based struggles or so-called real political actions as opposed to cultural activities. Commenting on the use of the term queer in an organizations name, for example, one activist, a former member of Iskorak, claimed:

It’s suitable for an organization that wants to deal with culture or something provocative or something extravagant or showy. But it’s not suitable for an organization that wants to be political and serious because it’s not serious, it’s more playful (Bojan 2009).

During one informal, less structured interview with Darko, another founding member of Iskorak, I engaged in a more focused discussion of professionalization and its relationship to “serious politics”. In this discussion, Darko strongly supported the professionalization of NGO work in the sense that they should be politically serious and also employ serious, educated intellectuals with high political awareness, who would not centralize political power and make decisions by themselves but would carry out the collectively created strategies of the group (Darko 2009). When asked about the tendency for disagreements between organizations and activists regarding what constitutes “serious” political goals; disagreements which have at times has caused groups to split, members to be expelled and cooperation to fail, he did express his regret that so much *personal disagreement* has come between creating a more unified community based on solidarity (Darko 2009). This activist observed that organizations tend to fight a lot and are, therefore, negatively perceived as being the work of one individual who maintains their position indefinitely. In his opinion, these factors influenced younger activists in their decision to turn to less “serious” clubs like the Angela Jolie Fan Club. However, although he disagreed with what he saw as problematic distribution of power within and between NGOs, he still reasserted that there still needs to be a purely political goal behind activism. He used the example of the recognition of same-sex couples in the law during the interview. The solution, in his opinion, to this problem is the creation of

structured, professionalized, and democratic NGOs, in which persons do not maintain a leadership position indefinitely (Darko 2009). Regarding the issue of leadership, the Lesbian Group Kontra, Iskorak, LORI, and Queer Zagreb all have individuals in leadership positions who have been there since the establishment of the organization, most receiving salaries, albeit quite low for some.⁶⁵

The hierarchy between political and cultural activism is also reflected in some of the Team for Legal Change's "Annual Reports on the Status of Human Rights of Sexual and Gender Minorities in Croatia", which are intended to inform the Croatian public, government institutions as well as international LGBTIQ organizations and donors. In the 2006 report, for example, the Team for Legal Changes undervalues the significance of the Queer Zagreb Festival. Although praising the festival for having greater coverage in the media and larger attendance that year than in previous years, the authors claim that "[t]here is no proof that queer culture has succeeded in becoming established in the Croatian media and among a broader audience which contributes to the decreasing of prejudices against sexual and gender minorities" (Juras and Grđan 2006). The authors fail to qualify this statement with further evidence or justification. What is also significant is their attempt to creating a hierarchy of different types of activism and to delimit the boundaries of proper political activism. Evidence of their opinion that this event is of less importance is also found in the 2007 and 2008 reports (Juras and Grđan 2007; Juras and Grđan 2008). In these reports, the work of Queer Zagreb is given minimal coverage and is allotted very little space to discuss the events and activities carried out by the organization. These reports include no more than a few brief sentences about the event, as opposed to some prior reports which include an additional 2 or 3 sentences. The reason for this omission may be partly due to the fact that no other

⁶⁵ In theory, several of the organizations (LORI, Iskorak, and the Lesbian Group Kontra) have structures that are given the responsibility to elect individuals to fill the various positions. In practice these elections result in reestablishing particular individuals as leaders, and there seems to be no limited period in which one person can serve in a particular position. Queer Zagreb seems to be an exception in that the organization was founded by one individual, who is the permanent artistic director.

organizations or activists outside of Iskorak and the Lesbian Group Kontra participate in the drafting of the report.⁶⁶ It may also be an indication of the strengthening of the authors' opinion that the festival is of little value.

The imperative to have a serious political message has also been used by the Team for Legal Changes in their criticism of the organization of Zagreb Pride. In three consecutive annual reports from 2007 to 2009, the Team for Legal Changes describes the Zagreb Pride event as not having a “clear political message” (Juras and Grđan 2007). Specifically referring to the theme of the 2007 Zagreb Pride event, they write again without further explanation, “[...] while the theme of visibility itself indicates one of the ways of advocacy, which in itself in Croatia is not significant in a political context (Juras and Grđan 2007, 69). The implication here might be that visibility alone is no longer an important objective and that activism must move beyond this agenda and include more serious professional activities such as lobbying.

In the following two reports in 2008 and 2009, the Team for Legal Changes again claims that the events were lacking “any” political message (Juras and Grđan 2008, 44; Juras and Bosanac 2009, 48).⁶⁷ Taking into consideration the messages of the early Pride marches in which Iskorak and the Lesbian Group Kontra led the organization of the event, which relied on the discourse of rights, it would also seem that a real political message is rights-based or should include demands for specific rights. Years later in 2011, when the Lesbian Group Kontra and Iskorak decided together with a local feminist group Domine in Split to organize the first Pride event outside of the capital Zagreb, the slogan for the parade was

⁶⁶ There is, of course, the one exceptional case in the 2009 report in which a member of Queer Zagreb contributed to the section discussing Queer Zagreb's activities that year, which is evidence that complaints about the drafting of the report were eventually taken seriously. Still, there are two sides to this situation regarding contributing to this report in which one side claims the other should volunteer information but never has and the other side which claims that they have never been asked for information and even when there are attempts to contribute, these attempts are often ignored. I am not trying to assess which story is more valid; rather I would like to point out what actually makes it into the report and how it can be read. As I will discuss further on, this lack of cooperation would eventually be one of the reasons that other organizations would make plans to draft their own shadow report on LGBTIQ human rights in Croatia.

⁶⁷ Note that Gordon Bosanac, who is a member of Queer Zagreb only contributed the parts relevant to the Queer Zagreb Festival. The main author of the report is Sanja Juras of the Lesbian Group Kontra.

“Different Families, Same Rights”,⁶⁸ echoing the title of ILGA-Europe’s 2007 report on LGBT families and international human rights law (Hodson 2007) and reflecting their commitment to rights-based advocacy.⁶⁹

The need to emphasize that real activism is lobbying for legal mechanisms has at times created serious political disagreements and even great divides between individuals and organizations within the larger LGBTIQ activist community. During the organization of the 2006 Zagreb Pride event, there were strong disagreements between individuals and organizations involved in the organizing committee. Besides debating on whether the committee should be made up of official organizations or individual citizens⁷⁰ - a dispute that again highlights the overvaluing of professionalized activism - there were also debates about the theme of the Pride that year. According to Davor, a member of the Zagreb Pride organizing committee, some organizations and individuals were vehemently lobbying for the theme to address the legalization of same-sex partnerships. Davor disagreed with this theme and the emphasis on same-sex partnership and argued that there were more pressing problems facing the community, for example, violence, (institutional) discrimination, and identity formation (Davor 2009). Eventually the differences between committee members would lead to the expulsion of the participant who was pushing for the agenda prioritizing a same-sex union law.

Much long-term resentment and animosity between individuals and organizations resulted from this decision. These differences in approaches to activism do not only lead to personal grudges, but also hinder the development of larger networks of solidarity. The resulting lack of future solidarity in this case also stems from the fact that many of the individuals on the committee were or would be members (leaders) of specific organizations.

⁶⁸ Original slogan: “Različite obitelji, jednaka prava”.

⁶⁹ It is relevant to note that the Zagreb Pride organization and the organizers of Split Pride did not cooperate in this initiative.

⁷⁰ In the end, individuals on the committee were considered to be there as private citizens rather than representatives of organizations.

Moreover, the situation is exacerbated by the fact that leaders also tend to maintain their positions within the organizations.

In response to my question about whether the Lesbian Group Kontra collaborates with other organizations besides Iskorak regularly, one member of the Lesbian Group Kontra stated:

Well, actually no. In Croatia there are not so many organizations who are really organized and have projects, since recently there have been several organizations who are new and haven't started even working on projects yet. We have probably organizations who are really *serious*, there is LORI in Rijeka, we sometimes cooperate with them and still cooperate for example on some cases when they were trying to organize, it was some kind of campaign and they had some presentation in the library and the library refused them so we brought criminal charges against the library for example (Jadranka 2008, emphasis added).

Aside from again stressing the importance of their work on the legal case as part of their cooperation with another organization, Jadranka also emphasizes that the marker of a serious or real organization is that it works on *projects*. This point is significant as it indicates a valorization of professionalized, project-based activism. In this particular case, the expectation of “project” orientation also seems to contribute to a lack of solidarity or willingness to collaborate with those organizations that have not achieved a certain level of professionalization in this regard.

Vesna, one feminist lesbian activist who assisted with the organization of the Zagreb Pride for a couple of years, recounted her experience in getting started in feminist NGO (one that often collaborates and supports LGBTIQ activists' work) and described the difficulty in adjusting to the specialized NGO discourses and practices:

It wasn't a pretty happy collaboration because of my lack of experience in the NGO sector. They were like, they were writing for 10 years now and I just jumped in, so it's I don't know. I wasn't happy with how my ideas were received. They weren't happy with how I'm doing things, the way they used to [...] But, I didn't even know at all how is the structure in the government or what the committees are or where, what ministries. I knew

what the Ministry was but how the inner structure is ... and because they were like lobbying for some laws and they were like particular in some, I didn't, I think the average citizen doesn't know how things [are]. So they were like pretty much knowing everybody and they knew what they are to do and when they were speaking that was the language I didn't understand, you know. We need to do blah blah for this and that person, I didn't know the titles and the places. (Vesna 2011).

Vesna describes the organization's professionalized activities regarding their focus on lobbying and her own lack of knowledge pertaining to laws and government structures as well as the particular form of talk (including particular jargon) that was necessary for her participation in the NGO. She also points out the potential divide this knowledge gap produces between the already experienced, professionalized activist and a citizen such as herself who desired to take part and contribute but without the necessary practice behind her. In describing her own interests in getting involved in activism, this activist expressed her preference for grassroots activism and disappointment in groups that maintain a hierarchy between different types of activism and activities that leave no room for training new members. Referring to the importance of Zagreb Pride and Queer Zagreb organization of queer/LGBTIQ parties as a means of attracting a younger generation of activists who might not be interested in this kind of professionalized activism, she states:

For me the problem is when somebody says that [their own] part is the most important one. It is not. It is everybody together, so that's why I'm really frustrated when older feminists don't see, it is for me totally against any feminist principle to not include groups that are coming [i.e. newly established groups]. Their job is to make that place there so that some people, but it's not their job, it would be nice of them if they would do that. It is our job to find our place, don't project and blame anybody (Vesna 2011).

Josip, one activist from Queer Zagreb also points out the positive aspect of having more and more organizations appear on the LGBTIQ activist scene. When asked about the extent to which organizations are able to cooperate with each other, he replied:

I think that we all worked together as much as we could. So it's enough and it's not enough. I think that was the reality, that was the capacity. We [...] dream about better coordination [...] but I don't think that something bigger would happen if we would be working more closely because it's very hard to work, because there are some really different, different cultural organizations and different views on other things. [...] this is the basic idea of civil society. It is not that we have to be happy and work together and make social changes [...] I don't believe in that. I mean, the idea is differences. And even the conflicts that took place within the communities actually came out with some more interesting results as LezBor appeared and I don't know at some point there was a gay sport group, so those are some emerging phenomena which will maybe never happen [...] if only the main organizations were working together and coordinating together (Josip 2009).

Josip's claim here is not to undermine the importance of collaboration, as he himself has participated in other organizations throughout the years (i.e. the Team for Legal Changes and Iskorak, Iskorak), but rather to stress the productive potential of disagreement and the need for room for diversity without devaluing the work of any other organizations.

Conflicts and differences of approach among civil society actors can create, as Josip points out, a space for development of new initiatives and create diversity in the larger community of activists. Due to differences of opinion, for example, within the activist community regarding the organization of the 2005 Pride, Iskorak decided at the last minute not to organize the event. There was, however, a swift response of individuals in the community (which formed an informal group, calling themselves Epikriza⁷¹) to what they believed was an unfortunate decision, and they managed to organize the event. Hence, the organization of Zagreb Pride 2005, on the one hand, illustrates the claim that differences can be creative. On the other hand, it is also quite revealing as to how unwillingness to cooperate can impede solidarity.

⁷¹ I discuss this event in more detail in Section 5.3.

5.3. The Role of International Organizations and Donors

The appearance of conflicts between activists and organizations in the LGBTIQ community in Croatia can serve not only as a means for introducing the different approaches and the way in which professionalized, legal activism has been prioritized or overvalued as the most important type of political activism, but these conflicts also serve as a lens for discussing the important role of actors outside of the local activist community for the process of professionalization. It is all the more important as my sources (Lang 1997; Alvarez 1999; Bagić 2002) seem to highlight this factor, although mostly in the context of women's NGOs. Aside from the collaborations between specific organizations around actual events, there have in fact been several attempts to create larger collaborative networks both within Croatia and within the larger ex-Yugoslav region. During these initiatives, international donors and organizations in particular have played an important role. Although none of these larger initiatives continue to function, a discussion of their beginnings and ends reveals how particular types of funding and support (or even interference) provided by both government and international organizations can help and hinder local and regional collaboration at the same time.

As I have mentioned, feminists have for some time criticized the ways in which international and even state support of NGOs has contributed to project-based activism, which impedes not only an organization's ability to focus on long-term goals but also the development of community empowerment and solidarity (Alvarez 1999, Lang 1997, Bagić 2002). Referring to the work of sociologist and gender scholar Marina Blagojević on women's organizations in Serbia, Bagić notes that some donor's emphasis on networking has been a positive development in terms facilitating networking. However;

[surviving] “from one project to another, and the criteria in designing the projects often seem to be set up mostly according to the external and not the internal, local, needs assessments [...] and competition over the resources has led to the decrease of solidarity on the local level and to difficulties in relationships among the local women’s organizations (Bagić 2002, 11).

Her point about increasing competition or a decrease in solidarity across organizations is quite relevant for understanding some of the developments and problems that have arisen between and within organizations within the LGBTIQ activist scene in Croatia. However, it does not mean that the several attempts to create coalitions or larger networks of organizations were completely without purpose.

The first attempt to create a larger LGBTIQ network of collaboration between organizations within Croatia happened early on, between 2002 and 2004. This is the time period when most of the now mainstream organizations were established. One activist, Maja, who participated in the initiative, described the reasons for creating the network:

Now we have a few groups, so let’s get together and let’s do some joint actions or some joint statements that go out because we’re stronger that way. Let’s not repeat, I have a project for empowerment and I’m doing a campaign and you’re doing a campaign. Let’s either do campaign together or you can do a campaign, I’ll do something else. Let’s just exchange information, and act politically together (Maja 2010).

According to Maja, solidarity and cooperation was seen as a key to creating a stronger political influence. This initial attempt to coordinate activities together, however, failed due to the disputes about the 2005 Zagreb Pride, which I have already mentioned. Describing this dispute in more detail, Maja claims that ideological differences of opinion of Iskorak and the Lesbian Group Kontra, the two main groups involved, to some extent contributed to the groups’ different understanding of their strategies and goals.

[...] it was very open and direct confrontation, but that also had to do a lot with transphobia. So that’s what [...] it boiled down to, transphobia and it boiled down to sexism. These two things were very visible in terms of the way Iskorak was approaching the issue. I think that the main difference

and the specific circumstance that not only Croatia but this whole region has is there was some prior civil organizing that preceded LGBTIQ movement, so you had feminist organizations that were connected across borders, you had the whole peace movement, then you had human rights organizations, all of these, especially feminist organizations, gave space for both lesbian and gay organizations to start forming, they gave them space, they gave them skills. So as opposed to the rest of Eastern Europe, where these organizations were formed at some point, ok, let's just, with no backup. [...] but in principle both feminist and peace movement in this region incorporated or supported the cause [LGBT cause] [...] You had organizations that were formed in that context, [like] Kontra. And then you have Iskorak who has no previous activism experience or any base, they're just forming because they're discriminated (Maja 2010).

According to Maja, the feminists and larger civil society networks from which the Lesbian Group Kontra emerged created a more comprehensive awareness of inequality, human rights, and larger institutional and ideological forces that produced sexually marginalized groups. Against which, Maja highlights Iskorak's gender normative approach and its consequent transphobia which perpetuates discrimination within the LGBTIQ population. It is important to note that according to Maja, both the Lesbian Group Kontra and Iskorak contributed to hegemonic gender norms though, when choosing activists who would represent the two organizations in the media. This decision did not go unnoticed either by some media. In the news report of liberal newspaper *Jutarnji List*, for instance, the journalist commented on the appearance of Sanja Juras, the spokesperson of the Lesbian Group Kontra, as "delicate" and quite the opposite of the apparent stereotypes of lesbians as "tough and dangerous" (Tolić 2002).⁷²

Although locally specific ideological platforms and concerns played an important role in the dispute, funding for the 2005 Pride event also emerged as an issue related to the process of professionalization. According to Bojan, a former member of Iskorak, because of growing disagreements between the two organizations, Iskorak and the Lesbian Group

⁷² Original text: "[...] slika nje kako muški razija vrata, zbog uobičajene predrasude da su lezbijke rabijatne i opasne, potpuno je nevjerojatna. Jer [...] koordinatorica lezbijske grupe Kontra, ima 20 godina, nježne je građe i plave kose [...]" (Tolić 2002).

Kontra decided to take turns organizing Pride from year to year (Bojan 2009). As the Lesbian Group Kontra led the organization of the 2004 Zagreb Pride, Iskorak was given the responsibility of organizing the 2005 Zagreb Pride. Iskorak initially received 30,000 Kunas funding for the event from the city of Zagreb (Frlan 2005); however, they eventually decided not to organize the event.⁷³ Therefore, Epikriza, the ad-hoc group of concerned citizens, finally organized Zagreb Pride 2005. In order to secure funding for the event, however, they collaborated with the Lesbian Group Kontra and the Center for Peace Studies (Lesbian Group Kontra 2013d), which are officially registered organizations that can more easily acquire funding.

The criteria for the distribution of or competition for funding that have been established both by governmental institutions and international donors have at times contributed to solidarity between organizations and at other times have inadvertently added to disaccord. In order to receive any funds, groups are required to officially register, and the criteria often include particular skills and knowledge which to varying degrees are spelled out in the applications for funding depending on the demands of the donor. Aside from the last-minute nature of Epikriza's initiative to organize the 2005 Zagreb Pride in response to Iskorak's decision to pull-out, Epikriza would have had difficulty unlike Iskorak in applying for most funds at all as they were not an officially registered organization. The fact that Epikriza did not receive any of that government funding that was originally awarded to Iskorak for the event and that organizations stepped in to assist the group attests to an

⁷³ A statement drafted by the organizers of the 2005 Zagreb Pride, Epikriza, that discusses the Iskorak's reasons as to why they decided not to organize the Pride as well as the reasons Epikriza decided to organize the Pride anyway can be found on the current Zagreb Pride website (Juran et al. 2013). In this statement, the authors mention an interview that the newspaper *Novi List* conducted with Dorino Manzin (former president of Iskorak) in which he gives reasons for Iskorak's decision (Juran et al. 2013). In this interview, Dorino describes Pride as "countereffective" (kontraefektinim) and discusses how the public finds the event disruptive and how this "radical" (radikalan) type of activism was more appropriate for the beginning stage of LGBT activism; whereas the time has arrived for a different type of activism (Juran et al. 2013), implying that something more mainstream would be appropriate.

increasingly important and complicated role that financial support has played for activism in Croatia resulting in simultaneously solidarity and a lack thereof.

Due to the requirement of official registration, the Zagreb Pride organizing committees, for example, from year to year have come up with various creative solutions for receiving funding. As registered organizations, Iskorak and the Lesbian Group Kontra were able to apply for funding themselves for the 2002 – 2004 Pride marches. However, as I mentioned above, the ad-hoc group Eprikriza that organized the 2005 event relied on their personal contacts with the Lesbian Group Kontra and the Center for Peace Studies that channeled the funds through their own accounts. When the organization of Pride was citizen-based organizing committees, from 2006 to 2008, they also relied on the good will and support of the Lesbian Group Kontra as well as Ženska Soba, Queer Zagreb, and K-Zona to receive the funds on their organizational accounts and to pass on these funds to the organizing committee as it was necessary. Only since the organizing committee of the 2008 Zagreb Pride officially registered as a group was Zagreb Pride then able to handle their own funds and donations. Aside from receiving funding from the Croatian government, Zagreb Pride has over the years depended on donors such as COC Netherlands, Global Fund for Women, the Astraea Lesbian Foundation for Justice, as well as several embassies (Norwegian, Dutch, and Danish) and private donors.

During my interviews with representatives of COC Netherlands (COC), a federation of 21 Dutch organizations and groups that advocate for the rights of LGBT individuals in the Netherlands and abroad (COC Netherlands 2013), I was able to find out more about how international organizations like them have cooperated with local organizations such as Iskorak, the Lesbian Group Kontra, and Queer Zagreb and about their expectations as

donor/partner.⁷⁴ This meeting was arranged as the concluding or wrap-up activity for a project that COC had been conducting in the region for the previous five years. I asked the COC representatives about the importance of official registration and professionalism as requirements for receiving support as it was discussed during the meeting.

Gert, an international project manager at COC Netherlands, pointed out the importance of observing formalities as a matter of accountability and trust:

[...] if you look at potential funds, as far as funding comes from governmental bodies or development organizations funded by governments or international organizations. There is just, there is a set of requirements that you just really need to observe. One, I think, is registration. A second one is clear management structure, accountability, sustainability. Bureaucratic institutions that have formal, a formalist approach to funding schemes, to grant applications and the people judging those applications are not people who are aware of content, they're bureaucrats. [...] I'm not saying you can't be an anarchists or someone wearing baggy trousers when you go to a meeting, with your hair done up. That's not the point. But, it can't be sort of a collective of people that has no legal base when it comes to themselves, but supplying 15,000 Euros of funding to do project x, y, and z. Because, as there is no knowledge of the local area and the content, this base of trust can only be established through observing these formalities (Gert 2008).

Gert, in my reading to some extent, shifts responsibility for the formal requirement when he points out that COC as a distributor of funds which they receive from other “back donors” is simply required to enforce certain formal criteria that have already been established by larger, more distant donors. What is more, according to Gert, these requirements are “responsible” when these institutions are not so much interested in particular content as they are to ensuring that potential receivers are legally obligated to their agreement regarding the use of funds. From the perspective of financial management, there appears to be a general disinterest in working together with any particular organization on any particular struggle. It seems as if they were looking for the organization that is most qualified in terms of their professional

⁷⁴ It is important to note that I conducted this interview soon after COC and a representative from their ‘back donor’, the Dutch international development organization Hivos, held a meeting in 2008 with LGBTIQ organizations from across the region including Croatia, Serbia, and Macedonia.

criteria of accountability. Moreover, from Gert's perspective, "accountability" does not seem to entail the organizations responsibility to the communities that they work for, but rather the organizations from which they receive funding. Framing this arrangement as a matter of "trust" is also questionable considering that the relationship is one of contract or legal obligation, which is considerably different from one based on mutual trust. Gert's understanding of formal requirements has been described by scholars of activism and social movements Aziz Choudry and Eric Shragge in their work on the professionalization of community organizations as part of the "prevailing approaches to formal NGO development [that] tend to require a legal framework for organization rather than informal or traditional forms. A textual orientation insists that practice is not real unless it can be documented in writing" (Choudry and Shragge 2011, 508).

In terms of solidarity or trust, this representative's response to my inquiry about whether COC may lose out on potential partnerships based on these criteria is also somewhat revealing. He states that from:

[...] a Western perspective, donors do not lose out on possibilities. It's grassroots organizations that lose out on a funding possibility [...]. [A] potential donor will not see anything as a missed opportunity because [they] are oversubscribed - if it's not you it's someone else (Gert 2008).

This framing sets up a hierarchical differentiation between Western donors and non-Western receivers. By emphasizing the formality of the relationship, the lack of interests in content, and the ephemeral, arbitrary nature of these collaborations, one could hardly describe this support as based on solidarity. Rather, these transactions are presented more as basic, standardized practice of professionalized advocacy. Choudry and Shragge argue that "[t]here is a deeply colonial and (re)colonizing aspect to this process" in that it valorizes certain types of "Western" knowledge and practice (Choudry and Shragge 2011, 508). They argue that by emphasizing the upward accountability to donor organizations and the "managerialist

organizational governance structures and practices” that accompany donor expectations (Choudry and Shragge 2011, 508), this process of professionalization “discipline[s] and undermine[s] the political space for radical organizing [...] (Choudry and Shragge 2011, 514).

Another important donor for several organizations and one that has provided financial support to Zagreb Pride events for many years, both when they were an informal group of citizens as well as after they became an official organization, was Global Fund for Women.⁷⁵ Although I did not get a chance to conduct an interview with a representative from the organization, I did manage to take part in an actual discussion between a Program Manager from the Global Fund for Women and several representatives from the Zagreb Pride organizing committee in 2008. The Global Fund for Women’s approach to supporting local initiatives is quite different from, for example, COC Netherlands. It was praised quite often by activists from many different organizations during my research for the ways in which the organization more actively engaged with local organizations in the region, approached the organizations with flexibility and trust, and questioned the specific methods of professionalization and “colonizing” practices of other external donors and organizations.

During the informal group conversation with the representative from the Global Fund for Women, Franjo, one of the organizers of Zagreb Pride 2008, mentioned COC Netherlands’ initial intention to “build an LGBT movement in the Balkans” as an example of

⁷⁵ The Global Fund for Women is a “publically supported, nonprofit grant-making foundation that advances women’s human rights by funding women-led organizations worldwide” (Global Fund for Women 2013a). In terms of their understanding of the important human rights issues facing women worldwide, they write that they work with organizations that, for example, focus on combating discrimination and violence as well as poverty and “poor economic conditions” and struggle to secure access to education and “safe, affordable health care” (Global Fund for Women 2013b). In this sense, the Global Fund for Women’s understanding of human rights is broader and addresses the larger social and economic structures that affect women. Regarding their grant-making process, the Global Fund for Women writes that they are “[...] committed to a grantmaking process that is clear, user friendly, and respectful of grantee’s time and resources. [...] The majority of our grants are given in general support to organizations, which allows women to make decisions about how to allocate funds in ways that best address the needs of their communities. We trust and value local expertise and we are committed to grantmaking collaborations that advance women’s human rights” (Global Fund for Women 2013c). I saw this method in practice while observing how they worked with organizers of Zagreb Pride 2008.

a “colonizing act” (Amy 2009). The event to which the activist was referring occurred in 2003 when COC Netherlands, after conducting a fact-finding mission in the larger Southeastern European region – spanning from Slovenia to Moldova – together with HIVOS in 2002, decided to embark on a new five-year project called “Uniting Southeastern Europe”. In this regard, Maja’s impression of COC’s initial intervention was similar. She also mentions that this fact-finding mission was done in a non-transparent way in the sense that activists were not made aware of the organizations reasons for gathering information (Maja 2009). My other informants also expressed their disappointment with this initiative in that it seemed that COC Netherlands was claiming that they would come to “start the LGBT movement” in Southeastern Europe. Indeed, when I asked Henk, another COC manager of international projects, about the successful outcomes from the “Uniting Southeastern Europe” project, he mentioned that there is “now a movement in Kosovo and Macedonia” as well as several other “firsts”, such as establishing *offices* in several cities throughout the region (Henk 2008). For the already established LGBTIQ organizations in Croatia that were in the midst of creating their own networks (including a regional network founded in 2003 – the Southeastern European Queer Network or SEEQ⁷⁶), this seemed, at the very least, to undermine the local activists’ own activities and, at the worst, to aggrandize COC Netherland’s project. During my interview with Henk, he acknowledged his awareness of certain disappointment from the local activists about their initiative:

⁷⁶ According to their platform which is no longer available online as their website has since been shut down, the SEEQ network is a regional network of queer activists and organizations dealing with promotion and protection of human rights of LGBTIQ persons, as well as preventing discrimination and violence based on sex, gender, sexual or gender identity, gender expression, (inter)sexual characteristics and sexual orientation. In September 2003, the Network was founded by members from BiH, Croatia, Kosovo, Macedonia, Slovenia, Serbia and Montenegro. Information about the network can now be found at the following link: <http://www.queer.ba/en/seeqnetwork> (accessed September 10, 2013). From 2003 to 2007, the Network held several meetings a year. According to one Croatian activist, Maja, who was involved in the network’s founding, the network was important as united regional body that could have more of an impact within the larger international organization ILGA-Europe, as well as creating a unified approach to organizations that work within the region such as COC Netherlands (Maja 2009).

And that was taken very badly because they thought that we were going to force them to work united, that we were going to build a structure to unite them and we were gonna determine their work. We were very accused for neo-colonialism, which is totally not our intention. But you know, being from abroad, coming from somewhere, it's very easy to be misunderstood basically (Henk 2008).

Although Henk seems to perceive the disappointment of the local activists as a result of a misunderstanding, his impressions of the work of local activists seems to reaffirm these activists' initial skepticism.

The COC representative's impressions on the activists and the general state of LGBTIQ activism in the region reveal a particular understanding of professionalism and "development". In the interview, it seems that he is discussing the work of local activists from COC's seemingly more "developed" position, for example, using the phrase such as "great potential" to describe what activism in the region could be. When asked about the results of the meeting that they held in Zagreb days before our interview, the representative replied:

I think what was a good thing to hear yesterday is that you see there is this kind of desire and there's this understanding that they would like to work together in a way. I think we again offered, *if they get to a better stage*, we are willing to meet up and think with them at least. *But now we really leave the initiative again with them. I hope they learned from their previous experience*, I think they did. So I think that that's the most important thing I've heard basically, is that yes, there is this desire to you know work together, there is this need, or at least there's this need to have a level between grassroots and the mainstream world out there. And I think I'm very happy that *they do acknowledge* that this need is there. *Because what we've seen as a problem is that a lot of people basically didn't want to take responsibility for this layer in between*. That is, I didn't hear anybody wanting to take the commitment yet yesterday. But this has to evolve (Henk 2008, emphasis added).

By stating that "we (meaning COC) leave the initiative *again* to them", the implication is that somehow COC was and also has been the main culprit behind early initiatives. Also, his statement that he thinks that the local activists learned from their previous experience, that is,

the phrase “they do acknowledge” positions COC as the more knowledgeable partner and is enunciated from a paternalistic position. Finally, his conclusion that one of the main impediments to “evolution” is the failure to take responsibility not only relies on a notion of progress but also echoes the discourse of “maturity”.

The Global Fund for Women seems to have taken a very different approach to developing their relationship to the local activists and organizations in Croatia. During my informal conversation with the representative of Global Fund for Women, while she was meeting with organizers of the 2008 Zagreb Pride, we discussed her personal experience in trying to lobby and persuade donor organizations not to take the approach that they should be here [locally] to “create civil society” because that should reflect on their approach as “colonizing” (Amy 2008). The Global Fund for Women have been supporting the work of women’s organizations in Croatia and the larger region for many years⁷⁷ and regularly consult with local advisors in order to better assess the needs of the organizations in the local context. Although this shows much more concern and solidarity for the work of the local activists, their approach can also be complicated by the positioning and personalities of the advisors with whom they choose to work. Bagić discusses the role of personal connections between donors and organizations in post-Yugoslav countries and writes that there is:

reason to doubt whether [a] mixture of personal friendships and emotional attachments [developed in the more personal approach of cooperation] coupled with an imbalance in financial power, always [leads] to the most beneficial use of resources (2002, 21).

Moreover, Bagić points out, personal relationships determine group organization within the local women’s activist community as well. Therefore, when Global Fund for Women, for instance, chooses to consult with a few particular individuals within an activist scene, this

⁷⁷ Global Fund for Women awarded one of the first grants in the region to a Croatian feminist organization called Kareta (Global Fund for Women 2013d). Kareta was a “feminist group [...] dedicated to providing relief and assistance to women survivors of the genocide and sexual atrocities during the war in the former Yugoslavia” (Knezevic and Skuric-Prodanovic 2013).

may also limit cooperation with some organizations or individuals due to these advisors' personal relationships within the community. Therefore, donors would need to keep in mind the sometimes competitive field in which local organizations work and also be cognizant of their role in potentially exacerbating this competition.

Apart from using advisors, the Global Fund for Women also reached out on a larger scale to LGBTIQ activists in the region at least on one important occasion. They set up a meeting in the fall of 2003 for LGBTIQ activists from the region to share and discuss the particular ways that the organization can assist. The Global Fund for Woman, the Astraea Lesbian Foundation for Justice⁷⁸, and Mama Cash⁷⁹ participated in a meeting on September 30, 2006 hosted by the SEEQ Network in which they “focused [on] sharing knowledge and experience in applying different approaches and strategies in human rights advocacy for LGBTIQ persons and meeting the needs of the LGBTIQ population” as well as how the donor community can best collaborate with local activists in the particular national contexts (SEEQ Network 2006, 1). Participants from Zagreb Pride, Queer Zagreb, the Lesbian Group Kontra, LORI, and Iskorak were present. During this meeting, ideas were exchanged and both activists and donors made recommendations regarding practices in four major fields of activity including capacity building, community outreach and networking, monitoring and advocacy, and art/culture and visibility (SEEQ Network 2006).

In my reading of the report that was produced after this meeting, both activists and donors generally agreed on many aspects of their working relationship in terms of how it could be improved. For example, while the donors stressed the need for “professional ethic

⁷⁸ The Astraea Lesbian Foundation for Justice is an American-based donor organization that describes themselves as “the only philanthropic organization working exclusively to advance LGBTIQI human rights around the globe” (Astraea Lesbian Foundation for Justice 2013). The organization’s overall aim is to “work for racial, economic, social, and gender justice” globally and their mission “is based is on an enduring commitment to feminism, progressive social change and an end to all forms of exploitation and discrimination (Astraea Lesbian Foundation for Justice 2013).

⁷⁹ Mama Cash describes themselves as the “the oldest international women's fund - established in the Netherlands in 1983” (Mama Cash 2013). Mama Cash supports women’s initiatives around the world that “strive against poverty, violence and discrimination [...] equal rights, economic justice and a safe environment for themselves and their communities” (Mama Cash 2013).

and values” within the organizations, including clear structure and professional working relations, the activists also encouraged the donors to review the credentials of applicants who apply for funding (SEEQ Network 2006, 13). Also, when discussing how to improve community outreach and networking, donors suggested that activists strengthen and improve cooperation between NGOs, in particular highlighting the need for coordinating work on documenting violence and publishing human rights reports. This point is poignant considering the lack of cooperation among the broader network of LGBTIQ organizations in Croatia for drafting the Annual Sexual and Gender Minority Reports, which I discussed in section 5.2, and the fact that the Astraea Lesbian Foundation for Justice helped finance several of these reports along with ILGA-Europe, at least until 2008.

The donors also suggest that activists “create a platform which includes [a] human rights based approach and use[s] definitions which [...] correspond[...] with people and their needs” and implied the necessity of doing more community outreach (SEEQ Network 2006, 14). One of the activists’ recommendations that follows up on the donors’ observation calls for additional information and funding for “innovative and ‘hard to measure’ outreach activities” and projects that address “progressive human rights (such as education, health)” (SEEQ Network 2006, 14). This commitment to “progressive rights” is also mentioned in the SEEQ Network’s platform where they stated that “human rights are universal, inalienable, undivided and *mutually dependent and connected*” (emphasis added), and they stress that human rights:

include social, political, economical, cultural, sexual and reproductive rights, freedoms as well as obligations and responsibilities, regardless of a particular state or society, sex/gender, sexual orientation, religion, race, age, marital or family status, political opinion or/and some other physical, social, economical or health reason (SEEQ Network 2006).

Although there appeared to be an agreement about the need for human rights advocacy that goes beyond the more hegemonic struggles for civil and political rights, the activists’

response in the document that they put together after the meeting in fall 2006 to the donors' suggestion may also indicate a feeling that there is a lack of support for such initiatives (SEEQ Network 2006).

As a means for developing a human rights advocacy strategy that would be specific for the region, the activists and organizations participating in the SEEQ Network attempted to compile and publish a region-based lobbying and advocacy manual. The project titled "Regional Lobbying Advocacy and Policy" (RELAP) was a project funded by the Swedish Helsinki Committee⁸⁰ and Open Society Institute (OSI)⁸¹ (Organization Q 2013). This initiative, however, did not succeed to produce the manual and soon after the entire SEEQ Network stopped functioning aside from maintaining sporadic email communication.

According to interviewees who participated in the project, the reasons for its failure can be attributed to the overwhelming nature of the project, the organizations' lack of capacity to carry it out, and the mixed commitment to this particular area of activism (Franjo 2008, Josip 2009, Maja 2009). Maja, for instance, when asked about the possible reasons for the failure of this initiative, says the following:

People that were not interested in lobbying, advocacy, and policy but were interested in cultural stuff, festivals, or wanted to do a big queer camp all these things could not be doing that because the Network couldn't take responsibility for another huge project before something happens with this one. So and then there were a lot of problems with this one. And in every meeting there were problems about RELAP, were discussed and some of these people were just, it was different capacity, newer groups, older groups, groups working on this, it was very diverse.

⁸⁰ The Swedish Helsinki Committee for Human Rights is now known as Civil Rights Defenders was a part of the international Helsinki movement (Civil Rights Defenders 2013). This movement was initiated by the "agreement [that] had been signed by the Eastern and the Western Bloc in the Finnish capital in 1975. This [movement] inspired citizens all around Europe and in the USA to form non-governmental organisations that would monitor their own governments in regard to respect of human rights" (Civil Rights Defenders 2013). Civil Rights Defenders receives most of their funding from Sida, the Swedish International Development Cooperation Agency (Civil Rights Defenders 2013).

⁸¹ The Open Society Institute is now "the administrative and operational headquarters for a number of Open Society initiatives" (Open Society Foundations 2013). This donor foundation supports initiatives, originally focused on the Eastern Europe and Central Asia, that "seek to strengthen the rule of law; respect for human rights, minorities, and a diversity of opinions; democratically elected governments; and a civil society that helps keep government power in check (Open Society Foundations 2013).

So some people just weren't interested to be talking about RELAP the entire time (Maja 2009).

According to this participant's account, there was some consensus about the need for this particular project on the one hand. On the other hand, the complexity and scale of the project seemed to overwhelm the Network's capacities and overshadow any other initiatives. Franjo, another participant, maintained a more critical view of the project and deemed it completely "misplaced" for the particular moment:

the project that the network wanted to do was totally misplaced. I think it was wrong to do that project, this specific one. It was...they wanted to make a series of trainings and making a toolkit in the end [about] how to lobby for legal change, which sounded very sexy and progressive for Croatian or maybe Slovenian groups exchanging experiences but, you know, it was probably very un-useful for somebody from, I don't know, Montenegro or even Serbia or Macedonia or Kosovo, I don't know. So basically it was...[there] was a lot of money in it and [the] realization was very bad in one way and in another way it was very pointless because practically you could make everything out of it, but people weren't doing that on their own level. So Kontra and somebody else makes a training for somebody in Serbia and they don't do nothing about lobbying. They do nothing in Serbia because they cannot do it because the political situation in Serbia [is so fucked up] so they cannot do the things that we've done here. So the project was totally misplaced (Franjo 2008).

Based on these two participants' perspectives, there seems to be some differences of opinion about whether the orientation of this project suited the particular needs of the larger regional activist-organization network and their constituencies at the time. Moreover, the failure of the project would also attest to its inappropriateness. It is also significant to point out again that all of the activists whom I spoke with about this project considered the amount of funding to be quite large (according to one participant the funding was 130,000 Euros), which, I would argue, signifies the importance of this type of activism in terms of international donors' priorities.⁸²

⁸² In the interview Josip, who also participated in the project, stated the money was returned to the donors, whom he considered quite "patient" and understanding (Josip 2009). According to Josip, if the activists would again decide to complete the manual, the donors would provide the funding once again (Josip 2009). On the one

The meeting that took place between regional activists and several donor organizations, as I have tried to stress exemplifies the more transparent and communicative approach of these particular feminist organizations to their work in Croatia and the larger region. In terms of providing support to separate organizations, the Global Fund for Women, the Astraea Lesbian Foundation for Justice, and MamaCash financially supported the work of the Lesbian Group Kontra, LORI, and Zagreb Pride; all organizations that include women in leadership positions, address feminist concerns in their platforms, and according to some activists have an explicit political message. This support is especially significant considering the lack of support received by these organizations from the Croatian government, which I will discuss in the following Section 5.4. Lastly, due to the failure of the SEEQ Network to stay together or to compose the RELAP advocacy and lobbying manual, the question as to whether the discussion about the need for “progressive human rights” agendas including social and economic rights would have influenced the content of the manual remains unanswered.

These feminist organizations’ attempts at more transparent and open communication, although not without some difficulties or challenges, contain the potential for developing more mutual respect and trust within these collaborations with local activists. This approach, informed by critical feminist understanding of global inequalities, and the conditions under which these organizations provide financial support as a means of showing solidarity to local activists’ causes stands in stark contrast with COCs approach to providing capacity-building support for developing professional organizations and activities. COC seems to approach the local activists as less knowledgeable, less capable, and, therefore, less trustworthy. This implies that the Dutch activists view their collaboration from a “superior” and more

hand, the reaction of the donors does imply “patience” in that they do not see this failure as a reason for foreclosing the possibility for future support. On the other hand, it also means that they may not have reevaluated the merit of the initial project or whether it was or even still would be the most productive use of funding; it is simply assumed to be so.

“advanced” position, therefore, foreclosing the possibility that local activists might have something new to offer COC in terms of knowledge about methods for struggling against sexual injustice and reproduces existing racist/nationalist discourses about the region. COC’s approach also reveals how professionalization can also take on a specific form that reinforces particular ideologically invested modes of development and doing civil society.

5.4. Government Shaping Civil Society

The tendency to reduce civil activism to the activities of NGOs engaged in seemingly neutral, non-political, even “good” practices, many of them focused on human rights, functions to obscure conflicts of interests in a sphere where power and politics are at play. As far as the state/national level is concerned, states can choose to cooperate with one NGO rather than another for specific party political reasons, as is the case with Queer Zagreb or Iskorak in Croatia, which have received millions from the Croatian government in comparison with other organizations such as the Lesbian Group Kontra and LORI. I will argue that the Croatian government’s political orientation affects their funding decisions as does the seemingly apolitical nature of the activities in which certain organizations engage.

In terms of resources, organizations also compete for funding by other governments’ embassies as well. The involvement of embassies also facilitates the prerogatives of different governments’ party politics and quite possibly their interest in facilitating or impeding the EU accession process for other countries. Discussing the need to justify COC’s use of funds in the Southeastern European region, Henk, one of its representatives, explained to me in the interview that I conducted with him:

[W]e also have to justify to our members why we work in certain regions. These countries we can verify very easy because you know, Croatia will join the European Union, all of the countries that we've been working in like Romania or Bulgaria already joined the European Union [...] it

means you're going to have a very homophobic governments in place probably, or they can do things which we don't want to take place in the European Union, especially not because you know more and more things are commonly planned in Eur...in Brussels, so [...] the least progressive countries basically, the more progressive you get them, the least risk it's going to be for our rights back home as well. So it's quite a strategy behind it (Henk 2008).

Although he refers to the need to justify their work with Dutch people, this sentiment echoes the initiatives of several Western European embassies. The Norwegian, Danish, and Dutch Embassies have all contributed to various Zagreb Pride at different points (Zagreb Pride 2013c; Zagreb Pride 2013d), for example, and the Dutch and Danish Embassies have expressed their support for the Split Pride in 2011 and 2012 (Embassy of Kingdom of the Netherlands in Croatia 2011; Embassy of Denmark in Croatia 2012). In June 2012, after the Split Pride that year, the Croatian newspaper *Večernji list* reported the Danish Minister of Foreign Affairs, Nicolai Wammen, statement that “There is no doubt that the EU supports the right to hold a gay parade in Split. It is part of the European values on which there is no and cannot be a compromise” (Krasnec 2012).⁸³ Through financial support and public statements, these external government bodies and their various degrees of access to money and power also participate in these lobbying efforts and contribute as well as ideological invested discourses of European identity, which I will discuss more in Chapter 6.

Since the political changes within Croatia after 2000, Croatian government institutions have also become a source of funding and support for most of the LGBTIQ organizations. However, some have received substantially more support than others. Information about government funding of the activities of registered NGOs is provided by the Government Office of Cooperation with NGOs on their website dating back apparently to 2004 and is current up to the year 2011 (Government Office for Cooperation with NGOs 2013). It is important to note that the conservative HDZ government, which was much less

⁸³ Original text: “Nema sumnje da EU podržava pravo na održavanje gay parade u Splitu. To je dio europskih vrijednosti oko kojih nema i ne može biti kompromisa” (Krasnec 2012).

supportive of sexual rights than for example the SDP-led left coalition that was in power from 2000 to 2003, led the government during the entire duration of the period of my research, 2004 and 2011. A comparison between the amounts of financial support that different government agencies provided to the different LGBTIQ organizations in the given period reveals a very large gap (Government Office for Cooperation with NGOs 2013). The Queer Zagreb organization, officially registered as Domino, for example, received almost 2.6 million Kuna between 2004 and 2011. Half of this funding came from the Ministry of Culture as support for the Queer Zagreb Festival as well as other culture projects. The other organization to receive a significant amount of financial support is the group Iskorak, which from 2005 to 2011 received a little over 2 million Kuna. Much of this funding came from the Ministry of Health and Social Welfare and was allotted for projects focusing on AIDS/HIV prevention programs targeting the MSM population.

The two lesbian feminist groups, LORI and the Lesbian Group Kontra, received significantly less during this period – a little more than 300,000 Kuna for the Lesbian Group Kontra and less than 200,000 Kuna for LORI. Lori's funding was received for projects relating to discrimination in the media and against LGBTIQ families and one project focused on improving psychological services for sexual and gender minorities (Government Office for Cooperation with NGOs 2013). The Lesbian Group Kontra received support for culture events from the Ministry of Culture, more general institutional support, and funding to support smaller projects on education about discrimination and LGBTIQ rights (Government Office for Cooperation with NGOs 2013). Zagreb Pride received the smallest amount of financial assistance from the government institutions such as the City of Zagreb and the National Foundation for Civil Society Development at around 70,000 Kuna (Government Office for Cooperation with NGOs 2013).

Reasons for this funding discrepancy across the major organizations are certainly multiple. Part of the reason that Zagreb Pride has received such little funding may stem from the fact that they have only been a registered organization since 2008. However, considering that the other four organizations had existed for approximately the same amount of time and consist of roughly the same amount of participants, but can be differentiated based on their memberships' predominate gender makeup, other reasons must exist for the noticeable gap between funding. Part of an explanation could be the nature of the activities to which the government bodies choose to contribute.

LORI, for example, which is located outside of Zagreb, believes that they face particular difficulties with obtaining funding not only because of their location but also because of their specific focus on health, education, and work with media outlets:

[...] lots of donors give funds for lobbying, and that is not our priority, it is of course in terms of human rights, laws and all that stuff, but we are situated here, and we can do it always in collaboration with other organizations in Zagreb, so it's not our difference. [...] We have education, health, work with media and that's our priorities and community empowerment. So we have problems but also now Croatia, [we] have that process of joining the EU. And lots of donors, that started two years ago, lots of donors don't give funds in Croatia anymore (Martina 2010).

Martina's concerns not only reiterate the fear that donors are leaving or have left Croatia, but also the tendency of prioritizing advocacy and lobbying for particular human rights, seemingly marginalizing LORI's work that addresses the social needs of LGBTIQ individuals. It is important to point out, however, that Iskorak as I mentioned also works in the field of health. Therefore, although Martina may believe that LORI's work in that field prevents them from receiving funding, it is contradicted by the fact that Iskorak, as I stated, has received over 2 million Kunas for projects focusing on AIDS/HIV prevention programs. The different focus of the projects, however, may point to the importance of a perceived threat of AIDS/HIV to public health, which may have influenced the government's decision

to support such activities, as it assumes the responsibility of “protecting” the public. Whereas, the personal psychological services for LGBTIQ individuals that LORI works on would be a “positive” measure in ensuring the sexual and psychological health of LGBTIQ individuals and is focused on proactively helping the LGBTIQ community, rather than protecting “the public” at large. Moreover, as Martina points out, LORI is located in Rijeka, whereas Iskorak is in Zagreb closer to institutions of power.

Activities that appear to be more political, let alone critical of the government, may also suffer from a lack of funding. For example, Jadranka from the Lesbian Group Kontra claimed:

Well, we don't get almost any money from the state, we get a little bit of money and we were not approved our, the Governmental Office of Gender Equality did not approve our financial report, which was for \$1000⁸⁴ approximately because we criticized very heavily the national gender equality law. It was clear (Jadranka 2008).

The Lesbian Group Kontra has been particularly outspoken through its public statements and the reports that it publishes in its collaborative work in the Team for Legal Changes, in which it often criticizes government institutions and individual members of Parliament (Sabor) for homophobic hate speech or unwillingness to support LGBTIQ rights and initiatives. Iskorak is also involved in the Team for Legal Changes; therefore, the government's support of their work would contradict this observation. However, the most visible and outspoken representative of the organization seems to be the representative of the Lesbian Group Kontra, which then might explain the general unwillingness of government institutions to cooperate with the group as Jadranka claimed. In terms of political orientation, it is also important to point out that the Lesbian Group Kontra, LORI, and Zagreb Pride, which have all received less funding, include clear references to feminist struggles and women's rights as

⁸⁴ At that time, this amount would have been about 5500 Kuna.

part of their political agendas (Lesbian Group Kontra 2013c; LORI 2013; Zagreb Pride 2013a); whereas Iskorak and Queer Zagreb do not (Iskorak 2013; Queer Zagreb 2013).

As I mentioned, the Ministry of Culture and the City of Zagreb have been quite supportive of queer cultural and artistic activities. This support may be due to the prevalence of the perception that cultural activities are less political and as such more containable. Bojan, a former member of Iskorak and the Zagreb Pride organizing committee, made a somewhat cynical observation about this distinction when we discussed why he felt the need to create a new organization and what donors he would approach in order to fund this new organization:

And the others are, the only local [Croatian] donors you can get were cultural institutions. So ok, it's good to have something gay, let those gays do theater shows, that's fine, that's logical, gays do theater shows. But let's not get them involved in political debate. So you could get finance also from [the] Croatian Ministry of Culture or from the city of Zagreb department of culture for...that's why you have so [much] culture in gay activism (Bojan 2009).

One organizer of the Queer Zagreb Festival, Ivo, also believes that although he considers the cultural work of the organization to be political, the fact that it is not widely perceived as such by the government or public does provide certain benefits. When I asked him directly about whether Queer Zagreb's work is political, he replied:

Yeah of course, because of what we do and it is very political. But it is easier for us to do it, to kind of penetrate deeper because it's in a way camouflaged in culture. So yes, we can have two guys having sex on stage and it wouldn't have been the same reaction as two guys having sex on gay pride, just because one is a stage. It's a different context and it's read differently, and I'm talking what's the quality or what's the quality of the message is or what changes perspectives better. But it's just the reality of the situation. We can get away with more than any other organization that deals with the same issue. But that I think is our strength and that is the genius part of Queer Zagreb, in that sense (Ivo 2009).

In addition to the perception of these activities as non-political, it is important to point out that the personal connections of its creator assisted the organization in finding initial funding, as he had already been working in the cultural sphere for some time before establishing the

organization (Ivo 2009). In terms of Ivo's own understanding about why precisely Queer Zagreb was able to secure so much funding from government institutions over the years, he attributes this partly to "luck" as well as to the organization's level of "professionalism" in the sense that they appeared "stable" and "trustworthy" as they were not as involved in the political debates and struggles that had taken place between other organizations.

I mean, we were always very good with it. I mean we were very lucky in a way. I must say that I think, I also got some people to tell me that we always cleared all the money that was intended for LGBT organizations but I mean in the end, it's a market. I think we did good work with it, so I don't feel bad that we took money maybe from some organizations that couldn't get it. But the point is that in a way it wasn't, it wasn't difficult to be more [...] we were at some point more successful than the other organizations because as I said, I think they were more involved with dealing with the issues between themselves. I mean it was a chaotic situation for many of these organizations, so in a way, we kind of probably looked more stable or trustworthy or whatever (Ivo 2009).

Viewing the field of funding as a "market", he clearly alludes to the need for organizations to compete and underscores the importance of appearing professional and by extension apolitical. During our interview, Ivo also distinguished between Queer Zagreb as an artistic organization and the other LGBTIQ organizations that attempt to maintain a larger active membership and have a more horizontal decision-making structure, arguing that an artistic organization has different goals and methods, which require more efficient, that is, hierarchical operations. This reference to clear structure and more efficient and "trustworthy" mode of working echoes some of the concerns expressed by donor organizations such as COC Netherlands and Hivos. Therefore, it is not surprising that Queer Zagreb and COC Netherlands chose to work together on a more permanent basis through a MATRA⁸⁵ project after the conclusion of their five-year regional project.

⁸⁵ More information about the MATRA twinning project between Dutch and Southeast and Eastern European countries can be found here <http://www.minbuza.nl/en/key-topics/matra-programme>.

Another aspect of the current context in Croatia which has made the continual search for funding more competitive is the fact that as Croatia has approached EU accession there has been a tendency for donors to pull away from funding Croatian organizations, which has placed additional pressure on Croatian government organizations to make up for the difference. According to Gert, a representative from COC, one reason for this apparent tendency is a shift in the priorities of larger international institutions and donors (Gert 2008).

Obviously, Eastern Europe was hot 5 - 6 years ago because of EU expansion. The Balkans were hot because it was a post-conflict area; good neighborhood, that sort of thing. People who make decisions in this, I feel, tend to look 5 to 10 years ahead and within 5 years half of the Balkans will join the EU. Therefore, it is not an area that needs development to get on some sort of European par. Also, obviously, within the whole sphere of development, somebody says we still have so many years to get this millenium development goals done. In that sense, we should now move to Southeast Asia to do something with Gender empowerment, women, and we should do that and then everyone follows. I mean that's an observation (Gert 2008).

Activists in Croatia also have the same impression and pointed out that the same tendency occurred in Slovenia.

No, for now it's ok but very soon it will not be because international funders are going away from Croatia because we are an accession country and we are probably going into the European Union, and they perceive us as quite well developed right now so they are going to countries which are less developed and when we are going to start depending on the state funds, then it's going to be not very good for us. Because from the state we don't get a lot of money (Jadranka 2008).

Several of them, in fact, pointed to the withdrawal of COC Netherlands as a donor that had provided general support for the work of the organizations (Jadranka 2008, Ivo 2009).

I mean, they just have this phasing out...so COC actually lost their funding from their side for the Balkans, for this region and there was another organization HIVOS, so they were active together. So they left because they didn't have money themselves for this...Swedish agency just didn't have enough time, there were moving to other areas...Soros I don't know...I mean...But you know the closer Croatia gets to the EU or whatever, the point is the one funding stops but the other one doesn't pick

up...the Croatian side, the Ministry of Culture doesn't say ok, now we lost 3 million Euro from foreign grants now we step in (Ivo 2009).

Ivo, an activist from Queer Zagreb, was able to find replacement funding through the MATRA program and their cooperation with COC.

Whether or not the amount government has changed since Croatia became a candidate country for EU membership in 2004 is difficult to assess as the government office only provides information online about their funding activities since 2004 (Government Office for Cooperation with NGOs 2013). The perception that there has been a loss of some funders and that the government has failed to “step in” has, in any case, meant that organizations are more frequently turning to EU funds. Applying for EU project funding requires a somewhat different approach and skill set than, for example, those needed for collaborating with donors such as Global Fund for Women which allow for more personal, informal, and open communication. Organizations such as LORI have turned to other NGOs in order to obtain the proper knowledge and skills for applying to these funds.⁸⁶ Moreover, when applying for EU funding, the project must contribute to goals and aims that have already been established by EU institutions.

Since its structural changes and participation in the Center for LGBT Equality in 2009, Zagreb Pride and the other organizations involved in this center have applied to EU funds and secured several additional sources of funding. In 2010, they applied for funding from the European Instrument for Democracy and Human Rights with a project titled “The Whole Universe is Heterosexual, But Why Not Me”, but it was not accepted (Zagreb Pride 2013d). In 2011, Zagreb Pride received almost 40,000 Euros of funding from the European Union's PROGRESS programme and the Ministry for Economy, Work and Business (Zagreb Pride 2011e). Again in 2012, they received almost 70,000 Euros of funding for a joint, two-

⁸⁶ Martina discussed how LORI decided to approach the NGO SMART (<http://www.smart.hr/>) to set up educational workshops and seminars about funding raising (Martina 2010).

year project developed with the Center of LGBT Equality called “Another Society is Possible – United for LGBT Rights”, which in total was given approximately 105,000 Euros as well as funding from the European Union’s PROGRESS program for the project “Creating Society to Tackle Discrimination” (Zagreb Pride 2013f). Not only has Zagreb Pride’s funding based expanded substantially from 2008 having four sources of funding to having a dozen different sources in 2011, but their income increased from around 100,000 Kuna to over 400,000 Kuna. Moreover, based on the projects for which they have received funding, it is clear that Zagreb Pride as well as the partner organizations of the Center for LGBT Equality are all now participating more in rights-based and lobbying activities, partly supported by European Union project funding.

In their work on NGOs and development narratives, Mitlin et al. (Mitlin, Hickey, and Bebbington 2007) emphasize and recognize the role of politics and power within their reconceptualization of civil society and so argue for the efficacy of Antonio Gramsci’s conceptualization of civil society. Examining the NGO sector through discourses on development they use a:

Gramscian understanding of civil society as constituting an arena in which hegemonic ideas concerning the organization of economic and social life are both established and contested. Gramsci (1971) perceived state and civil society to be mutually constitutive rather than separate, autonomous entities, with both formed in relation to historical and structural forces akin to our processes of little d development (Mitlin, Hickey, and Bebbington 2007, 1702).

Central to this definition is Mitlin, Hickey, and Bebbington’s analytical distinction between the little “d” and the big “D” of development. The apparently paradoxical choice of lower case “d” for “development” is meant to signify the structure specific and systematic form of development in a given society, such as the development of advanced, neoliberal capitalist socio-economic systems (Mitlin, Hickey, and Bebbington 2007). While the big

“D” (Development) is chosen to denote the “partial, reformist, intervention-specific” activities that are focused on bringing about reforms or securing privileges for particular groups in society, which are not necessarily meant to subvert the more systematic, basic social arrangements (Mitlin, Hickey, and Bebbington 2007, 1701). They use this distinction to argue that NGOs should become more consciously engaged in (little “d”) development as opposed to only focusing on short-term interventionist type strategies because they do not address larger, systematic developments such the growth of economic injustice in advanced capitalist systems.

As organizations turn to EU funds or even government funds aimed at less political, reform-oriented projects, there may be less room for or resources allotted to more “radical”, movement-based activism. This type of activism marginalizes the participation of the larger, diverse LGBTIQ population living throughout the country, especially those outside of the urban centers. Considering, for example, the difference in economic conditions between the City of Zagreb and the rest of the country⁸⁷ or the fact that individuals live less anonymously outside of larger cities, it is possible that LGBTIQ individuals living outside of Zagreb might prioritize or have needs other than those addressed by the small group of activists working in Zagreb, whose activities also seem to increasingly reflect or are shaped by the priorities of other European organizations and institutions.

Without a self-awareness of their role of undermining and/or reinforcing hegemonic ideas of development, NGOs may actually be inadvertently “consolidating broadly hegemonic ideas”, perpetuating the particular conditions of *development* of the existing system as if those of a naturally given *Developmental* trajectory (Mitlen, Hickey, and

⁸⁷ For statistics, see the Croatian Bureau of Statistics’ report for 2012 (Croatian Bureau of Statistics 2013). The average monthly net salary in the City of Zagreb, for example, was 6,359 Kuna (about 840 Euros), whereas in the northern County of Međimurje it was 4,380 Kuna (about 580 Euros) (Croatian Bureau of Statistics 2013, 10). However, the gap is even larger when considering that a university educated person in the City of Zagreb working in professional services might make a net monthly salary around 8,000 (1,061 Euro) on average (Croatian Bureau of Statistics 2013, 234); whereas an unskilled worker in the County of Međimurje might have a net monthly salary between 2,500 to 3,000 (330 to 400 Euros) Kuna (Croatian Bureau of Statistics 2013, 234).

Bebbington 2007, 1715), which could simultaneously undermine their own goals of promoting justice and equality. I am not arguing that particular individuals or organizations can know or predict precisely what results their work and discursive strategies may produce. Yet, this does not mean we should not be able to examine the horizon of possibilities and some recognizable tendencies from within a particular location in this field. As I will discuss more in Chapter 6, it is important to see the local activists' lobbying and advocacy activities which rely on the European Union and its members to apply pressure on the Croatian government must be understood as a contribution to the processes of Europeanization.

5.5. Community and Solidarity

As I mentioned earlier in relation to the meeting between feminist donors and the LGBTIQ activists and organizations from the larger region, there was a suggestion made by the donors that the activists should do more to reach out to the larger community and to base their "human rights based approach" that "includes definitions which correspond[...] with people and their needs" (SEEQ Network 2006, 14). The reply from activists was that there was, in fact, a need for more financial support in order to achieve this objective. Certainly there are many creative ways to reach out to larger communities of people, especially via the internet as many activists pointed out to me. Yet, I believe it is still relevant to reflect on the organizational structures and the organizational leaderships' attitudes towards achieving this task.

The thoughts of one Zagreb Pride organizer, Davor, about organization-community collaboration, in fact, address the importance of organizational structure and the organization's relation to understanding its representative capacity. In Davor's opinion, he believes that Zagreb Pride is able to reflect on community needs and concerns possibly better than the other organizations.

You asked me something else about where's the community here. It's difficult because the community is, I think, more present if you have more people in a group because everyone knows someone. I think and this is maybe presumptuous to say but if we have 15 or 20 people in Zagreb Pride group as this year is the situation as this year is the occasion, then at least 200 members of the community are in a way present in Zagreb Pride meetings because every one of us knows other 10 different gay or lesbians or transgender person and they talk to them every day with coffee or their boyfriends, girlfriends and so on, friends (Davor 2009).

To the extent that the organization has a more diverse body of members, Davor believes this always for more community interests to be represented within the organization. Zagreb Pride's successful effort to recruit new members and volunteers every year is evidence of their efforts to reach out to those in the community who want to participate and contribute. This process of rotation and more inclusion may have also been facilitated by the fact that no members of the group had received a salary until more recently after becoming an official organization and they began receiving project-based funding from government and EU institutions.

During the period of my fieldwork, Zagreb Pride's goal (stated explicitly in its platform (Zagreb Pride 2013a)) was to strive for a non-hierarchical structure within the organization. During the early part of my observations of the organization's meetings, there were rules and practices established aimed at enabling everyone's voice to be heard and constructive criticism. However, difficulties began to occur during the process of establishing a more stable leadership structure. Eventually, the internal leadership body's role was strengthened and conflict within this body also increased. Similar tendencies were discussed during my interviews in conversations about other organizations that transitioned from an all-volunteer membership to having permanent paid staff positions.

While observing the Zagreb Pride organization, disagreements between members became more frequent and eventually turned into power struggles which resulted in some members of the leadership choosing to leave, which was again also the situation with other

organizations, e.g. Iskorak. Whatever the reasons for these disagreements, whether personal or ideological, the result often seems to be that of the remaining membership, one or maybe two leaders remain and then begin receiving salary for their work and maintain a permanent leadership position. Aside from Zagreb Pride, all of the leaders of the organizations that I have been discussing have been in their positions for between 5 to 10 years. Although the Zagreb Pride organizing committee itself still recruits new members and volunteers for the organization of the Zagreb Pride march, part of the activities – those related to funded projects – are carried out by the more permanent and paid staff.

The choice to have more permanent paid positions does not immediately foreclose the possibility of community involvement or impede the potential for inclusion or transformation. However, how the established leaders choose to approach the community, facilitate dialogue and implement suggestions or demands from the community will shape the resulting strategies. Reflecting on the new aim of the new Center for LGBT Equality, one participant discussed what he thought of the future relationship between the community and the new center.

The idea is actually that we kind of combine what we work and work together under one name. So if it's like providing help for, so it's not just the LGBT Equality Center is not for the community. The community knows who Pride, Queer, who LORI is for whatever. But what do we do on public, so if we are Human Rights Defenders, then we are LGBT Equality Center. But when we work with the community, it's LORI, Queer and Zagreb Pride and then of course we exchange this information. If LORI needs something from us, we go there. If we need friendly psychologists, so we call them and they have this network (Franjo 2011).

Highlighting the “community” work of the separate organizations, which could refer to LORI’s work on providing better psychological and counseling services to the LGBTIQ community in Rijeka or as one organizer of Queer Zagreb describes as the organization’s “products” (meaning festivals, publications and other events) (Ivo 2009), Franjo emphasizes that the human rights work of the new center will *not* be about “providing help [...] for the

community” (Franjo 2011). Of course, he was not referring to the legal services, which is one method of helping the community. Still, it is clear that in his view lobbying and advocacy seems somehow to be separate from community work.

Other activists made a similar differentiation when it came to understanding the nature of lobbying and advocacy. Nada, a member of the Lesbian Group Kontra, stated in the interview:

For the LGBT community, well, there’s a lot of kinds of activism, so there are some activities are just for LGBT community, some activities which they can take part in, to have some spaces for them. And some activities are for some upper level for I don’t know lobbying for laws and something like that. I think one of the most important for this to make LGBT community visible in society (Nada 2009).

If you are closed in your office and just doing, just reading papers and doing lobbying and just going to meetings with politicians, lawyers, journalists, international activists, yeah the community is less present. But if you’re a lobbyist, just trying...we know what we need, we need, let’s say good domestic partnership or registered partnership law, so you really don’t need the community if you’re doing just that. You’re a lobbyist, you know what has been done in Spain or in Germany so you don’t, it’s just a law (Davor 2009).

Both of these activists differentiate lobbying work from community-based activism. By doing so, they imply that the community may not have an interest in determining which laws are priority or the content of the laws. In fact, as Franko states, you can easily see what has been done in other countries and base your lobbying activities on that. As part of the European Union accession process, Croatia has had to do precisely that while aligning its laws to the EU *acquis*. This approach, as I will discuss in Chapter 6, not only contributes to the already existing “catching up” framework that many Eastern European and most non-Western countries have experienced in relation to Western hegemony, but it also disregards the specificity of the local context in which certain rights and mechanisms may not be well-suited or may not be a priority.

Part of the reason why activists may not feel the need to reach out to the community may stem from the fact that from many activists' perspectives, the community has been quite hostile to their work. Ines, one activist who is not longer involved directly with one organization has a rather critical perspective of the community:

At first the problem is LGBT community, they always have problem with activists because they are either too aggressive or presenting them in a way they don't want to be presented, because they are so few of them. And it's always the argument that I could read at the internet, but I don't know, I don't know if internet is a reliable source to judge the community. But the biggest problem with the community, they don't want to be recognized, this community (Ines 2010).

Bojan, another activist who is also no longer a full-time participant in any particular organization, echoes this pessimistic view.

For me that's one side, where people try to get, when they do activism it's like politics, political work and they're trying to fight for some rights. Basically that means that you're trying to organize. And if you cannot reach absolutely any level of structure or organization, that's one side. And the other side is this support from the community because nobody wants to give support because they actually don't want to be associated with gay things (Bojan 2009).

During a discussion with Eva, one Zagreb Pride organizer, I asked how activists respond to such criticism.

I care, we care. But you can't do everything at once. Mostly yeah it's people in Zagreb. [...] Always in a community you have people who are against everything in each community. You have people who are against. I don't see how one gay person can be against Pride but there are many people, still many people in Croatia who are against everything, not only Pride but also. [...] First of all we have some policies that are important to us. So if we have some critiques like that it's counterproductive, you know, you only issue more problems than you solve with those events, we just listen to those critiques but we don't want to think about it (Eva 2010).

In this case, according to Eva, if the criticism seems to counter the basic principles of their activism, there is no need to get lost in a pointless debate. However, she went on to clarify

that the critiques that they do take seriously are those relating to being more inclusive, such as critiques about to what extent Zagreb Pride includes bisexual or transgender issues.

Although these activists seem to explain the community's lack of support as being caused by auto-homophobia, there is also the possibility that some community members simply disapprove of the work of the organizations. For example, in the report "Violence against Lesbians, Gays and Bisexuals in Croatia: Research Report" published by the Lesbian Group Kontra, the authors discuss the reasons that individuals cited for not reporting their experience of violence to the Team for Legal Changes (Pikić and Jugović 2006). One of these reasons included "mistrust and repulsion towards the work of Iskorak and Kontra" (Pikić and Jugović 2006, 38). Although it may be true that certain criticisms are fueled by homophobia or fear, there is also the possibility that the community is unsatisfied with the approach activists have towards dealing with the community.

It would be very useful to conduct further research on non-activists' opinions about the work of activists and their reflections on to what degree their needs are heard and included in the organizations activities. Although I was unable to conduct this research for this study, there have been reports that have gathered information from a larger sample of the general population of Croatia about their views on discrimination and anti-discrimination legal mechanisms. As one of the key legal mechanisms discussed in my interviews with activists, particularly those working towards its implementation, it is interesting to note the lack of confidence citizens have in this mechanism for combating discrimination.

After the adoption of the *Anti-Discrimination Act (NN 85/08)*, the office of the Croatian Ombudsman began publishing reports about the public's impression of and knowledge about discrimination in Croatia. From an initial joint research conducted in 2009 by the Ombudsman, the Government Office for Human Rights, and one civil society organization, the Center for Peace Studies, the researchers asked participants if they believed

that Croatia needed this law, to which 83% replied yes (Center for Peace Studies, Government Office for Human Rights, and Office of the Ombudsman 2009). However, when asked about the potential effects of this law and whether it would contribute to the solution to this problem, 74% of the respondents claimed that the anti-discrimination law would have little to no effect on eliminating the problem (Center for Peace Studies, Government Office for Human Rights, and Office of the Ombudsman 2009). When asked about the affect of quickly passing laws for fulfilling obligations EU acquis, Josip, an activist from Queer Zagreb, confirmed the danger of introducing laws in this way and referred to the disturbing findings of this report:

Yes, this is the situation in Croatia now. So no one trust in these laws anymore. Recently, the Center for Peace Studies did a research on discrimination in Croatia and one of the questions was, to whom will you apply, report discrimination in Croatia. Most of the people said police, which is quite you know, [laughing] call police when there's discrimination, but also the report shows that there is not trust in the courts, in the justice system at all. Actually, I think 55% of people think that nothing will change with that law because they will not enjoy their rights even if the law is here so (Josip 2009).

Complaints pertaining to discrimination based on sexual orientation have been very few since the passing of the law. According to information provided in the Croatian People's Ombudsman Reports published in 2010 and 2011, there were 5 complaints made in 2010 and 2 complaints made in 2011 (Croatian People's Ombudsman 2011; Croatian People's Ombudsman 2012). The 2010 report proposes that part of the explanation for this problem stems from a lack of trust in the institutions responsible for implementing this law.

The problem of under-reported discrimination is particularly widespread among vulnerable minority groups (national, gender and sexual etc.). One of the reasons for such behaviour is a conviction that reporting discriminatory behaviour would not result in any reaction. Lack of trust in the system often contributes to non-reporting discrimination crimes or hate speech, as they are defined in criminal law (Croatian People's Ombudsman 2011, 50).

The Ombudsman's report echoes activists' concerns about the implementation of the law. Lobbying for better implementation of these laws is one method of approaching the problem of discrimination, which is what activists who are focusing on advocacy and lobbying have determined to do.

What if activists took seriously these concerns about legislation as a solution, or what if we took seriously Iris Marion Young's observation, which I discussed in Chapter 4, that structural injustice requires that we go beyond finding just individuals as culpable for larger systematic practices of injustice that include many actors and institutions (Young 2011, 142–151)? What if as Jodi Dean argues in her work on “feminism after identity politics”, “Acting as citizens [...] [o]ur participation extends beyond efforts to change legislation” (Dean 1996, 42)? What would community-based, solidarity-based activism look like that might produce different types of strategies or at least discussions about difference and different problems in the larger LGBTIQ community?

Both Dean and Young provide alternative understandings of the concept of solidarity that I believe might provide a starting point for discovering what exists beyond anti-discrimination or rights-based activism led by a few individuals. Viewing responsibility or solidarity from a broader perspective, Young writes that:

[...] solidarity need not connote homogeneity or symmetry among those in relation. Some people use the term to imply identification with others or the unity of a group, but such usages can and should be challenged. As I am understanding it, solidarity is a relationship among separate and dissimilar actors who decide to stand together, for one another. [...] solidarity must always be *forged* and *reforged*. Solidarity is firm but fragile. It looks to the future because it must constantly be renewed (Young 2011, 120, emphasis in the original).

Young's concept of solidarity calls into question the very idea of LGBTIQ activism that takes for granted the “identities” of its constituency as sexuality only, bracketing off other aspects of individuals' lives. Young argues that “dissimilarity” or differences within may exist but

that it is the desire to “stand together” that “forges” solidarities. Moreover, these solidarities cannot be taken for granted, but must be continually reestablished.

Dean’s work “Solidarity of Strangers” (1996) examines the idea of solidarity and develops her concept of reflexive solidarity using the more specific context of feminist activism (Dean 1996, 28–46). She develops her idea of “reflexive solidarity” by taking “seriously the historical conditions of value pluralism, the ever present potential for exclusion, the demands of accountability and the importance of critique” (Dean 1996, 28–29). More succinctly, Dean writes that this type of solidarity “refers to a mutual expectation of a responsible orientation to relationship” (Dean 1996, 29). Dean’s definition of reflexive solidarity expands what it might mean to say as Young did to “stand together”. Mutual expectation requires not only communication but also a real possibility for dissent and an expectation for “engage[ment] in the messy process of thinking things through” (Dean 1996, 31). This process requires the capacity for reflection or an understanding of ourselves as at once inside and outside of a particular group (Dean 1996, 33–34). This reflection about oneself is also enabled through recognition of each other or “acknowledge[ment] that we are [all] always situated in a variety of differing groups all of which play a role in the development of our individual identities” (Dean 1996, 34).

Arguing as Dean or Young does that there is a constant need for dissent, inquiry, or reflection or that solidarities are not given but constantly being forged does not foreclose the possibility of standing together for LGBTIQ communities, rather failure to affirm or recognize difference or individual, plural identities (including class, race, nationality, gender to name just a few) and concerns and criticisms within this group “indicates a lack of solidarity” (Dean 1996, 39). Continual critique and dissent can, however, also create fragmentation or the “splintering off of subgroups”, which can also “hasten solidarity’s demise” (Dean 1996, 27). By referring to the importance of “orientation to relationship”

within her definition of reflexive solidarity, Dean emphasizes how a “shared engagement in dialogue” or a continual questioning of our diverse and multiple interpretations can strengthen groups’ ties (Dean 1996, 37). If struggles are based on a common understanding that there is always potential for change, the danger of exclusion, and a responsibility towards more inclusion and *maintaining* solidarity, these struggles, although demanding and less clearly defined, would produce very different ones than those defined by small groups of individuals who may have more access to power and privilege but aim to reform the system only in the places that inhibit this access.

This approach would also require a global perspective that views power and inequality as produced through structures and practices that cross borders. Young writes:

Responsibility in relation to injustice [...] derives not from living under a common constitution, but rather from participating in the diverse institutional processes that produce structural injustice. [...] in today’s world many of these structural processes extend beyond nation-state boundaries to include globally dispersed persons (Young 2011, 105).

In Croatia and in the European Union, this insight is more poignant as Europeanization through EU integration has strengthened the imperative towards conforming to European standards and values. In other words, if solidarity is to be forged around such ideas, it is important to interrogate and question what those values and standards mean from multiple and diverse interpretations and perspectives. These values and standards would, according to Dean, require not only a commitment to, for example, “democratic processes” or rule of law but must go beyond important “participatory” rights and access the “impact of material conditions on the ability of citizens to exercise their rights” (Dean 1996, 44). Drawing attention to the crucial role that civil society plays in “resisting the expansionist drives of both state coercion and market fundamentalism” (Somers 2008, 8), Margaret Somers argues:

socially inclusive democratic citizenship regimes (including human rights) can thrive only to the extent that egalitarian and solidaristic

principles, practices, and institutions of civil society and the public commons are able to act with equal force against the exclusionary threats of market-driven politics (Somers 2008, 31).

CHAPTER 6: EUROPEANIZATION AND SEXUAL RIGHTS⁸⁸

In July 2008, Croatia's parliament passed an anti-discrimination law which, in reference to the Constitution, states that it "guarantees the protection and promotion of equality as the highest value in the constitutional order of the Republic of Croatia" (*Anti-Discrimination Act, NN 85/08*).⁸⁹ This law contains a comprehensive list of characteristics that identify social groups who are vulnerable to discrimination. The last qualities identified on this long list in Article 1, Paragraph 1 of the law are "gender identity, [gender] expression and sexual orientation" (*Anti-Discrimination Act, NN 85/08*). While the adoption of this law was welcomed by some local LGBTIQ organizations and activists as a positive development, the celebration was also accompanied by sober discussions about its arguable potential to transform the everyday lives of sexual minorities in Croatia. This concern partly stems from the experience that the adoption of laws, which are made (or argued to be) mandatory as part of the accession process for entering the European Union, have been done only to fulfill an obligation, without the political will needed to ensure its implementation. The Team for Legal Changes in their 2006 report writes "[...] that the Croatian Government produces general documents that prescribe the protection of human rights, mainly with the aim of satisfying international institutions, but does not have any real intention of acting in this direction [...]" (Juras and Grđan 2006, 18). Aside from questioning the opportunistic approach of certain local political actors, the European Union may also be contributing to the problem due to their ambiguous stance towards sexual rights. On the one hand, the EU

⁸⁸ This chapter is an expanded version of my published chapter "Sexual Rights as a Tool for Mapping Europe: Discourses of Human Rights and European Identity in Activists' Struggles in Croatia" in the edited volume *Queer Visibility in Post-socialist Cultures* (Butterfield 2013).

⁸⁹ Other areas of discrimination include "race or ethnicity or skin color, sex, language, religion, political and other beliefs, national and social origins, property status, membership in a union, education, social status, marriage or family status, age, health condition, disability, and genetic heritage [...] / [rase ili etničke pripadnosti ili boje kože, spola, jezika, vjere, političkog ili drugog uvjerenja, nacionalnog ili socijalnog podrijetla, imovnog stanja, članstva u sindikatu, obrazovanja, društvenog položaja, bračnog ili obiteljskog statusa, dobi, zdravstvenog stanja, invaliditeta, genetskog naslijeđa [...]" (*Anti-Discrimination Act, Article 1, Paragraph 1, NN 85.08*).

requires anti-discrimination laws based on the EU *acquis*. On the other hand, EU institutions have also been slow to ensure the successful implementation of these laws (De Schutter 2008, 36-40).

Aside from the problematic conditions under which the Croatian laws were adopted and the difficulties faced in their implementation, there is also the issue of how these legislative changes have been embedded in discourses of European identity. In this chapter, I reflect on various textual documents produced by European Union institutions as well as some local and European LGBTIQ activists and discuss my concerns relating to the damaging effects of the constant references to human rights and European identity that (re)produce a hierarchical differentiation between European and non-European (Croatian) identities. These discourses of European identity not only obscure existing struggles for sexual justice, but also rely on a limited, liberal understanding of human rights and sexual citizenship.

I will argue that transnational LGBTIQ struggles for sexual justice should refrain from using discourses that (re)produce historical, geopolitical hierarchies between Europe and its “others” and emphasize less the importance of discrimination laws, which tend to be informed by a logic of spectacle representing the atrocities and violations committed “outside” Europe as if an event of a “spectator sports” in Berlant’s (Berlant 1997, 243) sense of the expression.⁹⁰ Rather, activists and organizations should draw strength and solidarity from their mutual experiences and collaborate assuming that these issues are relevant around the world, including in the so-called more developed countries, although each particular context may require different strategies. These more open types of collaboration should also

⁹⁰ Referring to the case of Anita Hill, who accused Supreme Court Justice Clarence Thomas of sexual harassment, Berlant writes that “competition among harmed collectivities remains one of the major spectator sports of the American public sphere” (1997, 243), in this case race and gender. For this research it seems that the same “competition” could be taking place in terms of sexuality and ethnicity, where a focus on sexual injustice seems compete with and reproduce ethnic/racist discourses about the Balkans/Eastern Europe.

foster a necessary debate on and advocate for positive sexual rights as well as other forms of sexual activism.

The questions that have surfaced in this regard are: How have notions of Europe, the EU, or “Europeanness” been constructed in the discourses of LGBTIQ activism? How does the use of historically powerful, hierarchical differentiations between Europe and its Other, i.e. the Balkan/Eastern Europe, in these struggles shape or signify local/transnational activists’ relations and collaborations and the strategies that they produce? How might such (hierarchical differentiations) self-identification contribute to (reinforce and/or undermine) other differentiations such as class, gender, or ethnicity within communities of sexual minorities? By formulating my questions in an open-ended way, I am attempting to avoid an either/or logic that, for example, Paul Stubbs cautions from using. According to such a logic “Western understandings and approaches are [thought of as] imposed, by aid agencies, on unsuspecting non-western populations” which create “crude dichotomies”. He suggests instead to examine the “complexity and contradictions” that exist in the discourses and practices of local and transnational organizations (Stubbs 2005, 54). In other words, I will attempt to produce an understanding of the multiple, often contradictory, meanings that emerge from the discourses and practices of these individuals and organizations without denying or undermining their agency.

In this chapter, I first discuss the significance of the EU accession process for Croatia and how belonging to “Europe” has historically been used as a marker of progress for Eastern and Southeastern European countries when aspiring to or gaining EU membership. Then I examine the discursive articulation of key concepts, such as human rights, European identity, and European values, by local and transnational LGBTIQ activists and other European institutions which have more recently concerned themselves with sexual human rights in Croatia and outside of the EU in general to recreate the notion of progress and civilization. I

will highlight the contradictions that can be exposed by contextualizing the organizations' and governments' accounts of the situation of sexual minorities in their countries.

6.1. European Union Accession

Croatia was granted candidate status for EU membership in 2004 and became a full member in July 2013 without acceptance into the Schengen Area, which would abolish Croatia's borders with EU countries. Aside from economic reforms aimed at integrating European markets, the conditions for Croatia's accession into the EU, like for many other Eastern European countries, have also included political and social reforms. In terms of social policy, in a recent article about the long-term effects of EU accession in this area in Croatia, Stubbs writes that "the European Union continues to be rather weak on the rights and redistributory aspects of social policy" (Stubbs and Zrinščak 2010, 179). As evidence, Stubbs refers to the Pre-Accession Assistance funds that have an employment focus and are "very much projectized", and to the inclusion of the social dimension of accession in EU's annual progress reports that are "neither particularly strong nor always coherent or consistent" (Stubbs and Zrinščak 2010, 178). Stubbs also points out the periodical nature of the EU's approach to social policy, which at times has included more efforts to address issues of poverty and social exclusion through new governance techniques, but which in the Croatian context remained weak, "where official, political and, indeed, public discourse still places too low a priority on eliminating poverty and social exclusion, and see social spending as a burden" (Stubbs and Zrinščak 2010, 179). On the other hand, political criteria for the accession process have played quite a significant role.

The three basic political criteria for EU accession were laid out in the Copenhagen Criteria of 1993 which states that states must prove: (1) "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities", (2) "a

functioning market economy and the capacity to cope with competition and market forces”, and (3) “administrative and institutional capacity to effectively implement the *acquis* and ability to take on the obligations of membership”.⁹¹ Although these criteria have formed the basis of the EU accession process in general, “the rules of the accession game [have been] harder” for countries in Southeastern Europe (Greve and Stubbs 2013, 137). Comparing later accession processes in 2007 and in 2013 to the 2004 expansion of the EU which created 10 new members states, 8 of which were post-socialist countries, Greve and Stubbs write:

Joining in January 2007, Bulgaria and Romania faced a new kind of post-accession conditionality and scrutiny, later applied in the form of opening and closing benchmarks for all the chapters of the *acquis communautaire* to Croatia and to other candidate and potential candidate countries in South East Europe. The rules of the accession game became harder for all these countries, even before the onset of the economic crisis [...]. The post-Yugoslav countries also faced tests relating to post-conflict normalization of relationships with each other, their willingness and ability to re-integrate diverse forced migrant populations, respect for human rights, and co-operation with the International Criminal Tribunal for the former Yugoslavia in The Hague (Greve and Stubbs 2013, 137).

Unlike the transitions of other post-state socialist countries in Eastern Europe, Croatia and other countries that emerged from the former Yugoslavian state, underwent a period of war and state-building before the onset of processes known as Europeanization. War crimes, forced migrations, and “slow democratization, visible in authoritarian tendencies” of the state in Croatia (Dobrotić, Matković, and Zrinščak 2013, 224) created specific circumstances for which the EU responded with harsher “conditionality”, including a stronger emphasis on human rights.

Although the protection of human rights has played a central role in the EU accession processes and has been, according to Nico Beger, “part of the [historical] mission statement of all European institutions” (Beger 2004, 80), the scope of human rights - in particular how

⁹¹ These criteria can be found on the website of the European Commission for Enlargement at http://ec.europa.eu/enlargement/policy/glossary/terms/accesion-criteria_en.htm (accessed August 2, 2013).

they factored into struggles against sexual marginalization in society - and the mechanisms available to enforce sexual human rights within the EU, have emerged only more recently and have transformed over a brief period time. Emphasizing the wider acceptance of “negative rights” as a means for protecting “minorities” as opposed to “positive rights” – or “freedom *to do or have* something” (Beger 2004, 101, emphasis in original), Beger claims that “freedom from discrimination has been established more quickly than any right to act differently from the norm” (Beger 2004, 102). Beger’s statement highlights the more conservative or less transformative aspect of this anti-discrimination approach. Referring to its historical foundations, Beger writes:

The importance of anti-discrimination was established for the first time in the 1994 White Paper on Social Policy, which recognized that the EU could not achieve its aim of integration, common market, and freedom of movement without providing a guarantee for people against fear of discrimination (Beger 2004, 102).

Beger’s observation about the growing inclination towards anti-discrimination as a basis for social policy, which aims to include a social dimension in the primary goals of economic growth, competition, and job creation (Commission of the European Communities 1994), also underscores the political and market dimension of this approach during its early development.

When discussing the important establishment of anti-discrimination laws, “among the first minority rights to be established within the European Union” (Beger 2004, 102), Beger singles out the long-term struggle that NGOs engaged in throughout the 1990s to strengthen and establish anti-discrimination as an institutional policy (Beger 2004, 103). “Many NGOs, supported by the European parliament, lobbied for years to extend the existing anti-discrimination focus on sex and nationality” (Beger 2004, 103). The 1994 White Paper, for example, does not mention sexual orientation as the basis of discrimination. The apparent hierarchy of discriminations was eventually codified in the European Councils Directives,

which would limit anti-discrimination measures aimed at protecting individuals based on their sexual orientation to the *Employment Directive 2000/78/EC*; whereas as the *Race Directive 2000/43/EC* applies anti-discrimination protections against racial discrimination to a larger scope of social institutions including “goods and services” such as social security, health care, education, and housing. Although Croatia’s *Anti-Discrimination Act (NN 85/08)* does include additional provisions that refer to social goods and services, ILGA-Europe, for example, is still lobbying on the EU institutional level for the adoption of a new directive that would “extend protection from discrimination on the grounds of [...] sexual orientation in the areas of social protection, social advantages, and access to goods and services”.⁹²

Emphasizing the role of the European Parliament in the NGOs lobbying efforts, Beger’s statement also draws attention to the complex relationship that the various EU institutions have between one another, which may explain the seemingly ambiguous or inconsistent approach to applying anti-discrimination laws, especially in relation to the question of sexual orientation. In her work on the language of rights in the EU, legal scholar Grainne de Burca points out that out of the institutions of the European Union, the European Parliament “uses the language of rights most widely”, most explicitly in referring to “gay rights”, yet, it is also the weakest EU institution in terms of its legal powers (de Burca 1995, 36–37). Written before the adoption of the Treaty of Lisbon in 2009, which greatly expanded the powers of the democratically elected European Parliament, de Burca’s point highlights the mixed messages sent by the different EU institutions, i.e. the Council, Commission, Parliament, and the European Court of Justice, regarding the importance of combating discrimination based on sexual orientation. It also emphasizes the complex, sometimes confrontational relationship between these institutions as an effect of the transformation of their roles over time.

⁹² ILGA-Europe’s stance towards this new directive is discussed on their page here: http://www.ilga-europe.org/home/how_we_work/european_institutions/anti_discrimination_law (accessed July 31, 2013).

In his study on discourses of European identity as part of the European Union enlargement project, Ulrich Sedelmeier discusses how the EU's commitment to EU enlargement and integration has also been shaped by the competencies possessed by three different levels of EU policy-makers (Sedelmeier 2005, 32–33). As I will discuss in Section 6.4, Sedelmeier's study is helpful for understanding the ways in which European identity became central to the idea of EU enlargement and "returning to Europe". His work also shows how policy-makers can become "rhetorically entrapped" (Sedelmeier 2005, 34) into maintaining a certain policy even if different institutions may not have fully "internalized" it (as is the case with the EU's commitment to enlargement) and how institutional structures empower certain actors more than others (Sedelmeier 2005, 36–48). As I will discuss more in Section 6.4, the EU Parliament in its commitment to anti-discrimination as a basis for combating sexual marginalization has been more vocal and consistent than other EU institutions, and so it has been used by ILGA-Europe and Croatian activists' for their lobbying efforts; whereas the European Commission which has overseen Croatia's accession process has not always emphasized the importance of these particular sexual rights.⁹³

Considering the long period of EU enlargement since the Copenhagen Criteria of 1993, it is important to take into consideration the transformation of the EU as an institution and its approach to human rights in the last 10 to 15 years which has meant that some sexual

⁹³ Dobrotić et. al (Dobrotić, Matković, and Zrinščak 2013) make a similar observation about the EU's ambiguous commitment to gender equality policy and its role in transforming the gender equality agenda in Croatia. In discussing the reasons for the limited outcomes of gender equality policies in Croatia, Dobrotić et. al agree with other scholars observations about the importance of mediating local factors in post-communist countries, such as state-building based on national ideologies, the conservative influences of the church, party politics, negative perceptions of socialist legacies as it relates to gender equality policy or the relative weakness of feminist and women's movements post-transition (Dobrotić, Matković, and Zrinščak 2013, 222). However, they also argue that the EU's complex approach towards gender equality, which has to some extent broadened in more recent times to include more "positive action and gender mainstreaming" (Dobrotić, Matković, and Zrinščak 2013, 219) has also been "too narrow to bring about comprehensive changes at the level of gender practices" (Dobrotić, Matković, and Zrinščak 2013, 222). "We do not question the fact that on an ideological level equality is the EU's fundamental value promoted by a range of measures, but the EU's equality agenda manifests itself both at the normative and the practical level, and there is substantive variation among EU countries. Hence, (non-) transformation in gender regimes is not only a question of transition complexity, but also of the EU complexity itself, which is faced with very contradictory tendencies" (Dobrotić, Matković, and Zrinščak 2013, 236).

rights have become part of the EU's overarching human rights agenda. The development of sexual human rights in the form of anti-discrimination measures in the European Union is a more recent trend, and the failure of some European Union member states to ensure that the new laws have been adopted and enforced shows that the struggle is far from finished (See Section 6.4). For Croatian LGBTIQ activists and organizations that are engaged in lobbying their government to adopt and enforce these laws, their struggle is made more complex by the fact that the EU has been accused of applying more stringent requirements and more frequent and intense inspections for candidate countries than for its own member states. As I will discuss in Section 6.4, this change has become even more significant since 2004 when Croatia received its status as a candidate country.⁹⁴

In a report conducted by the Center for Human Rights in Zagreb in 2007, Jagoda Novak, Head of the Research and Information Department, criticizes the non-transparent way that certain procedures have been carried out by the Commission responsible for facilitating the accession process in Croatia (Novak 2007). The report also points out how the implementation of legal changes has been slow and often ignored (Novak 2007). Although, the report cites the benefits of having "stricter" criteria, it also criticizes the EU for not applying the same measures for current member states (Novak 2007, 44). Regarding the weakness of internal consistency of human rights standards and practices, Philip Alston (1999) and Andrew Williams (2004) also criticize the EU for having stronger oversight externally than internally.

In her study on EU enlargement policy, Kirsten Lampe claims that this double standard is "an attempt to incorporate a moral justification for [the EUs] foreign policy and thereby to gain more international recognition, credibility and influence" (2007, 238). The

⁹⁴ Highlighting this change in disposition towards sexual human rights ILGA-Europe wrote in a 2008 report about the European Commission's progress reports on potential EU member states, "The gradually wider and *self-evident* inclusion of LGBT human rights in the Commission's monitoring system and in the progress reports means that LGBT rights are recognized within the European Union and that it is expected and demanded of the future members that they comply with the European values" (ILGA-Europe 2008, emphasis added).

frequent use of terms like “European values” in the documents of some transnational LGBTIQ organizations and EU institutions, which I will discuss more in the Section 6.4, are evidence to support this claim. Frequent references to sexual rights turn those rights into new ideological markers of European “civilization” and “progress.” Commenting specifically on the role of ILGA-Europe’s lobbying work in the processes of EU accession, Beger writes “[t]his practically does more than participate in the possibilities of gaining rights from a transnational institution: it creates specific meanings of Europeanness and potentially inadvertently substitutes Europe with the EU. In this respect Europe as ideological concept and concrete institution could become more an addiction than a model for critical activism” (Beger 2004, 158).

Carl Stychin’s examination of the specific case of Romanian LGBTIQ activism during the time prior to Romania’s accession to the EU raises similar concerns (2004). He shows how the EU accession process could become a crucial “tool” used by Romanian LGBT activists in their collaborations with the Dutch gay organization COC Netherlands for pressuring on the Romanian government to make legal changes (Stychin 2004). Citing criticisms of Peter Fitzpatrick’s criticisms, he also highlights the irony involved when EU institutions use human rights claims to stigmatize or draw attention to the “non-rights respecting, uncivilized ‘other’”; and how, of course, these claims are based on a “highly selective memory” of historical events (Stychin 2004, 963). As I will argue, this already existing selective memory seems to be coupled with the current tendency to use concepts like European values that construct a homogenizing and highly optimistic, though not completely unfounded, perspective on the legal, political, and social situation of non-normative sexual communities in the EU. Scholarly studies and recent reports from European institutions show that sexual rights in Europe are much more complex, diverse, and far from ideal, in particular when dealing with discrimination based on multiple identity formations (Haritaworn and with

Tamisila Tauqir and Esra Erdem 2008; De Schutter 2008; European Union Agency for Fundamental Rights 2009).

Referring to their role in EU accession, Stychin argues that human rights must be understood as being coupled with the EU's higher priority of making markets friendly for foreign-investment by processes of liberalization, privatization, and restricting government intervention (Stychin 2003, 131). These expected changes are not always premised on contributing to the welfare of local peoples. Stychin's concerns echo those expressed by Cheah (2006), mentioned previously in Chapter 4. Describing the twofold structure of what he calls "justice-in-violation", Cheah writes that "[h]uman rights are double-edged but absolutely necessary weapons that are given to the disenfranchised by the global force relations in which they find themselves mired in a given historical conjuncture" (2006, 174). He argues against a view of human rights as "instruments" to be used by "rational actors," and instead claims that we must try to "calculate their effectiveness in situations we can envision and act accordingly" (2006, 174). Both Stychin and Cheah, I believe, capture the paradoxical position or the double-bind in which activists in places like Croatia or Romania have found themselves. In order to understand the problematic positioning of activists' strategies that appeal to "European identity" as a basis for advocacy, it is necessary to view such strategies as embedded in discourses of Europe "in progress and development".

6.2. Croatia and Europe: Contesting the "Balkans"

The economic, political, and cultural clout of the European Community (now known as the European Union) has steadily grown since the early 1990s. Through the processes of "conditionality" (Grabbe 2002; F. Schimmelfennig and Sedelmeier 2004; Trauner 2009), EU accession has been a major factor in shaping the transformation of Eastern European countries. Frank Schimmelfennig and Ulrich Sedelmeier write, "[T]he desire of most CEECs

[Central and Eastern European countries] to join the EU, combined with the high volume and intrusiveness of the rules attached to membership, allow the EU an unprecedented influence in restructuring domestic institutions and the entire range of public policies in the CEECs” (2004, 1). Some countries have managed to meet these requirements while others, particularly those of Southeastern Europe, have been kept waiting in EU purgatory, in a newer form of Chakrabarty’s “imaginary waiting room” (Chakrabarty 2000, 8–10). Similarly, many leaders of the struggle for an independent Croatian nation-state perceived the dissolution of the SFRY in 1991 as the beginning of their larger struggle for the “return to Europe” (Lindstrom 2003; Tull 2003). In fact, this appeal to a “return to Europe” was widely used by political elites in the early 1990s throughout Eastern Europe to accelerate and legitimize their claim to integration (Kürti 1997; Lindstrom 2008).

For some, the notion of a “return” partly signified the fall of the Iron Curtain and Eastern Europe’s break from the economic and political past of soviet-type communism. Many former political dissidents and the new elites envisioned the transformation of their countries as part of “a progressive path of development”; that is, a road leading to an autonomous state free from the previous Soviet satellite status (sometimes entailing heavy military presence), a political system of a multi-party parliamentary democracy, societies founded on the principles of human rights, and, in a less explicit manner, leading to market-oriented economies (Grabbe and Hughes 1998). Sedelmeier argues that during the period prior to the fifth EU enlargement in 2004, much of the discourse of EU representatives constructed the relationship between the EU and Central and Eastern Europe as one of (moral) “responsibility”, a “historical opportunity” in which divisions between east and west could be overcome (2005, 24). Merging Sedelmeier’s assessment of the European Union representatives discourse of responsibility and his and Schimmelfennig’s claim about the intrusiveness of the accession processes, the entire transformation process becomes viewed as

one in which the economically, politically superior, morally responsible Western nations submit their Eastern neighbors to intense forms of conditioning in order to bestow acceptance upon them as legitimate countries of Europe/the EU.

Some more recent discourses continue to (re)construct a hierarchical differentiation between Eastern and Western European nations. These discourses seem to be the newest additions to a longer history of self-defining, aggrandizing discourses on (Western) Europe.⁹⁵ Ironically, the tradition of constructing Eastern Europe as the inferior Other of Western Europe has been reinforced both by Western and Eastern European elites (politicians, journalists, and writers) for centuries (Wolff 1994; Kürti 1997; Lindstrom 2008). In the context of this othering, for Croatia and other countries of Southeastern Europe, the term Balkan is often invoked as a derogatory label of historic legacy, signifying an arguably greater extent of “backward,” “primitive,” non-Western ways of doing things (Todorova 1997; Bakić-Hayden 1995; Ditchchev 2002). From this perspective, the trajectory of “progress” that emerges is a declining scale of development which begins with highly developed, Western Europe, cuts through the “Balkan region”, and ends somewhere on the eastern margins of the region.

It may not be surprising then that ruling elites in the “Balkans” (or in Eastern Europe) would attempt to disassociate themselves as much as possible from the harm inflicted through such labels. The stigmatizing logic then reproduces itself within the “Balkans,” catching the elites from one “Balkan country” calling the others “more Balkan” in a desperate (and futile) attempt to deflect the criticism by learning the lesson at the expense of neighboring countries. Milica Bakić-Hayden calls the process the act of “nesting orientalisms” (Bakić-Hayden 1995). She describes this model as a “gradation of ‘Orients’” or a pattern in which “Asia is more ‘east’ or ‘other’ than eastern Europe, within eastern Europe itself this gradation is

⁹⁵ For longer historical discussions on the construction of Eastern European or Balkan identity and the hierarchical differentiation between east/west in Europe see Todorova (1997) and Wolff (1994).

reproduced with the Balkans perceived as most ‘eastern’; within the Balkans there are similar constructed hierarchies” (1995, 918). In the words of Ivajlo Ditchev, in order to avoid the Balkan label, a Balkan society must prove itself by “trying desperately to negotiate an image of rapid change, compliance with standards, and the acquisition of all attributes of European nation-states (Ditchev 2002, 245)” and/or by at least proving that another society or country is *more Balkan*, reiterating the accession process’s logic of dividing Eastern and Southeastern European countries along this nesting dividing line of (self-inflicted) orientalizing.

These processes and discourses produce much more than a simple East/West divide. Such differentiations have been used to (re)inscribe differences within the Southeastern European region. For instance, discourses around European identity that have emerged in Croatia since its declared independence in 1991 are imbued with ambiguity and complexity (Lindstrom 2003; Razsa and Lindstrom 2004; Lindstrom 2008). Using Maria Todorova’s concept of Balkanism as a lens, Lindstrom examines the “Balkanist” discourses used during the 90s in Croatia to construct Croatia’s new “independent” identity (Lindstrom 2003). Following Lindstrom’s example, in order to understand this ambiguity better, I believe it is necessary to examine these discourses as embedded within the complex political developments since the 1990s in Croatia and within the larger framework of post-transformation Europe. Therefore, before I go on to consider more closely the implications of some of the ambiguously constructed European/Balkan identities, I would like to discuss some other scholarly interpretations of the political and social transformations that have taken place in Croatia more recently. In so far as this research is produced by some “local” scholars, their academic discourses can be seen as part of the very order of discourses on Europeanization I am interested in exploring. By drawing distinctions between certain periods of Croatia’s transition and the increasing importance of Europeanization in the last 20 years, their works underscore a hierarchical differentiation between a European Croatia and a

Balkan Croatia. These analyses also seem to inadvertently expose the underlying logic in some discursive strategies in which “Europe” becomes the measure of progress.

Commenting on the general trends and developments within Croatian politics since 1991, some authors have basically distinguished between two periods of development. Croatia’s first decade of independence, led by President Franjo Tuđman, is seen to be marked by a (re)emerging ethno-nationalism, war, authoritarianism, and self-imposed isolation from Europe (Jović 2006; Križan 2007). During this time, the Croatian government is said to have defended itself not only from the threat of Serbian nationalism (through its engagement in the war) but also from Western intervention into state affairs which was perceived as a threat to the newly established national sovereignty (Tull 2003, 132). In particular, Jović argues that Tuđman resented the EU’s “unfair demands [...] defined through a Regional Approach policy” in which Croatia was treated without exception as a member of the “Western Balkans” (2006, 85-86). He continues “It was only after the death of Franjo Tuđman (in December 1999) and once his party lost parliamentary and presidential elections in early 2000, that Croatian policy saw an ideological and political about-turn with regard to the idea of Europe” (Jović 2006, 86). Therefore, in Jović’s argumentation, there is a stark contrast between the decade prior to and after the year 2000 not only in terms of war but also regarding Croatia’s political orientation. These authors, like many LGBTIQ activists in Croatia, underscore the importance of the year 2000 as an opportunity, a positive turning point, and the beginning of a period of democratization and “Europeanization” (Jović 2006; Križan 2007; Dolenec 2008).⁹⁶

When Tuđman’s Croatian Democratic Union (HDZ) lost the elections in 2000, it was replaced by the center-left coalition led by the Social Democratic Party (SDP). SDP made many political promises that they envisioned to set them on the right path towards accession

⁹⁶ Dolenec argues, however, that the political transformations gradually occurred within Croatian domestic politics as opposed to the idea that EU as an external force brought about this political shift (Dolenec 2008, 42).

into the EU and to correct the wrongs done by the previous administration (Kiržan 2007, 217). This new government introduced policies and made changes that aimed to improve the lives of not only the poor and, especially, national minorities, such as Croatia's ethnic Serb population, but also to some degree sexual minorities.⁹⁷ Yet, distinguishing these two periods as isolationist and Europeanist (respectively) conceals the dynamic developments which took place within Croatia and in the larger European community during the entire period. Some scholars have developed more complex understandings about discourses on European-Croatian relations at that time, which may offer the basis for a more dynamic analysis of European/Balkan identities as they were constructed in Croatia in particular since the 1990s.

Lindstrom's position on the perception of Europe in Croatia is different and in agreement with Maria Todorova claims that "in the Balkans, the return to Europe was a discourse about an imputed ambiguity" (2008, 195 citing Todorova 1997, 482). Using Todorova's concept of Balkanism, Lindstrom emphasizes the liminal or border-like geopolitical position that countries such as Croatia continually embody as the "margin of Europe": "[...] despite its geographical status as European, the Balkans has become Europe's [political] shadow, the structurally despised *alter ego*, the dark side within" (2008, 196, emphasis in the original). Echoing centuries-old claims about the Balkan Peninsula, Croatia and the rest of the Balkans come to be positioned as neither in Europe nor outside. Rather, these countries are deemed to be misfits or rogues within a largely "civilized" Europe. Balkanist discourses intensified as the former Yugoslav Republics became entrenched in a series of war and ethnic conflict (Bjelić 2002). The context has changed substantially since the end of the military conflicts. However, the discourses on and approach of Western powers to the region arguably have not.

⁹⁷ As I have already mentioned in Chapter 4 and 5, several new pieces of legislation were passed during the period of the SDP government such as the *Labor Act (NN 114/03)* of 2003 which bars discrimination based on sexual orientation.

Croatia's bid for EU membership (as is the case for many other countries of former Yugoslavia and post-Soviet countries) can be seen as a current example of the paradoxical if not degrading or awkward position in which these countries must prove their worthiness. Although the 2000s have been recognized as the period of "Europeanization", Croatian politicians and elites have been lobbying for Europe's recognition since the moment of envisioning independence well before the onset of war. Those who led the country during its transformation to an independent state embraced the moment of change as an opportunity to campaign for inclusion in the 1990s. One of the most prominent and outspoken lobbyist for this cause was the former President Franjo Tuđman, who campaigned later in 1997 with the slogan "Tuđman, not the Balkans" (Razsa and Lindstrom 2004, 639). Lindstrom analyzes in particular the discourse of President Franjo Tuđman, who is at times depicted as a staunch anti-European, Croatian nationalist. Using Tuđman's words, she illustrates how the local elites' perceived their own difficult yet potentially transformative predicament. During a televised speech that he gave in 1991, the president stated:

We hope that the European countries and the EU will understand that the Croatian struggle for its territorial integrity, its freedom and democracy is not only the fight of the Croatian nation, but also the fight against the restoration of socialist communism...and the fight for normal conditions when Croatia can join Europe, where she historically belongs (Lindstrom 2008, 197 quoting Buden 2000, 28).

Tuđman's words described the transformative albeit paradoxical situation that he had perceived Croatia to be in at that historical moment: at once a part of Europe but also striving to *join* it by breaking away from its communist past. Contrary to other depictions of the former president, Tuđman appears to acknowledge this difficult position of Croatia's with a fair amount of "hope" and optimism, referring to the return to its "rightful" place in Europe. European powers' views on these developments were not quite as positive. Labeling this period as Croatia's "fall from grace" (2004, 633), Razsa and Lindstrom argue that due to

Croatia's involvement in the Bosnian war and the growing perception of Tuđman as authoritarian and undemocratic, its government was increasingly considered “to be another unstable and dangerous *Balkan* regime” (2008, 1997, emphasis added). In this discursive strategy, European leaders construed the development of political instability, ethnic-nationalism, and ultimately war as almost *inherent* in the cultural and political practices of peoples in the region of the “Balkans”.

During the 90s many Western governments distanced themselves from Croatia and dismissed its initial pleas for “inclusion” into Europe, while other Western actors also used this historical opportunity as the basis for political and humanitarian intervention (Stubbs 2008). Human rights violations and atrocities of war were singled out to highlight the difference between being “European” and “Balkan”. The “special” status of “Balkan” was further underscored and constructed by the special criteria set out for Southeastern European countries in the accession processes. Stabilisation and Association Agreements were developed for the “Western Balkan” countries as additional criteria for EU accession. They emphasized the need for political and human rights reform in order to create stability in the region (European Commission 2001). Echoing Tuđman's fears just a decade earlier, Novak argues that in Croatia these additional criteria were “met with much resistance [...] due to fears of a tendency by some European politicians to view all the countries of the former Yugoslavia (except Slovenia) as a “package”, without giving proper consideration to their individual progress” (2007, 18).

It is important to understand LGBTIQ organizations' endeavors to draw attention to discrimination and violence against LGBTIQ groups in Croatia as inflected by the historical residue of previously used discourses around human rights and their violations in the “Balkans”. Although I believe that many of the Croatian activists whom I spoke with were very aware of the danger of using Balkanist and “Europeanist” discourses in their own

advocacy strategies, certain activist have found this strategy to be strategically useful at times for pressuring the Croatian government to take action as I will discuss in Section 6.3 and 6.4.

As a result of Europe's condemnation, combined with the historical legacy of Balkanist discourses, Croatian elites react in various ways. Tuđman's praise of Europe, for example, was later replaced by more negative and critical rhetoric in which he portrayed himself as protecting Croatia from Europe's attempts to push Croatia back into the Balkans (Razsa and Lindstrom 2004, 640). Many Croats rejected Europe's criticisms and lack of solidarity with their "Christian brethren" as betrayal, and they attempted to "differentiate their respective national identities from the Yugoslav (or "Balkan") sphere, to which they claimed they were artificially tied to for the past several decades" (Lindstrom 2008, 195-200). Jović also argues that Croatian political elites increasingly criticized Europe because of its insistence to label Croatia as part of the Balkans, which was perceived as undermining Croatia's calls for state sovereignty (Jović 2006, 89).

Fears about the Croatian nation's sovereignty have also been expressed by conservative groups in response to EU pressure for Croatia to adopt anti-discrimination legislation that includes sexual orientation as a basis of discrimination. During a televised debate about the necessity of amending the Croatian Constitution to include the prohibition of discrimination based on sexual orientation and gender identity, a participant, a theologian and columnist, alluded to the existence of a transnational conspiracy to promote *homosexuality*, an attempt supposedly orchestrated by transnational LGBTIQ organizations and the European Union (Otvoreno 2010). The argument undermines the existence of LGBTIQ activism in Croatia; but more importantly, it raises concerns about sexual rights that are advocated for through discourses which (re)inscribe the cultural superiority of "Europe".

Conservative and nationalist resentments do not necessarily stem from a critical understanding of the hierarchical differentiations of the orientalist ideologies of the

discourses of Europeanization though. A more critical reaction should, for example, underscore the racist and imperialist connotations such a label entails. Rather, these reactions of the (political) elites are based on the perceptions that Croatians were mistakenly placed on the “wrong” side of the binary. In her work on the role of discourses of European identity as they emerged in the post-Tuđman 2000s, political scientist Jelena Subotic argues that Croatian political elites have engaged in a strategy of “de-Balkanization” in order to reaffirm their European identity, becoming the basis of Croatian national identity (Subotic 2011). This approach falls within the phenomenon that Bakić-Hayden describes in her discussion on “nesting orientalisms” in which one society elevates its rank by pointing to its neighbors’ disgraceful Balkan characteristics (Bakić-Hayden 1995).

The (political) elites’ Balkanist rhetorics, which was used to prove Croatia’s higher state of development in relation to its neighbors, has not always worked to their advantage though. Razsa and Lindstrom observe, for instance, how Croatians were time and again reminded that “Western leaders ultimately decided who was European and who would be kept out of the club” (Razsa and Lindstrom 2004, 634). Although these discourses did not always influence Western European elites, they were used more successfully by the local political opposition for critical mobilization against the very same Croatian elites. Using Todorova’s argument about the internalization of the Balkanist discourse, Razsa and Lindstrom shows that some actors in Croatia seemed to internalize this negative depiction of Croatian as Balkan (2004, 643-644) but only to utilize it as a critical tool against certain elites in power, such as Tuđman (2004, 642-646). What these discussions of Balkanist discourses in recent Croatian politics reflect is a vicious circle in which the fear of a rhetorical backlash becomes a means of disciplining those desperately trying to dissociate themselves from the “Balkans”, in fear of being called just that.

There are a couple reasons why I have highlighted the ambiguous of Europeanness and its changes in particular during the 90s. First, highlighting the ambiguity of Croatia's European/Balkan identity shows how the hierarchical relationship is constructed not only between Europe and Croatia but also between Croatia and other Balkan countries. The irony is that when reproducing these discourses, countries like Croatia appear to be strengthening the very concept they struggle to discredit. Second, contrary to some local scholarship (Jović 2006, Križan 2007), one cannot argue that since Croatia's declaration of independence in 1991, discourses of Europeanness have simply disappeared and reappeared over the two decades. I would rather say that they have transformed and been shaped by developments in Europe, the EU and Croatia as well. In Section 6.4, I will address more recent discourses on Europe as they have appeared in the course of sexual human rights struggles in Croatia. There, drawing on Dichev's point that "[w]hat makes the erotics of identity even more complicated is that the standards imposed by that foreign gaze are changeable. Thus, quite apart from the different *objects* of desire, there are also periodic changes in the *rules of the game* that produce those objects" (2002, 244), I would like to argue that in addition to dealing with its already "established" failures, Croatia and other countries of the "forever-lagging Balkans" will most likely always be at the mercy of Europe as long as it fails to face up to its own weaknesses.

6.3. Transnational Activism: Advocacy and Lobbying

As I discussed in Chapter 5, the Team for Legal Changes of Iskorak and Kontra, the Croatian organization in the center of my analysis in this chapter, has been one of the most visible local LGBTIQ lobbyist groups and practically the only one that has focused solely on the legal aspect of social change in Croatia in the given period. The two-member Team for Legal Changes (usually consisting of one individual from Iskorak and one from the Lesbian

Group Kontra) is part of the transnational European network of advocacy. The Lesbian Group Kontra as well as Iskorak (the Center for the Rights of Sexual and Gender Minorities) are both members of ILGA-Europe. Sanja Juras, a member of the Lesbian Group Kontra and the Team for Legal Changes, is also currently a member of ILGA-Europe's Executive Board.⁹⁸ Other Croatian organizations, such as Zagreb Pride and LORI, are also members of this network, though they do not cooperate with ILGA-Europe to the extent that these two organizations do. Through their collaborations with ILGA-Europe, the Team for Legal Changes is not isolated in their struggles but is located at the intersection of complex and multiple negotiations between local and transnational domains. As one member of the Lesbian Group Kontra, Tatijana, (who is not directly involved in the work of the Team for Legal Changes) stated during an interview that I made with her colleague in which she was present for a short period, the Team for Legal Changes deploy a "sandwich strategy" in their advocacy struggle in Croatia (Jadranka 2008). The sandwich strategy refers to how these activists advocated at the same time "from the bottom [local lobbying in Croatia] and from the European Union [with ILGA-Europe and other European institutions]" (Jadranka 2008).

One of their most important partners in realizing this strategy has been the International Gay and Lesbian Association of Europe (ILGA-Europe), the Brussels-based network of European LGBTIQ and queer organizations. It has been a branch of the larger International Lesbian and Gay Association (ILGA) since 1996. ILGA-Europe received consultative status with the Council of Europe in 1997 and became a member of the Platform of European Social NGOs in 1998. In 2006, it was the first of three LGBTI organizations to receive consultative status with the UN's Economic and Social Council.⁹⁹ According to their

⁹⁸ See http://www.ilga-europe.org/home/about_us/executive_board/juras_sanja (accessed September 29, 2013).

⁹⁹ In the announcement posted on the ILGA website in December of 2006, they note this as a historical event. However, they also note that two lesbian organizations (COAL, the Coalition of Activist Lesbians (Australia) and International Wages Due Lesbian (U.S.A.)) had previously received this status. See this article, accessible on their website at

mission statement, ILGA-Europe “act[s] as a European voice for the rights of those who face discrimination on the grounds of sexual orientation, gender identity or gender expression” and much of their work includes lobbying relevant EU institutions and EU officials in Brussels and other international institutions such as the UN to make legal changes to protect these individuals (ILGA-Europe 2013). At the more local level, they aim:

[...] to strengthen the capacity of European human rights organisations fighting against sexual orientation, gender identity and gender expression discrimination to work for equality through their involvement in advocacy, campaigning and networking, the exchange of best practice, the dissemination of information and capacity-building programmes” (ILGA-Europe 2013).

For some individual Croatian activists, this has entailed attending training activities or “study visits” in Brussels, which were organized by ILGA-Europe. ILGA-Europe has also published handbooks or guides that are intended to help organizations develop activist strategies (Loudes and Paradis 2008; Aengus, edited by Beth Fernandez 2010) and thus provide various other capacity-building materials online.¹⁰⁰

In these two documents, ILGA-Europe discusses the importance of the documentation of human rights violations or “human rights monitoring” and advocacy, in particular in countries that have agreed to human rights agreements and for Eastern and Southeastern European countries as these countries are the target of their documentation and advocacy

http://www.ilga.org/news_results.asp?LanguageID=1&FileCategory=44&ZoneID=7&FileID=982 (accessed July 27, 2013).

¹⁰⁰ These materials can be found on ILGA-Europe’s website at:

http://www.ilga-europe.org/home/how_we_work/developing/resources_on_capacity_building/ (accessed August 4, 2013). During the project closing meeting held by COC Netherlands that I attended in 2008, the COC representatives distributed a CD with the publication “End of the Rainbow”, which is listed as one of the sources in the linked provided here. This publication was presented by COC to LGBTIQ activists from the broader region as a guide for finding alternative sources of funding. The general impression was that it presented as an option for funding in light of COC’s withdrawal as a funding source in the region. The publication itself was a collaborative project developed by COC and the organization NESsT (<http://www.nesst.org>), which works to “develop[...] sustainable social enterprises that solve critical social problems in emerging market economies” (<http://www.nesst.org/mission/#sthash.6pKiVj3o.dpuf>) (accessed August 4, 2013) as well as ILGA-Europe. According to NESsT, this publication was developed “to introduce social enterprise as an additional option for contributing to the sustainability of LGBTIQ organizations. End of the Rainbow includes many cases and examples of LGBTIQ organizations that are operating entrepreneurial activities that generate income through the sale of products or services while also fulfilling other important social change goals” (<http://www.nesst.org/galeforce-capital/eotr/>) (accessed August 4, 2013).

funding, which I will discuss in more detail in this section. The documents draw attention to the relevant international agreements and human rights standards: the International Covenant on Civil Rights and Political Rights (ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Yogyakarta Principles, which are not legally binding principles, (Loudes and Paradis 2008). In terms of understanding the state's role in protecting these rights, the authors draw attention to the "double obligation" of the state, i.e. the fact that the state should refrain from interfering with the exercising of certain rights and "provide the conditions for the exercise of the right to the best of their capacity" (Loudes and Paradis 2008, 18).¹⁰¹ However, when referring to social or cultural rights (rights which are emphasized in the Yogyakarta Principles) or "positive steps to implement rights through policies and programmes", the authors state that "the rights considered in this handbook are of a civil and political nature" (Loudes and Paradis 2008, 19). In this sense, the complex relationship of social and economic rights and their effect to enable civil and political rights is not made clear.

The recognition of the "need" for additional measures is also mentioned in a previous publication titled "Going Beyond the Law: Promoting Equality in Employment":

Equality legislation needs to be supported and enhanced by other initiatives, including policy development, positive action measures, and awareness-raising and educational campaigns. ILGA-Europe recognizes that the ongoing work must involve all stakeholders and be undertaken on many fronts and we are committed to working with all to ensure LGB employees in Europe experience a workplace in which they can realize their potential, free of the fear of discrimination (Quinn and Paradis 2007, 5).

This publication identifies some of the important limitations of the EU's anti-discrimination law or the Council's *Employment Directive 2000/78/EC*, such as the member states failure of compliance, aspects of discrimination that are not covered by the Directive, and difficulties in

¹⁰¹ An example is given in which a state would refuse to provide protection against or properly investigate potential homophobic or transphobic attacks.

actually bringing cases to court (Quinn and Paradis 2007, 4). In terms of understanding the sexually marginalized “stakeholders” in this scenario, it is clear that the legislation is limited to “LGB employees”. Regarding positive measures, the authors refer to “‘soft’ forms of positive action” (Quinn and Paradis 2007, 47–65) that employers and trade unions can take in order to ensure not only that discrimination does not occur but also that business achieve diversity. They see diversity as an “increasingly influential motivator” as it carries “the potential for economic benefits from investment in people” and can “result in better economic performance” (Quinn and Paradis 2007, 52). Although it can be argued that this market discourse of performance and economic benefit is clearly directed at persuading potential employers and echoes the European Commission’s discourse about diversity in the workplace (European Commission 2003), it also reinforces the idea that anti-discrimination measures bear what Somek calls “normative deficiency”, failing to transcend “market mentality” (Somek 2011, 157). However, among their recommendations to the European Commission, the authors mention future reforms that would extend the legislation “beyond the workplace to include the provision of goods and services” as well as “the duty to proactively promote equality (positive duty)” (Quinn and Paradis 2007, 67).¹⁰²

The ILGA-Europe authors of the 172-page advocacy manual of 2010 explicitly mention social and economic rights and refer to the importance of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in their discussion of human rights standards, which is not mentioned in the 2008 handbook (Aengus, edited by Beth Fernandez 2010, 11). This manual was developed in particular for several Eastern European and Eurasian countries.¹⁰³ It outlines several steps believed to be important for developing a

¹⁰² The other example of positive action referred to in this text are positive action programs or programs such as those used for other minorities, i.e. “the recruitment, training and general working conditions of women and of some minority groups”, to “prevent or compensate for disadvantages experienced” by these groups (Quinn and Paradis 2007, 13).

¹⁰³ The seven countries listed are Armenia, Azerbaijan, Georgia, Moldova, Kazakhstan, Kyrgyzstan, and Ukraine.

human rights advocacy campaign, including becoming familiar with human rights standards, identifying issues of importance, identifying stakeholders and “mapping power”, documentation and monitoring, creating an action plan, and self-evaluation. This list may, in fact, be evidence of internal transformations and increasing awareness within ILGA-Europe for the need to expand its human rights work. In an interview with representatives from the International Gay and Lesbian Human Rights Commission (which I will discuss in more detail below), the representatives actually mentioned how their collaborations with local organizations, in particular organizations in Latin America, have made them more aware of the need to focus on social and economic rights in addition to their existing civil and political rights initiatives (Representatives of IGHRC 2009).

In addition to the publically available information about ILGA-Europe’s human rights advocacy work, I was also able to conduct a short (30 minute) interview with one representative of ILGA-Europe in Brussels (Lora 2010).¹⁰⁴ We discussed the importance of working with local LGBTIQ organizations to assist them in their advocacy and lobbying work. The representative mentioned the importance of the “study visits” as a means for advising local organizations and for receiving feedback from these local organizations. The study visits are part of a project for bringing local representatives and activists to Brussels for two or three days in order to give them advice on advocacy work and to introduce them to members of the Commission that work at their respective countries' desk offices, and also to make some contact with other EU MPs, relevant EU representatives (Lora 2010). According to the representative, part of ILGA-Europe’s motivation for these study visits is to work towards enabling local activists to have their voices heard by EU representatives directly (Lora 2010). She mentioned how these visits also provide an opportunity to coach the activists in appropriate human rights language as it is important to present their cases in

¹⁰⁴ I was asked by the interviewee not to record this particular interview, therefore, no transcript of this interview exists and no excerpts can be presented.

“concrete and proper human rights terms” (Lora 2010). Concerning who is chosen for these study visits, the ILGA-Europe representative mentioned that as the projects develop they intend to have open calls for any activists. However, at the beginning of this study-visit project, they reached out to the “usual suspects” or those organizations with which they had already previously worked (Lora 2010). In terms of working with Croatian representatives, this meant that representatives from the Team for Legal Changes could take part as they have had a more established relationship in place.

The importance of established relationships also came up when we discussed the role of ILGA-Europe as a funder. In terms of its own main funding sources, according to their website, ILGA-Europe relies on funds from the European Commission, the Open Society Institute, Sigrid Rausing Trust from the UK, Freedom House (US), the Dutch Ministry of Education, and The Bureau of Democracy, Human Rights, and Labor of the United States’ State Department as well as other “anonymous” donors.¹⁰⁵ Even on the transnational/international level, the finances of NGOs can also reveal the important, if not politically delicate, cooperation between governmental and non-governmental institutions. ILGA-Europe works as a funding organization through their Documentation and Advocacy Fund.¹⁰⁶ Officially registered NGOs or “initiative groups (in countries, where there are no registered LGBT NGOs)” from “Western NIS (Moldova, Ukraine, Russia, Belarus), Southern Caucasus (Armenia, Azerbaijan, Georgia), the Western Balkans (Albania and former Yugoslavia), the 12 new EU member states and the EU accession countries” are all eligible for documentation (“collection, organisation, measurement and analysis of information”) and advocacy (“publication (print, internet, CD, etc.), awareness raising activities and / or use of documented data for advocacy”) grants.¹⁰⁷ Again, referring to the importance of working with

¹⁰⁵ See ILGA-Europe’s website: http://ilga-europe.org/home/about_us/ilga_europe_funding#sources (accessed August 4, 2013).

¹⁰⁶ See http://www.ilga-europe.org/home/how_we_work/ilga_europe_as_a_funder (accessed August 4, 2013).

¹⁰⁷ See http://www.ilga-europe.org/home/how_we_work/ilga_europe_as_a_funder (accessed August 4, 2013).

organizations who have already established a relationship with ILGA-Europe, the representative mentioned that more funding is given to these organizations because they have already developed the necessary skills and experience, although ILGA-Europe does also try to reach out to other organizations (sometimes even through already existing contacts) and is aware that competition among organizations can create tensions. In terms of Croatian partnerships, the Team for Legal Changes has received such funds for their work (Jadranka 2008)¹⁰⁸, whereas Zagreb Pride's applications for funding in 2012 were both denied.¹⁰⁹

According to members in both the Team for Legal Changes and ILGA-Europe, their collaborations in lobbying have been essential in creating pressure on the Croatian government. ILGA-Europe staff member Lilit Poghosyan, who is also their specialist for the Balkan region Lilit Poghosyan stated in an interview for the *Osservatorio Balcani e Caucaso* in Italy that:

[T]he adoption of comprehensive anti-discrimination laws is a precondition for both EU accession and visa liberalisation, and we work together with our member organisations (the local LGBT organisations) to ensure that those laws include protection from *sogi* [sexual orientation and gender identity] discrimination. In fact, both in Serbia and Croatia, the inclusion of protection from *sogi* discrimination was a result of effective advocacy done by ILGA-Europe and its member organisations in the countries (Dioli 2009).

In her study on lesbian activism in the Western Balkans, researcher and journalist Irene Dioli observes a transformation of activism in the region from a U.S.-based activism model during the “post-conflict” period to a more recent EU-based model (Dioli 2011, 319). Observing the shift in nature of international support given to local NGOs, Dioli writes:

¹⁰⁸ This information is also available on ILGA-Europe's website: http://www.ilga-europe.org/home/how_we_work/ilga_europe_as_a_funder/completed_projects/documenting_hate_crimes_against_sexual_minorities_in_croatia (accessed September 21, 2013).

¹⁰⁹ The result of this application for funding is mentioned on Zagreb Pride's website: http://www.zagreb-pride.net/web/index.php?option=com_content&view=article&id=477&Itemid=56&lang=hr (accessed August 4, 2013).

Both local and international NGOs, bypassing the level of local institutions, are interfacing directly with transnational—namely, EU—institutions in a lobbying action aimed at raising the awareness of European policy-makers on sexual rights issues. As a consequence, international support to local NGOs mostly takes the form of capacity-building and advocacy training, in order to improve the partners' organizational development and capacity to do effective EU-level advocacy (Dioli 2011, 319).

The change in focus towards EU institutions, however, has not deterred all American organizations from participating in these lobbying efforts.¹¹⁰ Aside from the American intervention in terms of funding provided to ILGA-Europe, the American International Gay and Lesbian Human Rights Commission (IGLHRC) has also used its leverage as an international human rights organization to facilitate change in Europe, even if only through the symbolic inclusion (by name) in particular documents.¹¹¹

IGLHRC, now one of the leading international LGBT rights organizations, was established by the U.S. activist Julie Dorf in 1990. The organization has worked in all parts of the world including Eastern Europe and the countries of the former Soviet Union. One of its first noteworthy activities according to the history of the organization as it is presented on their website was a trip they organized in 1992 with Congressman Barney Frank to Russia.¹¹² There, they lobbied the newly established Russian government to repeal existing anti-sodomy

¹¹¹ Part of my data for analysis consists of letters written by ILGA-Europe and IGLHRC in collaboration with its local member organizations. These letters were sent to top-level government officials in response to the government's work on anti-discrimination legislation and in response to reports by local member organizations about violent incidences at Pride events and the local official's failure to act accordingly. Some of these letters can be found on ILGA-Europe's website. One was made available upon my request to ILGA-Europe. I also examined public speeches given by Croatian activists aside from those involved with the Team for Legal Changes and the opinions of other LGBTIQ activists from Croatia, other European LGBTIQ activists, and EU institutions expressed via reports and interviews. Although some of these more locally situated discourses do not necessarily catch the attention of European or world audiences, let alone the majority of the Croatian public, I would argue that they are taken seriously by government officials who are called on to respond and by many activists (local and transnational) themselves who are all too aware of the meager discursive and material resources that are available to them in their struggles. As I note in the case of IGLHRC, international and transnational organizations with all their resources and visibility (often substantially more than local Croatian organizations) still face obstacles in trying to achieve recognition by important international institutions.

¹¹² IGLHRC's history can be found on the organization's website at <http://www.iglhrc.org/content/our-history> (accessed July 27, 2013). It is interesting to note that LGBT organizations have still not successfully lobbied their own government to overturn such anti-sodomy laws.

laws.¹¹³ IGLHRC is located in New York City, but as a leading international organization it has lobbied for awareness of sexual minority rights around the world, particularly in the UN. IGLHRC applied for consultative status at the UN in 2007 and was approved in 2010. According to IGLHRC staff, their work in Europe is facilitated through their collaboration with ILGA-Europe and its member organizations (IGLHRC Representatives 2009). An important part of their collaborative work during much of the 2000s focused on putting pressure on the Croatian government in support of local Croatian activists' advocacy for anti-discrimination laws, which I will discuss in the Section 6.4. In response to my inquiry about their collaborations with IGLHRC, the ILGA-Europe representative Lola, in the interview, emphasized that these activities are supplementary to ILGA-Europe's main aim of lobbying EU institutions directly and using EU representatives to apply pressure on governments (Lora 2009). This representative also emphasized that the letters are first and foremost reactionary to specific events, focusing on specific legislative developments, and that they are used to essentially scare national governments into responding "appropriately" (Lora 2009). Lola also mentioned that these letters should use the language of human rights, but that ILGA-Europe would not necessarily use the same language with their member organizations and local activists as it is meant strategically for applying pressures to local governments that "care" (Lora 2009).

Even though the Croatian lobbying efforts of the local activists were successful in bringing about legislative changes, they did not always have faith in the transformative potential of their own work. Sanja Juras and Kristian Grđan, the Team for Legal Changes from 2004-2009, while fighting for the adoption of the particular laws, acknowledge the limitations of their own work. In their 2008 report "On the Status of Gender and Sexual Minorities in Croatia," they refer to the failures of the already existing legislation in Croatia

¹¹³ It is important to note that many sodomy laws in the U.S. were not repealed until 2002. The Supreme Court's decision *Lawrence vs. Texas*, which invalidated the remaining sodomy laws, did not occur until 2003.

that was meant to protect gender and sexual minorities from discrimination.¹¹⁴ They point out that failure to implement these laws and the prevalence of homophobia in Government institutions that undermine any potential for the new anti-discrimination laws to bring about substantial change (Juras and Grđan 2008). Juras and Grđan emphasize that “the existing legal regulations are not being applied and that discrimination is a highly prevalent social problem for which an appropriate solution has not been found” (Juras and Grđan 2008). These activists’ assessment of their own lobbying efforts beg important questions about the reasons for engaging in these particular lobbying and advocacy campaigns at this historical moment.

As I mentioned in Chapter 5, concerns have been expressed by other LGBTIQ activists in Croatia as well. Based on the personal interviews that I conducted with Croatian activists, it is clear that a substantial amount of cynicism and pessimism exists concerning legal developments and the amount of change that they may or may not produce in LGBTIQ individuals’ lives in the immediate future. As one activist claims, “This is the situation in Croatia now. So no one trusts in laws anymore” (Josip 2009). This concern is similar to Novak’s who also writes about the impact of the EU accession processes on the status of human rights in Croatia (Novak 2007).¹¹⁵ Novak and the activists who she cites point to the lack of political will on the part of government to ensure implementation and an inefficient and poorly performing judiciary and public administration as major issues of concern (2007, 35-46). Regarding implementation, she also puts into question the political will of European Union officials (2007). She claims that a lack of transparency during EU accession

¹¹⁴ Juras and Grđan list all of the laws that I mentioned in Chapter 4, including the *Gender Equality Act* (NN 82/08), the *Labor Act* (NN 114/03), *Penal Code* (NN 111/03), and the *Act on Same-sex Unions* (NN116/03), as well as the *Civil Servants Act* (*Zakon o državnim službenicima*, NN 92/05), the *Volunteers Act* (*Zakona o volonterstvu*, NN 58/07), the *Media Act* (*Zakon o medijima*, NN 59/04) (Juras and Grđan 2008).

¹¹⁵ To cite one discussion about the amount of legislation that had been passed due to the accession process, I refer to Florian Trauner’s statement (citing the work of S. Kusić 2005) that “[B]y the end of 2004, several months before the country officially started its accession negotiations, the Croatian parliament had already adopted 500 new Croatian Laws in order to adjust to the EU [...]” (Trauner 2009, 783).

negotiations, little oversight of the successful implementation of new legislation, and the absence of clear, consistent policies on human rights on the side of EU institutions (Novak 2007, 49).

The local human rights activists' observations about the effectiveness of legal changes raise questions and doubts about the overall aims of local and transnational LGBTIQ organizations that (over)emphasize and even celebrate the central role of legislation in the struggle for sexual justice in Croatia. The decision to invest so much energy in this type of activism partly stems from the opportunity provided by the European accession process. Due to European institutions' substantial political and economic leverage and Croatian political elites drive to join the EU, the EU and other European institutions have played a crucial role in local struggles to bring about social, cultural, and political changes in Croatia (Schimmelfennig and Sedelmeier 2005). As I have argued, it is only in more recent years that European Union institutions and international LGBTIQ organizations - albeit for different reasons - have begun applying pressure on non-EU countries, such as those in Southeastern Europe, which aspire to gain EU membership, to adopt anti-discrimination legislation that protects individuals from discrimination based on sexual orientation. One may argue that the positive result is that the local LGBTIQ organizations have successfully instrumentalized the leverage and that these countries make the legislative changes, such as the newest anti-discrimination laws in Croatia in 2008, Bosnia and Herzegovina and Serbia in 2009,¹¹⁶ and Montenegro in 2010. However, aside from narrowing the focus of their strategies, LGBTIQ advocacy work for these laws has also engaged within problematic discourses of Europeanness.

¹¹⁶ For Serbia, the adoption of this legislation was required in order to be placed on the so-called "Schengen white list," which abolished the current visa regime the EU holds in relation to several Western Balkan countries. This requirement was one of many set forth in the Commission's "visa roadmaps" for these countries. For more on this issue, see the European Stability Initiative's website <http://www.esiweb.org/index.php?lang=en&id=342> (accessed July 27, 2013).

Some types of lobbying have (re)produced historical and geopolitical hierarchical differentiations between a “progressive” West and the “backwards” East/Balkans. By portraying Europe as having homogenous values and ignoring the challenges that it faces in facilitating change within its own borders, these groups obscure the mutual problems faced by actors both inside and outside of EU. When relying on the notion of European identity and values, advocates, activists, and EU institutions seem to be construct a “route of progress” through legislation, which should begin with decriminalization, followed by anti-discrimination laws, which then “ideally” lead to same-sex marriage rights. There is also a rather clear message that “Europe” is leading and others outside of it should follow. These discursive strategies construct a linear “structure of time” that the post-colonialist scholar Dipesh Chakrabarty may describe as “first in Europe and then elsewhere” (2000, 8). As I will argue in Section 6.4, this hierarchical logic of progress raises many concerns, regarding predominantly what it leaves out or makes invisible. In the following section, I will focus on how anti-discrimination laws in particular have played an important role in constructing a “European identity” and the Europe/Other binary.

6.4. Homophobia and European Identity in the Discourses of Transnational Activists and European Institutions¹¹⁷

In this section, I will analyze specific texts produced by transnational LGBTIQ organizations and European Union institutions and discuss how sexual rights and the “treatment” of sexual “minorities” has become a new marker of progress and civilization and part of Europe’s new, improved identity (Stychin 2003; Binnie 2004, 62–66). I will examine how these disciplining/differentiating discursive strategies as they revolve around European identity and human rights and the European Union accession processes have been deployed

¹¹⁷ Parts of this section have been taken from my recent publication (see Butterfield 2013).

as part of the lobbying strategies for pressuring governments to adopt and implement anti-discrimination laws.

Organizations such as ILGA-Europe and transnational organizations such as COC Netherlands have been struggling for the recognition of LGBTIQ communities and sexual rights in Europe for decades. I would like to stress the word *struggle* precisely because it indicates that European values and legal systems have not always recognized or dealt with the obstacles and discrimination that LGBTIQ people have faced throughout history. Yet, as my examples from texts produced by ILGA-Europe in their collaborations with local LGBTIQ initiatives as well as EU institutions show, there has been a tendency to refer to human rights documents and “founding principles” or “values” of the EU as a means of drawing attention to not only to Croatia’s (or the region’s other countries’) failure to fulfill their obligations for EU accession but also their failure to embody “Europeanness”. In my reading of several texts produced with the aim of lobbying Croatian and other regional governments, EU representatives and LGBTIQ activists appear to be persuading countries like Croatia or Serbia by stating, at times, that European values have historically entailed a commitment to non-discrimination towards “sexual minorities”. A look at the development of sexual rights in the European Union member countries, however, reveals that there has not always been a consensus within the EU, let alone the wider European community, about whether *sexual* human rights exist and, if they should, in what forms and with what scope. Although changes have taken place in particular in the last fifteen years, which have included some limited anti-discrimination employment laws, there continue to be disputes over other human rights, such as the right to “social goods and services” and right to marriage and family.

Echoing claims about the transnational development of sexual rights as human right (A. Wilson 2002; Marks 2006; Fellmeth 2008), legal scholar Helmut Graupner puts it succinctly in his work on human rights in Europe from 2005 and states that “Written human

rights law is *scanty* when it comes to sexuality” (Graupner 2005, 109, emphasis added). In Europe, there have been many recommendations and resolutions issued by institutions such as the Council of Europe, the Organization of Security and Cooperation in Europe (OSCE), and the European Parliament about the importance of non-discrimination. Although the first document mentioning sexual orientation came out as early as 1981 in the form of a recommendation (Parliamentary Assembly of the Council of Europe 1981), it is not until more recently in the 2000s that more declarations or legally binding directives have increasingly made explicit references to *sexual orientation*. One of the first concrete actions on the European level was taken in 2000 by the Council of Ministers of the EU, which “issued a *directive obliging* the member states of the European Union to comprehensively ban sexual-orientation-based (direct and indirect) discrimination in employment and occupation” (Graupner 2005, 109, emphasis added).¹¹⁸ The *Employment Directive 2000/78/EC* is viewed by some as a testament of Europe’s growing or even at time *established* (ILGA-Europe 2008) commitment to the equal treatment of all persons, including *some* sexually marginalized individuals; presumably those with same-sex orientation, as gender identity, which would be important for transgender individuals, was not included. One problem that I already mentioned in Section 6.1 is that the Directive has been criticized for establishing hierarchies between types of discrimination, such those based on race and sexuality (De Schutter 2008, 33–35). In addition, it has also been noted that it has taken years to implement this directive and that the EU has still not fully assessed the national legislative

¹¹⁸ In a paper written in 2006 which he based on a report done by the European Group of Experts on Combating Sexual Orientation Discrimination, Kees Waaldijk shows that the implementation of this directive had still not been completed in what he calls the “old Member States” (Waaldijk 2006). The Fundamental Rights Agency report also highlights the lack of recorded information or statistics by the member states on the success or degree of implementation of this directive (De Schutter 2008).

changes to ensure that they adhere to the directives guiding principles (De Schutter 2008, 36–40).¹¹⁹

Aside from this directive, there are other EU legal documents that have either directly or indirectly addressed the issue of discrimination based on sexual orientation. The EU's Charter of Fundamental Rights (the Charter), which came into force in 2000, makes explicit reference to the legal protections against discrimination based on sexual orientation.¹²⁰ This document, however, only became legally binding as a part of the Lisbon Treaty, which came into force on December 1, 2009. Article 21 of the Charter explicitly states that discrimination based on sexual orientation is prohibited. However, legal scholar Philip Tahmindjis points out that the Charter “only applies to European institutions and to member states in their actions within the scope of European Law, and not to domestic law” (Tahmindjis 2005, 15). This aspect of the Charter is particularly relevant in the struggles for the right of same-sex couples to marry or to have legal recognition of their families, which is not prescribed within EU law. Based on the unfounded fear that this Charter might somehow require countries to allow same-sex couples to marry, Poland underscored this limitation of the Charter, along with the United Kingdom and the Czech Republic, in a special protocol added to the Lisbon Treaty. This supports observations that the granting of human rights and more specifically sexual rights depends greatly upon the will of national bodies (Grigolo 2003; Graupner 2005; Fellmeth 2008).

Making national governments respond to documents such as the Council *Employment Directive 2000/78/EC* on discrimination has proven difficult. Over the years, moves to develop and implement sexual human rights have not been met with consistent or uniform decisions in the European courts (ECtHR or ECJ) nor homogenous reactions from the EU

¹¹⁹ See also “Homophobia in Europe: European Parliament Resolution of 26 April 2007 on Homophobia in Europe” (European Parliament 2007).

¹²⁰ The full text of the Charter of Fundamental Rights of the European Union is available at the website http://www.europarl.europa.eu/charter/default_en.htm (accessed August 8, 2013).

member states (De Schutter 2008; European Union Agency for Fundamental Rights 2009).¹²¹ Graupner and Aaron Fellmeth argue that very often successful implementation of legislation depends on the national political context and, in addition, cases that have been won in the higher European courts are marred by other seemingly contradicting decisions made by the same court and/or national courts (Fellmeth 2008, Graupner 2005). A two-part report published in 2008 and 2009 by the more recently established European Union Agency for Fundamental Rights (FRA) also find that more needs to be done to ensure that national legislation is “commensurate with EU’s fundamental principle of equal treatment,” and to ensure that politicians and responsible bodies have a “firm political commitment to the principles of equal treatment and non-discrimination” (De Schutter 2008; European Union Agency for Fundamental Rights 2009).

It is important to note that these reports from the FRA came out seven years after the Council *Employment Directive 2000/78/EC* and after several resolutions on homophobia were made by the European Parliament from 2006 to 2007 (European Parliament 2006a; European Parliament 2006b; European Parliament 2007). These resolutions brought attention to the growing problem of homophobia in several member states in particular, citing events in places like Italy, the Netherlands, Poland, and the UK among others (European Parliament 2006a; European Parliament 2006b; European Parliament 2007). The European Parliament in its 2009 resolution on the situation of fundamental rights in the European Union reiterates declarations made in these previous resolutions and notes the role of religious and political actors stating that it “[T]akes the view that discriminatory comments against homosexuals by religious, social and political leaders fuel hatred and violence, and calls on the relevant governing bodies to condemn them” (European Parliament 2009). The resolution sites fundamental rights as the foundations of democracy and emphasizes “the role which local

¹²¹ See also discussions of the development of EU legislation and implementation in Graupner (2005), Fellmeth (2008), and Waaldijk (2006).

and regional authorities can play in the promotion of such rights” (European Parliament 2009). All of these assessments reinforce the local activists’ criticisms and pessimism about implementing their newly passed anti-discrimination law in Croatia, where the political climate has also proven quite resistant to the recognition of sexual rights.

The European Parliament has been an important partner for European LGBTIQ organizations lobbying for legal changes at the EU level and for local organizations in applying pressure on their national governments. Its resolutions have been an important form in which the Parliament has produced its position on anti-discrimination measures; yet, these documents are not legally binding. Nevertheless, both international and local LGBTIQ organizations have used the resolutions to draw attention to concerns relating to the status of “sexual minorities” and anti-discrimination laws in the larger EU contexts as well as in Croatia’s accession process. In a more recent 2010 resolution addressing Croatia’s 2009 Progress Report published by the European Commission under the heading Political Criteria, the Parliament writes that it:

Calls on the Government to provide training for the judiciary on the implementation of the Gender Equality Law (GEL) and the Anti-Discrimination Law; notes that, so far, not one judicial decision has been based on either of those laws; [...] notes the progress made by Croatia in the area of hate crime legislation and encourages the government to make further efforts to ensure that an appropriate legal framework is in place, as well as to address discrimination against sexual minorities, including thorough the investigation of hate crimes and threats;

[...] Expresses its concern at the resentment against the LGBT minority in Croatia, evidenced most recently by homophobic attacks on participants in the Gay Pride parade in Zagreb; urges the Croatian authorities to condemn and prosecute political hatred and violence against any minority; invites the Croatian Government to implement and enforce the Anti-Discrimination Law [...] (European Parliament 2010).

In the first sentence of the first amendment cited above, many activists’ concerns about the implementation of the *Anti-Discrimination Act (NN 85/08)* are addressed immediately. Proof of the Croatian government’s failure is given by the lack of any judicial decisions pertaining

to the *Gender Equality Act* (NN 82/08) or *Anti-Discrimination Act* (NN 85/08). Addressing the adoption of hate crime legislation, the Parliament praises Croatia on its progress but simultaneously “urges Croatian authorities” to take appropriate actions to ensure that these laws are implemented. In this sense, the European Parliament is doing precisely what some LGBTIQ organizations have lobbied them to do. Juras as a representative of the Lesbian Group Kontra reacted to the news of this resolution immediately by posting an open letter on the organizations website (Juras 2010). In the letter, she draws attention to the resolution and the concerns of the European Parliament as support for the Lesbian Group Kontra’s demands that “state institutions more consistently enforce laws that refer to the sanctioning of hate crimes and discrimination” and “to make changes to criminal legal provisions to have better sanctions against hate speech and hate crimes in the Republic of Croatia” (Juras 2010).¹²² Juras also points out in the first sentence of this letter that the European Parliament made similar statements calling for the protection of sexual minorities in resolutions regarding the accession processes of Macedonia and Turkey (Juras 2010). Just as Croatia was in 2010, Macedonia and Turkey were also candidate countries. As their recent accession in 2013 shows, Croatia has been more successful at fulfilling the accession criteria, whereas Macedonia and Turkey’s accession process continue to be put on hold. What Juras implies in this statement from 2010, however, is that if Croatia does not embrace the EU’s apparent position toward sexual minorities, they would be no more prepared to join the European Union than their southern neighbors, Macedonia and Turkey.

Juras’s statement draws attention to the broader *regional* approach that has emerged through the EU accession process to the issue of protecting sexual minorities. In a letter written by the Swedish Presidency in 2009 in support of the organizers of Belgrade Pride

¹²² Original text: “državnih institucija da počnu dosljedno provoditi zakonske odredbe koje se tiču sankcioniranja zločina iz mržnje i suzbijanja diskriminacije” and “izmjene kaznenog zakona koje bi osigurale bolje sankcioniranje govora mržnje i zločina iz mržnje u Republici Hrvatskoj” (Juras 2010).

2009 just before the event on the website of the Swedish Embassy in Serbia, the Presidency writes that it:

[...] underlines the importance of the continued support for – and solidarity with – the LGBT people in Serbia. All over the world, many individuals are continuously discriminated against, overtly and systematically, based on their sexual orientation and gender identity often with impunity. *Any discrimination on the grounds of sexual orientation and gender identity must be condemned and rejected as being incompatible with the basic principles and values on which the EU is founded: equal opportunities and human rights.*

Every individual is entitled to the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind. *It is the very essence of European values* (emphasis added).¹²³

Although this example comes from a correspondence directed towards the Serbian government, I argue that similar declarations have been made to the Croatian government in support of Croatian LGBTIQ people and activists. This is a recent example of the regional approach (meaning non-EU, candidate countries and more specifically the Southeastern Europe region) the EU has taken on discrimination based on sexual orientation and gender identity, the latter of which is a more recent addition.

In the first sentence, the author “underlines” the importance of the “continued” commitment towards protecting and promoting the rights of “LGBT people” in Serbia. Grammatically, this statement lacks an active subject, which makes this a passive statement regarding the importance of general support for the Serbian activists. It is implied later that this is the active position taken by the EU or Europe (the two are conflated).¹²⁴ Ambiguity

¹²³ This letter is available at this point in Serbian at the web address: http://www.swedenabroad.com/SelectImageX/188582/Izjava_Podrske_Povorci_ponosa_od_strane_Predsednistva_Svedske_Evropskom_unijom.pdf (accessed August 8, 2013) and this excerpt can also be found here: <http://www.europa.rs/en/mediji/arhiva-vesti/2009/614/Statement+by+the+Swedish+EU+Presidency+Expressing+Support+for+2009+Belgrade+Pride.html> (accessed August 8, 2013). It was posted in both languages just prior to the date when the parade was to be held. Several other websites of European embassies in Belgrade, such as the British, Dutch and German, had posted letters of support which also referred to this one.

¹²⁴ See Barbara Einhorn and Jeanne Gregory’s (1998) similar observation about the construction of the “idea of Europe” on a political level. Nico Beger cites Einhorn and Gregory’s text as well in her discussion on how the

diminishes with the last sentence of this brief paragraph, when the author stresses the EU's unwavering commitment to condemning "any" acts of discrimination on the grounds of "sexual orientation and gender identity." These acts are deemed to be incompatible with the EU's founding principles and values of "equal opportunities and human rights". The assumption implied here is that discrimination has become the primary violation of human rights of LGBTIQ people. Referring to equal opportunities as distinct and parallel to human right could be read as a reflection of the EU's understanding of equality as opportunity rather than substantive outcome. It could also imply a separation of the two, leaving human rights more open for interpretation, although a more specific reference is made in the second part of the text.

At the end of the excerpt, the concept of human rights emerges as the "very essence" of European values. Human rights in this instance refer to those found with the Universal Declaration of Human Rights (UN General Assembly 1948). As I discussed in Chapter 4, although the document clearly states that the comprehensive set of political, civil, social, economic, and cultural rights which are presented in the document should apply to everyone, sixty years of history has shown that, in fact, that in practice these rights, even those civil and political rights which have been more valued, have yet to become accessible to LGBTIQ communities. In terms of historical practice, the exclusion of LGBTIQ people from the community of "everyone" has historically been the precedent. The word "essence" insinuates that human rights for all as a value has been rooted or ingrained in *European* culture or society; whereas the recent struggles against discrimination based on sexual orientation (and even more recently gender identity), has only recently been forged by Western European countries. On the contrary, the heteronormativity of European culture and society would be more easily identified as an essential part of European (human) values than would the

organization IGLA-Europe gives meaning to "Europeanness" and "potentially inadvertently substitutes Europe with the EU" (2004, 158).

struggle against homophobia and other discriminatory practices against LGBTIQ communities.

Lastly, I would also like to highlight the phrase that refers to the location of “overt” and “systematic” discrimination takes place, that is, “[a]ll over the world.” On one hand, it can be inferred that such discrimination takes place in Europe as well. In this sense, the observation potentially undermines the more confident assessment that European values of equality and human rights are *extended even to sexual minorities*. Yet, other parts of this statement reassure the reader that European values and human rights as they are defined in the EU would not allow for this type of discrimination. Therefore, the reader is led to believe that such discrimination is located elsewhere on the map. Serbia in this sense is called upon to position itself as either one of “those” places or as a part of Europe. This is a clear example of how through the use of an essentialized European identity a representative of Europe is able to place “non-European” countries such as Serbia in a liminal or “catching up” location. Ensuing events, in which Serbia’s government refused to protect the marchers who were to be a part of the 2009 Pride march, clearly position the Serbian nation on the wrong side of the European/Other divide. This approach also implies that Serbia holds itself back and is responsible then for its own marginalization.

Although this letter was written to condemn the potential homophobia of Serbian officials, it is, I would argue, similar to those used by international LGBTIQ organizations when addressing Croatian government officials. Two years earlier in a letter to the Croatian President and Prime Minister in response to violence at the Zagreb Pride in 2007, ILGA-Europe and IGLHRC wrote:

As an accession country to the European Union, Croatia is explicitly obligated to protect LGBT people under the EU Parliament resolutions against homophobia and the Copenhagen political criteria on the respect for human rights and protection of minorities. Beyond the formal legislative developments, *Croatia should also embrace the values of the*

European Union, which include respect for human diversity as reflected by different sexual orientations and gender identities (ILGA-Europe and IGLHRC 2007, emphasis added).

Like the Swedish Presidency's statement about so-called European values, the above statement draws on similar European Union values. Although not explicitly conflating the EU and Europe at this point, the statement reveals strategies similar to the ones used to address the Serbian government's reaction to homophobic incidences in Serbia. Here, what is important is the fact that the clause "Croatia should also embrace the values of the European Union" is set up against the previous ones in which Croatian authorities are reminded of their legal obligations. These legal obligations are seemingly viewed as only the beginning of what needs to be a more profound transformation in which Croatia "embraces" certain values, as if they have not done so. As a result, Croatia's European identity is called into question and (as a government/nation) is to bear the blame for positioning itself on the wrong side of the European/Other divide.

The documents to which the organizations rely on to convince the government of its responsibilities are the European Parliament's resolutions on homophobia and the Copenhagen criteria of membership in 1993. The reference to European Parliament's resolutions is a reflection of this particular institutions historically stronger commitment to this struggle. However, it is important to keep in mind that these resolutions of the European Parliament are not legally binding, but rather fall within the EU's "soft" law. Moreover, these resolutions were made as declarations of the Parliament's official opinion about the *lack* of substantial change that has not taken place throughout the Europe Union regarding the treatment of (sexual) minorities. In light of the apparent difficulties of transposing (the process by which EU member states has adapted or adopted laws to reflect the aims of an EU Directive) this Directive, the Parliament draws attention to how the EU member nations had continued to receive poor reports and warnings from various EU institutions. In fact,

following the 2006 (European Parliament 2006a; European Parliament 2006b) and 2007 (European Parliament 2007) resolutions and the reports published by the FRA, which demonstrates how much more is needed to combat discrimination and homophobia within the EU, another resolution was made in 2009 (European Parliament 2009). With these resolutions, the Parliament has repeatedly expressed great disappointment about *a general* reluctance to address the issue of homophobia and various other types of discrimination in the EU. Moreover, the EU Parliament itself apparently recognizes how its failures to do so undermine the force of its criticism of non-EU countries' practices. In the 2009 resolution, the Parliament writes that it:

[D]eplores the fact that member states refuse EU scrutiny of their own human rights policies and practices and endeavor to keep the protection of those rights on a purely national basis, thereby undermining the active role played by the European Union in the world as a defender of human rights and damaging the credibility of the EU's external policy in the area of protection of fundamental rights (European Parliament 2009).

The reference to the Copenhagen Criteria is also an example of counter effective evidence to show the EU's commitment to the rights of sexual minorities. These criteria were established in 1993 as guidelines for EU candidate countries. Since Croatia became an official candidate country in 2004, the European Commission has published reports every year to assess the progress of the changes that have taken place in Croatia in relation to the Copenhagen guidelines. Although the guidelines do state that countries must guarantee human rights and protect minorities, the rights of "sexual minorities" are rarely mentioned. This was not, of course, because problems did not exist in Croatia, but rather it seems that it had not been a priority for the European Commission. The issue of discrimination based on sexual orientation is mentioned briefly in the 2005 Croatia Progress Report (European Commission 2005) and only again in the more recent 2009 report in which the Commission states that "more needs to be done to tackle discrimination on the grounds of sexual

orientation (European Commission 2009). This gap was, in fact, noticed and pointed out by ILGA-Europe in their feedback report on the European Commission's 2008 Croatia Progress Report (ILGA-Europe 2008).

The other document that I would like to discuss to prove that European identity has been used in transnational LGBTIQ lobbying strategies to mark "progress" and homophobia in the region and Croatia is a letter written in 2009 again by the international organizations ILGA-Europe and IGLHRC. It again represents ILGA-Europe and IGLHRC's approach to the larger regional scene (ILGA-Europe and IGLHRC 2009). In particular, I would like to draw attention to the strategic use of Croatia and Serbia as regional neighbors and competitors in the struggle for European recognition. That is, I want to show how local fears of being more "Balkan" are utilized as a lobbying strategy in a letter used by these two LGBTI organizations. In this letter, these organizations lobby for specific amendments to be made in the proposed Bosnian anti-discrimination law. They highlight Bosnia and Herzegovina's obligation to adopt the aforementioned law. They do so by citing Bosnia and Herzegovina's obligation to international human rights in general as well as to the EU *acquis* (ILGA-Europe and IGLHRC 2009). This is similar to the tactic used in these organizations' letter to the Croatian government officials. One interesting suggestion that is made, however, relates to the terminology used within the law. The authors claim that the Bosian term *spolna orijentacija* may be inadequate for addressing discrimination based on sexual orientation. The translation of the term would, in fact, be sexual orientation. The organizations, however, claim that the "term [...] does not pertain to the term "seksualna orijentacija and", therefore, "is not recognized in international legislation [and] hence could potentially weaken the effect of the law" (ILGA-Europe and IGLHRC 2009). The organizations apparently are proposing that the law should use *seksualna orijentacija* instead of *spolna orijentacija*. In fact, *spolna orijentacija* [sexual orientation] is precisely the term found in the equivalent Croatian anti-

discrimination legislation and the term used by Croatian LGBTIQ organizations. Therefore, it is quite odd to suggest that the law would not be recognized. Moreover, the organizations' very specific intervention reveals the extent to which these lobbying efforts have been pressured to conform to certain strategies and terminology, running the risk of becoming a "sexual politics-by-design".¹²⁵

In an attempt to illustrate how thoroughly dedicated the EU is to combating discrimination based on sexual orientation, the authors write:

At the regional level, all 27 Member States of the European Union and accession states such as Croatia have adopted employment non-discrimination legislation, explicitly covering sexual orientation in accordance with the Council Directive 2000/78/EC. Most EU Member States as well as candidate and potential candidate countries such as Croatia and Serbia added comprehensive anti-discrimination laws including sexual orientation and gender identity as protected grounds (ILGA-Europe and IGLHRC 2009).

In this statement, the authors emphasize developments in the European Union as well as in countries outside the EU. More specifically, they point out that Croatia and Serbia have already made these necessary changes. First, this claim is awkward at least in one aspect in relation to the previous statement in which the authors criticized the use of the term *spolna orijentacija*, which was the exact terminology used within the Croatian legislation. Putting aside, however, this detail, this statement is significant for another reason. In these two references about developments in the region, the authors have constructed comparisons between Bosnia and its more immediate neighbors, i.e. its "Balkan" neighbors. This comparison made between European countries and those in the region and then between countries within the "Balkans" is an example of the "nesting orientalisms" that Bakić-Hayden discusses (Bakić-Hayden 1995).

¹²⁵ This is a variation of the concept "feminism-by-design" developed by Kirsten Ghodsee in her work about the influence of Western feminisms impact on the development of feminist strategies eventually used by some women's NGOs in post-socialist Eastern Europe (Ghodsee 2004).

Several levels of development are identified in these comparisons. There are those countries that have the employment anti-discrimination required by the Directive, those who have even more comprehensive legislation that mention gender identity as possible grounds for discrimination, and those countries who have inadequate legislation such as Bosnia and Herzegovina. What is distinct in this situation is that this nesting orientalism is not produced from actors within the Balkans. Rather, outside observers having taken it upon themselves to draw attention to the distinctly lagging position Bosnia and Herzegovina have placed themselves. Balkan politicians need not take the trouble to point out to Europe “who is who” in the Balkans. Europeans have taken over the job of deciding who are the more problematic cases in the Balkan region. For Croatia, this more recent comparison seems to have designated them to a sort of elevated status. Should the comparison not be motivating enough for the Bosnian officials, the authors additionally point out the inherently cultural aspect of the homophobia which persists in Bosnian society. Citing the violence that occurred at the Queer Sarajevo Festival of 2008, the authors write that these events show how “homophobic and transphobic attitudes are deeply rooted in Bosnia and Herzegovina” (ILGA-Europe and IGLHRC 2009). The reader is led to assume that is something “deeply” entrenched in Bosnia and Herzegovinan society.

Based on my analysis of these letters, I argue that ILGA-Europe, IGLHRC, and the EU institutions have relied on the idea that European values include the commitment to combating discrimination based on “different sexual orientations and gender identities.” Although very rare, it is worth mentioning that I also heard local activists refer to their struggles as part of asserting their European identity. In one statement made during a speech given at the 2008 Zagreb Pride event, one organizer stated that “[E]very attack on an LGBTIQ person is an attack on a civilized and European, democratic and free Croatian

society” (Zagreb Pride 2008).¹²⁶ Although I was told in a personal interview of the author’s own awareness of the problematic aspects of this statement, the feeling that the use of European identity functions as a powerful rhetorical device attests to the historical prevalence of this essentializing discourse. There was, in fact, disagreement among the Zagreb Pride committee members that year regarding the inclusion of this particular statement. However, the eventual inclusion of the statement also reveals the level of consent to using it and the feeling that such a statement has leverage in Croatian society. Yet, the general lack of references to European identity, strong inclination to work with activists and organizations in the region, and sometimes critical disposition towards how transnational actors “interfere” the local space, I believe illustrates the rather widespread critical awareness of the use of European identity as a means for locating the Balkans as a “backwards, undeveloped” part of Europe.

I conclude with one last anecdote which I found to be one of the most problematic examples of the Occidentalism in the collaborative work between European transnational and local Croatian organizations. During one of my interviews, one activist from the Zagreb Pride organizing committee (the very same author of the above-mentioned speech), described how he was invited to be a representative - along with a female activist from Kosovo – as an activist from the “Balkans” on a panel organized by COC Netherlands in the Hague. According to this activist who attended, he perceived his participation in an event as part of COC’s presentation of their successful work in the region to Dutch youth, who were the targets of the message. As part of this presentation, the activist showed a video spot of the first Zagreb Gay Pride in 2002, which portrays violent opposition to the Pride event. This tactic of using violence in the “Balkans” as a means for differentiating European society from less “developed” Others is similar to earlier activist strategies used by Western women’s right

¹²⁶ Original text: “Svaki napad na LGBTIQ osobu napad je na civilizirano i europsko, demokratsko i slobodno, hrvatsko društvo”.

activists. In her work feminist political theorist, Rosalind Petchesky argues that “the campaigns around women’s human rights have generally gained the widest attention when they parade the worst horrors” (2001: 125). Female genital cutting, women wearing veils, or using rape as a tool of war are just a view examples that have been used by human rights initiatives to condemn governments and even entire societies and cultures. Discrimination based on sexual orientation or Pride parades in Europe, I would argue, have become key issues like many other women’s issues before through which activists and governments are (re)fortifying the boundaries between so-called developed and undeveloped societies, Europe and its Others.

Aside from being aware of this problematic aspect of his participation in this event, the activists also raises the important issue of where the COC’s priorities lie in terms of how they choose to spend their funding. From the perspective of either the Croatian or Kosovar activists who work within organizations that have very little funding, the decision to spend thousands of Euros to send them to an event such as this one to “parade the horrors” of being LGBT in the “Balkans”, may seem like a waist of potential funding for their own organizations’ work. In the words of the activist, “[...] for me it’s a little bit absurd, because they are spending 1000 Euros for me and 1000 Euros for you [referring to the Kosovar activist], 2000 Euros is the whole security of Zagreb Pride, for having a flight to Amsterdam, dinner, hotel and paid taxi to the airport” (Davor 2009).

CHAPTER 7: CONCLUSION

In this dissertation, I have examined the specificities of contemporary Croatian LGBTIQ activism, in particular activism that placed lobbying and advocacy for legal mechanisms as its (pre)dominant strategy. I have identified three major aspects of that strategy, namely, hegemonic discourses of human rights emerging in Europe in the past twenty years, the increasingly dominant practices of professionalization and NGO-ization in civil society, and references to Croatia's EU accession process. Based on fieldwork activities that I conducted from 2008 to 2011, which included doing twenty-six interviews with LGBTIQ activists from Croatia and transnational organizations in Western Europe and the U.S., I have concluded that discourses on human rights, professionalization, and European identity were the most visible in shaping the Croatian activists' collaborations with transnational activist organizations/networks based in Western Europe and (to a lesser extent those) in the U.S when lobbying the Croatian government to adopt certain legislation measures. I argue that the local-transnational collaborations concerted their efforts to pressure the Croatian government to adopt and implement anti-discrimination legislation, which is meant to protect individuals against discrimination based on sexual orientation. In the course of their lobbying activities, they relied on professionalized discourses that employ a narrow concept of human rights and a problematic conception of European identity as a marker of "progress" and "development".

In Chapter 2, I contextualize my discussion on contemporary Croatian LGBTIQ activists' strategies to achieve sexual rights by examining the broader history of the emergence of gay and lesbian activism and civil society in the SFRY and revisiting the existing literature on "alternative" social movement activism in the Socialist Republic of Croatia (Spehar 1997; Sagasta 2001; Vuletić 2003; Bilić 2012; Volčič and Planšak 2012) and

to some extent in the Socialist Republic of Slovenia (Kuhar 2003) as well. I discuss the significance of these early forms of gay and lesbian activism as embedded in the informal networks and communities of social contestation that developed during the 1980s in the SFRY. Inspired by their participation in these larger regional networks of activists, Croatian feminist lesbians established the first lesbian group, the Lila Initiative in Zagreb. The group's members began creating an "open" space for lesbians to take part in community-building and consciousness raising activities. As I show in Chapter 2, the establishment of informal networks, especially amongst feminist activists (Dobos 1983; Jancar 1985; Jancar 1988; Benderly 1997; Bonfiglioli 2008), first across the SFRY and later as part of anti-war activism throughout the nineties (Bilić 2012) created an important basis for solidarity and future civil society networks among LGBTIQ activists in the region after the break of the SFRY.

I have used this discussion about how gay and lesbian activism was embedded in broader solidarity-based movements in the SFRY and the nature of the activities that these earlier activists engaged in as a point of comparison for discussing LGBTIQ activism that has emerged in Croatia in the last 10 years. Based on my research, I argue that Croatian activists' involvement in community-based activism and larger regional networks, such as the now non-existent regional network of lesbian activists that I discussed in Section 2.2 or the Southeastern European Queer (SEEQ) Network that I examined in Section 5.2, have become an increasingly less important aspect of their political activities. I claim that the valorization of professionalized LGBTIQ activism in Croatia has meant that some Croatian activists have simultaneously re-oriented their priorities towards lobbying and advocating for legal rights while increasingly focusing their attention to working with larger networks of LGBTIQ organizations in Europe, such as ILGA-Europe, while lessening their participation in regional networks. Moreover, in Section 5.5, I argue that the hierarchical differentiation of form of activism, which overvalues rights-based activism, has also contributed to a lack of solidarity

internally among local activists in Croatia as well as between activists and their constituencies. This lack of cooperation among organizations and the larger LGBTIQ community, I believe, limits activists' ability to "know" and address the specific needs of the diverse communities which could potentially re-shape existing lobbying and advocacy struggles.

My critical reading of the shift from community- and solidarity-based activism to lobbying and advocacy is informed by critical feminist literature on the professionalization and NGO-ization of women's and feminists movements in the 1990s and 2000s (Lang 1997; Alvarez 1999; Bagić 2002; Ghodsee 2004) and the work of scholars such as Paul Stubbs who has examined the transformation of civil society practices in the last two decades in Croatia (Stubbs 1996; Stubbs 2005; Stubbs 2007). My concerns about the professionalization of LGBTIQ activism echo those of scholars who have observed that professionalization can limit local activist initiatives to work on larger community-based or grassroots initiatives in favor of project-based, institution-orientated strategies. As I discuss in Chapter 5, the problematic aspects of the processes of professionalization within LGBTIQ activism in Croatia has been facilitated by the funding strategies of donors. Certain donors overvalued rights-based strategies, the education and training of Croatian LGBTIQ activists in the "language of human rights advocacy", and local activists' collaborations with transnational LGBTIQ organizations that emphasize problematic notions of professionalization that prioritize hierarchical leadership structures and (financial) accountability towards the donors over substantive outcomes that serve constituencies. My research findings have led me to agree with Choudry and Shragge who argue that the professionalization of NGO practice, which has promoted "managerialist organizational governance structures and practices", tend to "discipline and undermine the political space for radical organizing", even if they acknowledge that possibilities for contestation do exist (Choudry and Shragge 2011, 508).

Indeed, as I have also shown in Section 5.3 some Croatian activists' awareness of the "colonializing" and restraining aspects of working with transnational donors and organizations led to their attempts to develop alternative regional networks and have been used as evidence for negotiating more egalitarian working relationships with other (in particular feminist) transnational organizations, such as the Global Fund for Women, the Astraea Lesbian Foundation for Justice, and Mama Cash.

Professionalization has not only entailed an increased orientation towards working with Western organizations when lobbying state institutions for legal protections, but has also been crucial for shaping the types of sexual rights for which LGBTIQ activists have been struggling. In Chapter 4, I argue how local and transnational LGBTIQ struggles for anti-discrimination legislation in Europe reproduce and are a product of hegemonic discourses of human rights that foreground civil and political rights aimed at achieving equality through "equal opportunity". As a result, they eventually marginalize a field of rights aimed at achieving social and economic security that are necessary for achieving substantive equality. Croatian activists' lobbying struggles echo established transnational LGBTIQ rights-based strategies that understand the progress of these struggles in terms of their achievement of certain sexual rights – i.e. anti-discrimination legislation and, more recently, same-sex couples' rights to marry. The ready acceptance of these approaches to activism runs the risk of foreclosing public (community) debates about the diverse (sometimes different) needs of local communities.

My critique is meant to contribute to larger debates that exist both in sexuality studies (Duggan 1995; Brown 1995; Fraser 1995; Corrêa, Petchesky, and Parker 2008; Fredman 2008) and in other fields of scholarship (Cheah 2006; Somers 2008; Somek 2011) about the efficacy of liberal rights-based social struggles (exemplified by the struggle for anti-discrimination legislation) as a means for combating multiple and intersecting structurally

produced social inequalities (Young 2011). In Section 4.3, I argue with other scholars that anti-discrimination legislation is a poor mechanism for addressing these complex social inequalities in that it frames discrimination as an individual(ized) act and can address them on a case by case basis. Anti-discrimination laws position the state as an institution caught in reactive rather pro-active measures that would combat structurally produced inequalities (Corrêa, Petchesky, and Parker 2008; Fredman 2008; Somek 2011). Based on my findings, I believe that further research on Croatian LGBTIQ individuals' perception of these rights-based struggles and the effects of these new legislative measures might further our understanding of collective-based struggles. Moreover, given that there is already some evidence that economic dependency on family, for example, is an important factor in the social exclusion of many LGBTIQ individuals in Croatia (Ofak, Starc, and Šelo Šabić 2006), particularly those who live outside urban areas, I believe that a reconceptualization of activism and rights may be the starting point from which future research can begin to examine the different factors that contribute to sexuality-based social inequality (in Croatia) today and to (re)theorize which sexual rights might best address (Croatian) LGBTIQ people's particular needs.

In Chapter 6, my discussion turns to the ways in which the processes of professionalization has also relied on and attempted to instrumentalize the problematic conceptualization of European identity as “progress” and “development”. This part of my analysis I believe is an attempt to respond to what Cindy Patton has argued to be an ongoing need to “interrupt the ways national and supranational bodies demand the use of rights rhetoric as a means of displaying a tie to the Euro-American-dominated “community of nations” (Patton 2002, 200). My analysis of discourses produced by transnational LGBTIQ organizations in their efforts to contribute to local activists' lobbying efforts and by European institutions as part of their monitoring activities of Croatia's EU accession process shows

how these discourses (re)produce conceptions of “Europeanness” defined by its apparent lack of homophobia and its values that allegedly embrace equality for *all*. In their concerted efforts to pressure the Croatian government to adopt and implement anti-discrimination laws, which include sexual orientation as a basis of discrimination, these discursive strategies have questioned the Croatian government’s commitment to those “European” values and, thereby, the Croatian nation’s desire for “Europeanness” that consequently, (re)produce Europe’s “Other” – in this case, it is an “underdeveloped” homophobic Other.

I have argued that the reliance on European identity as part of a rhetorical maneuver for shaming the Croatian state into aligning its legislation with the EU *acquis* undermines these institutions’ very claims to having condemned discrimination; when in fact, these very discursive strategies reproduce hierarchies between Europe and its historically marginalized Others at its “periphery” (Wolff 1994; Todorova 1997). Moreover, I have shown that these strategies have not only (re)produced a hierarchical differentiation between Europe and its “Balkan” Other, but that by constructing hierarchies within the larger “Balkan” or Southeastern European region, a scale of “progress” in which Croatia has seemingly achieved greater “development” than, for instance, Bosnia and Herzegovina, the transnational LGBTIQ organizations reinforce already existing “nesting orientalisms” in the region (Bakić-Hayden 1995, 917). In this regard, my research is part of a growing field of critical sexuality studies on Central and Eastern Europe that challenges the colonializing aspect of transnational activists’ collaborations in the region (Stychin 2003; Kulpa and Mizielińska 2011; J. Binnie and Klesse 2011) and on a more global scale (Cruz-Malave and Manalansan 2002; Jon Binnie 2004; Puar 2007; Haritaworn and with Tamisila Tauqir and Esra Erdem 2008).

Lastly, concerning my contribution, I would like to underscore that I have constructed a possible alternative to the rights-based using critical feminist scholarship on solidarity and

subjectivity. I argue, in Section 5.5, that an alternative approach to doing sexual politics requires a critical reflection on the importance of solidarity. For developing my concept of solidarity, I turn to Jodi Dean's work on feminist movements (1996) and Iris Marion Young's discussion of solidarity and her theory of "responsibility" as a means of combating "structural injustice" (2011). Both scholars emphasize the importance of continual reflection and critical examination of the multiple and complex ways in which social inequalities are produced as well as the strategies that are developed for combating them. This continual revisiting of the structures that produce social inequality necessarily forecloses the possibility of a universal approach to doing sexual politics.

What Dean calls "reflexive solidarity" would require that activists take seriously their responsibilities towards each other and their constituencies by reflecting on the ways in which individuals straddle or shift within multiple social positionings, in so far as they exist "within" and "outside" of any particular single group at the same time (Dean 1996, 34). Much like Hennessy's discussion of counterhegemonic discourses and her reflection on Spivak's theories of "subaltern consciousness", Dean and Young argue that our subjectivities cannot be taken for granted, therefore, neither can they function as the basis of our solidarities and political struggles. We are all much more than our sexuality. Dean argues that in order for this critical reflection to take place, there is a constant need for "dissent" that critically assesses the potential for exclusion in any given strategy. Dissent and modes of contestation, which keep in perspective the aim of achieving solidarity, must play a central role in the creation of sexual political struggles locally, regionally, and transnationally.

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¹²⁷ All Croatian laws can be accessed via the online version of *Narodne Novine* [Official Gazette] at the website: <http://narodne-novine.nn.hr/sluzbeni/pregledBroj.aspx>. Accessed September 10, 2013.