



The EU as a human rights promoter?

An analysis of the representation of LGBTI rights in EU discourse

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Abstract

The European Union and human rights, LGBTI rights included, are often considered to be closely interconnected. This seemingly straightforward image is, however, more complex than it might seem. LGBTI rights occupy a rather slim part of EU legislation, and Member States are not on the same page regarding the issue. Against this backdrop, this thesis aims to bring more clarity to the intersection between the EU and LGBTI rights, by investigating how these rights are represented in EU discourse. By conducting a poststructuralist and policy theoretical discourse analysis, based on Carol Bacchi's methodology "What is the Problem Represented to Be?", the study qualitatively analyzes five policy documents covering LGBTI rights. This is done through the lens of two discourses; the Europeanness discourse and the Minority rights discourse. The study reveals signs of both discourses in the material under study, thereby concluding that the EU represents LGBTI rights ambiguously. In this way, the study nuances the image of the EU as an unequivocal promoter of LGBTI rights. Furthermore, the discourses are shown to come with potential issues for rights promotion, thereby emphasizing the importance of revealing and critically examining them. In this context, the study to a certain extent also concretizes how the relationship between the EU and LGBTI rights is complex.

Key words: European Union, LGBTI rights, discourse analysis, europeanness, minority rights

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1. Introduction

The European Union (EU) is often considered to be intrinsically linked to human rights. Article 2 of the Treaty on European Union states that the EU is founded on values such as respect for human dignity, democracy, equality before the law and respect for human rights. The Treaty further states that these values are *"common to the Member States"*, and that, *inter alia*, pluralism, non-discrimination and tolerance prevail in these societies (European Union, 2007). While not explicitly mentioned in the treaties, LGBTI¹ rights are often linked to these fundamental values: on the official EU website, a list of values forming an *"integral part of our European way of life"* includes *"the right to be free from discrimination on the basis of [...] sexual orientation"* (European Union, 2020) and it has been argued by for example Sloomaeckers et al (2016:4) that the rights of LGBTI persons carry a lot of symbolism in EU politics.

Despite this seemingly straightforward picture, things are not as easy as they might seem. The relationship between Europe and LGBTI rights is, on the contrary, quite complex. While LGBTI rights have become powerful symbols of "Europe", their place within the common EU policies is, as pointed out by Ayoub & Paternotte (2014:3), marginal at best. The views on LGBTI rights furthermore diverge quite drastically from Member State to Member State, with the more recent members overall remaining more conservative on these matters than the older Member States. Although wide differences exist also within the groups of "old" and "new" Member States, one can mention that according to the 2019 Eurobarometer on discrimination, 97% and 98% of Dutch and Swedish people respectively believe that gay, lesbian and bisexual people² should have the same rights as heterosexual people. For Romanians and Slovaks, the corresponding percentages are 38% and 31% respectively (European Commission, 2019a). Another sign of these differences is the legislation concerning same-sex marriage, which is legal in many EU Member States, but constitutionally banned in both Poland (Constitution of Poland, 1997) and Latvia (Constitution of Latvia, 1922).

Against this backdrop it is important to further our understanding of the intersection between LGBTI rights and the EU. Previous scholarship has pointed out that studies of sexuality have

¹ What I discuss in this thesis under the label "LGBTI" (lesbian, gay, bisexual, transgender, and intersex) can be referred to in many different ways, such as "LGB", "LGBT", or simply "gay", and each of these come with their own critique. As a clarification, the reason as to why I chose "LGBTI" as a denomination is that it is the one used in my primary empirical material.

² Transgender and intersex people were not covered in this question.

traditionally been marginalized in both political science and international relations, which makes such studies needed (Thiel, forthcoming). At the same time, the academic body covering the interplay between these different fields is growing, making the present study topical. In relation to this, this thesis will attempt to contribute to increasing the attention given to studies of sexuality in political science, international relations, and European affairs. Furthermore, I argue that the use of discourses regarding LGBTI rights are of particularly high academic relevance. Thiel (forthcoming) states that discourses specifically, both on a national and an international level, are prevalently under study when it comes to studies of sexuality. However, to my knowledge, a study of the discourses surrounding LGBTI rights with a broader policy scope has not been conducted on EU politics in particular, despite discourses being central also to studies of the EU (Crespy, 2015:102). I argue that this is to great detriment because, as shown above and in accordance with the logic used by Ekström (2012:13-14), inside the EU there seems to be disagreement as to how LGBTI rights should be represented and problematized. Even if national discourses will not be investigated in the present thesis, these contribute to the complexity of the state of affairs around the EU and LGBTI rights, thus making it more scientifically relevant to further investigate the EU discourses. Despite the overarching view that the EU is connected to LGBTI rights, the matter does not yet seem to be completely resolved by the Union, and this opens up possibilities for multiple representations of the issue. Therefore, both a deeper exploration and a further understanding of EU discourses around LGBTI rights are needed.

1.2. Purpose & research question

The aim of this thesis is thus to attempt to further the understanding of how LGBTI rights are shaped and represented in EU policy through the use of discourse. I argue that discourses matter, and they have been identified by scholars as important drivers to create, manipulate and spread social and political phenomena (Thiel, forthcoming), attributing to them a value for political science as such. The way in which the EU represents LGBTI rights can create more or less successful conditions for promoting human rights, be it inside the Union or in its relations with the wider world. If the EU indeed aspires to be a promoter of LGBTI rights, which is suggested by the introductory quotes, the discourses that the Union uses around the topic will matter. The fact of the matter is that the way in which we represent a phenomenon can very much influence other people's opinions. This is why I argue that uncovering and concretely revealing discourses, as well as their effects, is of importance.

Despite human rights often being portrayed as something intrinsically good, I want to show that there can be different ways of understanding it through the more specific aspect of LGBTI rights. The investigation is thus concerned with how this issue has not yet been completely resolved by the EU, in order to nuance the image of a European Union that unequivocally promotes human rights, including LGBTI rights. Along the lines of what Ekström (2012:19-20) calls "disagreed agreement", the focus is to some extent how there can be disagreement around political matters despite an assumption that there is agreement around them. The EU is especially fit for this kind of investigation given its *sui generis* character where there might be a potential disagreement between "traditional" and "progressive" values, meaning that the question becomes how LGBTI rights can be inserted in its discourses. In this regard, the EU in itself makes for a relevant object of study, and the aim of bringing more clarity to the intersection between EU and LGBTI rights is thus a relevant one. The methodological perspective with a broader policy scope that I intend to employ has also, to my knowledge, not yet been used in this regard. Following from this, the research question for this thesis is as follows:

How are LGBTI rights discursively represented in EU policy?

The thesis is outlined as follows. I begin by providing an overview of previous literature covering the intersection between the European Union and LGBTI rights. I then go on to discuss the theoretical points of departure of the thesis and how these inform the investigation, and after that I move on to the research design and the methodology. In this chapter, discussions on material and on reflexivity are also included. In the following chapter I then go on to present my analysis and discuss the results. The concluding chapter encompasses the conclusions of the study, and in the final part I give suggestions for future research and possible ways forward.

2. Literature review

In this chapter I intend to put this thesis into an academic context by providing an overview of existing research in relation to the EU and LGBTI rights. This literature covers multiple areas of interest like LGBTI rights as such, activism and social movements, as well as attitudes and prejudices (for an edition covering all of these aspects in the Central and Eastern European countries and in the Western Balkans, see Slootmaeckers, Bouquet & Vermeersch, 2016). As stated by Thiel (forthcoming), this body of research is attributed an increasing scholarly interest.

Much of the literature up until now has had a strong focus on the effect of the EU on LGBTI rights in candidate countries. One of the more dominant theoretical frameworks here is Europeanization theory, capturing the idea of the EU being able to influence policies of its Member States and candidate countries (Pollack, 2015:38). This theory is not uncontested, however. For example, as regards LGBTI activist movements, O'Dwyer (2012) refutes that Europeanization theory would be able to explain how the EU can provide a political opportunity structure in which these movements can advance their cause. O'Dwyer (2012) instead argues that social movement theory does a better job at making sense of this, by examining how the activists work to strengthen norms of human rights even in more "difficult" cases, such as Poland.

Phillip Ayoub is a researcher that has written extensively on the topic of LGBTI activism and the EU (see for example Ayoub, 2013; Ayoub & Paternotte, 2014). Especially the edition by Ayoub & Paternotte (2014) discusses matters of relevance for this thesis as it deals with how the EU, or a certain idea of "Europe", came to be strongly associated with LGBTI rights. More specifically, the various authors investigate how the LGBTI movement and its activists contributed to spreading this idea of an LGBTI-friendly Europe. As will be seen later on, Ayoub's research shares many commonalities with this thesis in terms of theoretical perspectives and points of departure. Constructivism is important in this regard, with for example a focus on the construction of an idea of Europe. This is also related to the creation of identity, which in turn is interconnected to ideas of the "nation" and how this is articulated in relation to LGBTI rights. Scholars have in this regard investigated questions relating to the intersection between nationalism, europeanization and LGBTI rights (Swimelar, 2018; Mole, 2011), as well as how EU identity is created through LGBTI equality promotion and how times of perceived crises contribute to redrawing and strengthening identitarian boundaries between the "self" and the "other" (Slootmaeckers, 2019). These aspects will feature prominently in this thesis as well.

Even if the LGBTI community constitutes a minority, as will be further discussed below, not much research has been conducted on that group from an explicit minority rights perspective. Most minority rights studies with an EU focus investigate national linguistic and ethnic minorities. For example, Johns (2003) investigates how the EU, during the accession process before the 2004 enlargement, attempts to influence prospective new Member States to adhere to minority rights standards. He asserts that there was a double standard in that the Union did not impose the same

demands for countries that were already Member States. Ram (2003) also discusses such double standards and the potential harm that such inconsistencies might cause for the protection of minority rights, both inside the EU and in candidate countries.

O'Dwyer & Schwartz (2010) make an attempt at investigating minority rights by focusing on LGBTI rights in more recent Member States of the EU. They want to explain the lack of progress in europeanization as far as these rights are concerned, and in the article they apply both the rationalist external incentives model as well as the constructivist social learning model in trying to make sense of this. Mos (2013) is another researcher who looked at LGBTI through an explicit minority lens, when attempting to evaluate the international norm setting capacity of the EU in the field of LGBTI rights promotion. Both Mos (2013) and O'Dwyer & Schwartz (2010) utilize constructivist points of departure, which, as will be seen, constitute important parts of this thesis as well. However, as stated, minority rights perspectives on LGBTI have arguably not been very prevalent as of yet in the academic community, which makes such research, in my opinion, needed. Therefore, it will feature prominently in the present thesis.

In such a context I believe that the present thesis has the potential to make numerous contributions to the academic community. As already stated, to my knowledge there has not yet been a study of EU discourses around LGBTI rights containing a broader policy scope, and, as I argue throughout the paper, I believe that such studies are of importance. The discourses that I intend to depart from, which will be presented further down, can also benefit from specifications, additionally justifying the need for the current study. What is more is that the minority rights perspective has in my opinion largely been overlooked in the context of EU discourse on LGBTI rights, making also such research needed in my opinion.

3. Theoretical frameworks

In this section I will present the theoretical points of departure of the thesis. Firstly, in the metatheoretical discussion I will outline my positions regarding ontology and epistemology. Thereafter, I define the two central concepts of "discourse" and "representation". In the following part, I discuss the theoretical perspective of poststructuralism and how this influences the present study, as well as the choice of employing a policy theoretical angle. As will be clear throughout the thesis, these two have implications for both methodology and material. Lastly, I discuss the discourses that I have chosen to include in the thesis.

3.1. Metatheoretical discussion: ontology & epistemology

Furlong & Marsh (2010:184-185) argue that ontology and epistemology are of importance for social sciences. While ontology can be understood as the nature of reality, epistemology can for its part be seen as the nature of knowledge.

This study falls under what Furlong & Marsh (2010:190) consider to be an anti-foundationalist ontological position. Anti-foundationalism departs from constructivism, which argues that realities are local and specific, and that they thus vary between both individuals and groups. Reality cannot be discovered, but rather it is actively and socially constructed. What I study in the present thesis, and the results and conclusions that I will subsequently present, will therefore not be claimed to be the absolute truth. Rather, they are statements that are as informed and as consistent as possible.

When it comes to epistemology, the position that I take is interpretivist. This perspective argues that social phenomena are understood by our way of interpreting them. The view is that interpretations and meanings matter, and these can solely be understood through discourses and contexts. Therefore it is important to identify discourses and thereby to understand meanings that people attach to phenomena (Furlong & Marsh, 2010:199).

3.2. Central definitions: "discourse" & "representation"

Two concepts are of central importance to this thesis and are thus in need of being defined. First of all, there is "discourse", a concept of which there exists many definitions. These can be distinguished by being either wide or narrow, which in turn is connected to three different generations of research. To a large extent, this is related to whether or not the discourse analysis is concerned with merely linguistic practices (spoken and written language), or if non-linguistic practices are included as well (with analysis of for example images and behaviors). The position that I adopt for this thesis hails from the third generation of discourse analysis, which means that all social practices, including non-linguistic ones, are theoretically included in the term. This resonates well with the definition used by the scholar who is probably most connected to discourse analysis, namely Michel Foucault. He defines the concept as "practices that systematically form the objects of which we speak" (Foucault, 1972:49).

Secondly, we have the concept "representation", which forms part of the overarching research question of this thesis. In the methodological chapter it will be made more explicit how this concept will be of importance for the analysis of the investigation, and at this stage it is sufficient to state that "representation" here is seen as the way in which we use words, ideas and symbols in order to make sense of and understand the world around us (Esaïasson et al, 2017:217). This is along the lines of Stuart Hall (1997:15), who argues that "representation" means to use language to say something meaningful about the world to other people.

3.3. A poststructuralist and policy theoretical approach to discourse analysis

In this section I will direct attention to the theoretical perspective on which the thesis is based. I have chosen to depart from a poststructuralist approach to discourse analysis, as I believe the role of language to be of crucial importance for how we understand the world around us. This perspective emphasizes that language shapes the world (Bergström & Boréus, 2018:28) and, more specifically, it argues that discourses influence the way in which the social reality is constructed. This is done by producing forms of knowledge that set the limits for what is possible to think and say (Bacchi, 2009:35). This resonates well with Foucault's definition of discourse as stated above. Foucault is arguably one of the most influential poststructuralist scholars, and his definition of discourse echoes the poststructuralist focus on attributing meaning to objects. In that context, discourses can be said to legitimize knowledge, and thus shape what we know about something. The practices by which we treat a phenomenon give that same phenomenon its meaning, and the meaning is then what we can know about it. By means of this, discourses claim to say something about what is true of a specific topic, and according to Foucault the notion of knowledge is thus essential (Bergström & Ekström, 2018:258-259). However, poststructuralism argues that knowledge is not neutral, but rather it is dependent on how we discursively construct phenomena (Bergström & Boréus, 2018:28-29). The focus is thus on how language is produced and on how concepts change meaning across time and space (Bacchi, 2009:277).

Poststructuralism is thus highly constructivist in nature, which makes the perspective a natural following from the ontology and epistemology. The perspective asserts that nothing is objective in its meaning, but that phenomena rather get filled with meanings by actors, and these meanings can differ across time and space. Poststructuralism thereby defends anti-essentialism and argues for a pluralistic view of science, criticizing that, for example empiricists, take meanings of phenomena for granted (Bergström & Boréus, 2018:26-29). Instead, poststructuralism asserts that things such as

societal categories, like "man" or "heterosexual", do not have any pre-existing meaning or essence, but that these are created discursively by how we choose to represent them. As was noted in this vein by Foucault (1979:44), the category of "homosexuals" did not exist before the end of the 1800s, even if same-sex activities took place before that. Thereby, Foucault shows the poststructuralist thought of how one cannot take the category of "homosexuals" and its meaning for granted, and that this way of organizing people and behavior has not always existed and thus varies across time and space (Bacchi, 2009:9).

Foucault thereby asserts that discourses have the power to control and categorize people, and that they thus decide who has the right to speak with authority about a given topic. In this way the Foucauldian view on discourse has implications for power, and it contends that power is created in relations between people. It thus implies opportunities for some, and restrictions for others (Bacchi, 2009:37-38). These opportunities and restrictions form so called "subject positions", frameworks for human action, which in turn decide the existing space for a person's possibilities of action (Bergström & Ekström, 2018:258-259). This relates to what Ekström (2012:64) states about poststructuralism, that usages of language that take place within discourses are substantiated by specific power relations.

Poststructuralists intend to show how the world is a social construction (Laclau & Mouffe, 1987:106), and thereby the aim of such research is not to gain knowledge of how the world "actually is". This view influences the present thesis, as can be read through the research question, which points to the importance of how we discursively construct and represent something, in this case LGBTI rights. In the context of phenomena being socially constructed, Bacchi (2009:265) argues that political processes are of great importance because it is these that construct, maintain and challenge phenomena and representations of the same. Therefore, poststructuralist approaches to research put these political processes in focus and study how constructions and practices are introduced, defended and challenged through these, as Ekström, (2012:56) states. By means of this, it is possible to deconstruct and show the inner logic of the material under study (Bergström & Ekström, 2018:271), and by extension it is possible to show the constructed nature of various phenomena, at the same time as one can investigate the consequences of what is taken for granted in a given construction (Potter & Wetherell, 1992:67). In the methodological chapter it will be made more explicit how I intend to do this in the present thesis.

As is evident through the research question, this thesis has a clear focus on policies and from this point of view it also departs from a policy theoretical perspective. As stated by Bacchi (2009:34), maintaining a policy focus adds concretion to the study of discourses in that it helps to show in a more tangible way how discourses affect and shape the social reality. Policies can in a sense be said to materialize discourses and thereby show how the structuring of the social reality can take very palpable forms. I argue that this helps the aim of this thesis, which to a large extent is to uncover and reveal discourses more concretely.

Traditionally, policy theoretical studies have been more inclined towards positivism. This means that they have focused on the practical aspects of policy, such as evaluating how well a given policy solves the actual problems that it is intended to solve (Ekström, 2012:34). However, in a poststructuralist perspective to policy analysis, while not denying the importance of the actual lived effects of given policies, the primary aim is not to study these. Instead, the researcher takes an interest in the social constructions around the problem in order to show that the *actual problem* of, for example, poverty, is not correlated with what people actually find *problematic* about it (Bacchi, 2009:xi). Because while poverty is a problem in itself, it can be problematized in a multitude of ways with different effects. For example, is it a problem because the poor person has not been financially responsible enough, or is it a problem because society has failed to protect its citizens? These are the kind of issues that this thesis takes an interest in.

3.4. Discourses

In this section I will discuss the discourses that I will depart from in this thesis. By discussing the discourses first it is possible to use these as "lenses" when I conduct the analysis later on. In that regard, the thesis employs a deductive reasoning to a certain extent (Teorell & Svensson, 2007:10). I believe that there is an added value in itself in having an active dialogue with previous research when conducting one's own study, and making use of previously identified traits of discourses can in this regard be useful. As stated, part of the aim of the present research is also to further concretize discourses, which makes this choice a natural one. Furthermore, I believe that utilizing such an approach adds focus to the present research, as well as provides for a more systematic analysis, since the discourses will help to guide the analysis.

The two discourses, presented below, are the "Europeanness discourse" and the "Minority rights discourse". As regards the former, I chose to include it against the backdrop of inconsistencies

regarding the actual relationship between the EU and LGBTI rights. Furthermore, I believe it to be topical given the debate around the existence of a European identity (European Commission, 2012), as well as in the context of an increasing debate around euroscepticism (McLaren, 2007:233). When it comes to the Minority rights discourse, I believe that it is of importance to include it because of its implications for how the LGBTI community is viewed, and for what that might mean for the rights of the group. Arguably, acknowledging explicitly that LGBTI constitutes a minority implies a recognition of that group's situation. Furthermore, as was discussed in the literature review, not many studies have been conducted of LGBTI through a minority rights perspective, which contributes as to why such a study is needed.

When it comes to the combination of these two, I believe that they both, as stated, can benefit from specifications, as well as from critical assessment in light of the other. As will be made clear, the two are of very different nature, but, at the same time, neither one of them is completely one-sided. Thereby, I believe that putting them both in perspective contributes to the aim of nuancing the image of the EU as an unequivocal promoter of LGBTI rights, both by showing ambiguity between discourses, as well as within discourses.

3.4.1. Europeanness discourse

This discourse entails, in essence, the EU portraying itself as being founded on a specific set of common values, shared by the Union and its Member States as a whole. In this context, human rights, LGBTI rights included, form part of the values that take the center stage, and such values are then in a clear way connected to what it means to be "European". This is something that researchers have pointed towards (Ayoub & Paternotte, forthcoming).

Following from the above, one essential part of this discourse is its identitarian aspect. Values that are seen as "founding" arguably form part of one's identity, and are thus considered as "European". This discourse thus contributes to defining what the EU "is". Related to this is the way in which such a discourse also contributes to simultaneously defining the identity of other actors. This is because social identities do not merely decide the substance of what constitutes the in-group, it also contributes to defining, or constructing, the *boundaries* of said in-group. In this way, by describing and defining what constitutes oneself, one describes and defines others (Risse, 2004:257). By means of this, the Europeanness discourse can create a dichotomy between oneself and others (Romana Ammaturo, 2015:1151). The dichotomous division can in more concrete terms be thought of as

including, implicitly or explicitly, representational characteristics such as "good", "tolerant" and "progressive" for oneself. At the same time, other actors are portrayed as "bad", "intolerant" and "traditional". As pointed out by (Slootmaeckers et al., 2016:2), LGBTI rights can then be instrumentalized in a specific way where it constitutes an important tool for leverage in international relations. By means of this, it is possible to practice "naming and shaming", as well as to hold various actors to account for their actions, by referencing their track record when it comes to LGBTI rights.

Related to this is the analytical concept of "homonationalism", which forms an important part of this discourse. This notion was developed by Jasbir Puar (2007) as "a facet of modernity and a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-states, a constitutive and fundamental reorientation of the relationship between the state, capitalism, and sexuality" (Puar, 2013:337). Homonationalism thus describes the moment when actors can put across their exceptionalism and level of modernization by displaying their tolerance of homosexuality (Slootmaeckers et al., 2016:2). This self-identification includes a notion of being superior, which in turn implies a certain relationship to others (the EU as superior *to* somebody else). As can be seen, this is connected to the discussion above. What the concept also emphasizes is that generally, actors are judged depending on their gay-friendliness, and thus homonationalism, according to Puar (2013:336), is not possible to reject completely. Rather, it is something that structures global politics and conditions all actors. Instead, what actors can attempt to do is to reframe or try to resist homonationalism. A good illustration of this is when LGBTI rights are framed as being a Western, non-universal concept, and thus not something that is relevant everywhere (Slootmaeckers et al., 2016:2-3). Reframing the matter like this will, however, not result in the actor being able to escape judgement based on lack of LGBTI friendliness. Rather, Puar (2013:336) asserts that this is merely an attempt at reframing it. That does not mean that other actors will stop employing homonationalism to advance their own position in relation to others.

Romana Ammaturo (2015:1151-1152) asserts that this kind of discourse is indeed a way for states to position themselves in relation to others. What she refers to as the "Pink Agenda" serves, according to her, a political purpose meant to draw a clear and distinctive line between "queer-friendly" countries on the one hand, and "homo-transphobic" countries on the other. In this regard, such a discourse of LGBTI promotion functions as a way of furthering European exceptionalism in the field of human rights. According to this discourse it is thus problematic when something is not

”European” enough, and when ”European values” are not prevalently applied. This goes both for within the Union as well as outside of it.

Following from the above, Romana Ammaturo (2015:1162) argues that turning LGBTI rights into a debate over modernization, and making a clear connection to Europe as a ”uniquely open-minded” continent, might not always be helpful for members of the LGBTI community. Bosia (forthcoming) also points this out by arguing that when making sexuality and gender identity part of the articulation of what constitutes the ”nation”, the attitudes from more autocratic regimes, or state actors that do not want to identify with LGBTI rights, can deteriorate. In this context, Swimelar (2018:603) shows how the interplay between discourses of national identity, Europeaness and LGBTI rights can affect the perception of these rights by means of constructing them into a ”threat to the nation”.

3.4.2. Minority rights discourse

Regarding this discourse, one important aspect is power relations. At its core, ”minority” can be defined as ”a smaller number or part” (Cambridge Dictionary, 2020a), and while this definition merely represents the numerical aspect, other definitions entail power relations in connection to minorities. For example, Feagin (1984) includes suffering of discrimination and subordination, as well as being disapproved of by the dominant group, in his definition. As asserted by Mayer et al. (2008), LGBTI, while a numerical minority, is also a social minority, and in this context they experience social inequalities such as discrimination and isolation, as well as unequal access to for example healthcare, which can in turn lead to negative health outcomes. Therefore, when recognizing LGBTI as a minority, one also recognizes that they are in a disadvantaged position and thus that they, as a group, are in need of having their concerns addressed. Thereby, ”sexual minorities” - defined as groups whose sexual identity, orientation or practices differ from the majority of the surrounding society (Namwase, Jjuuko & Nyarango, 2017:4) - according to this discourse undergo many of the same general experiences as other minorities that are distinguished based on other traits than their sexual identity, orientation or practices. The group’s disadvantage in relation to the counterpart - the non LGBTI - is arguably an important aspect of the discourse, and this is what it sees as the major problem of the status quo.

Something important to keep in mind is that traditionally, LGBTI was not necessarily thought of as a ”minority”, which was discussed earlier in the present thesis. Instead, the concept most often

referred to groups that distinguished themselves in terms of their ethnicity, and sexual orientation and gender identity have thus historically often been left out of the equation (Ward & Winstanley, 2003:1256). Diversity is a concept closely related to that of minorities, and can *inter alia* be defined as the fact that many different types of people are included in a whole (Cambridge Dictionary, 2020b). The existence of minorities imply the existence of diversity, and vice versa. In relation to the EU, diversity has been constructed both as being threatened, as well as being a threat in itself (Prügl & Thiel, 2009:4), and this begs the question of whether or not different kinds of diversities are more or less acceptable as well. All of this points to a tension in this discourse relating to which groups, which kinds of minorities, that can and should be included in the term. Is there one kind that is accepted while others are not? What are the limits of "diversity"?

As has been seen, the focus on discrimination and on difference in treatment are large parts of this discourse. When discussing minority rights and thus acknowledging that a given group constitutes a minority in a given society, the aim is to accord them the same rights as the rest of the society; that is, the majority. The discourse holds it as problematic as long as this is not done, and, in short, this means that all human beings possess the same rights by virtue of simply being human (Namwase, Jjuuko & Nyarango, 2017:4). One crucial aspect to point out is that in a discourse of minority rights, one does not talk about rights on an individual level as they are typically conceived of. Rather, one moves the human rights that are otherwise approached on the individual level, to the group level. According to Pruce (2011:3-4), this is done in order to acknowledge that specific groups face specific challenges, which can be seen as a more effective way of advancing minority interests than framing the cause in a more general human rights discourse. One example of this, by analogy, is taking a gendered approach to discrimination on the basis of sex, and thus recognize that women as a group might face this specific challenge (even if women cannot be considered a numerical minority in the same way as LGBTI can). In the case which is relevant for this thesis, this would mean acknowledging that LGBTI people face specific discrimination on the basis of their sexual orientation and/or gender identity that non LGBTI do not face. So, in accordance with the reasoning above of how LGBTI face difficulties that are also faced by other minorities (such as discrimination and non-equal treatment), this discourse also puts focus on how oppression can take different forms depending on the minority.

The Minority rights discourse thereby asserts that challenges are best and most efficiently met with a group approach rather than an individual approach. Even if rights should be the same for all

humans, placing them into a group context can sometimes allow for a more efficient discursive effect. Pruce (2011:3-4) further states that such a discourse can be used tactically by advocates for given issues to increase the salience of these causes on the public and global agenda. This follows the logic of difference between, on the one hand, distinct groups facing vulnerabilities as units and, on the other hand, vulnerabilities faced by individuals as separate persons, because the individuals are not the same as the groups.

Swiebel (2009:25) argues that the Minority rights discourse has a clear focus on a specific type of measures to combat this disadvantaged position that the group finds itself in. Swiebel classifies these measures as positive measures, such as an inclusion of explicit minority protection laws in a legislative framework. This is, according to her, more controversial than when employing a perspective of individual rights, which is more directed towards nondiscrimination measures. The difference thereby lies in whether or not action has to be taken (positive measure), or if it has to be avoided (negative measure). However, it can also be argued that measures of nondiscrimination can be applied to the group level too, a case in point being unequal marriage legislation. If marriage is limited to those between people of different sexes, arguably this constitutes discrimination against all non-heterosexual people. Therefore, the discourse includes both of these aspects. Lack of measures that might combat discrimination and unequal treatment are therefore, according to this discourse, the means through which one can solve the problem.

4. Research design

In this chapter I begin by discussing the choices of employing a qualitative and descriptive research design to this study, as well as discuss the case choice. I then go on to specify the methodology and type of discourse analysis that I will be using, as well as to motivate how and why I have chosen to delimit the methodology. Lastly, I discuss the material that I have chosen to analyze and why this material is of particular importance for the aim of this study. Before going on to the actual analysis I also discuss the matter of reflexivity.

4.1. Qualitative and descriptive research

The research design of the thesis is qualitative with a deductive approach. This includes closely studying strategically chosen material in order to analyze it thoroughly. As mentioned, the EU makes for a specifically interesting case to study given its *sui generis* character with potential

disagreement between "traditional" and "progressive" values. The aim of bringing more clarity to the intersection between EU as a whole and LGBTI rights is thus, I argue, an important one. For clarificatory purposes it is important to state here that the EU is in this thesis portrayed as one unitary actor, and thus there will be no difference made between EU institutions. Admittedly, this assumption comes with its limitations. EU institutions arguably differ in their approach to matters related to LGBTI rights, which for example is shown through their respective progress on the horizontal anti-discrimination directive (European Parliament, 2020). However, I believe that the portrayal of the Union as a coherent actor is necessary in the framework of what this study wants to investigate. As was elaborated upon in the introduction, LGBTI rights can be seen as symbolic for the whole of the EU (Slootmaeckers et al, 2016:4), and as has been asserted by for example Ayoub & Paternotte (2014:3), LGBTI rights are a powerful symbol for "Europe" as an abstract idea. Following from this and from what this study is interested in, I argue that it does not make sense to differentiate between the institutions and their usage of the discourses. Rather, I attempt to move closer to an approximation of what can be seen as common EU discourse, based on the perception of the EU as a whole as a human rights promoter. Together with the symbolism that is attached to this view, as was stated previously in this paper, this is what I want to problematize and nuance here. No research can investigate everything, and differences between EU institutions is something that I leave for future research in this field.

Following from the research question, this study can be categorized as a descriptive one. This is in accordance with the interpretivist epistemological position outlined above, as the most common approach in interpretivist studies is to understand and describe the social world and its related phenomena; not to explain them (Furlong & Marsh, 2010:199). Descriptive studies are sometimes considered to be of a lower standing than attempting the seemingly more prestigious challenge of explaining a phenomenon. However, following what Teorell & Svensson (2007:22-23) argue, doing a well-founded description is not an easy task, and such a study can thus contribute a lot to the shared knowledge of the scientific community. Descriptive studies therefore have an equal self-value to that of explanatory studies. Furthermore, if there are no good descriptions of a phenomenon, it is impossible to explain it at a later stage.

4.2. Methodology: What is the Problem Represented to Be?

The methodology that I will be using in this thesis is called "What is the Problem Represented to Be?", or the WPR-approach, and it was developed by Carol Bacchi as a methodology for

poststructural policy analysis (Bacchi, 2009:vi). The basic assumption of WPR rests on the view that there are several ways of perceiving societal problems, and there are also multiple ways of perceiving the solutions to these problems. This means that the approach focuses on critically examining constructions of social problems; constructions which, according to Bacchi, stem from different discourses (Bacchi, 2009:35). The aim of WPR is to make visible the ways in which phenomena can be constructed and interpreted differently, and to show how that can affect the subject positions created by them. In short, the goal is to show how discourses can be uncovered (Bergström & Ekström, 2018:271-272). This uncovering of discourses can according to WPR be done more concretely and palpably through analyzing policy documents more specifically (Bacchi, 2009:34). It is by looking at how a problem is to be reformed that one can examine how the problem on a more basic level is understood (Bacchi, 2009:3). Therefore, the WPR-approach fits very well with the poststructuralist and policy theoretical point of departure for this thesis, and it is also a good match with the stated aims of this research.

More concretely, the WPR-approach consists of a number of analytical questions, which are the analytical tools to be used. As is argued by Esaiasson et al. (2017:216), it is fruitful to employ methodologies structured around central analytical concepts, and in the case of the WPR-approach the concept in question is "representation". Such central analytical concepts help to systematize the analysis. As a reminder, "representation" is here seen as the way in which we use words, ideas and symbols in order to make sense of and understand the world around us (Esaiasson et al, 2017:217).

The analytical questions are, as stated, intended to serve as tools that help the researcher find various aspects of the discourses that are relevant to uncover from the empirical material. Bacchi (2009:2-19) formulates the analytical questions as follows:

1. What is the 'problem' represented to be in a specific policy?
2. What presuppositions or assumptions underlie this representation of the 'problem'?
3. How has the representation of the 'problem' come about?
4. What is left unproblematic in the problem representation? Where are the silences? Can the 'problem' be thought of differently?
5. What effects are produced by this representation of the 'problem'?
6. How/where is this representation of the 'problem' produced, disseminated and defended? How could it be questioned, disrupted and replaced?

In the present thesis I will slightly reformulate some of these, while using Bacchi's original set of questions as a point of departure. I argue that such a way to go about it is feasible, given that the analytical questions that I use fit with my overarching research question, and that I will still be posing them around the concept of "representation". As argued by Esaiasson et al. (2017:216), this is more important than the exact formulation of the analytical questions, and that is why I have chosen that path. Furthermore, as argued by Bergström & Ekström (2018:290), discourse analysis as a methodology contains no "master plans", meaning that the researcher is rather free to construct their own tools for analysis as long as these fit with the specific research problem. I argue that this inherent creativity to the methodology is good because discourse analysis can in this regard also contribute to methodology development, as new questions for analysis are developed. In total, this study will employ a set of five analytical questions that are based on the ones formulated by Bacchi. These are:

1. What is the problem represented to be?
2. What actors are represented, and from what perspective are they represented?
3. What presuppositions underlie this representation of the problem?
4. What is left unproblematic by this representation of the problem?
5. What effects are produced by this representation of the problem?

As can be seen, questions three and six of Bacchi's original ones will be excluded, and I chose to add question two focusing on actors appearing in the problem representations. I chose to insert this question as number two given that, like question one, its answers are deducible more directly from the empirical material. Questions three through five are answered more by being guided by theory and previous research. Thereby, it is the nature of the questions that determined their order.

Question number two is formulated along the lines of Esaiasson et al. (2017:217), but more directed towards the notion of subject positions as well as the light in which actors are represented. As discussed above, Foucault contends that so called subject positions, frameworks for human action, are created within discourses. This means that the way in which we represent actors has an effect on their perceived latitude and what kind of actorness they have (Bergström & Ekström, 2018:258-259). Keeping this in mind, I argue that especially when it comes to matters relating to a group such as LGBTI, whose actorness has potential to differ significantly depending on discourse,

it is of relevance to include that in this analysis. What I intend to uncover through this question is thus agency, as well as the perspective from which given actors are represented. Matters that might be revealed include such things as who is responsible for solving the problem through this representation, who is responsible for causing the problem, and which actors are benefitting from this problem representation.

When it comes to the omitted questions, Bacchi's original question number three, which asks how a representation has come about and evolved historically, is left out because of its historical focus. I believe that the limited scope of both this thesis, as well as of the material available, make such a historical investigation redundant. It would simply not produce much knowledge. LGBTI rights have simply not been a part of EU policy for long enough to make a historical analysis feasible. Furthermore, Bacchi's question number six has also been omitted. This question relates to the means through which problem representations have become dominant and legitimized among the target audiences, and to what extent they can be challenged at a later stage (Bacchi, 2009:19). I argue that, once again, the time scope of this thesis is too limited to also include this in the analysis. Investigation of legitimization processes among target audiences, and of how dominant discourses can be challenged, is something that I will leave for future research.

4.3. Specifications of analytical questions

In this section I will specify the analytical questions and discuss what will be guiding me through the analysis. Bacchi (2009) provides explanations for the intention behind each of the questions that she proposes, as well as what is supposed to be revealed by them. This advice will help the reader to get an idea of what type of aspects could be revealed in the analysis.

I will in this section not explicitly operationalize the discourses. I argue that this is a reasonable way to go about it given the metatheoretical and theoretical starting points of the thesis. In accordance with poststructuralism, phenomena are in this thesis not assumed have objective meanings, but these meanings, which can also change across time and space, are rather actively constructed by actors (Bergström & Boréus, 2018:26-29). Therefore, it would not make sense to clearly map out in advance what each discourse could reveal in the material, as this is not an objective matter. In that regard, I will be keeping an open mind as far as traits of the discourses are concerned, while at the same time using the discourses as "lenses" when studying the material. This is in line with the attempts of further concretizing the discourses, which can be done through the specific policy

proposals, as well as through the underlying presuppositions and the perceivable effects of the discourses. Furthermore, in accordance with the anti-foundationalist ontological position as outlined above, which emphasizes making informed and consistent statements rather than claiming to discover the "absolute truth" (Furlong & Marsh, 2010:190), I argue that not operationalizing the discourses in advance is a reasonable way to conduct the investigation.

What is the problem represented to be?

According to Bacchi (2009:2-4), this question serves as a clarification exercise regarding how an issue is thought about on a basic level. The goal can thereby be described as identifying the implied problem representation in and by specific policies or proposals. What *kind* of a problem is the issue represented as? Moreover, what can be done to reform said problem? In line with poststructuralism, what matters is the problematization rather than the actual problem. This means that there is no presupposition that the reform proposal will actually be the best solution, it is just what is represented as a good solution.

What actors are represented, and from what perspective are they represented?

Since this question does not figure among Bacchi's original questions, she does therefore not present any guidelines as to what to look for here. As mentioned, the question draws inspiration from Esaiasson et al. (2017:217), and I included it because I believe that the two discourses included in the study present differing subject positions and it is therefore of relevance to investigate these more thoroughly. The question directs attention to representation of actors, both in terms of responsibility for the problem per se (cause) and in terms of responsibility for action (solution). In this context the question also interrogates who benefits from the problem representation that is presented.

What presuppositions underlie this representation of the problem?

According to Bacchi (2009:4-10) this question aims at uncovering what is assumed implicitly when proposing a specific course of action. What does the representation take for granted and what does it not question? The goal is thereby to analyze conceptual logics, that is, the meanings that must be in place for a specific problem representation to make sense.

What is left unproblematic by this representation of the problem?

In this question the aim is to reveal what is not problematized in a given policy. Bacchi (2009:12-14) asserts that the aim of the question is to reflect upon and to consider issues and perspectives that are silenced or left out in a given problem representation. For example, what is not portrayed as being in need of change (Bergström & Ekström, 2018:274)?

What effects are produced by this representation of the problem?

Lastly, Bacchi (2009:15-18) states that this question aims at identifying possible effects of a given problem representation, in order to be able to critically assess and evaluate them. This is against the backdrop of the divergent effects of problem representations for different groups. The effects can be discursive, in terms of specific policies defining the limits of what can be said and thought of as reasonable in the future. They can also affect subject positions in the sense that they affect how we look at ourselves and others.

4.4. Material

In this section I will discuss the empirical material, and in this context it is of importance to reconnect to the discussion above of the meaning of the word discourse. I consider "discourse" to theoretically include both linguistic and non-linguistic practices. However, for the analytical purposes of this thesis I have decided to delimit the analysis to linguistic practices by studying texts. There are two reasons for this. The first one relates to the policy theoretical focus that this thesis employs. Since policy proposals are concretized through linguistic practices, most often in texts, the focus on linguistic practices is in this thesis a natural consequence of it being a policy analysis. The second reason relates to the fact that in the framework of a master's thesis, delimitations naturally need to be made, and given the comparatively limited amount of EU policy that covers LGBTI rights, I argue that texts are enough to capture what I will attempt to reveal. I believe that the effort put into attempting to find, for example, visual representations of LGBTI in the EU sphere, would not make up for the limited benefit in terms of results that something like that would yield. Furthermore, on a more general note, I believe that strategically chosen texts can constitute adequate material, and according to Boréus (2015:189), analyses of texts are central to discourse analysis. This is why I argue that texts constitute sufficiently relevant empirical material when conducting this type of study. However, non-linguistic practices are included in the analysis to the extent that they can be included in the answers to the analytical questions. As outlined above, discourses, I argue, can influence people's perceived latitude.

Following from the above, the empirical material to be analyzed in this thesis consists of a total of five texts originating from different EU institutions. As discussed earlier, the different institutions are considered part of the same discourse in this thesis. The texts vary in length, but they all cover the topic of LGBTI rights, and I have strived to identify documents that cover this in as much of an overarching way as possible. In accordance with the policy theoretical focus of the thesis, the texts can in some sense all be said to be policy documents. As already mentioned, Bacchi (2009:34) argues that a policy focus adds concretion to the study of discourses, which is in line with the aim of this study. It is also in line with the WPR-approach. However, as is underlined by Bergström & Ekström (2018:271), delimiting one's material to policy documents in a formal sense is not necessary. The WPR-approach can be, and have previously been, used for many types of texts. Therefore, what I argue to be important for this thesis is that the material discusses a phenomenon as a problem, and that it wants to change a given status quo.

Besides the broad policy focus, the material has been chosen based on various other criteria. These include origin, which means that there is a fairly even distribution between major EU institutions (two texts from the Council, two from the European Parliament, and one from the Commission); time period, with the oldest document dating back to 2013 and the most recent being from 2020; and, lastly, the fact that the documents in a majoritarian sense cover LGBTI rights. This last point is important as I wanted to exclude documents where LGBTI rights were only attributed minor attention, as I did not want to dilute the results of the research by claiming that, for example, a specific discourse is used to represent LGBTI rights when in fact it only appears in relation to other groups mentioned in the same document. The texts have been considered to be on equal footing and I have thus not created any hierarchy between them. The overall corpus of texts that I intend to study is as follows:

European Parliament resolutions:

- Implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia (2017);
- Public discrimination and hate speech against LGBTI people, including LGBTI free zones (2019);

Council conclusions:

- Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (2013);
- Council conclusions on LGBTI equality (2016);

Speech:

- Commissioner Dalli's speech at the LGBTI Intergroup at the European Parliament, "The EU and LGBTI Rights in 2020-2024" (delivered 4 February 2020).

When it comes to these specific texts, I argue that they can in some sense be said to represent the discourse on LGBTI rights, which is what I want to capture in this study. The two sets of Council conclusions are deemed to be of individual importance. According to ILGA Europe, a large umbrella organization for LGBTI rights, the conclusions from 2013 marked the first time LGBTI officially became part of EU foreign policy, and this document was welcomed as comprehensive at the time of its adoption (ILGA Europe, 2013). The conclusions from 2016 were, for their part, the first conclusions covering LGBTI rights as such in a broad sense (European Commission, 2019b). The two European Parliament resolutions were selected from a number of resolutions that in some way covered LGBTI related topics. However, most of the resolutions had other overarching foci (such as fundamental rights generally, or human rights in education), and the two chosen ones most clearly deal with LGBTI rights. Also, they have the advantage of each covering different dimensions; with one covering external action whereas the other deals with the Union's internal situation. This last point also serves as a good justification for the two sets of Council conclusions, with the guidelines being intended for external action. Finally, the speech has the advantage of being a very recent one, as it was held in the beginning of February 2020. I believe that it can serve as a good complement to the other texts as the Commissioner for Equality concretely addresses what needs to be done during the current mandate in terms of LGBTI rights.

4.5. Reflexivity

In the context of the present research it is of high importance to discuss the notion of reflexivity. As stated by Bryman (2012:393), this entails a researcher's awareness of their own position in relation to their research. This means being aware of one's cultural, political and social context, as well as of the implications of one's methods, values, biases and decisions for the knowledge produced. In a sense, it stresses the importance of being equally critical to one's own work as one is towards the empirical material. Bacchi (2009:19) stresses the importance of this since, as researchers, we are

products of our time and thus also shaped by the problem representations that we are attempting to analyze. The fact of the matter is that I risk reproducing the same structures that I uncover from the material, and it is of high importance to be aware of that. Furthermore, when conducting the present research it is essential to remember to strike a balance between the potential criticism resulting from this thesis, and at the same time make sure that this criticism does not jeopardize emancipatory projects such as promotion of LGBTI rights. It is by no means my goal to undermine good intentions, and especially not to give more strength to intolerant forces. In that regard, I will strive to present problematic aspects of the representations in a responsible manner, while at the same time keeping in mind that good intentions might produce unintended consequences. As stated by Ekström (2012:90), the criticism is directed towards the problem representations in themselves, rather than towards the actors (the EU in this case) with emancipatory intentions.

5. Analysis

5.1. What is the problem represented to be?

In line with this question's aim of uncovering how a problem is thought about on a more basic level (Bacchi, 2009:2-4), the Europeanness discourse represents the problem as being one of a lack of European values. The representation of the problem is that the situation for LGBTI rights is not European enough. Through this, the material reveals that the EU does indeed portray LGBTI rights as something pertaining to a specific idea of what constitutes "Europe" and a "European identity".

One example is the Council conclusions on LGBTI equality (2016) which, already in the very first paragraph, assert that *"[r]espect for human rights is a founding value for the Union"*, thereby connecting LGBTI rights to an idea of what kind of values the EU is founded on and, thus, an idea of what the Union "is". Arguably, this is based on a view that the EU strongly identifies with such values. In paragraph 2, the document goes on to assert that *"[i]t is important to promote common values, such as respect for human rights, as well as a common understanding that human rights are universal and apply to all"*. This quote is of high relevance for the present study, as the phrasing of it showcases an underlying problem representation of the Europeanness discourse. The contention that it is of importance to promote common values sends a signal that it is the promotion of said "common values" that is important, rather than explicitly improving the situation for the LGBTI community. To a certain extent it sends the message that what is desirable to change is that the EU needs to intensify its efforts in promoting something common, something "European", rather than

putting emphasis on what that more specifically is. The solution following from this problem representation is represented as promoting European values. The situation for LGBTI rights needs to become more "European", by the promotion of "'common' values".

When studying other parts of the material, similar patterns of problem representations from the Europeanness discourse are revealed. In the Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (2013, paragraph 1), it is argued that *"[t]he EU is committed to the principle of the universality of human rights and reaffirms that cultural, traditional or religious values cannot be invoked to justify any form of discrimination, including discrimination against LGBTI persons"*. This problem representation is interesting from the Europeanness perspective in the sense of the dichotomy of "good vs bad", or "progressive vs traditional" (Romana Ammaturo, 2015:1151), as presented in the theoretical chapter. On the one hand, this quote presents the common EU view to be grounded in a strong commitment to human rights promotion, a statement which is made quite uncontestedly. On the other hand, the EU view is also clearly stated to reject the invocation of "cultural, traditional or religious values" to legitimize discrimination against LGBTI. In a document covering external action, this is interesting from the point of view of what this implies for identifying oneself through identifying others. While the "others" are here portrayed as utilizing their value systems, deriving from culture, tradition or religion, to discriminate against LGBTI people, the EU asserts that such strategies are not valid in its view. Hence, the EU can be argued to approximate signs of homonationalism, whereby the Union advances its own exceptionalism and distinctiveness, and emphasizes the extent to which it is modernized in comparison to other actors, by judging those actors based on their tolerance towards LGBTI rights. The problem is thus represented to be that the EU values are not universal, and that other values are used as an excuse to advance an agenda running counter to that of the EU. Further supporting this view is the following quote, from the same guidelines from 2013, paragraph 2: *"[d]iscrimination against LGBTI persons is often rooted in societal norms and perceived roles that perpetuate gender inequalities"*. What needs to be changed according to this problem representation is the societal values; societal values that differ from those of the EU. Yet another example can be found in the European Parliament resolution on the Implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia (2017): *"[The European Parliament r]eminds the Russian and Chechen authorities that regional, cultural and religious value systems should not be used as an excuse to condone or engage in the discrimination, [...]"*.

including on the grounds of sexuality or gender identity". Here, once again, values that are different from the ones of the EU are mentioned in relation to LGBTI rights, showing signs of the homonationalistic part of the Europeanness discourse. The other actors cannot and should not invoke their values to justify LGBTI discrimination.

From the point of view of the Minority rights discourse, on the other hand, the problem is to a large extent represented to be one of inequality and discrimination. This follows from what was outlined in the theoretical chapter, where it was asserted that this discourse often includes a specific relationship between the minority and the majority, where the minority is seen as experiencing inequalities, such as discrimination, as well as generally being at a disadvantaged position in relation to the majority (Mayer et al., 2008). This is revealed by the material through a number of quotes. The Council conclusions on LGBTI equality (2016) state that *"[...] the Union shall aim in all its activities to eliminate inequalities and to combat discrimination"*, thereby explicitly showcasing the power relations and inequality that LGBTI are subjected to. In the guidelines from 2013, this is further reinforced in paragraph 6 where it is stated that *"[these guidelines] seek to enable the EU to proactively promote the human rights of LGBTI persons, to better understand and combat any structural discrimination they might face"*. The explicit mentioning of "structural discrimination" entails an understanding of LGBTI, as a group, being systematically subordinated to another group, the non-LGBTI majority, and that is in this quote represented as something that is in need of being changed.

Commissioner Dalli also remarks aspects of the Minority rights discourse in her speech (2020): *"[i]n her political guidelines, President Ursula von der Leyen stated that she aspires living in a society 'where you can be who you are' and 'love who you want'. Her reference is not LGBTI specific, but definitely LGBTI inclusive"*. This reference points to the aspect of the Minority rights discourse that emphasizes different minorities experiencing the same types of problems, such as discrimination and non-equal treatment. Arguably, when putting LGBTI as a group on the same level as other minorities, as is done through the phrasing above, there is an implicit recognition of them being a minority because they are portrayed as experiencing the same represented problems as other minorities. This point is further shown by this next quote, also by Dalli (2020), in which LGBTI people are explicitly portrayed as experiencing the same type of represented problems as other minorities: *"[t]he most worrying phenomenon for me is the growing number of violent attacks against LGBTI people [...]. These actions are clearly aiming to intimidate and spread fear with the*

aim to acquire cheap political gains at the costs of vulnerable minorities". The problematizations in terms of, in this case, violent attacks against LGBTI people, are thereby treated as being on equal footing to the ones experienced by other minorities. Dalli thereby represents the problem to be that in the current status quo, there is an unequal majority-minority relationship, and this is concretized through the attacks against the LGBTI community, and this is then what needs to stop. In that regard, it is the difference in treatment that is in need of change.

Also when it comes to more specific courses of action proposed by the policy documents, the problem representations reveal signs of the Minority rights discourse. In the Council conclusions on LGBTI equality (2016, paragraph 11), the Council of the EU *"[c]alls on the European Union Agency For Fundamental Rights to further study the situation of LGBTI people by compiling high-quality statistics based on the most reliable methods"*. Through this reform proposal there is an acknowledgement of LGBTI as a minority group by the recognition of the fact that they experience a specific type of situation in relation to other societal groups. The need to study their particular situation follows from the theoretical assumption where rights are moved from the individual to the group (Pruce, 2011:3-4). It is in this case the group that experiences the same type of discriminatory behavior from others, and it is the group experiences that need to get more attention. Thereby, attention is brought to the fact that oppression can take different forms depending on the given group.

In line with what was outlined in the theoretical chapter relating to the Minority rights discourse, when employing this discourse one fixes rights on a group level rather than on an individual level. This is done in order to acknowledge that specific groups face specific challenges, which might serve as a more effective way of advancing said minority's rights (Pruce, 2011:3-4). The guidelines on LGBTI rights promotion (2013) stress this point already in the first paragraph by asserting that even if LGBTI persons are protected under international human rights law, *"[...] specific action is often required in order to ensure the full enjoyment of human rights by lesbian, bisexual, transgender and intersex (LGBTI persons). LGBTI persons have the same rights as all other individuals - no new human rights are created for them and none should be denied to them"*. This means that despite this group's rights being protected by virtue of them being human, certain specific courses of action might be needed to meet their specific needs. This is arguably also a sign of the Minority rights discourse as there is a clear group perspective.

One can thus perceive problematizations in the policy documents that hail from both discourses. This shows signs of there not being agreement as regards the usage of EU discourses, and by extension there seems to be different ways of understanding what the problematics really are when it comes to the situation for LGBTI rights. Is the problem seen as one of a community of human beings being treated unequally, or is it grounded in a view of there not having been enough EU cooperation and promotion of EU values? Such questions interrogate the often presented view of the EU being a so-called "normative actor" (Manners, 2002:238-241) and thereby direct attention to what is arguably the core of the issue: whether promotion of human rights, including LGBTI rights, is in fact as important in EU policy as it is stated to be (among others by the EU itself (European Union, 2020)), or if that is not the case. Despite often being explicitly or implicitly connected to LGBTI rights (Ayoub & Paternotte, 2014:3), and by extension to for example modernization, the EU shows some ambiguity as regards values that can be seen as "inherently good", such as human rights. As is stated above, there are signs of the situation for LGBTI rights being treated as a matter of discrimination and unequal treatment, but the image is not as clear as is often presented.

5.2. What actors are represented, and from what perspective are they represented?

The most relevant actor representation that follows from the problematizations of the Europeanness discourse is the one surrounding the European Union and its institutions, which follows from many of the theoretical assumptions outlined in the theoretical chapter. In many parts of the material the Union is portrayed positively, both in terms of its potential and what it actually does.

Formulations from the Council conclusions on LGBTI equality (2016) include *"the Union shall aim in all its activities to eliminate inequalities and to combat discrimination on various grounds, including sex and sexual orientation"* (paragraph 3) and *"[d]iscrimination on the grounds of sexual orientation is [...] prohibited under Union law in the field of employment"* (paragraph 6). The light in which the EU is represented from these phrases seems to be quite positive, which follows from how the Union is represented as identifying with LGBTI rights. Furthermore, in paragraph 10 of the Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (2013), it is mentioned how the EU "unanimously supported" a statement on human rights, sexual orientation and gender identity, reinforcing its actorness by emphasizing its unity.

Following from this, the EU arguably benefits from such a perspective and in that regard, by outlining what the EU has done and can do, it can be argued that the discourse is quite macro-centered. When looking into which actors are not benefitting, thus, LGBTI as a group loses much of its agency and it is therefore possible that this group does not necessarily gain from the usage of this discourse. Furthermore, other actors not benefitting from the problematizations of the Europeanness discourse include national governments, both inside and outside of the EU. These are here identified as actors that are not capable of solving the problem, even if they are represented as responsible for the solution. Paragraph 16 of the European Parliament resolution on Public discrimination and hate speech against LGBTI people, including LGBTI free zones (2019) *"calls on the Commission to assess whether Poland has failed to fulfil an obligation under the Treaties"*, while the resolution on Russia from 2013 asserts that the European Parliament *"underlines that Russia and its government carry the ultimate responsibility for investigating these acts, bringing perpetrators to justice and protecting all Russian citizens from unlawful abuse"*. These two quotes represent the national governments in Poland and in Russia as not having done what that they should have, thereby portraying each of them in a negative light. In short, the national governments and their actions (or, lack thereof) are part of what is problematic from the perspective of the Europeanness discourse. Representations like these further serve the objective of legitimizing and strengthening the EU as an actor, and as an actor that is set in comparison to other players who are not as LGBTI friendly.

Turning to the Minority rights discourse, it is important to investigate the agency attributed to LGBTI as a group. Following from the assumptions outlined in the theoretical chapter, arguably, this discourse contains more of a micro perspective than the Europeanness discourse. Given that a big part of the discourse's problematizations are about the specific challenges faced by LGBTI as a group, the agency of this group arguably should be represented as being larger. Thereby, in a sense, focus can be assumed to fall more on the empowerment of the people concerned.

The material reveals signs of such a focus where LGBTI as a group, or actors that in one way or another can be said to "represent" the LGBTI community, are given a place in the policy process, and thus constitute an important part in achieving needed reform of the current situation. Commissioner Dalli (2020) states this in a clear way by expressing that *"[c]hange will not happen without activists and civil society organizations being the voice of the LGBTI community in the different Member States"*. Through this quote, regardless of whether or not activists and civil society organizations can actually be said to represent the voice of the LGBTI community, Dalli

assumes that this is the case, and attributes to them a role in achieving change. By making this assumption, she acknowledges that what the LGBTI community has to say about the matter is of importance for the situation to change. This follows from the theoretical assumption that they, as a group, experience much of the same type of discrimination (Pruce, 2011:3-4), and just acknowledging them as a group arguably gives them increasing agency. This is done, as was outlined in the theoretical chapter, as a means of more efficiently meeting their specific challenges than what could have been done using an individual approach. Empowering the group as a whole can result in more effectively putting the issue on the agenda.

Even if other parts of the material do not explicitly state the connection between the LGBTI community and civil society, there are references to the importance of these actors. For example, the guidelines for LGBTI promotion (2013) cover support and protection for human rights defenders as one of the priority areas of EU external action, thereby recognizing their importance in achieving change. These actors are represented in a positive light and arguably benefit from the representation. To the extent that civil society can be considered the *"voice of the LGBTI community"*, as stated by Dalli (2020), they arguably also benefit from the usage of this discourse. These groups are seen as part of the change, as is stated in paragraph 12 of the resolution on Public discrimination and hate speech against LGBTI people, including LGBTI free zones (2019), where the European Parliament *"urges the Commission and the Member States to work in close cooperation with civil society organizations working for the rights of LGBTI people"*. However, as can be seen from this quote, civil society is not responsible per se to solve the problem. It is acknowledged that the primary responsibility still lies with the governments, and that while civil society performs important work they are not in a position to reform the situation by themselves. The following quote from the resolution on Implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia (2017, paragraph 1) signals this: *"[the European Parliament] calls on the [Russian and Chechen] authorities to allow international human rights organizations to conduct a credible investigation into the alleged crime"*. The fact of the matter is, as alluded to here, that civil society oftentimes are not even allowed to perform their work, and in that regard national and regional governments are through this perspective represented in a less positive light, and the ones who are responsible for the problem.

In summary, also when it comes to this analytical question, we can perceive differing representations in the material. As follows from the problem representations of the Europeanness discourse, the EU is considered to be an important actor and is attributed positive attention. National governments are represented as having the main responsibility of solving the problem, which is logical given that most of the competences pertaining to this area still lie in the hands of the Member States. Arguably, however, this still reinforces the view of the EU as a force for good, because by means of this logic, the Union takes action because other actors fail to achieve something. Regarding the Minority rights discourse, on the other hand, LGBTI as a group is attributed agency, and actors seen as representing their view are constructed as having positive influence on the policy process in this regard. Therefore, the aspect of empowering LGBTI forms part of this discourse, following from the theoretical assumption of people from this community as having the same rights as others (Namwase, Jjuuko & Nyarango, 2017:4). When comparing the representations from the two discourses one can thus, once again, perceive a certain ambiguity from the part of the EU in these policy documents. Arguably, the LGBTI community might benefit more from the usage of the Minority rights discourse than the Europeanness discourse, as the former attributes more agency to them, and portrays them as having more positive influence in the policy process.

5.3. What presuppositions underlie this representation of the problem?

When it comes to the presuppositions underlying the problem representations of the Europeanness discourse, one of those is arguably the matter of there actually existing something that can be referred to as common European values, or a common European identity. It also presupposes that such a commonality is attainable by the Member States and the EU institutions through reinforcing their cooperation with each other. Without such an assertion, it would not be possible to argue for the importance and desirability of promoting such values, as is for example done in the Council conclusions on LGBTI equality from 2016.

When looking into the empirical material, signs of such a presupposition can be revealed. In paragraph 8 of the guidelines for LGBTI promotion from 2013, it is acknowledged that *"the promotion of human rights on grounds of sexual orientation and gender identity in many areas around the world, including within the EU, can lead to sensitive discussions. However, [...] the EU is committed to advancing the human rights of LGBTI persons in a meaningful and respectful way"*. This quote can be interpreted to signify that while human rights for LGBTI persons can indeed be

considered controversial even inside the EU, the Union as a whole does have a shared and common overall vision. This vision, as the quote continues, translates into a commitment of furthering LGBTI rights. Arguably, this fits into the Europeanness discourse through the image of the EU Member States sharing a specific set of values and that they, despite not always being in agreement with each other, are alike and will thus cooperate together on this matter. This last point is not questioned, but it is rather stated as a fact. It represents in some sense the EU as being united in its diversity, as the EU motto is phrased (European Union, 2019). In the speech by Commissioner Dalli (2020), the same point is advanced: *"[t]he Commission cannot advance LGBTI equality alone. We need to work closely with you - the European Parliament, the Member States, and civil society organizations"*. Also here the EU and its Member States are represented as working towards the same goal of furthering LGBTI equality, and there is an emphasis on the cooperation and the "need" for cooperation. This presupposition ties into what has been stated by Slootmaeckers et al. (2016:4) of how LGBTI rights carry a lot of symbolism in EU politics. Such symbolism is arguably founded on an idea of there being some sort of commonality, something "European", around the matter.

This presupposition in turn seems to be based on the idea that coordinated European action for LGBTI rights is desirable, and thus that individual Member State action is not enough but that European coordination and cooperation is required. This presupposition of desirability of EU action is related to the notion of eurocentrism. Along the lines of homonationalism (Puar, 2013:336), the EU is in this way assumed to be in a position of superiority, capable of educating others by forwarding their own exceptionalism. Such an assumption arguably justifies the perceived need of reinforcing EU cooperation.

Turning now to the underlying presuppositions of the Minority rights discourse's problematizations, one such presupposition is that the LGBTI community internally shares more than what sets it apart. In this discourse, one assumes that LGBTI constitutes one group that is fairly homogenous, and by extension that it is fruitful to direct policies towards this group as a whole collective. The presupposition includes that anti-discrimination efforts can on a general level be directed towards this group and still serve their purpose of improving the situation for the group as a whole.

When looking into the material, phrasings such as *"activists and civil society organizations being the voice of the LGBTI community in the different Member States"* (Dalli, 2020) and *[...] specific action is often required in order to ensure the full enjoyment of human rights by lesbian, bisexual,*

transgender and intersex (LGBTI persons)” (Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, 2013, paragraph 1) seem to be resting on such a view. As far as the first quote is concerned, it presupposes that the LGBTI community in some sense can be said to represent one voice and the same opinions. It rests on the assertion that what unites them, in terms of the fact that they are all discriminated against on the basis of their sexual orientation or gender identity, outweighs what distinguishes them from each other. This is further supported by the second quote, where it seems like the ”specific action” that oftentimes is required to ameliorate their situation of LGBTI should be directed towards the whole group that is constituted by the LGBTI community collectively. The same can be said to go for the proposal from the ”Council conclusions on LGBTI equality” (2016), where, in paragraph 11, the Council of the EU calls on the EU Agency for Fundamental Rights to ”*further study the situation of LGBTI people*”, meaning the same proposal for the community as a whole.

Therefore, one can perceive that the underlying assumptions from the Minority rights discourse seem to focus on the human beings towards whom the policies are directed. All the while, the presuppositions from the Europeanness discourse focus more on the EU as such, as well as on its Member States and the existence of something that unites them, and how this relates to a eurocentric view. Once again the EU ambiguity is thereby shown, and the differences between the two discourses in terms of primarily emphasizing LGBTI rights promotion or EU cooperation become pertinent. These foci are not necessarily incompatible, but it arguably matters where the emphasis is put. It seems logical that the LGBTI community should be the center of attention in a policy about LGBTI rights, and not EU cooperation per se.

In this context it is, however, important to remind ourselves that while maintaining focus on a group of people, as opposed to on individuals, can make the issue more salient on the political agenda (Pruce, 2011:3-4), the policy tools emanating from the presupposition underlying such a problem representation might be fairly obtuse. Thereby, as will be seen further down below, such presuppositions do come with their own problems in terms of what is left unproblematic from the problem representations.

5.4. What is left unproblematic by this representation of the problem?

When it comes to the question as to what is left unproblematic by a problem representation deriving from the Europeanness discourse, it is interesting to take note of paragraph 6 of the Council

conclusions on LGBTI equality (2016). Here it says, in the context of the measures that already exist in the EU as regards LGBTI equality, that *"[d]iscrimination on the grounds of sexual orientation is also prohibited under Union law in the field of employment"*. Arguably, the general context of pointing out what measures already exist on an EU level in this field indicates a certain recognition that the EU is acting on the matter, and that there is a particular added value in the EU actually having taken measures. The picture that is being painted here in this sentence thus portrays the EU as such in a positive light. However, in the context of the present analytical question, which aims at uncovering what is not being problematized, there is reason to reflect one step further. What is not being problematized here is the fact that Union law prohibits discrimination on the grounds of sexual orientation *only* in the field of employment. The fact of the matter is that, in short, Union law does thereby not prohibit discrimination on these grounds in non-employment related areas.

Inside the the EU, there is what can be seen as a "legal hierarchy" when it comes to grounds on which anti-discrimination efforts have been made. As is stated in the document entitled "Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation" (European Commission, 2008), while, for example, discrimination on the basis of ethnic origin is covered in non-employment areas, this is not the case for sexual orientation. Arguably, this is a part of the story that is here being omitted, and which is shown in a very concrete way by explicitly referring to what the EU has done, but without mentioning what is yet to be done. This points towards the Europeanness discourse, as positive aspects regarding the Union's track record in this field are showcased, while negative ones are not. Formulations such as one that can be found in the Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (2013), stating that *"the EU is committed to the principle of the universality of human rights"* further support this view.

In this context it is also of importance to take note of a formulation that can be found in the same guidelines from 2013, in paragraph 3: *"[l]egislative frameworks protecting LGBTI persons from discrimination and hate crimes are absent in many countries, and discrimination on the basis of real or perceived sexual orientation or gender identity occurs around the world when LGBTI persons try to access jobs, health care or education"*. Given the external dimension of this document, it is relevant to reflect upon the fact that discrimination against LGBTI people is mentioned in this manner, including for example health care. In essence, gaps within anti-

discrimination legislation are clearly pointed out as being problematic in this regard, but the fact that EU law also contains such gaps is omitted, and no reference to this being a problem inside the EU is included. Thereby it can be argued, in accordance with the Europeanness discourse, that problems existing within the EU are not represented in the same way as problems existing outside of the EU. This could be interpreted as an attempt at homonationalistic window dressing, where the EU exceptionalism would be furthered while other actors are deemed to be less LGBTI friendly than the EU and, therefore, more backwards. Another quote supporting this point is, for example, from paragraph 23 of the external action guidelines (2013), where it says that the EU should encourage states to introduce national legislation and policies *"that promote equality and non-discrimination in the work place, health sector and in education"*. Interestingly, this would mean that the EU should promote policies, that it does not even have itself. Arguably, this makes a strong case for rather problematizing the situation elsewhere than having to look inwards at oneself, thus portraying the EU as more of a champion for LGBTI rights than the Union actually can be said to be.

Turning to the Minority rights discourse, as was discussed above, it contains an underlying presupposition of the LGBTI community being homogenous. In that context, one aspect that I argue is left unproblematized by this discourse's problem representation is the ways in which the situation differs between subgroups of the LGBTI community. By portraying the whole community as one group for which the problems are the same, one does capture that they are oftentimes discriminated against as a whole. However, the fact that some individuals within the LGBTI community go through more specific types of discrimination can, on the other hand, easily be missed by such problem representations. As stated in the theoretical chapter, it can, admittedly, be more effective to represent the group and their experiences in a more unitary way in order to make sure the issue stays on the agenda. In a sense, there is power in numbers, and when more people are targeted by a policy it is oftentimes considered to be more of a salient issue (Pruce, 2011:3-4). However, the fact of the matter is that the experiences oftentimes are very different when comparing on the one hand, for example, gays and lesbians, with, on the other hand, transgender people. Problem representations of the Minority rights discourse risk locking all individuals that are said to belong to the LGBTI community into the same compartment, and thus not account for other types of discrimination than what can be said to apply to the whole group.

Moreover, within these subgroups, other factors can also make a difference. For example, being from a specific socio-economic group or pertain to a particular ethnicity, can also be of importance and create further grounds of discrimination, something that also affects lived experiences. A quote showcasing the problematic was stated by Dalli (2020), who mentioned that *"the Commission's Eurobarometer on Discrimination shows that overall support for LGBTI equality amongst citizens has gone up by 5% in 5 years; from 71% in 2015 to 76% nowadays - so superficially the situation is getting better"*. This paints an overall picture of support for LGBTI equality, but it hides the situation for groups within the LGBTI community. Another quote can be found in the "Council conclusions on LGBTI equality" (2016), where the call is to *"further study the situation of LGBTI people"*, which does not differentiate between studying the situation of, for instance, lesbian, black women, and the situation of gay, white men. While the women are potential victims of discrimination on account of being both women, lesbian and black; white, gay men most often face discrimination solely on account of being gay. While this certainly is bad enough, there is a clear difference. For a gay, white man, his sexuality being the determining ground for unfair treatment, is to a larger extent covered by LGBTI equality policies than what a black, lesbian woman might be. One can, by analogy, argue that the critique forwarded by the intersectional analytical perspective is valid here. Used by for example black feminists, it argues that the traditional feminism does not capture the unique experiences lived by black women (Davis, 2008:67-68). In that regard it is reasonable to ask whether or not problem representations deriving from the Minority rights discourse manage to sufficiently capture the unique experiences lived by all LGBTI people, some of whom experience other types of discrimination than just on the grounds of their sexual orientation or gender identity. Such aspects risk falling outside of the proposed LGBTI rights policies.

In summary, in this analytical question we start to get to the core of how the discourses and their problematizations can be critiqued, as this is concerned with issues that are not portrayed as being in need of change or reform (Bacchi, 2009:12-14). As discussed above, both problematizations come with their own issues in terms of matters that to a certain extent go unproblematized in the policies under study: the Europeanness discourse leaves out areas of self-criticism, and the Minority rights discourse covers individuals of the LGBTI community to different degrees. It needs to be noted that the unproblematized aspect of the Europeanness discourse follows from the matter of EU competences, which are quite limited in the area of LGBTI rights (Ayoub and Paternotte, 2014:3). The need for respect towards Member State competences are in fact mentioned twice in the Council conclusions on LGBTI equality (2016), and this could explain why the policies are constructed in

this way. However, it seems quite revealing in terms of perspectives that are silenced when the Union completely omits the internal situation regarding anti-discrimination measures in for example the health care sector, and still intends, in the guidelines about LGBTI rights promotion and protection in EU external action (2013), to encourage other states to introduce non-discrimination measures in, *inter alia*, the health care sector. The internal situation is thus to a large extent missing and is not portrayed as being in need of reform when the problem is represented to be one of a lack of "European values".

As can be seen, also the problem representation hailing from the Minority rights discourse thus comes with its issues and silenced perspectives, most notably those of groups within the LGBTI community. The discourse risks missing groups that for example are touched by different kinds of discrimination, and by extension it could be argued that these policies do not necessarily represent the need to reform and improve the situation for these people. In that context, therefore, the intersectional analysis risks passing by unnoticed. As was stated in the theoretical chapter, it is important to acknowledge that discriminatory measures can be taken towards groups of people as well, such as the case with unequal marriage legislation. Discrimination on the basis of sexual orientation and gender identity as a concept is an important one, and this is a common way of designating a specific kind of discrimination. That is not something that I deny. However, I believe that it is also important to point towards the fact that the LGBTI community does include a wide variety of individuals experiencing discrimination in different ways, and that is what matters for the current argument. Caution might be warranted at times, and it is of relevance to ask the question if the price of maintaining an issue on the agenda, on the one hand, is worth paying if one risks silencing individual perspectives completely.

5.5. What effects are produced by this representation of the problem?

As regards the Europeanness discourse, one effect that might be produced when representing the problem as being one of a lack of "European values" or an absence of a "European identity", is that despite good intentions, the main goal of the policies might be missed. That is to say, when the problem representation is one hailing from the Europeanness discourse, instead of empowering LGBTI and improve their situation, the focus might become more directed towards self-legitimization, as well as self-positioning in relation to others. Arguably, the aim of a policy on LGBTI rights should be to move closer to equality. However, when clearly connecting values of LGBTI rights to what the EU is, rather than emphasizing on the discrimination against LGBTI

people per se, the intended effects might be missed. The question thus becomes whether or not emancipatory intentions also in fact have emancipatory consequences, or would such a discourse rather produce self-legitimizing effects on the part of the European Union?

This is along the lines of what was discussed in the theoretical chapter, and relates to the argumentation by Romana Ammaturo (2015:1151-1152). She discusses how the usage of such a discourse could lead to European self-promotion, as an exceptional actor for human rights, might take the center stage, rather than the actual human rights promotion per se. This is the case as the debate in that regard gets skewed into one over modernization rather than one over human rights. It is also in line with the notion of homonationalism, where emphasis on "us" being better, more modern, and more exceptional than "them", takes the center stage over actually acting for improving LGBTI rights. Arguably, such effects, even if unintended, are not helpful to the cause of LGBTI rights promotion. It might thereby lead to future policies being made possible by such problematizations more concern EU cooperation as such, rather than improving LGBTI rights.

Furthermore, unintended effects could hit also elsewhere and take place during the process of defining both oneself and others. Along the lines of what has been argued by Ayoub & Paternotte (2014:2), Bosia (forthcoming) and Swimelar (2018:603), it is relevant to look into how, in the same way as the EU makes LGBTI rights a part of what constitutes its "national identity", other actors might employ similar rhetoric while arguing for the exclusion of LGBTI from their national identity. Moreover, this can be done with reference to the EU as a way of delegitimizing the Union. As is stated in the European Parliament resolution on the Implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia (2017, paragraph 11): *"[...] regional, cultural and religious value systems should not be used as an excuse to condone or engage in the discrimination [...] of individuals or groups, including on the grounds of sexuality or gender identity"*. Deriving from this, just like the EU uses LGBTI rights to forward its own position, other actors might use these rights as an excuse to relinquish values of human rights generally, as well as to aim to delegitimize for example the EU. Referencing "traditional values" is not uncommon in this regard (Ayoub & Paternotte, 2014:2). What is relevant for the discussion here is the arguments put forth in this context by Bosia (forthcoming) and Swimelar (2018:603), who assert that articulating sexuality and gender as part of the "nation" might lead to a deterioration in attitudes from autocratic regimes, who in turn then might construct these as threats to the nation. Following from the above, the effects of the discourse

might be argued to contribute more to both defining oneself and others, rather than promoting the rights of a group at a disadvantage. What is more is that such discourses thereby might have unintended effects in terms of the situation elsewhere for the LGBTI community, thereby showing the focus on macro actors rather than on the people affected.

In Bacchi's terminology (2009), this is arguably a discursive effect, given that it focuses on what the actors are, which contributes to defining what can be thought of as reasonable in the future. In this case, this concerns the EU as being "good" and "progressive", and that other actors are "bad" and "traditional". The effect would therefore become one of the EU being strengthened in the eyes of those favoring LGBTI rights promotion, and in that context the effect can also concern subject positions. This is in the sense that the EU as a human rights actor becomes more empowered through the usage of this discourse, while other actors' agency becomes constrained. The effects of the problem representation thus have the potential of influencing the way in which the EU is perceived from the outside. Thereby, policies that are made possible by such representations focus more on empowering the EU as an actor, and legitimizing the European cooperation because it is seen as a human rights actor, rather than directly and concretely improving the situation for LGBTI rights.

Turning now to the possible effects of the problem representation from the Minority rights discourse. As has been alluded to previously in the analysis, this discourse can also produce unintended effects that can be critically examined. Arguably, one effect is manifested in terms of subject positions, and thus how the LGBTI community is perceived, for better or for worse. On the one hand, as was argued in the theoretical chapter, the discourse can enable policies and measures that are classified as either positive (when action needs to be taken; minority protection legislation) and negative (when action needs to be avoided; anti-discrimination laws). In that regard, empowerment of LGBTI as a group could be one effect, as there through this discourse is an attempt to improve the situation for the community as a whole. As stated by Pruce (2011:3-4), this discourse helps keeping LGBTI rights on the agenda. In that regard, these rights are acknowledged and given a certain importance, as the salience of the issues increases, as Pruce (2011:3-4) further argues. This might then leads to the group in itself being empowered as an actor, which can also be deducted from analytical question number two, where it was asserted that the LGBTI community, or voices representing the LGBTI community, gets an important place in the policy process through this discourse's problem representations. Admitting, as the discourse does, that the LGBTI

community is treated unfairly, the logical following would be to pay attention to their calls for improvement of their situation. In line with the poststructuralist perspective, the category of LGBTI thus gets filled with a specific meaning that implies more agency (Bacchi, 2009:9).

In terms of keeping the issue on the agenda, the effects might also be positive in terms of there being an acknowledgement that the group is at a disadvantaged position in relation to the non-LGBTI population, as has been further argued by Pruce (2011:3-4). However, as has been stated previously, there can be a lack of problematization regarding the situations experienced by particular subgroups within the LGBTI community, and here a critical examination is needed. As there is an absence of problematization regarding the situation of subgroups, through for example intersectional analysis, one possible effect in terms of policies made available is that the less prominent groups might have to see their situation staying at a status quo. This might make more tangible and visible policies, such as making same-sex marriage legal, represent an improvement for the whole community to the extent that differentiated policies, targeted towards specific groups within the community, are silenced. In short, the policy tools emanating from such a problematization can be fairly obtuse in relation to their aim. The specific example of marriage legislation is not an EU competence, but as was seen earlier on in the analysis, certain reform proposals within the EU competences were also quite obtuse, such as to *"further study the situation of LGBTI people"*, from the Council conclusions on LGBTI equality (2016). This still follows the present argument of policies not being able to reform the situation for the whole community. This has been argued by Slootmaeckers et al. (2016:8) to be the case especially for the EU, as they state that EU documents and policies on LGBTI rights tend to have somewhat of a narrow interpretation of the wide term LGBTI, and, implicitly, mostly refer to same-sex sexual relations, while transgender and bisexual issues do not get a sufficient amount of attention. Thereby, the discussion from the theoretical chapter about the kind of diversity that will be accepted through portraying the community in this way gets actualized (Prügl & Thiel, 2009:4), which could be an effect of the vague instruments. In short, while the policy instruments might not change the situation for all groups, the way the instruments discursively represent LGBTI rights might also affect how we look at the community. Along with the poststructuralist approach the term "LGBTI" gets filled with meaning by actors, and if same sex sexual relations constitute the larger part of "LGBTI", other issues and experiences lived by trans people and bisexuals will be suppressed, which will arguably be to their detriment in the future. This discursive effect would arguably also influence subject

positions of the suppressed groups in the sense that their situation would not necessarily receive as much attention as homosexual people.

In summary, it is not certain that the problematizations of the Europeanness discourse ensure that the policies achieve what they set out to do. Emancipatory intentions might not necessarily lead to emancipatory effects if the problem representation is directed too much towards the EU in itself as well as the importance of its values. Such problematizations might lead to policies concerning the EU as such instead of LGBTI equality. Furthermore, effects could be devastating following the argumentation by Bosia (forthcoming) and Swimelar (2018:603) regarding the effects elsewhere in more autocratically governed areas of the world, severely deteriorating the situation for LGBTI rights in the process of self-legitimization as well as of defining oneself as "good", while classifying others as "bad". Thus, empowerment of the EU could arguably be one effect rather, than empowerment of the LGBTI community.

The problematizations of the Minority rights discourse can, for their part, lead to diverging effects. While the LGBTI community as a whole arguably might be empowered as an actor, this comes at a certain price. The policy tools emanating from this discourse are vague, and the empowerment of the group might thus come at the price of constraining the individual (or, at least, constraining specific subgroups). Thus, with the issue of a narrow interpretation of the term "LGBTI" as mostly referring to same sex relations, thereby suppressing issues relating to for example transgender people or bisexuals, the question is what that means for diversity and what kind of diversity is accepted? At the very least, this type of effect impacts subject positions and thus decreases the room for maneuver of suppressed groups. By extension, this might lead to these groups occupying less space in the public debate, as a result of what Slootmaeckers et al (2016:8) argue is a reductionist interpretation of LGBTI by the EU. Furthermore, in accordance with what Thiel (forthcoming) argues about discourses serving as manipulators of social and political phenomena, these effects seem plausible in terms of being reductionist for our understanding of what actually constitutes LGBTI rights, and what is excluded from the concept.

5.6. Discussion

As can be seen through the above analysis, both discourses and their problematizations appear in the material under study, meaning that both seem to be used to discursively represent LGBTI rights. This sheds light on the complex relationship between the EU and human rights generally, and more

specifically so when it comes to LGBTI rights. This is both in terms of showing different understandings of what is problematic about the situation for LGBTI rights, as well as in what the discourses entail in terms of actor representation, underlying presuppositions, unproblematized aspects, and possible effects. Thereby, the complexity and ambiguities can be seen through all the analytical questions, both between the two discourses as well as within them since neither is completely one-sided. This all contradicts the assertion of the EU being clearly connected to LGBTI rights, and that these rights should serve as a powerful symbol for a specific idea of what "Europe" is and should be. This is despite the EU presenting itself as being a distinct champion for human rights and that such values are shared by its Member States, as was shown in the introductory chapter of the present thesis.

Furthermore, in connection to how this issue has not been resolved, the material also revealed elements contradicting the problematizations included in the analysis above, thus further proving this point. References to the importance of respect for the *"Member States' national identities"* (Council conclusions on LGBTI equality, 2016) and phrasings mentioning that the term "LGBTI" *"describes a diverse group of persons"* (Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, 2013), counteract, respectively, the Europeanness discourse and the Minority rights discourse, and further show the complexity of the matter in EU discourse. In connection to the poststructuralist perspective that this thesis employs, this shows that the meaning with which the EU fills LGBTI rights does not seem to be completely resolved either, which by extension might affect its possibilities of actually promoting LGBTI rights. Because, as shown above, the problematizations of the two discourses in this study might lead to the policies missing the mark, and that they thus do not achieve what they are intended to achieve. Since no discourse can cover everything, neither of them comes without issues, and there is bound to be silenced and unproblematized perspectives as well as possible unintended effects. In that regard, the analysis arguably showed the importance of critically assessing both of them, in order to reveal problematic aspects. In the same way, both discourses contain positive aspects as well, however, which is also an important nuance to make in this context.

In relation to this discussion, one might ask what it means that both discourses appear in the material, apart from revealing a more complex relationship between the EU and LGBTI rights. As the discourses maintain different foci, they could in fact to some extent complete each other in a

positive way. Simultaneously legitimizing EU action as well as attempting to more efficiently address LGBTI rights through a group perspective is arguably not something negative, and in this regard there is not necessarily disagreement between what the discourses represent. However, their problematizations come with varying emphases, which to a certain extent could confuse the message and solidify the ambiguity of the intersection between the EU and LGBTI rights. This could have negative consequences for what the policies can achieve, as the message is then less clear-cut. This is arguably something that needs to be taken into account as well.

6. Conclusion

In this final chapter I intend to present the conclusions that can be drawn from this study, which set out to increase our understanding of the intersection between the EU and LGBTI rights. This was to be done by investigating the discourses that the EU employs on the matter. It was argued that the ways in which a phenomenon is discursively represented are of importance, and based on a poststructuralist and policy theoretical perspective to discourse analysis, and departing from two discourses, a slightly changed version of Carol Bacchi's methodology "What is the Problem Represented to be?" was used to answer the research question "*how are LGBTI rights discursively represented in EU policy?*". This was done as an attempt to contribute to increase the attention given to studies of sexuality in political science, international relations, and European affairs, as well as to bring more clarity on and knowledge about EU discourse. Furthermore, the intent was to nuance the image of the EU as a distinct promoter of human rights, by showing that there are different ways of understanding LGBTI rights in the EU. Also, the study set out to contribute to academia by employing a broader policy scope than what has been done in previous scholarship.

Arguably, the study succeeded in achieving many of these objectives. As has been discussed, it can be concluded that both discourses and their problematizations appeared in the policy documents under study. While LGBTI rights were clearly connected to a specific image of the EU as well as to the importance of promoting European values, there were also signs of how the inequality experienced by the LGBTI community is problematic. Hence, LGBTI rights were shown to be discursively represented both through the Europeanness discourse as well as through the Minority rights discourse. Thereby, the study simultaneously nuanced of the image of the EU as a human rights promoter by showing different ways in which the Union represents LGBTI rights, as well as contributed to more knowledge about EU discourse on LGBTI rights. Moreover, it added knowledge on how these discourses can be concretely revealed and critically examined. In short,

this study thereby showed that the EU presents a certain ambiguity as regards its representations of LGBTI rights. The relationship between the two is complex, and apart from showing this, the study also shed light on, and concretized the ways in which, this relationship is not that straightforward. The argument surrounding disagreed agreement, as put forth by Ekström (2012:19-20), thereby seems to be valid: there is not agreement around how LGBTI rights should be represented in EU policy, despite the Union often clearly being connected to human rights, including LGBTI rights.

As was argued, the above ambiguity might affect the extent to which it is possible for the Union to credibly promote these rights. This points to another conclusion that can be drawn, which is the importance of critically assessing the discourses surrounding this topic, as well as to concretize them in order to be able to examine them. In this context, the aim of the thesis was arguably achieved, as it contributed to asserting that neither of the discourses is perfect in terms of what is left unproblematic or the possible effects of their usages. No discourse can cover everything, and in that regard it is important to put them under close investigation, which this study has done. As was discussed, the discourses do not necessarily counteract each other in combination and could, in fact, complete one another. However, varying emphases might confuse the message and solidify EU ambiguity regarding LGBTI rights.

It can also be concluded that the thesis to a certain extent contributed to methodology development, as well as to attributing attention to the intersection between studies of sexuality and those of political science, more specifically European affairs. My hope is that the study thereby showed the possibilities, as well as the importance, of conducting such studies also in the future.

6.1. Future research

This thesis opens up many interesting avenues for future research. As has been pointed out, studies that further investigate the intersection between, on the one hand, sexuality and, on the other hand, political science and international relations, are very much needed (Thiel, forthcoming). One aim with the present study has been to contribute to our knowledge of that intersection, more specifically as far as the European Union is concerned, but at the same time there are other gateways into this field of study. Specifically regarding discourse analyses, as was pointed out in the discussion, for example, alternative problematizations that contradict the ones in this thesis do exist, and it could be of interest to explore these to further nuance the results of the present study.

One other alternative in relation to this is also to keep EU institutions separate from each other, and to investigate differences between them in terms of discourses and problematizations. Also, comparing the discourses used by the Member States to those used by the EU could prove to be fruitful research. Thereby, one could be able to say something about the dynamic that takes place when the common EU discourse is formed. Conversely, it would also be interesting to find out more about if, and if so, how, EU discourse affects discourse used by the Member States. Another way into further investigating this field would be to methodologically utilize other tools, such as the analytical questions that I chose to omit in this thesis. For a study with more of a historical focus, that would be a fruitful way of investigating, for example, the historical development of the EU discourses surrounding LGBTI rights.

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