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Civil Society Organizations Striving for Equality:
Goals and Strategies of Gay and Lesbian Groups
in Italy and the Netherlands

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Abstract

This article first traces the efforts of civil society organizations (CSOs) to press for equality and anti-discrimination measures in the Treaty of Amsterdam. The gradual Europeanization of social policy has led to the growing transnationalization of the goals and strategies of gay and lesbian CSOs, in which national groups learn and are assisted by groups in other countries in a horizontal process and in the creation of an umbrella organization at the European level in a vertical process of the movement's institutionalization.

The article then presents an empirical investigation of the contemporary goals and strategies pursued by two national groups, Arcigay in Italy and the COC in the Netherlands. While the literature presents two possible 'modes of interaction' between the CSO and their political environment—either highly divisive 'morality politics' or an incremental 'interest group' mode of interaction—we find this must be joined by a third we call 'high profile politics.' This mode is marked by coalition seeking, highly visible public events, government support, and transnational activity at the European level and abroad. This is a strategy possible where there is a high degree of public support for equality and minimal partisan or religious opposition to the goals of the movement. The Italian Arcigay is currently in a 'morality politics' mode of interaction and the Dutch COC in a 'high-profile politics' mode of interaction with their political environment.

Introduction

'Tolerance is not enough, it is about power' declares one of the lead characters in Tony Kushner's play 'Angels in America,' set in the U.S. in the early 1980s and currently being performed in London.[1] This era, marked by the rise of the AIDS epidemic and the silence of the federal government in the U.S. to the growing crisis, led to the creation of a newly energized gay and lesbian movement fighting for a government response to the crisis. Power and sexuality have often been linked by scholars, for example, Foucault in his seminal work the *History of Sexuality*, focused on the discourse of the bourgeoisie and internal and external mechanisms of social control to restrain and channel sexuality toward desired norms. But these social control mechanisms which hindered individual identity and group solidarity, slowly yielded to the development of a group identity within the gay and lesbian community. Over time it became clear to many in the community that mere tolerance was no longer sufficient, but equality and favourable legislation and policies through positive government action were now demanded from the political system.[2]

The roots of the modern gay and lesbian movement in both the U.S. and Europe emerged as part of identity politics of the late 1960's and 1970's. The breakthrough and crystallization of this period in the movement's history is widely seen as occurring with the Stonewall riot in New York City in 1969. But by the mid-1980's a shift was apparent, a shift from identity politics and the desire to get 'government off our backs' by stopping police raids and the decriminalization of homosexual relations, to the need for positive action toward the AIDS health crisis and anti-discrimination legislation for protection in the workplace and in housing (see inter alia Altman 1994; Blasius 1994; Duyvendak 1996). Groups like the Gay Men's Health Crisis (1981) and ACT UP (1987) emerged in New York City, with national and international impact. This change in activism, from the desire for tolerance and respect to formal equality, also seemed to take root in Europe at this time.[3] Decades later at the Pride March in London this year, the Mayor of London Ken Livingstone, implored the thousands gathered in Trafalgar square to 'Follow the spark, follow the spark of San Francisco and Copenhagen and Amsterdam,[4] to bring about equality for gays and lesbians across Europe.

These large public demonstrations and celebrations—Gay Pride events—held in many large and small cities across Europe each summer, are important for broad social movements to create 'social

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1   'Angels in America' by Tony Kushner received its premiere at the Eureka Theatre, San Francisco, May 1991. Currently it is in production at the Lyric Hammersmith Theatre, London, a co-production with Citizens Theatre Glasgow.

3   For example, Herzer (1997) in a German article titled 'Gay Sunshine – Vorbild USA,' meaning example or forerunner USA, argues that the gay and lesbian movement in the U.S. had a hegemonic and definitional power through the 1990s, which began in 1969. But he argues that the European discussion of marriage or state recognized same-sex partnerships in the late 1990's has lead the way internationally and influenced the movement in the U.S. In Germany, groups like Bundesverband Homosexualitaet were formed in 1986 to begin to press for new goals like same-sex partnerships, an anti-discrimination law, and anti-gay violence (Theiss 1997; 293). The Pride marches held in Germany in various cities are called Christopher Street Day in honor of the event at Stonewall. The first of these occurred in Berlin and Bremen in 1979 (Theis 1997; 289). In the case of France, there was a large gay and lesbian march in 1981, joined by Jack Lang of the Parti Socialist (Martel 1996). Mitterrand came to power later that year and began to follow through on promises made to feminists, anti-racism activists, and gays and lesbians (Rayside 1999). In 1982 the age of consent was equalized and in 1985 anti-discrimination legislation was passed that was interpreted to cover sexual orientation in France.

4   Speech by Ken Livingstone, Mayor of London, and the Gay Pride event, Trafalgar Square, June 30, 2007.

capital' (Putnam 2000). This social capital is important to a movement, both in terms of creating a sense of individual identity and 'bonding' within the community, as well as reaching out and 'bridging' to the broader society. These events have become an integral part of the West European movement for equality for gays and lesbians, and are now spreading across the continent, including to places where they have been resisted by local and national authorities—for example in Eastern European capitals such as Warsaw and Riga. Groups want to show their strength, show that they are visible and proud, and proclaim their demands toward society and government. This quest for visibility is a process shared by many groups, in many countries, over centuries in democratic societies. Tocqueville wrote early about the importance of visibility for groups seeking social change '…(C)itzens who form the minority associate in order, first, to show their numerical strength and so to diminish the moral power of the majority; and, secondly, to stimulate competition and thus to discover those arguments that are most fitted to act upon the majority…' (Tocqueville, 1835 (1990 edition) p. 196.

Large public manifestations are only part of the strategies pursued by gay and lesbian CSOs which have emerged across Europe as the institutional embodiment of the broader social movement. These CSOs are arguing for social acceptance, anti-discrimination measures, new laws against hate crimes, and increasingly for the right to marriage or state recognized same-sex partnerships. Possible strategies pursued by these groups in addition to going-public, are forming domestic coalitions with other CSOs, political parties, labour unions, or business groups, and reaching out transnationally to the EU level and to groups in other countries.

It is notoriously difficult to empirically measure the power or influence of civil society organizations (CSOs) and interest groups on public policy (Michalowitz 2007; see Bouwen 2002; Beyers 2004; Eising 2003, Dür 2005). Certainly institutional actors are often seen as more decisive for policy outcomes than the activities of such groups (see Mazey and Richardson 1993; Greenwood 2003). But nonetheless, groups are active in reaching out to society and pressing governments for favourable action. Institutional arrangements and political opportunity structures affect their chances of success (Tarrow 1998; Kitschelt 1986). Michalowitz (2007) uses the literature of EU and US interest intermediation and policy change (i.e. Baumgartner and Jones 1993) to argue that the influence of interest groups varies by the degree of conflict, type of interest sought, and the structural conditions of the decision-making process. In the case of gay and lesbian groups across Europe, they face various degrees of conflict and opposition to their claims for equality, the type of interest they seek is not a narrow private one but a public good based on moral claims of equality, and increasingly the structural conditions for favourable government action are influenced by processes of Europeanization and transnationalization. In this paper, we focus on the goals and strategies of gay and lesbian civil society organizations acting in this evolving strategic environment in Europe.

Two models of political interaction have been suggested as possible scenarios facing gay and lesbian rights in the U.S., which may also be applicable to Europe. These models concern the 'scope of conflict' raised and debated in the public sphere. Schattschneider (1960) argued that an effective strategy of interests is to limit or expand the scope of the conflict so that one's interests gains an advantage. It has been argued in the U.S. that interest groups fare best when they limit the scope of conflict and discreetly lobby policymakers for favourable public policies (Lowi 1969).

One model of interaction between civil society organizations and the political environment is 'morality politics theory' which predicts that policies toward gays and lesbians will reflect the influence of religious groups, party competition, and partisanship. Morality politics are highly salient issues involving two competing coalitions often formed around religious beliefs or partisanship. The pattern of morality politics can be seen in abortion politics (Goggin 1993), drug and alcohol policies (Meier 1994), and gambling (Morgan and Meier 1980). In each case, at least one advocacy coalition (Sabatier 1988) frames the issue as one of morality or sin and uses moral arguments in its advocacy (Haider-Markel and Meier 1996). The other 'mode of interaction' found in the literature is 'interest group theory', which suggests that policies will reflect interest group resources, elite values and past

policy actions (Haider-Markl and Meier 1996). In this mode, groups typically seek incremental change through discreet elite level lobbying.

Europeanization and Transnationalization

Europeanization is concerned with the impact which the EU and European integration has on domestic politics in the member states (Holzhacker and Haverland 2006; Graziano and Vink 2007; Cowles, Risse, and Carporaso 2001; Featherstone and Radealli 2003; Goetz and Hix 2001). The strategies of civil rights groups in the member states began to evolve in a particular way in the late 1990s because of the expansion of the EU into new areas of social policy, a policy area traditionally reserved for the states. A crisis of legitimacy after public referendums during the ratification of the Maastricht Treaty, and a new social democratic majority in the European Council after 1997, meant that an employment policy focused on social policy and social inclusion—supplementing market integration—began to emerge at the EU level (Schäfer 2006; 186). This resulted in a wide variety of CSOs concerned with social issues beginning to work transnationally. Transnational relations may include predominately 'horizontal' links between non-state actors (Keohane and Nye 1971), or 'vertically' to international actors (Tarrow 2005; Sikkink 1993; Keck and Sikkink 1998). Nationally based CSO began to learn from the goals and strategies pursued by CSOs in other member states in a horizontal process, and began to work together 'vertically' to create umbrella organizations at the European level to press claims at the EU level. Processes of transnationalization can occur either by groups deliberately working together and coordinating activities, or through a process of diffusion of ideas and action repertoires (Chabot and Duvendak 2002).

The processes of Europeanization and transnationalization are highly linked and influence the strategies pursued by these equality organizations. CSO's may use European policies and institutions to assist in pressing for domestic change. For example, groups may remind governments of their obligation to transpose EU directives in a timely and correct manner. CSO's may also point to resolutions of the European parliament, for example calls for the recognition of same-sex partnerships to back their call for domestic change. CSOs may also either use arguments related to existing case law of the European Court of Justice or attempt to bring new cases before the court to argue for the protection of fundamental rights.[5] CSO's may also bring matters related to democracy and the right of assembly for public demonstrations in front of the Council of Europe or the European Court of Human Rights. National groups have also come together to create a lobbying effort at the EU level. However, because the development of social policy remains limited at the EU level and important legislative gains must be still made at the national level, 'horizontal' processes of transnationalization are occurring and groups in one country are learning and being aided by groups in other countries. Thus we are witnessing a process of Europeanization of the policy area and the 'horizontal' and 'vertical' transnationalization of a social movement, institutionalized through particular civil society organizations.

While the opportunity structures of these CSOs have expanded into a two–level game with the gradual advancement of the EU into the area of social policy, the conflictual contestation of these issues remains largely grounded at the member state level. Putnam (1998) introduced the concept of the two-level game to analyze the link between international developments and domestic politics. Others have applied this concept to the EU and the member states, including using it to analyze the negotiations during the intergovernmental conference leading to the Treaty of Amsterdam (Hug and König 2000). In other policy areas, it is more proper to view the process as more intertwined between the various decision-making levels, in a process of multi-level governance (Marks and Hooghe 2001).

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5   The European Court of Justice in the decision in Mangold vs. Helm (Case C-144/04, judgment 22 November 2005) held in a case related to age discrimination that non-discrimination is a fundamental right within the EU and deserving of special protection by the court.

But in this area of social policy and non-discrimination, it is national law that is most developed, and the demands of gay and lesbian groups impact aspects of criminal law, labour law, and family law.

Although there has been considerable research on Europeanization (See Cowles, Risse, and Carporaso 2001; Featherstone and Radaelli 2003; Goetz and Hix 2001; Graziano and Vink 2006) relatively under explored are effects that are by definition indirect, for instance on democratic input processes such as parties, interest groups and patterns of democratic legitimization (Hix and Goetz 2000: 15). The establishment of a new set of institutions at the European level with legislative, executive and judicial powers provides actors with a new layer of access to political decision making. The EU creates new exit, veto, and informational opportunities for domestic actors and therefore changes the opportunity structure for exerting political influence (Börzel and Risse 2003; Hix and Goetz 2002; Knill and Lehmkuhl 2002, Kohler-Koch 2002, Radaelli 2000).

While social policy is a policy area which has been subject to limited pressure from the EU since at least the 1970s, the Europeanization pressure has been growing since the mid 1990s (Falkner 2007). Traditionally social policy has been based on national competency and hierarchical relationships between public and private actors, but this has been slowly changing (Falkner 1999: 89). Falkner in her research on the 1991 Inter-Governmental Conference (IGC) found a pattern of interdependence between the 'action capacity at the EU level on the one hand, and the development of relevant interest politics on the other.' (Falkner 1999:89). She concluded that this constitutes a co-evolution of the structures of the state and of organized interests (Eichener and Voelzknow 1994). One part of that process of co-evolution is the creation of transnational networks within civil society organizations. This has also been spurred on by the action of the European Commission, through the creation of the social dialogue and funding for umbrella groups to establish a presence in Brussels.

Overview of the Research

There are two stories told here, one is the development of legislation at the EU level and the actions of civil society organizations at the EU level to take advantage of opportunities at the supranational level, the second is the growing transnationalization of the movement in which both EU level groups and other national groups are sources of inspiration, ideas, successful strategies, and resources to other national groups. Thus in this paper we will first discuss European policy developments in the area of social policy and anti-discrimination, and then briefly mention the creation of an umbrella organization at the EU level, the International Lesbian and Gay Association—Europe (ILGA-Europe). After this, we will discuss the contemporary goals and strategies of the largest and most important gay and lesbian CSOs in two countries—ARCIGAY (Associazone lesbica e gay Italiana) in Italy and COC (Cultuur- en Ontspannings Centrum) in the Netherlands. Both of these organizations are themselves umbrella organizations within their respective countries, uniting many local groups at the national level. The empirical research in this paper is based on in-depth, structured interviews conducted with leaders of gay and lesbian civil society organizations at both the EU and member state levels in the past year, and a review of various brochures, documents, and web-sites which they have produced.

Arcigay is in the 'morality politics' mode of interaction with a high degree of opposition from political parties on the Right, the Vatican, and Catholic lay organizations. COC Netherlands, which may have been in an 'interest group' mode of interaction, has recently embarked on a different kind of interaction which we label 'high profile'. This mode of interaction is marked by highly visible public campaigns, domestic coalitions, close cooperation with government in policy implementation, and transnational networking.

In table 1 in the appendix, the three modes of interaction are set forth with typical strategies of the CSO's and their political environment. We focus on four possible strategies: *public visibility*, *forming domestic coalitions* with other important actors like political parties and labour unions, *group-elite interaction* such as confrontation, lobbying or close cooperation, *and transnational networking*. The modes of interaction occur within typical political environments. Here two variables are set forth, first

the *public stances of political elites*, either polarized, reserved, or favourable. Secondly, *public opinion*, which may vary by *position*, either divided, neutral, or positive, and the *saliency* of the issue in the public's mind.

The conclusion of this paper questions the division of the mode of interaction facing gay and lesbians CSOs into 'morality politics' or an incremental 'interest group' mode of interaction, at least for the case of the most advanced democratic countries in Europe. Certainly for the case of Italy, gay and lesbian groups are in a 'morality politics' mode with a partisan and religious opposition to creating a civil partnership law. But we will argue that tolerance and acceptance has risen to such levels in certain countries, that a third mode of interaction emerges beyond the clash of morality politics or the incremental, behind-the-scenes incremental change seen in classical interest group theory, one which we label 'high profile.' In the case of the Netherlands, the strategy of COC is to reach out to a broad spectrum of political parties, work closely with government, and run very open, public campaigns to keep issues important to them alive and set the agenda for further progress. The leaders of the COC want to avoid complacency—people within the community and the general public taking their rights for granted—and to avoid any possibility of backtracking in terms of social acceptance. They have chosen to expand the scope of the argument, to make sure government addresses the issue in new ways, for example among ethnic and immigrant communities, in schools, and abroad. The COC in the Netherlands has also been very active transnationally in assisting gay and lesbian groups in Eastern Europe and post-Soviet newly independent countries in Central Asia.

While this paper will concentrate on these two countries, the author has conducted research in other countries and will extend this analysis shortly. Groups like the Danish National Organization of Gays and Lesbians (lbl) in Denmark[6] and Stonewall in the UK,[7] after important gains in the past from sympathetic centre-left governments, including the right of marriage or the legal recognition of same sex partnerships, work now in the 'interest group' mode of interaction to lobby the government for incremental change. The lbl is able to collaborate with social democratic parties and labour unions in Denmark. Stonewall is especially close to business interests and works closely with them to run corporate diversity programs across the country. While activists in lbl have been very active with ILGA-Europe, Stonewall believes that there is still much to do in the implementation of the anti-discrimination laws in the workplace, and thus has chosen to restrict its activities to the U.K. The strategies of the Lesbian and Gay Federation in Germany (LSVD) are typically consistent with an 'interest group' mode of interaction but also have some characteristics of the 'high profile' mode.[8]

The Campaign against Homophobia[9] in Poland is a situation more like Italy, and must act in a 'morality politics' mode of political interaction, facing a very hostile government and a coalition of political parties and religious groups formed against the equality of gays and lesbians. But as we will see later in this paper, in Italy the groups have been able to form domestic coalitions with centre-left political parties and labour unions. The domestic political situation faced by the KPH makes forming domestic coalitions very difficult, but it has cultivated strong transnational ties and benefits from EU programs to fight discrimination. The group has also benefited from litigation at the Council of Europe to protect the right of assembly for Pride marches.

The situation in other Eastern European countries is considerably different. The Gay Initiative in the Czech Republic (GI)[10] has been quite successful. At least at the time when it was lobbying for a

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6 Interview with Peter Ussing and Steffen Jensen in Copenhagen during the lbl conference, May 12, 2007, Slagelsegade 14, Copenhagen.

7 Interview on July 3, 2007 with Ruth Hunt, Head of Policy and Research, Stonewall, at their headquarters in London.

8 Interview on July 9, 2007 with Harmut Schönknecht of LSVD in Berlin.

9 Interview on February 20, 2007 with Lisette Kampus and Tomasz Szypuła, Secretary General of Kampania Przeciw Homofobil, Campaign Against Homophobia, in their headquarters in Warsaw.

10 Interview on February 26, 2007 with Ivo Procházka, a leader of Gay Initiative (GI) of the Czech Republic.

registered partnership law, the group chose a very public strategy. GI received support for its demands from political parties across the political spectrum, well-known television personalities were used to reach the public, and there was no substantial religious opposition to the legislative gains. We see that the structure of the opposition and potential allies in the environment have a decisive impact on the strategic choice of civil society organizations striving for change.

Institutional Framework for Strategic Action by CSOs:
Developments at the EU Level Leading to the Inclusion of Social Policy in the Amsterdam Treaty and Later to the Anti-Discrimination Directive Including Sexual Orientation

The groundwork for the breakthrough in terms of social policy and non-discrimination in the Amsterdam Treaty was laid in the legitimacy crisis following the Maastricht Treaty. Danish voters rejected the Treaty amendments in a referendum and the French accepted the Treaty by a bare majority. There was a belief among leaders and policy makers that the permissive consensus of integration was at risk because integration was too focused for the public's liking on market integration and liberalization, and not on the labour market and employment (Schaefer 2006, 190.)

The movement toward an employment policy began at the Copenhagen summit in 1993, where the European Council instructed the Commission to produce a White Paper to spell out a strategy for higher growth, competitiveness and employment. Formal progress was made at the European Council summit in Essen in 1994 where a number of objectives toward the employment market were agreed to. Schaefer points to the change in the actor constellation in the European Council, from a conservative-liberal coalition which stressed monetary and fiscal policy and which had pushed the creation of a common currency, to the emergence of a social democratic coalition which led to the inclusion of an employment chapter in the Treaty of Amsterdam. Thus agreement was only possible when New Labour and the French Socialists came to power (Szyszczak 2000, 204), and these two large member states joined the leftward swing in the governments across Europe (Jenson and Pochot 2002, 8). This change in the actor-constellation within the institutions, gave new access and hope to civil society organizations striving for equality.

We begin by discussing the activities of civil society organizations during the build-up to the 1996 Inter-governmental Conference (IGC) prior to the Amsterdam Treaty. Helfferich and Kolb (2001) focus on the breakthrough for the EU in the area of social policy which came at the time of the 1996 IGC. They trace the strategy of the European Women's Lobby (EWL), established in 1990, and active in lobbying prior to the 1996 IGC which resulted in the Amsterdam treaty (signed in 1997 and ratified in May 1999). They build on two traditions—the outcomes of social movement campaigns (CF. Giugni 1998) and the research tradition on policy change (cf Keeler 1993). They state that success came from two sources: an institutional, system level variable, a 'window for reform,' and a societal one, 'multi-level strategic action' coordinated by EWL between various national arenas and the EU level. Helfferich and Kolb outline four new developments in the power configuration of the EU which contributed to the mandate to take new social policy initiatives during the 1996 IGC:

1. Northern enlargement of the EU changed the distribution of power in the Council in favour of policies conforming to the Nordic traditions of more open government, participation of citizens in welfare policy, and the institutional legacies of women's rights (Liebert 1999; 223f). In national position papers presented at the beginning of the IGC, only Denmark, Sweden, and Finland—as well as Greece—urged the inclusion of anti-discrimination provisions in the new Treaty.

2. New powers granted to the European Parliament after the Maastricht treaty, meant it could hear public interest groups following the IGC (Liebert 1999).

3. The defeat of the Conservatives in the U.K. by the Labour Party removed a veto that had blocked the European Council in social policy during the Thatcher-Major period.

4. The European Commission perceived a sense of 'crisis' in the European project following the difficulties surrounding the ratification of the Maastricht treaty, especially the rejection of the treaty by referendum in Denmark in 1992. Liebert argues that the Commission used evidence from the Eurobarometer surveys that found a greater level of disapproval among women than men for the EU to push for a more aggressive gender-equality stance as a chance to increase citizen support for the EU.

Now lets turn from this general analysis of the 'window of opportunity' and 'multi-level strategic action' on behalf of civil society organization for gender equality, to focus on the opportunities for progress on combating discrimination based on sexual orientation.

Background to Treaty Article 13

The story of how the EU gained competency in this issue area by Treaty revision and the subsequent drafting of the anti-discrimination directive begins with a group of CSOs which began transnational discussions prior to the 1996 IGC. Geddes and Guiraudon (2004) focus on how the issue was 'framed' to extend EU anti-discrimination competencies based on race and the alliances that were forged between various actors involved. While the EU had competency to combat discrimination based on nationality as an integral part of market integration, and later added measures to combat discrimination based on gender, these groups built on these traditions to argue for an extension to new categories by arguing this was vital to free movement and single market integration. Additionally, they argued that the idea of 'equal treatment' was an integral element of the EU's developing 'social dimension.'

Groups which mobilized to counter racism and xenophobia were the first to emerge to press the EU for a new anti-discrimination directive. While pro-immigrant CSOs had concentrated on a citizenship discourse prior to Maastricht, they increasingly focused on a anti-discrimination discourse with '…arguments which drew from Anglo-Dutch practices, were spearheaded by the SLG (Starting Line Group) and its close relations with parts of the Commission and European Parliament, and mobilized a group of lawyer-activists who combined a strong commitment to anti-discrimination with a high level of EU-related technical know-how.' (Geddes and Guiraudon 2004, p. 342.) The SLG was a network of more than 250 pro-migrant CSOs which came together after Maastricht to promote new Treaty articles that would give the EU competency to combat discrimination in new areas.

Success came first when the Reflection Group established by the European Council to consider Treaty reform proposed that the principle of non-discrimination be included in a new treaty and expressed condemnation toward the growing racism and xenophobia developing (Reflection Group 1995). Within the IGC, discussion began that a new Treaty article should be created and the Reflection Group proposed that the principle of non-discrimination cover gender, race, religion, disability, age and sexual orientation. While the British Conservative government initially opposed this extension arguing that these objectives could be best achieved at the national level, the change of the UK government in 1997 to Labour cleared this obstacle (Geddes and Guiraudon 2004).

The inclusion of sexual orientation in Article 13 has been seen by some commentators as rather unexpected (Berthou and Masselot 1998). Bell states that one of the reasons for this is that unlike the race and disability lobbies, there had not been extensive lobbying efforts by gay and lesbian CSOs, nor specific backing from the European Commission (Bell 2002, p. 104). Bell instead points to the role here of the European parliament and later to a 'bandwagon' effect which propelled all of the stated grounds for the anti-discrimination measure to remain intact. The European Parliament had pushed EU policy on sexual orientation forward with the 1994 Roth Report calling for an end to discrimination in 'criminal, civil, contract and commercial law' as well as in 'labour and public service law.' It also demanded the creation of a European legal equivalent to marriage for same- sex couples and the extension of adoption rights (European Parliament 1994). The report was deeply decisive within the parliament, with support strongest amongst the Green and Socialist Groups, and weakest among the Christian Democrats and others on the right. While the opposition based there arguments on

Community legal competence and the principle of subsidiarity, there were many MEPs who objected using a mix of cultural and religious arguments (Bell 2002, p. 105). Pope John Paul II even criticized the resolution in a public address at the Vatican (see Perico 1994). But ultimately the resolution was adopted by the Parliament in 1994.

The Roth report from the EP thus emerged at a time when the Starting Line Group and others were campaigning for an amendment to the EC treaty to extend competencies for measures to combat racial discrimination and another group, the European Disabled People's Parliament had met in 1993 and pushed for a non-discrimination clause based on disability (Bell and Waddington 1996). Once sexual orientation was included in the conclusions of the European Council's Reflection Group as one of the grounds for anti-discrimination to be included in a new Treaty article, the battle was now on to maintain sexual orientation within the list of EU competencies in the anti-discrimination field.

By the time of the 'Dublin draft' of the amending treaty in December 1996, it was evident that the strong campaign by CSOs, the support of the EP, the Commission, and many member states that there would be an anti-discrimination amendment (Bell 2002, p. 106.) But at this time it was not certain that sexual orientation would remain part of the amendment. First, in spring 1996, the Italian Presidency deleted sexual orientation from the drafts of the new Treaty, but this was re-stated following the change in government to the Ulivo coalition (Bell and Waddington 1996). Next, the Irish Presidency, backed by Italy and Austria, proved supportive of the inclusion of sexual orientation, but noted the reluctance of some member states. In March 1997 the Dutch Presidency paired down the proposed article through the deletion of social origin, disability, age and sexual orientation to attempt to win passage of the amendment, but following protests by the Parliament and CSOs, the Dutch government reinstated all the deleted categories, except social origin (Bell 2002, p. 107). Thus by the time of the Amsterdam European Council meeting in June 1997, Bell states that a 'bandwagon' effect had set in and it was difficult for any national government to specifically delete any of the grounds for protection from discrimination. The change in the UK government in May 1997 had removed the threat of a veto by the UK, and cleared the way for the agreement of the full Article (Bell 2002, p. 107).

While CSOs representing women's groups and race and immigrant groups had taken an early lead to press for an anti-discrimination clause to be included in the Treaty of Amsterdam, the umbrella group for gay and lesbian groups in the member states and beyond, the International Lesbian and Gay Association—Europe (ILGA-Europe), began early to inform CSOs in the member states about the possibilities of the inclusion of Treaty language prohibiting discrimination on the basis of sexual orientation. Beginning in 1996, ILGA-Europe's monthly newsletter 'Euro-letter' informed the national groups concerning developments at the EU level and tried to mobilize and coordinate support at critical junctures at both the EU and member state levels.[11] The first reference in the 'Euro-letter,'[12] on this subject is January 1996 in an article concerning the preparations for the 1996 Intergovernmental conference. The article mentions that the Reflection group proposed that an 'explicit commitment by member-states to protecting human rights in general and to non-discrimination on grounds of sexual orientation in particular, in the European treaties.'[13]

The next issue of the 'Euro-letter' in February 1996 includes an article with more detailed information necessary for lobbying: it gives an overview of the institutional process which will be followed during the upcoming intergovernmental conference, gives information that the Danish lbl has contacted all 16 of the Danish members of the European Parliament and the Danish Foreign Minister about the inclusion of an anti-discrimination clause in the new Treaty, and provides information about

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11 Archives of Steffen Jensen, Copenhagen, Denmark,one of the editors of ILGA-EU's Euro-letter.

12 Euro-letter was published on behalf of ILGA, later ILGA-Europe, by the Eurosecretariat of the National Danish Organization of Gays and Lesbians (lbl), edited by Steffen Jensen, among others. The archive is available at http://steff.suite.dk/eurolet.htm

13 Euroletter, no. 38, January 1996, p. 5 'European Union IGC-96 preparations' by Alan Reekie.

a petition circulating to all of the member organizations of ILGA at the national level in support of the anti-discrimination clause to include sexual orientation. Thus while a broad group of CSOs representing a variety of groups, were active earlier to get an anti-discrimination article on the agenda, gay and lesbian rights groups mobilized to be sure that the eventual article in the Treaty would include non-discrimination on the basis of sexual orientation.

ILGA-Europe benefits from funding from the European Commission as part of the EU's policy of promoting a social dialogue between the institutions and civil society. Today the group continues to be involved both at the European level, for example in trying to extend the anti-discrimination protection beyond the area of employment, and transnationally, in strengthening the capacity of its member organizations and for recognition of the diversity of family relationships in countries across Europe.[14]

The Two Anti-Discrimination Directives

Article 13 of the European Community Treaty (as amended in the Treaty of Amsterdam), unlike earlier measures to combat discrimination based on nationality or gender, has no direct effect. The Article merely extends the EU's legal competency to this new area, but then directives must be issued which provide legally binding measures which are enforceable in court.[15]

Article 13 EC states:

> Without prejudice to the other provisions of this Treaty and within limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, *may take appropriate* action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (emphasis added).

The European Commission proposed two directives in 1999 pursuant to Article 13 and these were adopted by the Council of Ministers in 2000. What is most striking here is that the Commission decided to create a hierarchy within the grounds of discrimination articulated in Article 13. The Race Directive prohibits discrimination on the basis of race in many areas, including employment, but also to important areas outside the employment context, including housing, public services, and access to goods and services. The other directive, the Framework directive, covers the remaining four grounds, religion and belief, disability, age, and sexual orientation, but limits its applicability to the employment area. The Framework Directive prohibits direct discrimination, indirect discrimination, harassment, and issuing instructions for others to discriminate in employment based on the four grounds.

These two EU directives then moved to the member state level and a time for the transposition of the directives into national law was given. Most of the member states have now transposed these directives, although some states extended the grounds for exemptions to the anti-discrimination law for religious employers beyond that foreseen in the directives. The European Commission has taken several member states to the European Court of Justice for the failure to communicate any implementing legislation, and is in the process of bringing infringement proceedings against a wider group of states for incompatibilities between national legislation and the directives.[16]

We have now briefly outlined the Europeanization of social policy in the area of equality, and introduced an important European and transnational CSO—ILGA-Europe. We now turn to a consideration of the current goals and strategies of gay and lesbian CSOs in Italy and the Netherlands.

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14 See ILGA Europe 'Strategic Plan for ILGA-Europe 2005-2008' Brussels, October 2005.

15 However, see footnote 5. In the Mangold vs. Helm decision of the European Court of Justice, the court held for a case concerning age discrimination that anti-discrimination is a fundamental right, and may be enforceable by the court even prior to transposition by the member states.

16 For a press release on these developments from the European Commission, see
    http://ec.europa.eu/employment_social/fundamental_rights/news/news_en.htm#race

Goals and Strategies of 'Arcigay' in Italy

We will first focus on the current goals and strategies of Arcigay, the largest, nation-wide gay and lesbian group in Italy which functions as an umbrella organization connecting many local groups across the country. It will become apparent that the group's strategies include forming collaborations with sympathetic centre-left political parties and labour unions, and organizing large demonstrations in Rome in a 'going-public' strategy to achieve a law recognizing same-sex partnerships. One also sees evidence of transnational learning concerning the experience faced by groups in other countries for such recognition. Arcigay is very much in a morality-politics mode of interaction, with a high level of partisan and Catholic opposition to its goals.

Arcigay was founded in 1985 and claims a membership in excess of 150,000. It is the umbrella organization for 42 political and cultural groups (as well as 64 commercial establishments like bars and discos) across Italy, with the national headquarters in Bologna. Its web-site states that the groups' aim is to 'combat homophobia, heterosexism, prejudice, and anti-gay discrimination'[17]. More specifically 'Arcigay fights to eliminate discrimination, to defend gay people's right to physical and psychological health, and to win legal recognition for same-sex partnerships.' A collaborative strategy is apparent; according to the web-site, Arcigay 'operates alongside other civil rights movements, dialogues with institutions, political parties and trade unions, and defend individual and collective civil liberties in society as a whole.'

We first asked the President to outline Arcigay's main current political goals.[18] The President of Arcigay said that their main goal is pressing the Italian government to have parliament pass a law recognizing same-sex partnerships. He noted that the organization had made the strategic choice of following the French model of demanding partnership legislation, instead of marriage, for two reasons. First, it was consistent with the European Parliament's call for the EU countries to enact legislation to end discrimination faced by same-sex partners and to ensure that 'same sex partners enjoy the same respect, dignity and protection as the rest of society', passed January 18, 2006 (EP Resolution P6_TA(2006)0018). Second, they believed that a strategy of arguing for a 'plurality of family models,' which would include the legal recognition of unmarried heterosexual couples, broadened support for the law and diminished debates about the word 'marriage' with the Vatican and the Catholic church hierarchy. It is interesting to note here the influence of the EU on ideas held by activists in CSOs, a part of Europeanization. A gay activist speaking at a human rights conference in Florence, Piero Pirotto, explained that until the European Parliament resolution in favour of same-sex partnership legislation 'We would have never even dreamed of asking the Italian government to enact partnership legislation.'[19]

The second major goal of Arcigay is strengthening anti-discrimination law. Here the group wishes to amend existing Italian anti-discrimination law dating from the mid- 1990s based on sex and race to sexual orientation and gender equality. The CSO feels that extending anti-discrimination to this older law is more beneficial that a new, separate law, because of the longer term development of related case law.

Their third goal in order of priority concerns the Italian law transposing the EU Framework directive, and here the group wants the government to establish an independent authority to monitor compliance with the directive. Establishing a government body which can investigate complaints means government can be pro-active and groups and individuals need not wait to pursue lengthy and

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17 Arcigay web-cite in English, accessed 10 July 2005.

18 Interviews were conducted with four members of the organization, the President – Sergio Lo Giudice, the Press Secretary – Luigi Valeri, the Liason with Labor - Sando Mattiou, and the health issues specialist - Raffaele Lelleri on May 16, 2006 at the groups' headquarters in Bologna.

19 Comments by Piero Pirotto at a seminar 'Il Diritto Antidiscriminatorio: Discriminazione fondata sull-orientamento sessuale at the University of Florence, 4 April 2006, English translation by Arquimedes Cecconi Correa, greatly appreciated.

costly judicial remedies. The other goals of the group include: a transgender law modeled on the Spanish model in which name change and legal sex status may proceed and be independent of surgery, increased spending on health care issues, especially AIDS awareness campaigns, and a law to offer asylum to those suffering prosecution abroad based on their sexual orientation.

The demand of gay and lesbian organization for the government to pass partnership legislation (PACS) became a major theme of the 2006 Italian elections, alongside the war in Iraq and the building of a high-speed railway to France across sensitive alpine environments. Arcigay in collaboration with other CSOs brought hundreds of thousands to Rome in protests to support the creation of PACS. The issue received extensive comment by the two major candidates during the two television debates, with Berlusconi defending the traditional conception of the Italian family and the Catholic Church's teaching, whereas Prodi was cautiously in favour of at least some measures in the direction of creating PACS.

The issue, however, divided Prodi's rather fragile coalition. While many of the political parties which were part of the centre-left 'Unione' coalition were in favour of such legislation, two Catholic oriented parties of the coalition, Udeur and Margherita were opposed. The activities of Arcigay, the large demonstrations, and the widespread media attention they raised did not go unnoticed by the head of the ticket for the 'Unione' coalition. Romano Prodi sent a letter to Arcigay dated March 1, 2006 and stated (English translation from the Italian):

> I register your dissatisfaction with the compromises made in our governing program regarding an issue so important for you…the matter of the legal recognition of the rights, prerogatives and faculties of all persons who are part of de-facto unions. What I am asking you is…to recognize my determination, and that of each component of the coalition…to bring about an effective and full recognition of these rights. What I ask of you is…there is no necessity of making noise, no necessity of polemics, but rather of full and commensurate dialogue, quiet and not loud, among people who have in their heart the good of Italy. …I know that you have this in your heart, our victory. In the weeks before the election, let's create together the best conditions to win. The conditions can be found in the close connectedness of the coalition. We trust in your foresight.
>
> Sincerely, Romano Prodi.

The response back from Arcigay in a public letter addressed to Mr. Prodi, indicates that the CSO was pleased to accept the commitment of the candidate, but refused to be silenced during the election campaign.

> We are aware of the commitment of a large part of the coalition … for a law to bring public legal recognition of gay and lesbian couples living in Italy; that in spite of what is happening in all of the larger EU countries, these couples lack protection.
>
> We are aware this commitment is not shared by all, notably Udeur and Margherita unwilling to incorporate that commitment in the common program. Thus, the final text is clearly insufficient since it does not foresee the creation of a new legal entity.
>
> We recognize your commitment in order to bring the whole coalition into a relationship with our community, and into a full recognition of rights of our citizenship. Until now, this has not happened in the coalition and we cannot identify it in Unione's program. For this reason our flags will not be waving in the squares of Italy together with your flags, as we would like in these demanding days before the election.
>
> (…)
>
> We will vote for the Unione, without renouncing our role, but to give more power to our role, which is the liberation movement that demands the end of anachronistic discrimination based on a fundamental aspect of our identity. A situation which the European Parliament has said is equivalent to racism, anti-Semitism, and xenophobia.
>
> We will make our contribution to save our country from the destruction of democracy, but our voice will be loud and clear now and in the future, to reclaim, as in any State which declares itself democratic, for full and equal rights and social inclusion.
>
> Sincerely, Arcigay

Thus, while Prodi in essence says 'I support you but don't be so loud' during the election campaign, Arcigay replies that it will be loud and clear fighting for their rights as citizens in a democracy. One can also see from the letter, that first of all the proposed governing program of the centre-left coalition does not propose to create a new legal institution to recognize same-sex partnerships, instead they commit themselves to the individual rights of persons in de-facto (thus non-legally) recognized unions. This is far less than what Arcigay is demanding.

One of the strategies of Arcigay is to reach out and build coalitions with labour unions in Italy. At the 1992 CGIL Congress the union created a special gay and lesbian section across the union's offices headed by Dr. Maria Toniollo, to be part of the New Rights office with other groups like women, racial minorities, and the disabled.[20] This trade union is the only one in Italy working on gay and lesbian issues. The right wing-trade unions and CISL—Italy's second largest trade union and catholic orientated, openly oppose them.

The CGIL office in Rome was not greatly involved during the EU level discussions surrounding Article 13 and the subsequent directives, but became very involved in pressing the Italian government to transpose the directive properly. The CGIL reached out to members of parliament from centre-left parties and to CSOs to press the government to transpose the directive in a timely and correct manner.

Toniollo has also tried to create stronger transnational ties among the unions across Europe that have anti-discrimination units like CGIL. She finds that the union umbrella organization at the EU level, the European Trade Union Confederation (ETUC), while generally supportive of resolutions put forth at its Congresses declaring support for anti-discrimination based on sexual orientation and gender identity, has not set up strong institutional structures to help implement these. For example, whereas Toniollo has tried to set up a network of anti-discrimination on the basis of sexual orientation within ETUC, the organization has preferred to let ILGA-Europe deal with these issues. She sees this as a form of avoidance by ETUC to 'push the issue' out of the trade union to the civil society organization. She sees that as a detriment to achieving full equality in the work place because it removes the issue from the specific context of union organization around the rights of workers.

The focus of Arcigay on same-sex partnership legislation by reaching out to the public continues. While Prodi's coalition triumphed on April 10, 2006, the government has not passed a law recognizing same-sex partnerships. The cabinet approved a draft of a law on February 7, 2007 to be submitted to parliament—'Diritti e doveri dei conviventi' DICO (Rights and Duties of Co-Habitating). A furious debate ensued, and on February 21, 2007 Prodi resigned over a negative vote in Parliament concerning the Italian troops in Afghanistan, but was reinstated by President Napoletano a few days later and asked to form a new government. The general weakness of the coalition on the left, currently dependent on a 1 person majority in parliament, makes it difficult to proceed with equality legislation.

Currently a cycle of demonstrations on both sides of the morality conflict have occurred. On March 9, 2007, Arcigay and the CGIL union turned out over 50,000 in Rome to demonstrate in favour of DICO. On March 12, 2007, hundreds of thousands turned out for 'Family Day,' a church backed demonstration to defend the 'natural family.' On June 17, 2007 the annual Gay Pride March was held in Rome, with reports of close to a million in attendance, with many signs against the position of the Vatican and demands for the DICO law to be passed. It is apparent that despite the strategy of Arcigay to collaborate with sympathetic centre-left political parties and labour unions, and reaching out to the public with large demonstrations, their gains have been limited to the anti-discrimination measures mandated at the EU level. So far, their calls for the recognition of same-sex partnerships have failed to pass the parliament, despite the generally positive position of Prodi and part of his coalition. Arcigay for the time being is locked in a 'morality politics' mode of interaction with the powerful opposition forces of the Vatican and Catholic groups.

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20 Dr. Maria Gigliola Toniollo, the director of the Settore Nuovi Diritti (New Rights Section) within the CGIL, was interviewed in the CGIL headquarters in Rome on April 21, 2006.

The Goals and Strategies of the 'COC' in the Netherlands

This section will highlight the broad range of activities of the COC during the last Dutch national election, a 'going public' strategy apparent in this years Gay Pride event in Amsterdam, and a focus on international solidarity by helping gay and lesbian groups abroad. Here the form of interaction is not one of 'morality politics' or incremental 'interest group' politics, but one we label 'high-profile,' a form of interaction with the political system designed to keep issues and positions of the group high on the agenda both nationally and internationally.

The COC developed a strategy to be active in all stages of the 2006 Dutch national election: the campaign, the party coalition talks after the election, the negotiations for the governing agreement between the coalition parties, and program implementation by the government. During the election campaign, the COC first conducted a survey among the political parties, and then discussed the position of the political parties on issues important to them on their web-site. They were careful not to endorse any particular party, but got the political parties to respond to issues of concern to them.

The COC was also very successful at getting press attention to their cause. There were major events which attracted media attention during the election campaign, including coverage on the main TV news program. On November 12, the controversial minister and prominent member of the VVD (liberal-conservative party), Rita Verdonk attended an event organized by the COC in one of the gay cafes in Amsterdam. The integration minister announced funds to make 'Homosexuality discussable in ethnic circles' and the event received coverage on the evening news program. Later, on November 18, 2007, just a few days before the election, Wouter Bos, the leader of the PvDA (Labour party) attended a public event in a plaza in Amsterdam set up by COC and the party, and he endorsed a 10 step pledge on behalf of gays and lesbians.

After the election, during government formation talks, COC was also active. The COC wanted to make sure that the success of the religious parties in the election would not bring a set back for gays and lesbians in the country. While many possible coalition possibilities were initially discussed, formal coalition talks opened between two large parties, the Christian Democratic Appeal (CDA) and the Social Democratic Party (PvDA), as well as the much smaller ChristenUnie party. The COC was successful at arranging a meeting with the leader of the ChristenUnie party, André Rouvoet, to discuss 'homosexual emancipation in the new cabinet policy' during the coalition discussion.'[21] The ChristenUnie was very interested in allowing civil servants in city halls across the country to bow out of the requirement to marry same-sex couples, a symbolic concession which they largely later won from their coalition partners. This level of involvement of a civil society organization during a national election and government formation process was truly extraordinary, a time when normally political parties dominate.

The COC has also chosen to take on a very high profile strategy to reaching out to the public. According to the City of Amsterdam, this is now the 3rd largest public event in Amsterdam during the year (after Queens Day and the 'Uitmarkt' featuring free cultural performances) and thus a major draw of tourists from across the Netherlands and Europe and beyond.[22] This year the event was held over four days and marked the first time that the COC took on a larger role within this event that is traditionally organized by the commercial bars and clubs of the city. The COC desired to add more social and political elements to the activities.

At the opening reception of the Amsterdam Pride a few days before the actual event, the President of COC, Frank van Dalen talked about the political importance of the event. He announced the motto,

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21 Article in Trouw, a major national Dutch newspaper considered on the center-right, 'ChristenUnie en COC praten over homobeleid.' January 22, 2007, pp. 4-5.

22 Speech by the Integration minister of Amsterdam, at the COC launch party for the Pride event, at Escape Café, Rembrantplein 11/15 Amsterdam, July 31, 2007.

in English, 'I AM proud to be who I am, I am proud to be gay.' He mentioned the strategy of the Canal Pride was one of visibility, tolerance, and social acceptance and integration in the community ('*zusamenleven*'—literally 'living together'). The President mentioned the efforts of COC to reach out to gay and lesbian handicapped persons. He also talked about efforts to organize education program in schools, which has been quite successful. He also talked about 'coming out' groups for young persons and personalized his message by relating how a father approached him to thank him for these programs, saying 'this is the happiest I have seen my son in years.'

The COC had seven large boats in the Amsterdam Pride canal parade, each devoted to a special theme which they wished to highlight. One was the boat with activists from the Balkans and Caucuses, as well as Poland. They were waving large flags from their countries, with a banner on the boat which said in English 'Building Safe Societies for All.' At the front of the boat, was a character dressed in bright purple as one of the teletubbies, Tinky Winky. This was to mock a statement widely reported earlier this summer from the Polish Minister for Families that this fictional children's TV character for the pre-school set was gay because his magic bag looked like a ladies hand-bag, and represented part of the attack of Western values into traditional Poland. There was also a COC boat with signs in Dutch proclaiming 'More oversight and registration of violence against homosexuals and '25% extra penalty for Homosexual Hate Crimes' to back the national political agenda for new legislation and police efforts to curb hate crime.

This focus on new legislation to fight hate crimes received considerable media attention following the march. The Dutch premier national news program, NOS Journal, within the first 10 minutes of the main stories on Monday, August 6 reported that four persons had been attacked on Sunday in Amsterdam, including a gay American couple. The news also reported that the Homomonument, a monument to the homosexuals deported from the Netherlands to the concentration camps during World War II had been damaged the night before. The report featured visual images from the march and the signs calling for more action against violence to gays and lesbians from the COC boat on Saturday.[23]

The COC also encouraged other civil society organizations to participate in the Gay Pride event. There was a boat from Amnesty International with signs proclaiming 'Make Some Noise for Gay Rights in Turkey' which featured both Dutch and Turkish activists. There were also many smaller events in the days leading up to the Pride event. COC held a 'Euro Pride Party' in one of the local cafes with participants from the symposium of activists from the Balkans and Caucasus. The café was decked out with European Union flag bunting hanging across the wide awning of the cafe and across the bar. The COC also assisted the Dutch international bank, ING, to organize an all day 'Company Pride Conference' for business managers involved in marketing, human resources and diversity.[24] One of the topics discussed was the EU's anti-discrimination measures.

Gay and Lesbian sports organizations also offered activities in conjunction with the Gay Pride week. Rainbow Squash Amsterdam held an international tournament in the days leading up to the parade and then joined together on a bridge to watch the parade. Gay Swim Amsterdam held an international water polo tournament during the week. This combination of sports and social activities with political events, is a way to reach a broad and diverse community with various interests. In attendance were also representatives of the transnational umbrella organizations for the various sports stretching across Europe, the European Gay and Lesbian Sport Federation, with the motto 'Fair Play, Tolerance & Safety in Sports for Everyone.[25]' The Federation has a special committee focused on political issues.

The COC has been very involved transnationally. It organized an event in The Hague on May 15, 2007 to protest homophobia and march for the right of Gay Pride events in Lithuania and Poland. It

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23 NOS Journal, television news 18.07, August 6, 2007.

24 Held at ING House, Amstelveenseweg 500, August 1, 2007.

25 Alia Katsika, European gay and lesbian sport federation (EGLSF) board member from Greece. See www.eglsf.info.

reached out to other important trasnational civil rights organizations to broaden the scope and raise the profile of these events, by having the director of Amnesty International speak first at this event.[26] It then sent a delegation under the leadership of the President of the COC to the Warsaw Pride March. Also attending the Warsaw march were three members of the European Parliament from the Netherlands, who belonged to the PvDA (social democrats), Groen Links (Green Left), and D66 (liberal party) , a member of the national parliament from D66, and a city Council Member from PvDA.[27]

During the Gay Pride week, the COC held a symposium with gay and lesbian activists from groups in Eastern Europe and Central Asia. In the closing remarks to the 'LGBT Frontline', Joyce Hamilton, Vice President of COC and international coordinator, first turned to the activists assembled in the front rows from the Balkans and the Caucuses, saying that as COC celebrates its founding 60 years ago 'we are humbled by your enthusiasm, your cause is our cause. You are a source of inspiration for us.' She then turned toward the Dutch and said 'we have a moral obligation, to those that don't have this privilege' of living in a tolerant, free society, where organizing is easier and important legislative gains have been made. She then again turned to the activists and to the Dutch foreign minister seated in the front row 'We are helping your stories reach Dutch and EU decision-makers.' Hamilton commented that whereas the EU was able to place pressure on countries during the accession process to the EU, she wanted to see the European Commission be more willing to keep the pressure on the commitments made by countries like Poland.

After the LGBT Frontline meeting, one of the board members of COC privately explained the connection between the domestic and transnational strategies of the organization. He commented that part of the strategy of raising the plight of gays and lesbians abroad was to inspire continued activism in the Netherlands. 'We need an opposition' to be able to mobilize our constituency and to realize the urgency of collective action and continued vigilance.[28]

It is apparent that the COC in the Netherlands has embarked on a 'high profile' mode of interaction. While the substantial legislative gains such as the right to marriage lay in the past, it reaches out to the public and collaborates with political parties, other civil society organizations, and a largely sympathetic government, to maintain a high degree of awareness of gay and lesbian issues and the implementation of programs.

Conclusion

In this article, we first traced the Europeanization of social policy at the EU level in the Treaty of Amsterdam and the subsequent issuance of anti-discrimination directives. The advent of these institutional changes at the EU level and the inclusion of sexual orientation in the anti-discrimination directives, galvanized and provided new opportunities for gay and lesbian civil society organizations across Europe to work together transnationally. This Europeanization of anti-discrimination has laid a minimum ground floor, in which further extension of rights beyond the area of employment, to include equality in housing, the provision of services, and other areas have become possible. In addition, while some countries have extended rights of marriage to same-sex couples or offer other forms of state recognized partnerships, this has emerged as a new goal for gay and lesbian groups in other countries. The Europeanization of the policy area has led to a growing transnationalization of the movement, in which national groups learn and are assisted by groups in other countries in a horizontal process and also in the creation of an umbrella organization at the EU level in a vertical process.

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26 See COC web-site, www.coc.nl nieuws: Week van Protest tegen Homofobie in Polen, accessed May 21, 2007.

27 Ibid.

28 Personal conversation after the LGBT Frontline Symposium with COC board member Wouter Neerings at the COC Amsterdam, Rozenstraat 14, Amsterdam, August 2, 2007.

This article presented an empirical investigation of the goals and strategies pursued by two national groups, Arcigay in Italy and the COC in the Netherlands. From the two empirical cases presented here, it is apparent that the two possible modes of interaction faced by gay and lesbian groups offered in the literature, either highly divisive 'morality politics' or an incremental 'interest group' mode of interaction, must be joined by a third which we call 'high profile politics'—one marked by coalition seeking, highly visible public events, government support, and transnational activity at the EU level and in countries abroad. This is a strategy possible where this is a high degree of public support for equality and minimal partisan or religious opposition to the movement.

The modern gay and lesbian rights movement has moved well beyond the identity politics of Stonewall to demand equal rights, including anti-discrimination measures and the right to marriage. While some gay and lesbian civil rights groups remain trapped in a 'morality politics' mode of interaction because of strong opposition to their demand for equal rights, which makes success difficult, other groups may be able to achieve results through an incremental 'interest group' mode of political interaction. But we have seen, others civil society organizations, like the COC in the Netherlands, are now able are able to use the tolerance and acceptance won in their societies for a 'high profile' strategy to maintain and advance their societal and political influence.

APPENDIX: Table 1

Modes of Interaction: Civil Society Organizations and their Political Environment				
	Morality Politics	**Incremental, Interest Group Lobbying**	**'High-Profile'**	
1. Strategies				
A. Public Visibility	<u>Protest</u> demonstrations, 'bonding' in group and 'bridging' to communicate dissatisfaction with status quo	<u>Small scale</u> events primarily for 'bonding' within group, or 'bridging' to elites	<u>Celebratory</u> public events, with participation by broader public for 'bonding' and 'bridging' to public	
B. Coalitions	<u>Difficult</u> Other CSOs, political parties, or social partners (business or unions) may avoid or ostracize group	<u>Discreet</u> cooperation sought from other CSOs, selected political Parties, social partners	<u>Public</u> cooperation and collaboration sought with others CSOs, a wide spectrum of political parties, and the social partners	
C. Group-Elite Interaction	<u>Confrontational</u> or hostile interaction with elites	<u>Discreet</u> lobbying of Elites	Close <u>cooperation</u> with elites in policy and programs	
D. Trans-National Activities	Focus on domestic struggle. May <u>import</u> ideas and resources from EU level or other countries	May input or export ideas and resources	Opportunity present to <u>export</u> ideas and resources to EU level and other countries	
2. Political Environment				
	Morality Politics	**Incremental, Interest Group Lobbying**	**'High-Profile'**	
A. Public Stances of Political Elites	<u>Polarized.</u> Elites take public positions for or against the group's interests	Elites generally publicly <u>reserved</u> or silent about the group's interests	Elites take public stances <u>favourable</u> to the groups interests	
B. Public Opinion				
1. Position	<u>Divided</u>, conflicted	<u>Neutral</u>	Generally <u>positive</u> from toleration to open support	
2. Saliency	<u>High</u>	<u>Low</u>	<u>Medium</u>, 'normal issue'	

Bibliography

Alter, Karen, and Jeannette Vargas (2000). Explaining variation in the use of European litigation strategies. *Comparative Political Studies* 33, no. 4: 452-82.

Altman, Dennis (1994). *Power and Community: The Organizational and Cultural Responses to AIDS.* Taylor and Francis.

Baumgartner, Frank and B. Jones (1993). *Agendas and Instability in American Politics*. Chicago: Chicago University Press.

Baumgartner, Frank and Beth Leech (1988). *Basic Interests: The Importance of Groups in Political Science*. Princeton, New Jersey: Princeton University Press.

Bell, Mark (2002). *Anti-Discrimination Law and the European Union.* Oxford: Oxford University Press.

Bell, Mark and Waddington (1996). The 1996 Intergovernmental Conference and the prospects of a Non-Discrimination Treaty Article,' *Industrial Law Journal*, 25:4, 320-336.

Beyers, Jan (2002*).*Gaining and Seeking Access: The European Adaptation of domestic interest associations, *European Journal of Political Research* 41:5, pp. 585-612.

Beyers, Jan (2004). Voice and Access, Political practices of European interest associations. *European Union Politics* 5: 211-40.

Beyers, Jan and Bart Kerremans (2007). 'Critical Resource Dependencies and the Europeanization of domestic interest groups,' *Journal of European Public Policy* 14:3, pp. 460-481.

Blasius, Mark (1994). *Gay and Lesbian Politics: Sexuality and the Emergence of a New Ethic.* Philadelphia: Temple University Press.

Börzel, Tanja A., and Thomas Risse (2003). 'Conceptualising the Domestic Impact of Europe,' In *The Politics of Europeanisation*, edited by K. Featherstone and C. Radaelli. Oxford, pp. 55-78.

Bouwen, Pieter and Margaret McCown (2004). 'Lobbying versus Litigation: Political and Legal Strategies of Interest Representation in the European Union,' presented at *ECPR Standing Group on European Politics*, Bologna 2004.

Bouwen, Pieter (2002). 'Corporate Lobbying in the European Union: The Logic of Access,*' Journal of European Policy*, 9:3.

Bozzini, Emanuela, and Stefano Fella, Hans-Jörg Trenz (2007). 'Anti-Racist Movements in Britain, Germany, and Italy—Comparing Strategies, Political Opportunities and the Effects of Europeanization,' article manuscript.

Cichowski, Rachel. (2001). 'Judicial Rulemaking and the Institutionalization of European Union Sex Equality Policy,' In Stone Sweet, Alec, Wayne Sandholz and Neil Fligstein, eds. *The Institutionalization of Europe* Oxford: Oxford University Press.

Chabot, Sean and Jan Willem Duyvendak (2002). 'Globalization and transnational diffusion between social movement: Reconceptualizing the dissemination of the Gandhian repertoire and the 'coming out' routine' *Theory and Society* 31: 697-740.

Conant, Lisa (2002). *Justice Contained: Law and Politics in the European Union*. Ithaca: Cornell University Press.

Cowles, Maria Green, James A. Caporaso, and Thomas Risse, eds. (2001). *Transforming Europe. Europeanization and Domestic Change*. Ithaca, New York.

Crombez, Christophe (2002). 'Information, Lobbying and the Legislative Process in the European Union. '*European Union Politics* 3, no. 1: 7-32.

Della Porta, Donatella, Hanspeter Kriesi and Dieter Rueth (1999). *Social Movements in a Globalizing World.* (London: MacMillan).

Della Porta, Donatella and Manuella Caiani (2007). 'Europeanization from Below? Social Movements and Europe,' *Mobilization* 12 (1) pp. 1-20.

Dür, A. (2005). Interest Group power in the EU: access, influence, and resources,' paper presented at the workshop,'The State of the Art in EU Interest Representation' Leiden, April 14-16.

Duyendak, Jan Willem (1996) 'The de-politicization of the Dutch gay identity, or why Dutch gays aren't queer,' in Seidman, S. (ed.) *Queer Theory/Sociology*. Cambridge, MA: Blackwell Press, 421-38.

Eichener, V. and H. Voelzkow (1994). *Europaeische Integration und verbandliche Interessenvermittlung*, Marburg: Metropolis.

Eising, Rainer (2003). Europäisierung und Integration. Konzepte in der EU-Forschung. *Europäische Integration*. M. Jachtenfuchs and B. Kohler-Koch. Opladen, Leske + Budrich UTB**:** 387-416.

European Parliament (1994). Report for the Committee on Internal Affairs and Citizens Rights on Equal Rights for Homosexuals and Lesbians in the European Community' (Roth) A3-28/94, Art. 14.

Fabeni, Stefano (2004). Summary of chapter 11 on Italy, in Combating Sexual Orientation discrimination in Employment, Report of the European Group of Experts on Combating Sexual Orientation Discrimination. www.emmeijers.nl/experts.

Falkner, Gerda (1999). 'European Social Policy: Towards multi-Level and multi-actor governance' in *The Transformation of Governance in the European Union*, ed. by Beate Kohler-Koch and Rainer Eising, London: Routledge.

Falkner, Gerda (2007). 'Social Policy' in Paulo Graziano and Maarten Vink, eds. *Europeanization: New Research Agendas.* Basingstoke: Palgrave Macmillan, pp. 253-265.

Farrell, Henry and Adrienne Heritier (2003). 'Formal and Informal Institutions Under Codecision: Continuous Constitution-Building in Europe' *Governance: An International Journal of Policy, Administrations, and Institutions*, 16, 4 2003 (pp. 577-600).

Featherstone, Kevin and Claudio Radaelli, eds. (2003). *The Politics of Europeanization*. Oxford and New York: Oxford.

Foucault, Michel. 1978, 1990 English edition. *The History of Sexuality*. New York: Penguin Books.

Geddes, Andrew and Virginie Guiraudon (2004). 'Britain, France, and EU Anti-Discrimination Policy: The Emergence of an EU Policy Paradigm,' *West European Politics*, 27:2, pp. 334-353.

Goggin, Malcolm (1993). *Understanding the New Politics of Abortion.* Newbury Park, CA: Sage.

Giugni, Marco (1998) Was is Worth the Effort? The outcomes and consequences of social movements. Annual Review of Sociology, 24:1.

Giugni, Marco (2004). *Social Protest and policy change*. Lanham: Rowman and Littlefield.

Goetz, Klaus and Simon Hix, eds. (2001). *Europeanized Politics? European integration and National Political Systems.* (London: Frank Cass).

Grande, Edgar (1996). 'The State and Interest Groups in a Framework of Multi-level Decision-making: The Case of the European Union,' *Journal of European Public Policy* 3 (3): 318-338.

Greenwood, J. 2003. *Interest Representation in the European Union*. Basingstoke: Palgrave.

Graziano, Paolo and Maarten Vink, eds. (2007). *Europeanization: New Research Agendas.* Basinkstoke: Palgrave Macmillan.

Haider-Markel, Donald P. and Kenneth J. Meier (1996). 'The Politics of Gay and Lesbian Rights: Expanding the Scope of the Conflict,' *Journal of Politics*, 58:2, 332-49.

Helfferich, Barbara and Felix Kolb (2001). 'Multilevel Action Coordination in European Contentious Politics: The Case of the European Women's Lobby,' in D. Imig and S. Tarrow. *Contentious Europeans: Protest and Politics in an Emerging Polity.* New York and Oxford: Rowman.

Héritier, Adrienne (1999), *Policy-Making and Diversity in Europe. Escape from Deadlock.* Cambridge: Cambridge University Press.

Herzer, Manfred 1997. ,Gay Sunshine—Vorbild USA,' Andreas Sternweiler and Hans Gerhard Hannesen, eds. *Goodbye to Berlin?: 100 Jahre Schwulenbewegung*, Berlin: Verlag rosa Winkel), p. 265-274.

Hix, Simon, and Klaus H. Goetz (2000). 'Introduction: European Integration and National Political Systems,' *West European Politics*, Special Issue 23:4, pp. 1-26.

Holzhacker, Ronald (1999), 'Labour Unions and Sexual Diversity in Germany'. In; *Laboring for Rights: Unions and Sexual Diversity Across Nations*, Gerald Hunt, ed. (Philadelphia: Temple University Press).

Holzhacker, Ronald and Markus Haverland (2006), *European Research Reloaded: Cooperation and Integration among Europeanized States*. Springer.

Hooghe, Liesbet and Gary Marks (2001), *Multilevel Governance and European Integration*, Oxford: Rowman and Littlefield.

Hunt, Gerald, ed. (1999), *Laboring for Rights*. Philadelphia: Temple University Press.

Hug, Simon and Thomas König (2002). 'In View of Ratification: Governmental Preferences and Domestic Constraints at the Amsterdam Intergovernmental Conference,' *International Organizations*, 56:2, 447-476.

Katz, Richard S. ed.(1999). *The European parliament, the national parliaments, and European integration*, Oxford.

Kitschelt, Herbert (1986). 'Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies,' *British Journal of Political Science*, 16:1. 57-85.

Inglehart, Ronald (1977*). The Silent Revolution: Changing Values and Political Styles among Western Publics.* Princeton, N.J.: Princeton University Press.

Knill and Lehmkuhl (1999). 'How Europe matters: Different Mechanisms of Europeanisation,' in: *European Integration Online Papers*, vol. 3 nr 7.

Knill, C. And D. Lehmkuhl (2002) ,The National Impact of European Regulatory policy, three Europeanization mechanisms,' European Journal of Political Research 41, 255-280.

Kohler-Koch, Beate, ed. (2003), *Linking EU and National Governance*. Oxford, Oxford UP.

Kohler-Koch, Beate (1999), 'The Evolution and Transformation of European Governance, ' in *The Transformation of Governance in the European Union*, ed. By Beate Kohler-Koch and Rainer Eising, London: Routledge.

Kohler-Koch, Beate and Rainer Eising (2004) *Interessenpolitik in Europa.* Baden-Baden: Nomos.

Kollman, Ken (1988), *Outside Lobbying, Public Opinion and Interest Group Strategies* Princeton, New Jersey: Princeton University Press.

Krishnan, Jayanath (2002), Public Interest Litigation in a Comparative Context. *Buffalo Public International Law Journal* 19: 20.

Lowi, Theodore. (1969). *The End of Liberalism*. New York: Norton.

Mahoney, Christine. (2007). 'Networking vs. allying: the decision of interest groups to join coalitions in the U.S. and the EU,' Journal of European Public Policy 14:3, pp. 366-383.

Marks, Gary and Doug McAdam (1996). 'Social Movements and the Changing Structure of Political Opportunity in the European Union,' *West European Politics* 20: 111-33.

Martel, F. (1996). *Le Rose et le noir; les homosexuals en France depuis 1968*. Paris: Seuil.

Mazey, Sonia, and Jeremy Richardson (1993) *Lobbying in the European Community*, Oxford: Oxford University Press.

Michalowitz, Irina (2007). 'What determines influence? Assessing conditions for decision-making influence of interest groups in the EU,' *Journal of European Public Policy*, 14: 1, pp. 132-151.

Meier, Kenneth. (1994), *The Politics of Sin: Drugs, Alcohol and Public Policy*, Armonk, NY: Sharpe.

Morgan, David and Kenneth Meier (1980). 'Politics and Morality,' *Social Science Quarterly* 61: 144-48.

Orenstein, M. and Schmitz, H.P. (2006). 'The New Transnationalism and Comparative Politics' Comparative Politics, 38:4.

Pedersen, Ove (2006). Interest Organizations and European Integration. In Ronald Holzhacker and Erik Albaek, *Europeanization and Democratic Governance*. Edward Elgar.

Putnam, Robert (2000). *Bowling alone: the collapse and revival of American community*, New York: Simon and Schuster.

Putnam, Robert (1988). Diplomacy and Domestic Politics. The Logic of Two-Level Games. *International Organization* 42 (2): 427-460.

Radaelli, Claudio (2000), Whither Europeanization? Concept stretching and substantive change, in: *European integration online Papers* 4(8).

Rayside, David (1999). 'On the Fringes of the New Europe: Sexual Diversity Activism and the Labour Movement,' In Gerald Hunt, ed. *Laboring for Rights: Unions and Sexual Diversity across Nations*. Philadelphia: Temple University Press.

Reflection Group (1995) Final Report. http://europa.eu.int/

Risse, Thomas (2002). 'Transnational Actors and World Politics' In Walter Carlsneae, Thomas Risse, and Beth Simmons, eds. *Handbook of International Relations*. London:Sage. 255-274.

Richardson, Jeremy and Sonia Mazey (2001), 'Interest Groups and EU Policy-Making: Organizational Logic and Venue Shopping', in European Union: *Power & Policy-Making: Organizational Logic and Venue Shopping*, London: Routledge.

Ruzza, Carlo (2000). 'Anti-racism and EU Institutions,' *European Integration*, .22, pp. 145-171.

Sabatier, Paul. (1988). 'An advocacy coalition framework of policy change and the role of policy-oriented learning therein,' *Policy Sciences* 21: 129-68.

Schäfer, Armin (2006). 'Beyond the Community Method: Why the Open Method of Coordination was introduced to EU policy-making,' in Ronald Holzhacker and Markus Haverland, eds. *European Research Reloaded: Cooperation and Integration among Europeanized States*, Dordrecht: Springer, pp. 179-202.

Schnattscheider, E.E. (1960). *The Semi-Sovereign People*. New York: Holt, Reinhart and Winston.

Sabatier, Paul and Hank Jenkins-Smith (1999). 'The Advocacy Coalition Framework: An Assessment,' in Paul Sabatier, ed. *Theories of the Policy Process*, Boulder: Colorado, pp. 117-166.

Sikkink, Kathryn (2004). 'Patterns of Dynamic Multilevel Govenance and the Insider-Outsider Coalition, in Donatella Della Porta and Sidney Tarrow, eds. *Transnational Protest and Global Activism*. Lanham, Rowman and Littlefield, pp. 151-174.

Sikkink, Kathryn (1998), 'Transnational Politics, International Relations Theory, and Human Rights,' *Political Science and Politics*, 31:3, 516-523.

Sikkink, Kathryn (1993) 'Human Rights, Principled Issue-Networks, and Sovereignty in Latin America,' *International Organization*, 47:3, 411-441.

Schendelen, M.P.C.M. (2002) *The Art of Lobbying the EU*. Amsterdam University Press.

Szyszczak,E. (2000). 'The Evolving European Employment Strategy, in J. Shaw, ed.: *Social Law and Policy in an Evolving European Union*, Oxford: Hart, pp. 197-220.

Tarrow, Sidney (2005). *The New Transnational Activism*, Cambridge: Cambridge University Press.

Tarrow (1998). *Power in Movement: Social Movements and Contentious Politics*. 2nd edition. Cambridge: Cambridge University Press.

Theis, Wolgang (1997). 'Mach Dein Schwulsein öffentlich—Bundesrepublik' Andreas Sternweiler and Hans Gerhard Hannesen, eds. *Goodbye to Berlin?100 Jahre Schwulenbewegung*, Berlin: Verlag rosa Winkel, p. 279-293.

Tocqueville, de, Alexis. 1835. (1990 edition). *Democracy in America.* New York: Vintage Books.

Wessels, Bernard (2004). Contestation Potential of Interest Groups in the EU: Emergence Structure, and Political Alliances. In G. Marks and M. Steenbergen., eds. *European Integration and Political Conflict*, Cambridge:Cambridge University Press, 195-215.

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