



**Homophobia and Hate Speech in Serbian Public Discourse:
How Nationalist Myths and Stereotypes Influence Prejudices
against the LGBT Minority**

By
Isidora Stakić

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*School of Global Studies, University of Gothenburg
School of Business and Social Sciences, Roehampton University
Department of Archaeology and Social Anthropology, University of Tromsø*

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Declaration Form

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed: Isidora Stakić

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Abstract

Human rights abuses targeted towards LGBT persons constitute a global pattern of serious concern. Despite the fact that discrimination on the basis of sexual orientation and gender identity is prohibited by various international, regional and national legal provisions, prejudices and stereotypes related to LGBT people significantly impede the implementation of non-discrimination laws. This study focuses on contemporary Serbia, and attempts to understand the role of public discourse in inciting and perpetuating homophobia. The aim of the study is to analyse whether and how Serbian nationalist myths influence homophobia, as well as to determine which elements of the Serbian public discourse represent hate speech targeted towards sexual minorities. This study uses discourse analysis as the main methodological and analytical tool, and focuses primarily on the discourses that emerged around three main events: the adoption of the first comprehensive anti-discrimination law in March 2009, the cancellation of the Belgrade Pride in September 2009, and the Pride parade held in Belgrade in October 2010. The study concludes that the Serbian public discourse – namely, the discourse of the Serbian politicians, the Serbian Orthodox Church and the mainstream media – is still deeply imbued with nationalist myths and stereotypes from the past, which contribute greatly to the perception of sexual minorities as the enemies of the nation and the society. The study also assesses that hate messages against LGBT people are frequent and widespread in Serbian society, and that the hate speech laws are not adequately implemented.

Keywords: LGBT, homophobia, hate speech, Serbia, nationalism, right-wing, discourse, stereotypes, Belgrade Pride, discrimination

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LIST OF ABBREVIATIONS

CAT	The UN Convention against Torture
CDA	Critical Discourse Analysis
CESCR	The Committee on Economic, Social and Cultural Rights
CRC	The International Convention on the Rights of the Child
DSS	Democratic Party of Serbia (Serbian: Demokratska Stranka Srbije)
ECHR	The European Convention of Human Right
ICCPR	The International Covenant on Civil and Political Rights
ICESCR	The International Covenant on Economic, Social and Cultural Rights
ICTY	The International Criminal Tribunal for the former Yugoslavia
LGBT	Lesbian, Gay, Bisexual, and Transgender
NGO	Non-Governmental Organization
SNS	Serbian Progressive Party (Serbian: Srpska Napredna Stranka)
SRS	Serbian Radical Party (Serbian: Srpska Radikalna Stranka)
UDHR	The Universal Declaration of Human Rights
YUCOM	Lawyers' Committee for Human Rights (Serbia)

Chapter 1

Introduction

It took some time and lot of money,
Newspapers, TV channels and a plug.
Some thought it was funny
Others were proud as they stepped in line.

All the daddy's little boys
Getting ready for the Enemy.

It's not so hard to understand it
If you could read between the lines,
Cause it's always embedded
In a colorful media lie.

Red Union (punk-rock band from Serbia), *'Inbred Nation'*

1.1. Introduction to the Case

In June 2001, almost a year after the downfall of Slobodan Milošević's authoritarian regime, Serbia's first ever Pride Parade was abandoned half-way through due to the violent attacks by the members of the Serbian ultranationalist and pro-fascist groups. Eight years later, in March 2009, the Serbian Parliament adopted the first comprehensive anti-discrimination law prohibiting discrimination on a number of grounds, including sexual orientation. Encouraged by the adoption of this law, the Serbian LGBT community announced their plans to organise the second Pride Parade on 20 September 2009 in the Serbia's capital Belgrade. However, the Pride organisers were met with strong opposition, not only from the far-right groups, but also from some political parties and the Serbian Orthodox Church. After the months of a continuous anti-Pride campaign, the Parade was finally called off due to lack of security assurances. The police announced that they could not guarantee the safety of the marchers and urged the organisers to change venues from the main Belgrade streets to another location. The organisers found that proposal unacceptable. The cancellation, or rather banning (Helsinki Committee for Human Rights in Serbia, 2010: 276), of the 2009 Pride Parade was strongly criticised by both the

domestic human rights NGOs and the international community; it became evident that Serbia will not be able to make any further progress in its European integration without substantial changes in the LGBT rights policy. Thus, when the LGBT activists announced a new attempt to hold the Parade in October 2010, the Serbian political elite showed a considerably changed attitude towards the LGBT issues, and much stronger commitment to securing the Pride. The Pride Parade was finally held, on 10 October 2010. However, during the Parade, thousands of police officers sealed off the Pride venues, repeatedly clashing with the far-right extremists who tried to burst through the security cordons, while chanting ‘Death to fags!’ (Guardian, 2010). Although the Serbian police managed to protect the Pride participants from the extremists’ attacks, the battle between the police and the right-wing groups, in which dozens were injured, indicates how deeply ingrained homophobia is in the Serbian society.

1.2. Problem Statement and Research Aims

Serbia is a party to the various international conventions prohibiting discrimination against minorities. Although an international treaty particularly concerned with the discrimination on the basis of sexual orientation does not exist, the United Nations Human Rights Committee affirmed in its decision in *Toonen v. Australia* that sexual orientation and gender identity are included as grounds of discrimination under Articles 2 and 26 of ICCPR (UN Human Rights Committee, 1994). However, in contemporary Serbia, discrimination and violence against LGBT people still represent a serious problem. This consequently opens the question about the relationship between homophobia and the general political culture, largely dominated by nationalist ideas. The way in which sexual minorities are portrayed and referred to in the Serbian public discourse reflects a lack of understanding of the basic principles of human rights, and perpetuates the marginalisation and discrimination of LGBT persons – homosexual conduct is depicted as a serious illness, commonly compared to paedophilia, and often described as utterly incompatible with the Serbian national and religious identity. In such a socio-political environment, the LGBT minority experiences continuous threats and attacks by the ultranationalist and pro-fascist groups, some of which enjoy the support – explicit or implicit – of certain political parties and the Serbian Orthodox Church.

This study aims to achieve the following objectives:

- To examine the correlation between right-wing and homophobic attitudes.
- To analyse the portrayal of the LGBT minority in the Serbian public discourse, and to determine whether and how Serbian nationalist myths and stereotypes influence homophobia.
- To identify which elements of the Serbian public discourse constitute hate speech.

1.3. Importance of the Study and Delimitations

This research examines the root causes of the homophobic attitudes in Serbian society. The ultimate aim of the study is to assess the responsibility of different socio-political actors for the violations of LGBT rights, and to determine how the issues of homophobia and homophobic hate speech should be addressed. The argument that I will seek to develop is that homophobia in Serbia is *not* an apolitical phenomenon, ideologically neutral, and independent from power relations, but a phenomenon that is indeed a part of general political culture, strongly influenced by the dominant ideologies. In that way, I will strive to establish the connection between homophobia and Serbian nationalism. Further, by using critical discourse analysis as the main methodological and analytical tool, I will attach particular importance to the language of powerful actors, and the ways in which language is used to legitimise discrimination against LGBT people.

Homophobia is an extremely complex phenomenon, and its causes could not be reduced to a single one. However – as it is understandable from the aims of the research – in this study I am focusing on right-wing concepts and ideas, as one of the causes of homophobic attitudes, without claiming that homophobia could not be induced by other causes. Further, this thesis does not cover and analyse homophobic violence, as an issue *per se*, but rather focuses on the anti-gay rhetoric that precedes it, as well as on the processes of creating and strengthening prejudices through discursive actions. Lastly, this study does not include a discussion on the discourse of the Serbian far-right groups. Although the Government of Serbia has so far failed to show

sufficient genuine will in dealing with the far-right organisations, it is clear that the rhetoric of these explicitly incites violence and, as such, exemplifies hate speech. Acknowledging that the discourse of the Serbian extremist organisations is an issue that could be examined from various perspectives, I decided to limit my research to the analysis of the mainstream discourses – namely: the discourse of the political elite, the Serbian Orthodox Church, and some media – in order to demonstrate that homophobia is not a characteristic of the far-right alone, but also permeates the voices that represent majority in the Serbian society.

1.4. Some Terms Frequently Used

LGBT: The abbreviation that refers collectively to lesbian, gay, bisexual and transgender people. Acknowledging that the term LGBT encompasses a variety of identities that could not be reduced to a single one, I will use this abbreviation – interchangeably with the term sexual minorities – in order to refer to anyone who is non-heterosexual.

Pride Parade (Pride March): The event that agitates for LGBT rights and/or celebrates the LGBT culture. In countries with long histories of LGBT movements and high levels of gay rights protection, Pride Parades usually have a festive character – as the mere word ‘Parade’ suggests. On the other hand, in the socio-political settings that are hostile to sexual minorities, Pride Parades generally take the form of political protests. There is no doubt that in Serbian context, Gay Prides are conceptualised as demonstrations against discrimination. Nevertheless, in this thesis I will use the term ‘Parade’, since it is more commonly used, both within the discourses that I am focusing on, and in the discourse of the Serbian Pride organisers.

Homophobia: George Weinberg, the American psychologist who coined the term ‘homophobia’ defined it as ‘the dread of being in close quarters with homosexuals’ (cited in Fone, 2000: 5). Although this definition, as well as the suffix ‘phobia’, suggests the irrational nature of the fear at stake, in this thesis I will not approach homophobia as an irrational fear, but primarily as a socially constructed set of prejudices against LGBT people. As Young-Bruehl (Ibid) argues, prejudices could be obsessional, hysterical and narcissistic. Obsessional prejudices are characterised by the belief that the hated individuals are enemies and conspirators, hysterical

prejudices see their objects as inferior and sexually threatening, while those who suffer from narcissistic prejudice simply cannot accept that people who are not like them exist (Ibid). My intention here is to analyse homophobia as a combination of all three types of prejudices. In the context of this study, transphobia will be included under the term ‘homophobia’.

Right-Wing (ideologies, ideas, politics, groups, etc.): Even though the term ‘right-wing’ includes a wide range of ideologies, movements and political platforms that significantly differ from each other, in this thesis I will focus primarily on their common characteristic, that is, non-egalitarianism and the idea of superiority of certain groups over the others (See, for example: Bobbio and Cameron, 1997; Mosse, 1999). As my intention is not to explore the difference between various right-wing ideologies, I will use this term to refer to any ideology, group, policy or discursive practice that contradicts the concept of the equality of all human beings in the meaning of Article 1 of the Universal Declaration of Human Rights. Although certain left-wing movements – particularly movements for self-determination – could be described as nationalist, this study will approach nationalism as primarily a right-wing ideology that is based on the idea of superiority of certain nations to all other.

1.5. Chapters Overview

This thesis is organised in six chapters. While the first chapter provides an introduction to the study, the second chapter is concerned with the theoretical framework used for the analysis of the case of Serbia. Chapter three describes the Serbian socio-political context in relation to the theoretical concepts analysed in the previous chapter. Chapter four introduces the methodological approach that I used for the analysis of the Serbian public discourse in chapter five. Finally, the last chapter summarises the arguments made, providing the conclusion and basic recommendations.

Chapter 2

Conceptual Framework and Literature Review

This chapter provides an overview of the concepts and theoretical positions that served as a general framework for my analysis of the case of Serbia. Although these concepts might appear as not immediately related to each other, taken together they enabled me to grasp the complexity of the human rights issues that I am focusing on in my thesis. The chapter starts with an overview of the international jurisprudence related to LGBT rights, particularly the right to equality and non-discrimination, continues with the analysis of the masculine stereotype and the notion of ‘normality’ v. ‘abnormality’, and ends with a discussion about hate speech as a limitation on freedom of expression.

2.1. International Legal Framework for LGBT Rights: Right to Equality and Non-Discrimination

Generally speaking, the rights of LGBT people could be defended from two distinct positions, that is, with two different, although not mutually exclusive, sets of arguments. The first position is based on the right to privacy, guaranteed by Article 17 of the ICCPR. In accordance with this viewpoint, adult consensual sexual activity in private is covered by the concept of privacy and, consequently, criminalisation or any other prohibition of private homosexual conduct represents an infringement of the individual’s right to privacy. The second position is grounded in the right to equality and non-discrimination, and, as such, reflects the principle that all human beings are entitled to equal protection of human rights regardless of, *inter alia*, their sexual orientation. While acknowledging that the privacy argument has been of a great importance for claiming and advancing LGBT rights, in this thesis I will primarily focus on the right to equality as it is, in my opinion, the stronger argument, and also the one reflecting more accurately the very idea of human rights.

Article 1 of the UDHR establishes that '[a]ll human beings are born free and equal in dignity and rights' (UN, 1948). As Smith (2007) argues, this basic premise highlights the conceptual universality of human rights and, consequently, entails the prohibition of discrimination in the enjoyment of those rights as an integral part of the notion of universality. Virtually every human rights treaty includes a non-discrimination clause (Ibid). For example, Article 2(1) [non-discrimination] and Article 26 [equal protection of the law] of the ICCPR require state parties to ensure equal enjoyment of human rights for all the people regardless of their '[r]ace, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' (UN, 1966). The right to non-discrimination is also enshrined in Article 2(2) of the International Covenant on Economic, Social and Cultural Rights, Article 2 of the International Convention on the Rights of the Child, as well as in the provisions of regional human rights instruments such as the European Convention of Human Rights (Article 14), African Charter on Human and Peoples' Rights (Article 2) etc.

Although sexual orientation or gender identity are not explicitly mentioned as prohibited grounds of discrimination in any of these legal provisions, current interpretations by the UN bodies and by international human rights experts are in consensus on the need to interpret the abovementioned provisions as including sexual orientation and gender identity. In the landmark decision in *Toonen v. Australia*, the UN Human Rights Committee (1994) – the treaty body which has the authority to interpret the ICCPR – affirmed that sexual orientation was implicated by the treaty's antidiscrimination provisions as a protected status. Furthermore, the UN Committee on Economic, Social and Cultural Rights has, through its general comments and its concluding observations, expressed concern over discrimination on the grounds of sexual orientation and, even more importantly, it has provided an authoritative interpretation of the article 2(2) of the ICESCR in the General Comment No. 20 which sets out:

'Other status' as recognized in article 2(2) includes sexual orientation. States parties should ensure that a person's sexual orientation is not a barrier to realising Covenant rights, for example, in accessing survivor's pension rights. In addition, gender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the work place. [CESCR, 2009: §27]

As with the ICCPR and ICESCR, General Comment No. 4 of the UN Committee on the Rights of the Child (2003: §6) has asserted that Article 2 of the CRC covers adolescents' sexual orientation and health status, while the UN Committee against Torture (2008: §21) has also expressed its opinion that the laws and policies in relation to fulfilling obligations under the UN Convention against Torture must be '[a]ppplied to all persons, regardless of [...] sexual orientation, transgender identity [...]'].

However, despite the interpretations of the UN treaty bodies, as well as the continuous efforts of local and international NGOs that seek to promote the rights of LGBT people, a number of states still do not acknowledge sexual orientation as a human rights issue, or even as a matter of concern (O'Flaherty and Fisher, 2008). Consequently, sexual minorities worldwide are subject to persistent human rights violations ranging from verbal harassment to torture and extrajudicial killings. In response to the widespread human rights violations targeted towards the LGBT minority, and in order to overcome the inconsistency in both legal and policy approaches, human rights experts from twenty-five countries were invited in 2006 to draft the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (Ibid). The Yogyakarta Principles comprise a broad range of human rights standards and elaborate on their application in relation to LGBT persons. Although the Principles as such are not legally binding, they reflect the provisions of international treaties and, in that way, affirm and strengthen the already existing obligation of states to protect human rights (Ibid).

It is also important to point to several landmark cases in which courts have relied on equality and non-discrimination provisions in deciding cases related to sexual orientation and gender identity. Alongside the abovementioned case of *Toonen v. Australia*, the Supreme Court of Canada in *Egan v. Canada* (1995) unanimously held that sexual orientation was a prohibited ground of discrimination (Petrova, in press). In the later case of *Vriend v. Alberta* (1998) the Canadian court reaffirmed that position, invoking the continuous marginalisation of LGBT persons as a justification for its decision (Ibid). Further, by drawing parallels between sodomy laws and apartheid legislation, the South African Constitutional Court in *National Coalition for Gay and Lesbian Equality v. Minister of Justice* (1998) has pointed out that it is the explicit

purpose of the right to equality and the right to dignity to end marginalisation of vulnerable groups, *inter alia* sexual minorities (Ibid). Finally, in a very recent court case, the High Court of England and Wales upheld the bar on a Christian couple to become foster parents, because of their view that homosexuality is morally wrong (BBC, 2011). The Court ruled that laws protecting people from discrimination on the grounds of sexual orientation should take precedence over the right not to be discriminated against on religious grounds (Ibid). Explaining their decision in this case, Justice Munby and Justice Beatson noted that the judgment did not seek to de-legitimise Christianity or any other belief, but, on the contrary, to confirm the fundamental principle that every human being is equal before the law and entitled to dignity and respect (Bates, 2011).

2.2. Modern Masculinity and the Distinction between ‘Normal’ and ‘Abnormal’

Masculine Stereotype and the Creation of the Countertype

To be able to comprehend the origins and the nature of prejudices against sexual minorities in Serbia, I consider it necessary to discuss the links between nationalist ideas – that still dominate a large part of Serbian society as well as the public discourse, and the ideas about sexuality. In this regard, I will draw upon the work of George Mosse, a social historian who has made a significant contribution to the study of right-wing ideologies and their attitudes towards sexuality. Although Mosse focuses primarily on German, and to some extent on English and French societies, it is indisputable that there are certain features inherent to all right-wing ideas regardless of the historical and societal context that they are developing in (See, for example: Eco, 2004). Acknowledging the fact that Mosse’s theory of fascism could be and has been criticised and disputed, I, nevertheless, choose to devote considerable space to this author as he in his works pays particular attention to homophobia (although he himself does not use this term) and its place and role in right-wing ideologies. Furthermore, instead of focusing on one particular right-wing ideology, it appears that Mosse draws upon their common characteristics, more specifically - the idea of exclusiveness and superiority of certain groups over the others (Mosse,

1999), and builds his argument on the basis of this feature. In my study, I will follow his approach.

Mosse starts his book 'Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe' (1985) by examining the relationship between nationalism and respectability – two, in his view, mutually supportive concepts that emerged with modernity and eventually spread throughout Europe. In Mosse's analysis, the notion of bourgeois respectability signifies a set of norms, manners, morals and attitudes that served as the criteria for defining normality. A sharp distinction between normality and abnormality was one of the core features of modern respectability, and nationalism played an important role in strengthening this dichotomy and spreading it to all classes of the society. As Mosse points out, nationalists believed that the line between normal and abnormal had to be preserved if the nation was to be protected against its enemies. 'Nationalism and respectability assigned everyone his place in life, man and women, normal and abnormal, native and foreigner; any confusion between these categories threatened chaos and loss of control' (Mosse, 1985: 16). However, Mosse argues that there is no universal law according to which normal and abnormal could be defined; in other words, he claims that the notion of normality and normal behaviour, sexual or otherwise, is historically determined, i.e. a product of particular historical circumstances.

Further, Mosse (1985) discusses the role of the ideal of manliness in preserving a clear distinction between normality and abnormality. He argues that manliness – although built upon the medieval notions of chivalry and aristocratic honour – was indeed a bourgeois concept, vital both for self-definition of bourgeois society and for the ideology of nationalism. Manliness reinforced the division of labour, not only in economics but also in social and sexual life (Mosse, 1985: 24), and served nationalism as a powerful symbol and stereotype (Ibid, p. 31). Modernity, on the other hand, was perceived as threatening to the social order of bourgeois society. It was closely associated with 'degeneration', as the antithesis of normality. And homosexuality – together with other sexual practices that were believed to be deviant (e.g. masturbation) – was a perfect example of such degeneration.

In the book 'The Image of Man: The Creation of Modern Masculinity', Mosse (1996) discusses the creation and evolution of the masculine stereotype from the beginning of the nineteenth century onwards, and analyses the role of this stereotype in the political movements and ideologies of nationalism and fascism. In his view, the modern masculinity has been rooted in several premises that corresponded with the ideas of right-wing movements, and efficiently served their ends. First, the masculine stereotype established physical beauty as a reflection of moral strength and mental robustness. In other words, it suggested that there was a direct link between physical appearance and inner qualities of a person. Secondly, the new (i.e. modern) masculinity emphasized the sacrifice for a higher purpose as a defining feature of manliness. Although the ideal of manliness was not a characteristic of right-wing ideologies alone – as Mosse notes, socialists also co-opted the masculinity stereotype – it was nationalism that linked manliness and patriotism, and interpreted the sacrifice for the 'higher purpose' as the sacrifice for an entirely impersonal idea – the idea of nation.

Finally, and perhaps most importantly for the argument I am seeking to develop in my study, the masculine stereotype needed a countertype – an image against which it could define itself, and which represented the man who had failed to attain the qualities of manliness. Even though one could justifiably assume that the women as such – representing the very opposite of normative masculinity – were perceived to be the negative stereotype, it was not the case. As long as they stayed within the borders of their prescribed roles, women were not seen as the countertype (Mosse, 1996). However, if they dared to cross these borders, they joined countertypes and became the 'enemies of society' (Ibid, p. 12). '[J]ust as modern masculinity reflected the ideals and hopes of society, so its enemies were the enemies of society' (Ibid). The list of those remaining outside the notion of true manliness, thus providing a countertype, was rather long and also heterogeneous; it included: Jews, Gypsies, vagrants, habitual criminals, insane, and homosexuals (Ibid). Outsiders were the ones who differed from the majority, either by their origin, religion or language, or simply because they failed to conform to social norms and, thus, were perceived as asocial (Ibid, p.56). As Mosse points out, in right-wing ideologies the outsiders were denied the possibility of having honour that was seen as inseparable from the notion of manhood. They were regarded as subhuman, however, not as nonhuman.

[t]he difference could not be absolute. The 'subhuman' had to be concretized, to be made familiar if it was to pose believable threat. Jews and the other outsiders were stereotyped as evil kinds of men but nevertheless still recognizable as men even if they reversed traditional values. [Mosse, 1996: 63]

Hence, in right-wing movements, those who failed to attain the qualities of manliness were not seen as deserving pity or compassion, but, on the contrary, they were regarded as the enemies of nation, and the ones representing an active threat to the normative order of the society.

Other authors have also discussed the origins and the consequences of the belief that homosexuals were the enemies of the state. According to Micheler (2005), who analysed the homophobic propaganda under National Socialism, homosexuals in the Third Reich were seen as degenerate and ill, both morally and physically. As such, they could not be 'assimilated into the Aryan German ideal' (Ibid, p.96) and, consequently, they were regarded as a threat. This was due to two main reasons. First, homosexuals were unlikely to reproduce and, therefore, they were seen as violating their sacred duty. In other words, homosexuality was regarded as a pathological and entirely abnormal condition, as it was inconsistent with 'the natural purpose of sexual intercourse' (Ibid, p.100). Secondly, in the case homosexuals had offspring, they were believed to pass on 'the degeneration' to their sons (Ibid). Moreover, in Nazi German discourse homosexuality was described as an 'epidemic' (Ibid, p.96), and gay men were portrayed as 'corrupters' and 'seducers' who 'preferred boys and youth' (Ibid, p.96, 103). Hence, homosexuality was established as both illness and criminal offence. Micheler, however, points out that publicly expressed attitudes towards homosexuals varied widely – from searching for the 'cure' to the insistence of their physical extermination.

Finally, both Micheler and Mosse indicate another feature that was ascribed to homosexuals by right-wing ideologies and propaganda; namely, homosexuals were often associated with conspiracies, subversive activities against the state, plots and treasons. As Mosse (1996) argues, conspiracy theories haunted not only homosexuals, but all 'outsiders'. They were believed to collaborate among themselves in order to destroy the 'healthy society'. Assumptions and claims about homosexual conspiracies fuelled the hostility against gay people and strengthened the belief that homosexuals were the enemies of the nation.

Discourse, Power and ‘Normality’

In this section I will seek to elaborate on the above discussed distinction between normal and abnormal, in relation to the power dynamics that lead to its establishment and consolidation. In doing so, I will rely upon Foucault’s interpretation of power and the relationship between power, knowledge and discourse. This discussion will enable me to approach the ambit of ‘sexual normality’ vs. ‘sexual abnormality’ as a product of the specific distribution of power in Serbian society.

Unlike formal approaches that consider discourse in terms of language, text and verbal interaction, Foucault thinks of discourses as disciplines (McHoul and Grace, 1993). In Foucault’s interpretation the concept of discipline combines and unites two distinct meanings of this term; discipline – as a body of knowledge, and discipline – as a form of social control (Ibid). Clearly, this interpretation emphasizes the inseparability of discourses and the power relations within which they function. For Foucault, the notion of power extends far beyond the limits of the state and its institutions. To think about power in terms of the state would mean to reduce it to the concept of sovereignty and, ultimately, to the concept of law, as well as to grasp it as essentially repressive, i.e. limited to the prohibition functions (Foucault, 1991a). While acknowledging the importance of the state, as a superstructural power, Foucault argues that the state is far from being able to cover the whole field of power networks that invest ‘body, sexuality, the family, kinship, knowledge, technology and so forth’ (Ibid, p.64).

For Foucault, the notions of truth and knowledge are inseparable from the notion of power; power creates knowledge and, at the same time, draws its authority by referring to scientific truths.

We should admit, rather, that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relation. [Foucault, 1991b: 27]

In Foucault’s view, ‘truth’ does not signify something that is to be ‘discovered and accepted’ (Foucault, 1991a: 74), but rather a set of rules and procedures, created through the

mechanisms of power, and according to which the true and false are separated (Ibid). In that sense, power establishes the dividing line between normal and abnormal – a crucial division in the process of life administration that is the major concern of all forms of government (McHoul and Grace, 1993). Further, Foucault points out that the modern exercise of power is, contrary to the traditional one, more dependent upon human bodies than upon the earth and commodities (Ibid). Thus, sexuality – as the field that links human body as biological organism and population as a social body – becomes the issue of an exceptional importance, as well as the area that requires a strict regulation of normality and abnormality. In the first volume of ‘The History of Sexuality’, Foucault (1990) challenges the so-called ‘repressive hypothesis’ according to which the bourgeois society, through its power/knowledge mechanisms, repressed human sexuality and consigned it to a shadow existence. He claims that, on the contrary, modern society has incited a proliferation and multiplication of discourses on sex and, in that way, has established sexuality as an important feature of personal identity. Nevertheless, a firm boundary between heterosexual monogamist sex, on the one side, and sexual acts ‘contrary to nature’, on the other, has remained crucial and untouched (Ibid, p.38). In that way, power has defined normality and established the procedures for the production of truth.

2.3. Hate Speech

Freedom of speech¹, as a philosophical idea and political reality, has been occupying the attention of thinkers and scholars since ancient times (Gearon, 2006). Each historical era has defined the scope of freedom of speech; however, it is only in the modern period that liberty to express ideas, opinions and beliefs has become established as a right (Ibid). Today freedom of expression is guaranteed by all major international, regional and national legal instruments. As stated in Article 19 of the Universal Declaration of Human Rights, ‘[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’. Freedom of expression is crucial for the functioning of democracy and public participation in political processes. Its principal aim is to protect individuals and society

¹ In this thesis, the terms ‘freedom of speech’ and ‘freedom of expression’ will be used interchangeably.

as a whole from political oppression and authoritarian government. However, as Mahoney (1994) argues, ascribing an absolute value to freedom of speech, and neglecting the potential clashes between this freedom and other human rights, is essentially wrong. In other words, she points out that freedom of speech has to be balanced with other important values, such as human dignity and non-discrimination (Ibid). Nevertheless, there is no universal agreement on the need for limiting freedom of speech, or on the scope of the potential limitations. This section will provide a short overview of different theoretical positions, as well as different legal solutions, in regards to freedom of expression and hate speech as its limitation.

The First Amendment to the United States Constitution provides one of the most liberal legal frameworks for expressing opinions and beliefs. It prohibits Congress from passing any law that would infringe, *inter alia*, freedom of speech and of the press. The First Amendment – as a product of the American Revolution – is deeply imbued with the spirit of libertarianism and enlightenment that challenged the authoritarian rule of monarchs and the church, and celebrated reason and individual liberty. Hence, American legal settings allow individuals and organisations great freedom in expressing all kinds of views, among others those that could be perceived as offensive or harmful. One of the most prominent classical defences of freedom of speech is given by J.S. Mill in his famous work ‘On Liberty’ in which the author argues that government has no right to ‘prescribe opinions to its citizens, and to determine what doctrines or what arguments they shall be allowed to hear’ (Mill, cited in Gearon, 2006: 82). On the other hand, Mill introduces the so-called harm principle, according to which people have the right to do anything they like, but only as long as it does not cause harm to the rights of others. However, the notion of harm itself has been subject to various interpretations and, consequently, it does not provide a solid base for determining the scope of freedom of expression.

Mill’s liberal views have influenced a number of 20th century authors, primarily those coming from the American political culture – strongly marked by the spirit of the First Amendment. For instance, Noam Chomsky (1980), in his defence of French academic Robert Faurisson who was prosecuted and fined for Holocaust denial, argues that a genuine support for free speech implies the support for free expression of the views one disagrees with. He states: ‘[i]t is a truism, hardly deserving discussion, that the defence of the right of free expression is not

restricted to ideas one approves of, and that it is precisely in the case of ideas found most offensive that these rights must be most vigorously defended' (Chomsky, 1980). It appears that Chomsky in this article approaches freedom of speech as a value *per se*, detached and entirely independent from the actual content of speech. Thus, by employing a formalist approach, he neglects the fact that the field of human rights and social sciences, in general, could hardly be seen as a content-neutral field of research. Further, by pointing out that freedom of speech ought not to be dependent on individual preference and taste, Chomsky fails to acknowledge that there are values – such as human dignity – that go beyond the question of individual preference, and that deserve universal respect.

Referring to Mill's defence of the freedom of speech, Bracken (1994) argues that Mill did not advocate absolute freedom. He reminds us of the above mentioned harm principle, pointing out that it '[allows] "offensive speech" up to the point that it becomes a *nuisance* to someone' (Ibid, p.12; emphasis in the original). Bracken suggests that Mill actually wanted to make distinction between 'speech as "incitement" and speech as mere "advocacy"' (Ibid). In a similar fashion, he develops an argument based on the premises of Cartesian dualism – a philosophical position that sees the human mind as entirely separated from the corporeal body. Cartesian dualism, therefore, implies unrestricted freedom of will, as well as the so called 'mental privacy', i.e. the impossibility of scrutinising someone's mind, or modelling someone's will.

We are completely free to act, or not to act, on the basis of what we hear or read. Language does not, as it were, coerce us. If we are persuaded by what we hear, that is *our own choice*. [Bracken, 1994: 8; emphasis in the original]

Thus, Cartesian dualist framework – by separating body and mind – also provides a categorical distinction between speech and action. Drawing upon the radical free-will theory, and pointing out that every person is responsible for their own actions, Bracken concludes that words are not, and ought not to be treated as deeds.

However, as stated in Article 19(3) of the ICCPR, freedom of expression carries with it special duties and responsibilities and, therefore, may be subject to the restrictions that are necessary: '(a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals'. Further, Article 20 of the same

covenant prohibits any propaganda for war, as well as any advocacy of national, racial or religious hatred. Nowadays, the great majority of jurisdictions, as well as the majority of scholars, accept the necessity of certain restrictions on freedom of speech. Hate speech, as one of the restrictions, has been widely debated and scrutinised in both political and academic circles, but a universally agreed definition of hate speech does not exist. Nevertheless, there are two elements that appear to be common to a variety of views; first, hate speech is directed to a person or a group of persons who are considered by some to be inferior on the basis of some characteristic that is constitutive to their identity and, generally, innate (e.g. race, ethnicity, sexual orientation etc.); secondly, hate speech is intended to incite violence, discriminatory treatment, or the offence to human dignity of targeted person(s) (See, for example: Cortese, 2006; Heyman, 2008; Gelber, 2002).²

Katharine Gelber (2002), for example, is primarily concerned with searching for an adequate response to hate speech, rather than with elaborating on its definition. In developing her argumentation, Gelber combines three theories; Nussbaum's capabilities theory, Austin's conception of utterances as 'speech-acts', and Habermas's validity claims model. Gelber starts the discussion about hate speech by challenging the libertarian conception of free speech according to which the goal of a speech policy is simply to minimise the restraints on individuals' speech liberty. Drawing upon Nussbaum's idea that free speech is important to the development of human capabilities³, she offers an alternative conception that emphasises the *participation* in the free speech exercise as the primary goal of a well-designed speech policy (Gelber, 2002; emphasis added). Gelber also challenges the above discussed distinction between 'doing' and 'saying', by referring to Austin's concept of speech-acts.

From Austin, I have utilised the idea that when a person speaks, they are doing more than making a statement. They are acting through the discursive utterance, with force and meaning as an act. [Ibid, p.9]

Thus, by arguing that every speech is indeed a specific form of action, Gelber affirms Austin's view that any distinction between 'doing' and 'saying' is theoretically useless and practically

² See also: Racial and Religious Hatred Act 2006 (UK); Criminal Justice and Immigration Act 2008 (UK); The German penal code; Gayssot Act 1990 (France).

³ According to Nussbaum (cited in Gelber, 2002: 41), capabilities represent means by which individuals make choices as to how to function within different social spheres.

fallacious. Finally, Gelber draws upon Habermas's validity claims model in order to demonstrate the force of hate speech. In Habermas's theory of communicative action, validity claims are claims raised by speakers, and they represent 'the rules by which the agreement could be reached on the meaning of the communication' (Ibid, p. 61). In every utterance three validity claims are simultaneously raised: the claim to truth, the claim to rightness of norms and values, and the claim to the speaker's sincerity. In hate speech, these three validity claims appear as the claim to inequality in the objective world, the claim to the rightness of discrimination against certain groups, and the claim of a sincere hater towards the targeted group (Ibid). Pointing out the 'systematic power asymmetry' in the favour of the hate-speaker (Ibid, p. 87), Gelber concludes that a hate-speech-act is a discursive act of discrimination that propagates and perpetuates inequalities.

Zingo (1998), on the other hand, focuses particularly on the hate speech against LGBT people, who she describes as 'sex/gender outsiders'. In Zingo's interpretation, the meaning of the term 'outsider' coincides with Mosse's notion of countertype/outsider, that is, it signifies all those who are perceived by the 'healthy' majority as abnormal and deviant. Accordingly, Zingo points out that the discrimination against LGBT people has less to do with their gender identity or sexual orientation – as such, then with the belief that they represent a threat to the rigid boundary between sexual normality and abnormality and, consequently, to the decency and respectability of the heterosexual lifestyle. Thus, sex/gender outsiders are seen, indeed, as undermining the privileged status of heterosexuality (Ibid, p.5). Further, regarding hate speech, Zingo refers to the legal practice of the USA Supreme Court, and discusses two different tests employed in the freedom of expression cases. The first one is the 'clear and present danger' test according to which the government is allowed to limit freedom of expression only in cases when speech represents an immediate danger of substantive evil, e.g. the danger of riots or any other kind of violence (Ibid, p.18). The second test – the 'bad tendency' test – no longer requires danger to be imminent. The government is permitted to set limitations on free speech 'if its *natural tendency and probable effect* was to bring about the substantive evil' (*Gitlow v. New York, 1925*; cited in Zingo, 1998: 18, emphasis in the original). Hence, the focus was shifted from the effect of speech to its intended consequences (Ibid).

In the next chapter, I will briefly describe the socio-political context in contemporary Serbia, and I will seek to relate this discussion to the theoretical concepts analysed above.

Chapter 3

Serbian Context

This chapter will outline the features of the current Serbian politics that render it pro-nationalist. Further, it will also provide a short overview of the Serbian anti-discrimination and hate speech laws, and briefly discuss the dominant perceptions of gender roles in contemporary Serbia. My aim here is to demonstrate that, despite a solid legal framework for the protection of LGBT rights, Serbian society is still deeply patriarchal and hostile to sexual minorities.

3.1. Serbian Politics and Nationalist Myths

Serbian politics during the last decade of the 20th century were marked by the aggressive nationalism of the regime of Slobodan Milošević and the involvement of Serbia in the armed conflicts that engulfed the Western Balkans after the collapse of the Berlin Wall. The origin of the wars in the Former Yugoslavia can be located in the antidemocratic reaction of the Serbian elite to pressures for reform and, more specifically, in the resurgence of Serbian nationalism that eventually led to mass atrocities in Croatia, Bosnia and Kosovo (Kent, 2006). In terms of methods and forms of organisation used by the Milošević regime – including mass media campaigns, mass political rallies, regular army and police units supported by paramilitary squads, etc. – Serbian nationalism during the 1990s could be described as a form of fascism (Ibid). Today, although the wars are a decade ago, the ghost of the nationalist past is very much present in Serbian society. Almost eleven years after the fall of the authoritarian regime of Slobodan Milošević, Serbia is still struggling to define its political orientation and alignment. Heavily burdened by the legacy of the 1990s, as well as with the unfavourable economic circumstances, the Serbian Government is balancing between the commitment to EU integrations, on the one hand, and pro-nationalist politics, on the other. In 2009, faced with the country's economic collapse and the global crisis, the Government adopted a series of legislative and policy measures that were a step forward in the process of European integrations (Helsinki Committee for Human Rights in Serbia, 2010: 20). However, at the same time, the anti-European

block – encompassing nationalist parties, the Serbian Orthodox Church, various right-wing groupings, a part of the scholarly elite, and parts of media – was growing stronger and gaining new supporters (Ibid). Thus, despite the declared democratic and pro-European orientation of the Government, Serbian society is still deeply imbued with nationalist ideas, most obviously expressed in the various political myths that I will discuss below.

One of the most dominant national myths in contemporary Serbia is the Kosovo myth. As Gavrilović and Ljubojević (2011) argue, the Kosovo myth is a myth about borders and, at the same time, a myth about sacrifice. According to this myth, the Kosovo battle of 1389 between the Serbian and Ottoman armies was a sacrifice made by the Serbian people for the benefit of the entire Christian civilisation. Hence, the Kosovo myth has established Serbs as ‘the keepers of the gates of the civilised world’ (Ibid, p.45). Further, this myth has enforced the belief that Serbs have never been rightfully rewarded for the sacrifice they made in 1389. Consequently, as Gavrilović and Ljubojević point out ‘[...] Serbs harboured a growing feeling of injustice and bitterness towards the West, while the nationalists once again found themselves inspired by topics from ancient history’ (Ibid, p.46; see also: Biserko, 2008). Three years after the declaration of Kosovo independence, the great majority of Serbian political actors, including the ruling Democratic Party, still refuse to accept it, and commonly refer to it as to the violation of Serbian sovereignty and territorial integrity. Thus, the Kosovo myth has not lost its appeal. On the contrary, it is nowadays widely used by the Serbian right-wing as a tool of mobilisation around the idea of Western conspiracy against Serbia, as well as the idea of superiority and the great merit of the Serbian nation.

Captivated by the myths about the heroic past, and determined to persist in denying Kosovo independence, Serbian political establishment needed an ally. With the rise of the EU and Russia’s willing distance from the West (Perica, 2011), it seems as an inevitable consequence that the ally was found in the government of the Russian Federation. According to Perica (2011), this Serbo-Russian post-communist ‘romance’ signifies a revival of the once powerful pan-Slavic myth, the myth about the common descent of all Slavonic peoples encompassing the idea of the pan-Slavic kingdom. However, in its new Serbo-Russian version, the pan-Slavic myth has been reduced to the idea of pan-Orthodoxy, that is, to the concept of

brotherhood of all Orthodox Slavs. This fact highlights a very important feature of the ‘special relationship between Serbia and Russia’ (Ibid, p. 37) – it was largely based on religion. Consequently, the influence of the Serbian Orthodox Church has drastically increased, not only in terms of cultural domination, but also in terms of institutional and political significance, as well as economic power. Analysing the intertwining of nationalism, state politics and religion in Serbia, Drezgić (2010: 956) points out that the ‘instrumental pious nationalism’ of the 1990s was replaced by a model of ‘religious nationalism’ after 2000, in which the connections between the Church and the centres of political power have become much tighter. Thus, imitating the Russian model, Orthodox Christianity was basically made the state religion (Perica, 2011), and the secularity of Serbian politics has become highly questionable in numerous instances, some of which will be discussed in the next sections.

The myth that substantially builds on the Kosovo myth is the myth about Serbs as a warrior nation. The recent ethno-nationalist conflict in the former Yugoslavia has only fuelled the belief that the constant war is Serbian destiny, while the subsequent ICTY trials strengthened the perception of the accused political leaders as war heroes and great martyrs (Ljubojević, 2010; see also: Perica and Gavrilović, 2011). As Ljubojević (2010: 2) argues, ‘The “swan song” of once active national leaders, later ICTY detainees, is incentivizing new forms of nationalism practiced by young generations that never experienced the war.’ Thus, in the absence of a ‘real’, war enemy, the new generations – inspired by warrior myths and eager to affirm their patriotism – started looking for the enemies of the nation in all those who do not conform to their perception of normality.

3.2. The Prohibition of Discrimination and Hate Speech – Legal Framework for LGBT rights

Serbia is a party to the ICCPR of which articles 2 and 26 affirm the right to equal treatment and equal protection before the law, without any discrimination. Serbia is also a party to the ECHR, and was among the first countries to ratify Protocol 12 to this convention, which has strengthened the non-discrimination clause enshrined in Article 14 of ECHR. Further, Article 21 of the Serbian Constitution guarantees equality before the law and prohibits all kinds of

discrimination. Although the Constitution does not explicitly prohibit discrimination on the basis of sexual orientation and gender identity, the list of prohibited grounds in Article 21 is left ‘open’.

After years of preparation, in March 2009, the Ministry of Labour and Social Policy proposed the draft of the first comprehensive anti-discrimination law in Serbia. Nevertheless, the draft was withdrawn from the parliamentary procedure because of the objection by the Serbian Orthodox Church and other religious denominations to several of its provisions – among others, the one barring discrimination based on sexual orientation and gender identity. The withdrawal of the law sparked strong criticism by numerous national and international human rights NGOs. Due to the fact that the adoption of a comprehensive anti-discrimination law was a necessary condition for further advancement in European integrations, the law was finally adopted – however, not without changes to the disputed provisions. Thus, gender identity, as a prohibited ground of discrimination, was omitted from the disputed article 21 of the Anti-Discrimination Law, with a highly controversial explanation that gender identity is covered by the notion of sex (Alo!, 2009). Hence, the Article 21 has been adopted as following:

Discrimination on the grounds of sexual orientation

Sexual orientation shall be a private matter, and no one may be called to publicly declare his/her sexual orientation.

Everyone shall have the right to declare his/her sexual orientation, and discriminatory treatment on account of such a declaration shall be forbidden.

[National Assembly of the Republic of Serbia, 2009; unofficial translation by UNDP Serbia]

Regarding hate speech regulations, Article 49 of the Serbian Constitution prohibits ‘any inciting of racial, ethnic, religious or other inequality or hatred’ (National Assembly of the Republic of Serbia, 2006). Further, Article 386 of the Criminal Code establishes that the violations of human rights based on racial and other discrimination are criminal offences. Finally, according to the Public Information Law (Article 38; my translation),

[i]t is prohibited to publish ideas, information and opinions that incite discrimination, hatred or violence against a person or a group of persons on the basis of their belonging or not belonging to a certain race, religion, nation, ethnic group, gender, or on the basis of

their sexual orientation, regardless of whether the publication at stake constitutes a criminal offence or not.

[National Assembly of the Republic of Serbia, 2009]

Hence, Serbia clearly belongs to the group of countries that have thoroughly regulated hate speech. Nevertheless, hate messages in public narratives are frequent, and the chances that the offenders will be prosecuted are minor (See, for example: YUCOM, 2008; Logar, 2011). Targets of hate speech in Serbia are numerous; they are usually individuals and groups that, according to some criteria, belong to the category of ‘outsiders’. Sexual minorities are amongst these.

3.3. Gender Order and Homophobia in Serbia

Serbian society, as an unstable transitional democracy balancing between the so called ‘Europeanisation’ and pro-nationalist politics, is still a male dominated society, patriarchal, traditional and conservative regarding gender order. Drezgić (2010), for example, argues that the persistence of patriarchal values in Serbia is, in a large part, a consequence of what she calls ‘religious nationalism’, this is, the system characterised by symbiotic relationship between political institutions and the church. Acknowledging that religion does not necessarily have to be oppressive towards women, Drezgić points out that Orthodox Christianity, like other monotheistic religions, promotes a strict division between gender roles, in which the public realm is reserved for men and private for women. Similarly, Papić (1994) argues that the patriarchal system of values in Serbian society has been driven by a particularly militant type of nationalism that glorified men as warriors and heroes, while putting women into the submissive role of mothers and wives. On the other hand, Simić (1983) claims that there are some relatively unique gender/power structures characteristic of Yugoslav societies. He rejects the commonly presumed opposition between patriarchy and matriarchy as mutually exclusive categories, and argues that there are two levels of power and authority in the societies of South Slavs. The first – general societal level – is characterised by male dominance and machismo, while the other – family level – is dominated by older women. Nevertheless, as Simić argues, the women of authority are seen as semi-sacred and entirely deprived of sexuality. Hence, in relation to

sexuality, the strict division between genders remains intact, and no space is left for alternating traditional gender roles.

Although same-sex sexual activity is legal in Serbia since 1994, the Serbian society is still deeply homophobic, and alternative sexual orientations are socially unacceptable and treated like degeneration and sickness (Helsinki Committee for Human Rights in Serbia, 2010: 2). The attitude of Serbian society towards homosexuality is best illustrated by the research carried out in 2010 by one of the Serbian LGBT organisations, the Gay Straight Alliance, in cooperation with the Centre for Free Elections and Democracy. According to this research, 67% of the respondents believe that homosexuality is an illness, while 53% think that the government should take measures to combat homosexuality. Further, 56% of the respondents see homosexuality as very dangerous to society, while 64% support the Serbian Orthodox Church in its condemnation of LGBT people. Only 15% of respondents believe that the LGBT people in Serbia are a vulnerable group, and only 12% think of Gay Pride Parades as legitimate means for advancing the rights of sexual minorities. As a consequence of such a high level of homophobia, LGBT people in Serbia live in isolation, social exclusion, fear, and in a situation in which guilt and shame are constantly imposed on them (Kurepa, 2010). Moreover, sexual minorities are exposed to all forms of violence, ranging from psychological and verbal violence, such as rejection by family and friends, institutional violence in the form of expulsion from work, harassment by superiors, etc., to condemnations, threats and intimidation finally resulting in physical violence (Vodinić, cited in Kurepa, 2010).

Chapter 4

Methodology

This research uses discourse analysis as the main methodological and analytical tool. As Fairclough (2001) argues, discourse analysis is not only a method in social scientific research, but also a theoretical perspective that treats language as an element of material social processes. This analytical approach is based on the assumption that social reality is constructed through discourses – actual practises of talking and writing – and, as such, cannot be fully understood without a reference to discourses (Phillips and Hardy, 2002). Accordingly, Phillips and Hardy (2002: 6) define discourse analysis as:

[a method] that tries to explore how the socially produced ideas and objects that populate the world were created in the first place and how they are maintained and held in place over time. Whereas other qualitative methodologies work to understand or interpret social reality as it exists, discourse analysis endeavours to uncover the way in which it is produced.

Although the discourse analysis is an approach to language as a form of communication, the concept of discourse cannot be reduced to the concept of language. In other words, discourse is not only a tool for gaining an insight into social reality – it is a constitutive part of that reality and, as such, a subject of the analysis itself (Bryman 2008: 499-501).

In this study I used discourse analysis to examine the Serbian public discourse related to the subjects of homosexuality and LGBT rights. Namely, I have analysed a certain number of public debates, media reports, statements and discussions that emerged around the issues related to sexual minorities. As a particular discourse is inevitably related to a certain context (Meyer, 2009), I strived to link it to a wider discourse of the Serbian right-wing, and to examine how homosexuality is portrayed with reference to the Serbian tradition, culture and national myths and stereotypes. I believe that this method is the most suitable analytical tool for my research as the aim of this study is to uncover how a social reality – i.e. prejudices and discrimination against the LGBT minority in Serbian society – is created through certain discursive practices. Further, this thesis focuses on the discourse of the power-holders in the Serbian society, namely:

the political elite, the Serbian Orthodox Church, and the mainstream media. In that sense, it uses critical discourse analysis (CDA), a variant of discourse analysis that places emphasis on the role of language as a power resource (Bryman, 2008). Van Dijk (1996: 84, cited in Phillips and Hardy, 2002: 25) defines critical discourses analysis as '[a method] that describes and explains how power abuse is enacted, reproduced or legitimated by the talk and text of dominant groups and institutions'. Therefore, this methodological approach enabled me to establish and analyse the correlation between human rights abuses, on the one hand, and discursive practices of powerful groups, on the other, as well as to approach their language as a specific ideological tool.

In an attempt to accomplish the research objectives outlined in the introductory chapter of this thesis, I have used a variety of sources. These sources represent secondary data, which I have drawn from newspaper articles, on-line news coverage, organisational websites and NGO reports and publications. In regards to the on-line materials that I have used in my research, Livingston (cited in Bryman 2008:130) argues that electronic communication could be used for research if: 'the information is publically archived and readily available; no password is required to access the information; the material is not sensitive in nature; no stated site policy prohibits the use of the material.' Hence, I made sure that these requirements were fulfilled.

One of the major data collection issues in discourse analysis is the problem of choosing between texts (Phillips and Hardy, 2002: 72). As I used a variety of different sources of data, I strived to overcome this issue by limiting my research to a specific time period and by focusing it primarily on the discourses that emerged around three main events:

- 1) the adoption of the Law on the Prohibition of Discrimination (henceforth: the anti-discrimination law) in March 2009;
- 2) the cancellation of the Belgrade Pride in September 2009; and finally,
- 3) the Pride parade held in Belgrade in October 2010.

Furthermore, in the analysis of the media discourse, I focused only on print media, as it is – compared to the electronic media – more accessible and more thoroughly archived.

4.1. Ethical Considerations

As Meyer (2009) argues, in critical discourse analysis researchers generally take an *a priori* moral stand and sometimes cross the line between scientific research and advocacy for groups that suffer from social discrimination. In his opinion, such behaviour is fairly expected since CDA is an explicitly critical approach that endeavours to uncover the nature of commonly hidden power relations. However, some other scholars, for example Widdowson (cited in Mayer, 2009), argue that CDA is actually a biased ideological interpretation rather than an analysis. He points out that CDA is ‘prejudiced on the basis of some ideological commitment, and then it selects for analysis such texts as will support the preferred interpretation’ (Widdowson, cited in Mayer, 2009:17). Nevertheless, it is important not to forget that the field of human rights cannot be seen as a value-free or value-neutral field of research. As Mayer (2009: 17) argues, the possibility of gaining an insight into social processes from purely empirical data, without using any ‘preframed categories of experience’ is highly questionable. More specifically, he suggests that value judgments in the process of the *selection* of research objects and theoretical perspective are generally permitted, while there is no room for them in the context of the *justification* of certain views. As a social sciences student, I have already adopted certain set of principles and moral assumptions that frame my research and directly or indirectly affect my thinking about the subject I have chosen to focus on. However, through a continuous process of learning and critical thinking, I expect to overcome the obstacles that could prevent me from reaching valid and unbiased conclusions.

Chapter 5

Analysis

This chapter is organised in three sub-chapters that analyse the discourse of the Serbian political establishment, the Serbian Orthodox Church and the Serbian mainstream media respectively. The purpose of this chapter is to identify the correlation between homophobia and Serbian nationalism, as well as to assess the responsibility of certain actors for inciting hatred and violence against the LGBT minority.

5.1. The Discourse of the Serbian Political Parties

Despite the growing consensus on the necessity of the European integration of Serbia, Serbian political parties are still deeply immersed in the nationalist myths briefly discussed in the previous chapter. In the following section I will argue that homophobia is a characteristic not only of the few parties with openly anti-Western agendas, but of the great majority of actors in the Serbian political arena. In my analysis I will focus primarily on the narratives of the parties that were explicitly against the anti-discrimination law adopted in March 2009, the most of which were (and still are) in the opposition. However, I will also seek to identify subtle forms of homophobia that permeate the discourse of certain politicians from the ruling coalition and, therefore, open the door for more explicit anti-gay messages. It is important to note that my intention here is not to scrutinise the individual political parties and their agendas, but to demonstrate the general level of homophobia in the discourse of Serbian politics, as well as the correlation between homophobic and pro-nationalist attitudes.

During the parliamentary debate on the anti-discrimination law in March 2009, its most vocal opponents were not only the opposition parties, but also one of the parties from the ruling coalition – the party called United Serbia. United Serbia is a right-wing populist party relying heavily on the charisma of its president Dragan Marković Palma, who, in his public appearances, never misses the opportunity to highlight his commitment to the traditional Serbian values.

Explaining the reasons for being against the adoption of the abovementioned law, he pointed out: 'I have nothing against homosexuals, but I will never vote for something that is sick' (Danas, 2009; my translation). He also stated that he 'could not stand' gays, and that he was disgusted by their effeminate appearance (Jevremović, 2009; my translation). Further, a representative of the biggest opposition party – Serbian Progressive Party (SNS) – made the following statement: 'The affirmation and promotion of the so-called "personal preferences" under the slogan of equality and freedom is not acceptable. This will, undoubtedly, lead to a situation in which sodomy and paedophilia will be protected as personal preferences.' (Večernje Novosti, 2009a; my translation). A senior official of the right-wing Serbian Radical Party (SRS), whose leader is currently on trial before the ICTY, also compared homosexuality with paedophilia, stressing that the law that prohibits discrimination against LGBT people would eventually open the door for legalising paedophilia. He also pointed out that the anti-discrimination law was imposed on the Serbian Government by the powerful Western states, and was aimed at destroying the Serbian nation (Ibid). Finally, the conservative and pro-Christian Democratic Party of Serbia (DSS) argued – as well as all the abovementioned political parties – that the law was not acceptable as it did not get the approval of the Serbian Orthodox Church (Ibid).

The above attitudes demonstrate several features of the discourse of the Serbian political parties related to LGBT rights and homosexuality. First, all the statements, apart from the last one, explicitly establish homosexuality as an illness.⁴ While the statement of the United Serbia's leader mostly emphasises the fact that all homosexuals are effeminate and, thus, abnormal and degenerate, the statements of the representatives of SNS and SRS go even further and, by comparing homosexuality with paedophilia, suggest that it is not only a mental illness, but also a crime. This attitude correlates with the Nazi views on homosexuality, that Micheler (2005) analyses in his article, pointing out that in the Third Reich gay men were seen as corrupters and seducers of the youth, representing, therefore, a serious threat to the nation. Secondly, the comment of Dragan Marković Palma about the effeminate look of gay people, suggests that *all* homosexuals are effeminate, as well as *visibly* different from heterosexuals. This statement indicates that there is a direct link between physical appearance and personality, establishing, in

⁴ The fact that DSS did not openly argue that homosexuality is an illness is not *per se* a proof that they oppose that view.

that way, homosexuals as the negative stereotype – symbolising everything that the ideal man was not (Mosse, 1996). Thirdly, the statement of SRS's official argues that homosexuality and gay rights are a Western product, forcibly imposed to the Serbian nation with the purpose of destroying it. Hence, his view clearly implies the existence of the Western conspiracy against Serbia. Finally, all the abovementioned political parties believe that Christian values represent the parameter for defining what is normal and acceptable and what is not. In other words, they see the Serbian Orthodox Church as by default authorised to interfere in legislative process and define the notion of normality.

The discourse of the Serbian parties that voted against the adoption of the anti-discrimination law exemplifies the existence of strong stereotypes (and countertypes) in Serbian politics. The stereotype that represents normality is marked by Serbdom, Orthodox Christianity, tradition and unalterable gender roles, while the countertype – signifying degeneration – encompasses the pro-European orientation, secularism, equality between man and woman and, finally, homosexuality and LGBT rights. These stereotypes correspond with the ideal of manliness and its antithesis which Mosse analyses in his work. As he argues, although the masculine stereotype is not a characteristic of right-wing ideologies alone, it is nationalism that links manliness with patriotism, traditional values and religion (Mosse, 1996). Thus, the analysis of the stereotypes existing in the Serbian political discourse indicates that homophobia in Serbian politics directly correlates to the general right-wing attitudes. Further, examined in Foucauldian terms, the stereotypes above also reveal the link between power, discourse and truth, by showing how the holders of political power, through their narratives, set the distinction between normality and abnormality and establish homosexuality as sickness and degeneration. Finally, drawing upon Habermas's validity claims model utilised by Gelber (2002), I will seek to demonstrate that the statements of the abovementioned political parties represent hate speech. First, these statements establish the distinction between heterosexuals and non-heterosexuals as an objective inequality; secondly, by defining homosexuality as a sickness and moral degeneration, they suggest the inferiority of homosexuals and the rightness of the discrimination against them; and thirdly, by appealing to Christian morality, traditional values and the alleged threats to the nation, they emerge as a specific claim to the sincerity of the hatred towards the LGBT people.

Taking into account the power asymmetry between Serbian politicians and the LGBT minority, it could be concluded that the above analysed statements represent hate speech.

During the preparations for the Belgrade Pride Parade (henceforth: the Pride, or the Parade) that was scheduled for September 2009, the opposition parties, as well as the United Serbia, kept the same attitude towards homosexuality, arguing that the Pride would be a public demonstration of sickness and abnormality. The members of the ruling coalition, on the other hand, pointed out that the LGBT community does have right to hold the Pride Parade; however, none of the Government officials explicitly supported the Pride, claiming that they have already demonstrated their attitude by voting in favour of the anti-discrimination law adopted in March that year (Kurepa, 2010). One of the most vocal opponents of the Pride coming from the ruling coalition was Dragan Đilas, the mayor of the Serbia's capital Belgrade in which the Parade was supposed to take place. Đilas stated that he, personally, was against the Pride Parade (Simonović, 2009), arguing that sexual orientation is an exclusively private matter and, thus, there is no reason for disclosing it (Dežulović, 2009). On the other hand, he also stated that he was against violence of any kind, condemning on that occasion the far-right organizations who threatened to attack the marchers and pointing out that their threats adversely affected the image of the city of Belgrade (Ibid). The fact that Đilas condemned the violence against the marchers, and did not explicitly define LGBT people as morally or in any other way inferior, suggests that he was only practicing the freedom to publicly express his views. From this reason, his statements could hardly be defined as hate speech. Nevertheless, I will argue that the comments of the Belgrade mayor are indeed deeply homophobic, and that they indicate a lack of understanding of the basic human rights principles set forth by the major international conventions and affirmed by the Serbian laws. First of all, Đilas failed to recognise that the Pride was intended to be a political protest against discrimination, rather than a mere demonstration of sexuality. By stating that there is no need for such an event, he implied that the discrimination on the basis of sexual orientation and gender identity is either irrelevant or non-existent. Further, the wording that Đilas used, as well as the sequence of statements, suggests that he was *equally* against the violence, as he was against the Pride itself. Finally, by being more concerned about the image of the city than the marchers' lives and security, Đilas demonstrated his disregard for the protection of human

rights. Thus, it could be concluded that the views of the Belgrade mayor exemplify a concealed hostility against homosexuals and, as such, establish homophobia as a mainstream attitude.

The cancellation of the Belgrade Pride in September 2009 prompted harsh criticism by the international community, primarily the EU officials, which, consequently led to a shift in the discourse of the Serbian political elite regarding the Pride Parade. When the Serbian LGBT activists announced a new attempt to hold the Parade in October 2010, the biggest opposition party, SNS, was eager to demonstrate its allegedly pro-European orientation and entirely changed attitude towards the LGBT issues. During the meeting with the Pride organisers, a high SNS official Aleksandar Vučić pointed out that violence and discrimination against those who are different from the majority were unacceptable (Kurepa, 2010). Even SRS – although refusing to support the Pride itself – condemned discrimination of any kind (Ibid). The Government officials became more explicit in their support to the LGBT minority, and showed stronger commitment to securing the Pride 2010 (Ibid). The Belgrade Pride 2010 was finally held, and the police managed to prevent the far-right extremists from attacking the marchers, which, in itself, represent a step forward. However, the Serbian political discourse is still conspicuously lacking an explicit acceptance of LGBT people as non-degenerate and entirely equal with heterosexuals,⁵ as well as an unequivocal condemnation of *all* those opposing their rights.

5.2. The Discourse of the Serbian Orthodox Church

Over the course of the past two decades, Serbian society has gone through a process of rapid de-secularisation (Drezgić, 2010; Perica, 2010). Hence, from a society in which the church was marginalised and thoroughly subordinated to the state, Serbia has transformed into a society with high rates of religious identification (Drezgić, 2010: 956) in which the popularity of the dominant church, the Serbian Orthodox Church, has drastically increased. As Drezgić argues, throughout modern history, the Serbian Orthodox Church based its authority in the role of a national, rather than a religious institution, which in itself indicates its political aspirations. Numerous statements made by the Church dignitaries during the 1990s and early 2000s have

⁵ Again, I am using the term 'equal' in the meaning of Article 1 of the UDHR.

confirmed this trend. For example, in an interview for the daily *Danas*, at the beginning of 2001, Patriarch Pavle, the recently deceased Serbian Patriarch, stated the following:

The Church, throughout its history, has had to put aside its primary duties and to become actively involved in the struggle for the unification of all the Serbs. In that struggle, a priest had to be both a teacher and a judge, and also had to take a gun to defend himself and his family. [Patriarch Pavle of Serbia, interview for *Danas*, cited in *E-novine*, 2010; my translation]

Moreover, numerous prelates of the Serbian Orthodox Church have not hesitated to publicly demonstrate their hostility towards various groups, such as national and religious minorities, atheists, communists, feminists, and many others (E-novine, 2010). Despite the constitutional guarantees of secularity, the power of the Church in Serbian society is indisputable. Religious views have entered public discourse and created a new reality, i.e. new perceptions of social phenomena that Foucault (1991b: 194) refers to as 'rituals of truth'.

The Serbian Orthodox Church considers that 'all uses of the human sex organs for purposes other than those ordained by creation runs contrary to the nature of things as decreed by God, interfering with the *normal* development of societal patterns' (Orthodox Statement on Homosexuality, cited in Spencer-Dohner, no date; emphasis added). Furthermore, according to Orthodox views, there appear to be two types of homosexuality – one representing a medical disorder, and the other resulting from a moral failure. In both cases, correction is called for, primarily in terms of medical and psychiatric treatment (Ibid). The general attitude of the Orthodox Church towards homosexuality, expressed in the above statement, exemplifies the way in which a powerful actor, through discursive practice, establishes the notion of normality. In Foucault's view, the notion of normality does not have a universal and unalterable meaning; on the contrary, the actual content of this notion varies widely, according to the values of those in power. In this particular case, Christianity was taken as the parameter for defining the scope of normality and, consequently, all those who do not live in accordance with Christian values were left outside the notion of 'normal'. In that way, the above statement contradicts the right of every individual to choose their own religion or to choose not to have religion, and discriminates against those of the views different than Christian Orthodox. Furthermore, a particular reference was made to the *proper* use of the human sex organs, i.e. solely for reproductive purposes, which reflects the attitude that homosexuals are useless to the nation as they are not likely to reproduce.

As Micheler (2005) argues, the insistence on the reproductive function, as a contribution to the nation, is typical for far-right regimes and, as history shows, could have tragic consequences. Finally, the above statement of the Orthodox Church expressly calls for the intervention in terms of hospitalising healthy individuals, advocating, therefore, the violation of a number of human rights ranging from the right to equality to the prohibition of torture and degrading treatment.

The general attitude of the Serbian Orthodox Church towards homosexuality has been affirmed on numerous occasions, particularly during the past couple of years in which LGBT rights in Serbia have become a topic of growing prominence. As already mentioned, in 2009, the draft of the first comprehensive anti-discrimination law in Serbia was withdrawn from the parliamentary procedure because of the objection by the Serbian Orthodox Church and other religious denominations. Although the objections were directed towards more than one provision of the respective law, the major stumbling block was Article 21 prohibiting discrimination on the basis of sexual orientation and gender identity. According to the Serbian daily *Blic*, the bishop of the eparchy of Bačka, Irinej Bulović, called the whole law ‘malignant’ (Blic, 2009; my translation), urging the Government to thwart its adoption. The word ‘malignant’ originates from medical discourse in which it signifies a severe and potentially fatal illness, usually associated with tumours and other medical conditions that tend to produce deterioration. In the discourses related to social phenomena, this word could be used to refer to something evil, malevolent, and injurious. Clearly, by referring to the anti-discrimination law as ‘malignant’, the bishop suggested that the law, if adopted, would promote ‘abnormality’ and moral degeneration. His comment condemned homosexuality as a great danger to the society, and implicitly compared it with a malignant disease. Furthermore, in its appeal to the president of the Serbian Parliament, the Holy Assembly of Bishops of the Serbian Orthodox Church pointed out that ‘there is no scientific evidence that sexual orientation is an inborn trait’ further adding that ‘a number of eminent scientists deem transsexuality to be a mental disorder’ (Danas, 2009; my translation). The appeal also assessed that the affirmation of gender identity and sexual orientation as prohibited grounds of discrimination would endanger religious freedom as well as freedom of conscience (Ibid). This statement, once again, established homosexuality and transsexuality as diseases threatening the societal order, i.e. set of norms and values that Mosse calls ‘bourgeois respectability’ and that in the Serbian context has a prominent religious dimension.

During the preparations for the Belgrade Pride Parade that was scheduled for September 2009, the Serbian Orthodox Church was vocal in condemning homosexuality. Metropolitan Amfilohije Radović, at the time acting in the capacity of Patriarch, argued that the Pride Parade would actually be a ‘parade of shame’, quoting the Serbian popular saying ‘what the mad are proud of, ashames the smart’ (Politika, 2009; my translation). Moreover, he called the Pride the parade of ‘Sodom and Gomorrah’, further adding that ‘the tree that does not bear fruits is to be cut and thrown into fire’ (Bojić, 2009; my translation). The statements of metropolitan Amfilohije Radović violated the rights of the LGBT minority in more than one way. First, he declared homosexuality a disgrace, which implied that LGBT people – as those unable to resist ‘shameful impulses’ – were inferior to those who lived in accordance with the Christian morality. Thus, sexual minorities were established as dishonourable, representing what Mosse calls a negative stereotype. Secondly, the above statements expressed the view that homosexuals were not only mentally ill (‘insane’), but also physically degenerate and barren, as they do not use their bodies for the purposes decreed by god (See above: Micheler, 2005). Finally, the ‘tree metaphor’ used by metropolitan Amfilohije, represents a rather explicit call for a violent intervention, although the Serbian prelates pointed out on several occasions that the Serbian Orthodox Church was against violence of any kind.

As none of the prelates that publicly condemned homosexuality and called for the cancelation of the Pride in 2009 was prosecuted for either incitement of violence or hate speech, the preparations for the new Pride Parade in autumn 2010 were met with the same attitude of the Serbian Orthodox Church. The Holy Assembly of Bishops (2010), in its official announcement before the Pride, stated that the Church was strongly against the Pride, referring on that occasion to the LGBT population as to the ‘*so-called* sexual minorities’ and to their interests as ‘frivolous’ (my translation; emphasis added). Furthermore, the announcement argued that Gay Pride Parades violate the right to family life and insult the dignity of believers (Ibid). In that way, the Church practically denied LGBT people the status of minority, and declared them a threat to the ‘normal’ order of things, i.e. the ‘family life’ in accordance with Christian values. One day after the Pride 2010, the abovementioned metropolitan gave the following statement:

Yesterday we watched the stench poisoning and polluting the capital of Serbia, scarier than uranium.⁶ That was the biggest stench of Sodom that the modern civilization raised to the pedestal of the deity. You see, the violence of wrongheaded infidels caused more violence. Now they are wondering whose fault it was, and they are calling our children the hooligans. [Radović, cited in: B92, 2010; my translation]

Metropolitan Amfilohije Radović in the above statement equated LGBT people with a dangerous weapon and accused them of being responsible for the violence that happened in the streets of Belgrade on 10 October 2010. Further, he explicitly linked homosexuality with ‘modern civilisation’, defining it as something imposed by modernity and invoking, in that way, the myth about a Western conspiracy against Serbia.⁷ Finally, by implying that it is wrong to call the attackers of the Parade hooligans, metropolitan Amfilohije openly sided with them, providing, therefore, a legitimation for the violence against the LGBT minority. Clearly, the above cited statement constitutes hate speech; it is directed to a minority group that is – in the speaker’s view – inferior, it offends the human dignity of LGBT people, and its ‘natural tendency and probable effect’ (See: Zingo, 1998: 18) is to incite violence and/or discriminatory treatment against the targeted group. A couple of months after the Pride, the Serbian Equality Protection Commissioner instructed metropolitan Amfilohije Radović to publicly apologize to the participants of the Pride for hate speech. However, metropolitan said he ‘had no intention to apologize’, confirming once again his views on homosexuality (Balkan Human Rights, 2011). Metropolitan Amfilohije Radović has never been indicted for hate speech. The Equality Protection Commissioner, shortly after the initial warning, concluded the case by asserting that the Government had ‘no capacity’ for initiating the judicial proceeding against Amfilohije Radović (Miladinović and Živanović, 2011).

5.3. The Discourse of the Serbian Media

Despite the fact that the above cited Article 38 of the Serbian Public Information Law explicitly lists sexual orientation as one of the prohibited basis of hate propaganda, anti-gay messages in Serbian media space are still frequent, while the offenders go unpunished. In this

⁶ Metropolitan Amfilohije Radović was referring to the depleted uranium allegedly used by NATO during the military intervention in Yugoslavia in 1999.

⁷ In the Serbian public discourse the term ‘modern civilisation’ is most commonly used in the meaning of ‘Western civilisation’.

section I will analyse the discourse of the Serbian daily newspapers, with the focus on those with high circulation that, consequently, achieve considerable political influence and represent the mainstream media. In doing so, I will discuss both the media coverage of the three events that I am focusing on (i.e. the debate around the adoption of the anti-discrimination law in March 2009, the cancelation of the Belgrade Pride in September 2009, and the Pride parade held in Belgrade in October 2010), and the published opinions of some prominent columnists and journalists.

The controversy around the adoption of the anti-discrimination law in March 2009 was given a significant space in the Serbian media. While some of the Serbian dailies were explicitly advocating for the adoption of the law and condemning its withdrawal from the parliamentary procedure, others, more or less openly, supported the views of the Serbian Orthodox Church. For instance, Serbian daily *Večernje Novosti*, the daily which is remembered for its collaboration with the regime of Slobodan Milošević, published an interview with the bishop of the eparchy of Bačka, Irinej Bulović, with the title ‘The Church is Only Defending Morality’ (*Večernje Novosti*, 2009b, my translation). In a similar manner, daily newspaper *Kurir* claimed that the Government had deceived the Church by returning the law to the parliamentary procedure. Under the title ‘Fraud’, *Kurir* published the following: ‘The Serbian Government deceived the dignitaries of the Serbian Orthodox Church, after days of the negotiations on the amendments to the anti-discrimination law. At today’s session of the Government, the new draft of the law will be adopted, after only cosmetic changes’ (*Kurir*, 2009a; my translation). Clearly, these media texts see the Church’s interference in the legislative process as perfectly acceptable, legitimate and ‘normal’. Hence, the discourse of the abovementioned media reflects the processes of the de-secularisation of Serbian society that Drezgić (2010) and Perica (2011) analyse in their work. As Drezgić argues, the relationship between the political institutions and the Church in which, during the 1990s, the religion was primarily an instrument of the aggressive nationalist politics, has transformed after 2000 into a much tighter relationship in which the Church gained more power and influence. Similarly, Perica (2011) points out that, during the government of Vojislav Koštunica (2004-2008), the Orthodox Christianity has practically become the state religion, and after the elections of 2008 that brought to power current Serbian president Boris Tadić, the relationship with the Church has not significantly changed (*Ibid*). Both Drezgić and Perica

illustrate their arguments by pointing to the Church's various attempts to influence the legislation. Thus, although the anti-discrimination law has finally been adopted, the controversy that it had provoked confirms the ability of the Serbian Orthodox Church to interfere in the matters of state politics and to stall the reform processes.

Politika, the oldest daily in the Balkans, partially owned by the Serbian Government, immediately after the adoption of the anti-discrimination law published a column written by Slobodan Antonić, a Serbian political analyst who is known for his rightist views. In the column, Antonić explicitly supported the Serbian Orthodox Church in its struggle against the abovementioned law, suggesting that the Church is a legitimate representative of the great majority in the Serbian society (Antonić, 2009). Further, he expressed deep concern about the provision prohibiting the discrimination on the basis of sexual orientation and its potential consequences. Antonić wrote:

In the next step, anti-discrimination will not be enough anymore. They⁸ will require equality. [...] After the legal equality is obtained, they will go further and request the recognition of social equivalence. [...] And in a few years we will be required to officially declare homosexuality to have the equal value as heterosexual orientation. [Ibid, my translation]

It is clear from the above statement that Antonić considers homosexual orientation to be of less worth than heterosexual. Although he did not openly claim that LGBT *people* are worth less than others, his position rather clearly implies that homosexuals could not be equal in rights with heterosexuals. Such a view is in a strong opposition with Article 1 of the UDHR that proclaims the equality of all human beings and, therefore, as Smith (2007) argues, entails the prohibition of discrimination in the enjoyment of human rights. Further, by openly opposing the equal rights of all human beings, Antonić implied the following: 1) that the inequality is an objective fact, 2) that discrimination against the LGBT minority is legitimate, and 3) that it is justified by the superiority of heterosexual over homosexual orientation. Thus, if we analyse Antonić's column within Gelber's (2002) hate speech theory, it could be concluded that he raised three validity claims that, taken together with the position of power that Antonić as a columnist of a government-owned daily has (Ibid), qualify his statement as hate speech against LGBT people.

⁸ Referring to LGBT people and the supporters of LGBT rights in general.

After the Serbian LGBT activists had announced their plans to hold the Pride Parade in September 2009, a number of Serbian media joined the anti-gay campaign that finally led to the Pride cancellation. Some dailies, such as *Kurir*, *Press*, *Alo!* and *Pravda* gave considerable space to the right-wing extremists, without any critical review or comment to their views (Labris, 2010). Referring to the pro-fascist organisations as ‘patriotic groups’, ‘football supporters’ or simply ‘youths’ (Ibid), the abovementioned Serbian dailies were continuously publishing their hate messages and calls for violence. For example, daily *Kurir* published the following statement of Mladen Obradović,⁹ leader of ‘Obraz’ – one of the Serbian pro-fascist organisations: ‘A huge number of people will come, from all the areas where Serbs live. Our message to faggots is clear: We are waiting for you.’ (Kurir; cited in Labris, 2010; my translation). Further, at the time, sensational headlines abounded, such as: ‘*Gay Parade represents imposing a new ideology on Serbia*’ (Pravda, 2009; cited in Labris, 2010; my translation) – a headline suggesting that homosexuality is an ideology, not just a sexual orientation, forced upon Serbia from outside; ‘After faggots, sodomist and necrophiliacs will want to parade’ (Alo!, 2009; cited in Labris, 2010; my translation) – a title that, once again, establishes homosexuality as sickness and degeneration; etc. One article published in daily *Kurir* was particularly indicative. It was entitled ‘Faggot secedes Kosovo!’ and was about a prominent LGBT activist, Predrag Azdejković, who on his blog started an internet campaign called ‘De-Kosovisation of Serbia’ – a satirical critique of the Serbian politics related to Kosovo and the stubborn refusal of the Serbian politicians to accept the Kosovo independence. *Kurir* (2009b) called the campaign ‘offensive’ and, as usual, referred to homosexual men as ‘faggots’. Two elements of the discourse of the above article indicate the connection between homophobic and nationalist attitudes. First, as Gavrilović and Ljubojević (2011) argue, the Kosovo myth – that still dominates a large part of the Serbian society, including the current Government – suggests that, because of the great sacrifice made by the Serbian people in the 14th century, Kosovo will always remain a part of Serbia. Thus, the above article, by appealing to the patriotic feelings of the readers, seeks to represent LGBT people – particularly human rights activists – as the enemies of the Serbian nation. In Mosse’s (1996) view, representing the countertypes – in this case homosexuals – as an active threat to the societal order and national unity, is a prominent characteristic of right-wing ideologies.

⁹ After the Pride 2010, Obradović, well-known for anti-gay hate speech, has finally been arrested and convicted for organising riots and violent attacks during the Pride 2010.

Secondly, Mosse (Ibid) points out that fascist and nationalist regimes tend to promote the idea about the collaborations and plots between the different categories of outsiders. As the ‘loss’ of Kosovo is generally associated with the Western conspiracy against Serbia, the above article indicates that LGBT people collaborate with Western powers in order to destroy the ‘healthy’ Serbian nation.

In a very similar manner, daily *Press* published an article concerned with the allegations that the participants of the Belgrade Pride 2009 will burn the Serbian flag at the beginning of the Parade. Regardless of whether the allegation were true or false, it is clear that the intention of the above article was to portray the LGBT minority as an enemy of the Serbian state. Moreover, in an atmosphere in which the far-right extremist were threatening to attack the Pride, this article also provides an implicit justification for the violence that was about to occur. As Zingo (1998) argues, the limitations to freedom of expression are allowed not only in cases when speech represents an immediate danger (the ‘clear and present danger’ test), but also in cases when speech is very likely to bring about ‘the substantive evil’ (the ‘bad tendency’ test). Despite the fact that the above article passes at least the ‘bad tendency’ test (it could also be argued that it passes both tests), no legal action has ever been taken against the daily *Press* for hate speech.

During the preparations for the Pride 2010, the above discussed Serbian dailies continued the anti-gay campaign in a very similar manner as in 2009. After the pride parade was finally held – followed by the anti-gay riots – the general attitude prevailing in the discourse of the majority of the Serbian media was that the Parade was utterly unnecessary and that the damage caused by it¹⁰ was greater than the benefit. Daily *Politika*, two days after the Pride 2010, published a column by political analyst Đorđe Vukadinović (2010), the editor in chief of Serbian right-wing quarterly *New Serbian Political Thought* (Serbian: *Nova Srpska Politička Misao*), in which he argued that the Parade was forced upon Serbia from the West, contrary to the ‘historical and political logic’ (Ibid). Therefore, he implied that there is a sharp contrast between Serbia and the West, and that the notion of LGBT rights is highly incompatible with Serbian history and politics. Further, Vukadinović in his article compared the far-right extremist who

¹⁰ Both the material damage caused by the rampage of the extremists, and the ruined image of Serbia provoked by the violence in the streets of Belgrade.

intended to attack the Pride participants – just because of their sexual orientation – with the participants in the anti-Milošević demonstrations who used violence against the Milošević police – primarily as a response to the violence used by the police themselves. Hence, Vukadinović suggested that the struggle against an authoritarian regime is essentially the same as the far-right violence against minorities. In that way, he implicitly justified the violence that occurred during the Belgrade Pride 2010. The article by Đorđe Vukadinović exemplifies a rather dangerous relativisation of human rights suggesting that LGBT rights are not universal but entirely dependant on political and historical circumstances. Moreover, by practically equating an authoritarian regime with the LGBT minority, Vukadinović failed to acknowledge a very important difference between those violating human rights, on the one hand, and the victims of human rights violations, on the other.

This chapter has demonstrated how the discourse of Serbian politicians, the Church and the media contribute to the homophobic attitudes in the Serbian society. Despite the legislative reform towards the recognition of LGBT rights, stereotypes in the discourses discussed above still play an important role in shaping public perceptions of sexual minorities. They consequently provide a legitimisation for the discrimination and violence against LGBT persons. The final chapter will summarise my arguments and outline some basic recommendations.

Chapter 6

Conclusion and Recommendations

Where there is equality there can be sanity.

George Orwell, *Nineteen Eighty-Four* (p. 229)

6.1. Conclusion

The aim of this thesis has been to analyse homophobia as part of a wider ideological constellation of right-wing regimes, as well as to examine the connection between Serbian nationalism, on the one hand, and prejudices against LGBT people, on the other. The thesis has also addressed the issue of homophobic hate speech as a limitation to freedom of expression. Based on the analysis in the previous chapters, the study draws certain conclusions on the role of the Serbian public discourse in mainstreaming homophobic attitudes and perpetuating discrimination against the LGBT minority.

Homophobia, as a multidimensional phenomenon, could be approached from different points of view and examined within a number of disciplines. This thesis analysed homophobia from the perspective of human rights – particularly LGBT rights – and strived to identify social and political aspects of this phenomenon, namely the right-wing roots of homophobia. At the very beginning, the study has shown that the right to equality – as a fundamental human right guaranteed by all major international, regional and domestic legal instruments – entails that *all* human beings are entitled to equal protection of the law, and that discrimination on the basis of sexual orientation and gender identity represents a violation of the basic human rights. Further, the study has revealed the link between right-wing and homophobic attitudes – established and reproduced primarily through the process of stereotyping. As Mosse (1996) argues, all right-wing ideologies rely heavily on the creation of stereotypes. The masculine stereotype, as one of the characteristic features of fascism and nationalism, is defined in contrast with all those who do not comply with the standards of manliness and who are, consequently, declared enemies of the

nation. Thus, the hatred against countertypes – *inter alia* homosexuals – is successfully used by right-wing regimes as a mobilisation tool and a means of consolidating power. This study has also been concerned with the boundary that separates ‘normal’ from ‘abnormal’, and – relying on the Foucauldian interpretation of the relationship between power, discourse and truth – has come to the conclusion that the notion of normality is not universal, but largely dependent on the definition by powerful actors. Hence, the analysis in the previous chapters has shown that there is a strong link between homophobia and right-wing ideologies, embodied in stereotypes and countertypes, and reproduced through the narratives of power holders.

The second aim of this thesis was to determine whether and how Serbian nationalist myths incite homophobia. In that sense, the study has first analysed the elements of the contemporary Serbian politics that link it with the recent past and the ethnic conflicts during the 1990s, namely: the Kosovo myth, the myth about Western conspiracy against Serbia, the pan-Orthodoxy myth, and the myth about the nation of warriors. The analysis has shown that the above myths are still very much alive in contemporary Serbian society and politics. Further, this thesis has briefly outlined the legal framework for LGBT rights in Serbia, and has concluded that, despite the recent reforms in accordance with the European standards, Serbian society is still deeply patriarchal and hostile to sexual minorities. The analysis of the discourses of the Serbian politicians, the Church and the media has shown the following: first, the LGBT minority is depicted through stereotypes that represent homosexuality as moral and/or physical degeneration constituting a threat to the normal societal order and the Serbian nationhood; second, the stereotyping of the LGBT minority is strongly supported by the national myths; third, as the above stereotypes are characteristic of right-wing ideologies and regimes, it does not surprise that homophobia is primarily (although not exclusively) a feature of the pro-nationalist Serbian parties and the media with the right-wing political alignment; fourth, hatred against LGBT people in Serbian society has a pronounced religious dimension, which is aided by the fact that the Serbian Orthodox Church has, over the course of the last two decades, gained a considerable political power and influence; lastly, after the cancelation of the Belgrade Pride 2009, the discourses on homosexuality and LGBT rights have changed towards more tolerance and more respect for the rights of sexual minorities, which is primarily a consequence of the

political pressure from the EU and the international community in general. Nevertheless, homophobia in the Serbian public discourse is still present.

Finally, this thesis also addressed the issue of hate speech, in order to determine if certain narratives in the Serbian public arena violate the rights of LGBT persons. Through the examination of different theoretical perspectives, the study has argued that some limitations to freedom of expression are necessary for the protections of the human rights of others, as well as that speech is not only a set of statements but also has the force of an act (Gelber, 2002). In the Serbian legal system hate speech is prohibited by several different provisions. Nevertheless, hate messages against *inter alia* LGBT people are frequent and widespread. The inefficiency of the Serbian judiciary in prosecution of the offenders indicates that the hate speech laws are not adequately implemented. Thus, it could be concluded that some of the reform processes in the Serbian society end up in the normative sphere, while the reality remains dominated by the myths from the nationalist past.

6.2. Recommendations

As indicated above, the gap between the legal obligations and actual practices of the Serbian state agencies suggests that the reform processes in Serbia are yet to be completed. Despite the adoption of various ‘pro-European’ laws, the effective enforcement of these is still lacking. The obstacles in law enforcement represent a complex issue that ought to be addressed at both the state level, and within the civil society – particularly in human rights advocacy and in academia. In terms of human rights activism, the EU conditionality could be successfully used as a means of pressurising the Serbian Government to comply with its legal obligations. At the academic level, it would be useful to carefully scrutinise the causes of the insufficient implementation of the law – ranging from the lack of political will to the financial constraints affecting the Serbian judiciary and law enforcement agencies.

Further, the analysis in the previous chapters has pointed to a rather prominent trend in contemporary Serbia – the trend of de-secularisation of the society and an extensive interference

of the Serbian Orthodox Church in state affairs. Since the beginning of the 1990s, the Serbian Orthodox Church has been striving to enhance its influence and to establish itself not only as a religious but also as a national institution. As Drezgić (2010) argues, throughout the first decade of the 21st century the connections between the Church and the political institutions have become even tighter than during the wars in the 1990s. Hence, the secularity of the Serbian state has been seriously endangered. In that sense, it is of great importance to set the limits of the Church influence. The fact that the secularity of the state is guaranteed by Article 11 of the Serbian Constitution indicates that the legal norms, once again, are not adequately implemented. Thus, the Government representatives and other politicians are the ones who are primarily responsible for preserving the secularity of the Serbian state. In that sense, they – while performing their duties – have to remain independent from the Church influences, and to explicitly condemn any attempt of the Serbian Orthodox Church to influence legislative and other state affairs.

Finally, and perhaps most importantly for the topic of this study, changes at the level of popular consciousness about LGBT rights – and human rights in general – are needed. As the analysis above has shown, the legacy of the nationalist past is still very much alive in contemporary Serbia, and the national myths and stereotypes dominate the greatest part of the society. Despite the fact that human rights language has gradually entered Serbian public discourse, the general awareness of the meaning and the content of human rights is on a rather low level. Moreover, because of the prejudices and stereotypes related to homosexuality, opposition to LGBT rights is even stronger than to the rights of other minorities. Therefore, human rights education – including the education on the rights of sexual minorities – is of crucial importance. The term education is used here in the widest sense, encompassing not only formal schooling, but also various forms of alternative education. Thus, the responsibility for mainstreaming human rights in education should be divided between the Government, NGOs and the media. Regarding LGBT rights, education and media policies ought to be based on several principles. First, homosexuality (and transsexuality) is not an illness, it is neither illegal nor immoral; it is a part of personal identity that is equal in value to heterosexual orientation. Secondly, LGBT persons are equal in rights with other individuals and, consequently, discrimination on the basis of sexual orientation and gender identity represents a violation of human rights. Thirdly, homosexuality does not represent a threat to the nation, and does not

violate freedom of religion. Thus, religious views and/or patriotic feelings must not be used as a justification for the discrimination against LGBT people. Finally, while the EU conditionality could be a useful means for pressuring the Government to comply with its legal obligations, in education and media, human rights should not be presented as something imported from the West and, therefore, culturally alien to Serbian people. On the contrary, it is important to stress that the recognition of the equal rights of all individuals, regardless of their sexual orientation or any other inborn trait, would benefit Serbian society and all its citizens. In other words, the implementation of human rights is not only a prerequisite for the European integrations and a nuisance that must be endured for a better future in the EU, but also a prerequisite for societal development and dignified life of all human beings.

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