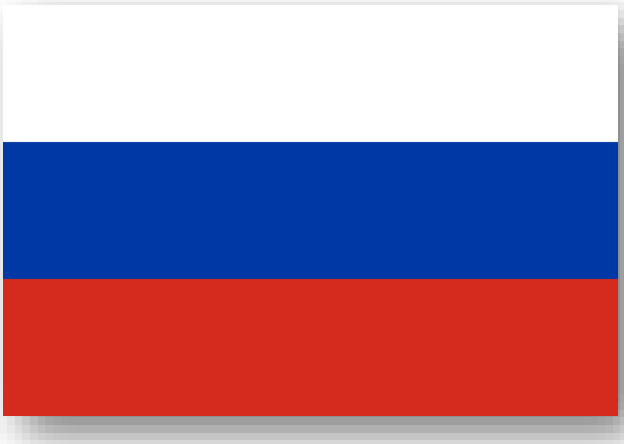
Biopolitical Conservatism:

Identity-Making Projects in Poland and Russia vis-à-vis gender and sexuality



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ABSTRACT

Nationalism has always been a feature across Europe's political spectrum but there has been a boom in voter support for right-wing and populist parties that has recently earned much of academic attention. This phenomenon can also be seen in countries like Poland and Russia, whose ruling parties Law and Justice (PiS) and United Russia (UR) have a high rating of approval and popularity within respective countries. Since the coming to power of the PiS party in 2015 and Putin's third term in 2012, official rhetoric has gained an underlying normative, moralizing narrative promoting conservative values as opposed to the "moral decay" of the West. This "biopolitical turn" in Russian and Polish politics – the redefinition of the boundaries of the national political community and extension of state sovereignty into private lives – has led to an increase in legislation towards sexuality and gender. This paper will analyse, how the PiS and UR party are deploying biopolitical mechanisms to develop and form their countries' national identity projects vis-à-vis gender and sexuality, with special regards to the legislation implemented to ban abortion and discriminate against the LGBT (lesbian, gay, bisexual and transgender) community. I will examine this against the backdrop of international human rights norms and the implications for it, underpinned by Poland's and Russia's nationalist tendencies. In addition, I will provide an overview of the emergence and characteristics of the PiS and UR party, as well as their version of nationalism. To properly examine the research question of this paper, I will provide a theoretical background on nationalism, liberal nationalism, as well as on human rights and biopolitics. I arrive at the conclusion that in Russia, as well as in Poland the ruling parties employ biopolitics to sign restrictions into law that not only exclude the LGBT community from taking part in the political and social life of their country, but also limit women in their access to safe abortion procedures. These restrictions not only contribute to the already existing conservative sentiments in society, but also resonate within it., as it shares an agenda with the influential Catholic church as seen in Poland. Through the implementation of legal biopolitical mechanisms Russia hopes to achieve its "sexual sovereignty" from liberal Western values that meddle with UR conservative narrative.

LIST OF ABBREVATIONS

AWS – Solidarity Electoral Action, pol.: Akcja Wyborcza Solidarność

CFP – Concept of Family Policy

EU – European Union

FSB – Federal Security Service of the Russian Federation

ICCPR – International Covenant on Civil and Political Rights

ICESCR – the International Covenant on Economic, Social and Cultural Rights

LGBT – Lesbian, gay, bisexual and transgender people

OVR – Fatherland – All Russia Unity, rus.: Отечество – Вся Россия, Otechestvo – vsya Rossiya

PiS – Law and Justice Party, pol.: Prawo i Sprawiedliwosc

PO – Civic Platform, pol.: Platforma Obywatelstwa

ROC – Russian Orthodox Church

UDHR – Universal Declaration of Human Rights

UR – United Russia, Единая Россия, Yedinaya Rossiya

UN – United Nations

1. Introduction

In its annual report ILGA-Europe, a Brussel-based NGO that advocates for the rights of LGBT people, named Poland as the worst country in the European Union for LGBT people. As the ranking takes into account both the legal situation for LGBT people, as well as the "social climate" the community faces, it reveals a deteriorating human rights situation for gay people in Poland (Tilles, 2020). At the same time, Vladimir Putin, President of the Russian Federation has submitted a draft amendment to write the ban on same-sex marriages in the Russian constitution. This comes at a time when the human rights situation in Chechnya has regained international attention as the documentary "Welcome to Chechnya" by American director David France received an Oscar nomination for tracing attempts by a Moscow-based LGBT association to exfiltrate gay Chechens to safety (The Moscow Times, 2020).

This retrogression into the direction of nationalist and illiberal tendencies of both countries comes to a surprise as in the 1990s one could hardly imagine that a decade later these two countries would turn away from the liberal transition initiated by the fall of the Soviet Union into the direction of deep conservatism and nationalism.

Especially Poland was keen on leaving its communist past behind and dedicated to the notion of liberal democracy, both domestically and internationally. However, since the Law and Justice party (Prawo i Sprawiedliwość, PiS) came to power in 2015, Poland began to promote a conservative agenda, causing more and more conflicts with the European Union. The Polish government's refusal to follow the EU's common refugee policy and the adoption of the so-called "Holocaust-Law", which criminalized references to Poles as Nazi collaborationists, as well as most recently, the Polish government's initiative to transform the judiciary, were seen by the European Commission as a threat to the rule of law. Therefore, Poland became the first EU member state against whom the EU started formal investigation on the basis of Article 7. This was initiated to define whether Poland, as represented by PiS, was violating the basic principles of the EU rules and values. Additionally, in the last five years another area of conflict became apparent, as PiS started to utilize an anti-LGBT rhetoric and concentration on fighting women's access to abortion restrictions to mobilize conservative voters and to form a Polish conservative national identity. These legal actions and change of narrative seemed to indicate a more assertive national identity based on exclusiveness and distinction from other groups.

The Russian post-Soviet transition was less systemic due to principles of old governance grounded in corruption, clientelism and coercion, leading the modest liberal changes of early 1990s to stop in the middle of the 1990s. For this reason, the nationalist tendencies in Russia's domestic policy that became dominant under Putin's presidency are not surprising and unexpected. The dominant kind of nationalism in Russia today exhibits overwhelmingly illiberal characteristics, as manifested by the high degree of anti-foreign sentiments, ideologies of irredentism, anti-separatism and especially anti-minority. Especially since Putin's third term in office and the re-election of the ruling party United

Russia (Единая Россия, Yedinaya Rossiya, UR) attitudes towards the LGBT community have more and more turned hostile.

In this paper, the question of **how the ruling parties of Poland and Russia, the PiS party and United Russia party, employ biopolitical mechanisms to develop and form the countries' national identity projects vis-à-vis gender and sexuality** will be investigated. This will be answered through a case study of Poland and Russia singling out nodal points of legal biopolitical mechanisms targeting gender and sexual politics implemented after the coming to power of the PiS party in 2015 and the third term of office of President Vladimir Putin in 2012. I will examine this against the backdrop of international human rights norms and the implications for it, underpinned by Poland's and Russia's nationalist tendencies.

1.1. Methodology

This project aims to analyse how the PiS party in Poland and the United Russia party in Russia use and implement biopolitical mechanisms to develop the national identity projects of their countries vis-à-vis gender and sexuality. This case study of Poland and Russia will be investigated via a content analysis of selected laws and restrictions, implemented after 2015 and 2012, respectively. In order to be able to analyse this matter, it is crucial to also understand the limitations of this project.

Firstly, it is important to take into consideration that with the cases of Poland and Russia and their national-identity projects towards sexuality and gender an ongoing problem is researched. Although the general conservative, nationalist course the two countries are taking is not subject to change on a daily basis, there are still ongoing developments that might influence or change the opinions of policy makers in respective countries. Furthermore, it is crucial to be aware of the given time limit and conditional scope of this project. The formation of a national identity is a multilayered, complex process that is shaped by extensive factors throughout years or even centuries. It is therefore not possible to shed light on every aspect of the national identity projects of Poland and Russia towards sexuality and gender. Rather it will be concentrated on the developments in respective countries, their lawmaking and influences from religion and church in recent years since the fall of the Soviet Union.

As this paper explores the connection between biopolitics and national identities, biopolitics is just one conceptual approach to the study of nationalism and nation-building. However, as shown in this paper, biopolitics might be a valuable tool to detect particular elements of national identities that would otherwise remain undiscovered by other research perspectives. Thus, biopolitics stress that national identity making necessarily includes corrective practices of the state of administering and regulating human bodies of a society in order to form a population into a single collective body. The theory of biopolitics is especially useful for examining identities in flux, as well as national narratives that are transforming and need to be anchored in nodal points beyond traditional ideological cleavages. Therefore, biopolitics might help to stabilize the usually scattered identities through basing them in bodily discourses involved with administrating lives through sexuality, reproductive behaviour,

demographic policies, nutrition and so forth. Regardless of their appearing ideological neutrality, these matters might quickly change into manipulative instruments of the state and, contrary to initial expressions, and generate a powerful ideological influence (Makarychev & Yatsyk, 2017).

The first part of this paper will concentrate on positioning the nationalist tendencies of Poland and Russia in the larger global context of the recent wave of anti-globalization sentiments and the re-emerging of nationalism on every continent. This will be followed by a timeline of the emergence of the PiS party in Poland and United Russia in Russia as well as a presentation of their characteristic and varieties of nationalism. This will allow for a better understanding of the implications of recent nationalistic tendencies in respective countries for the building of a national identity project, especially vis-à-vis gender and sexuality. In the section of theories, I will lay the theoretical cornerstone for the following analysis of how PiS and UR employ biopolitics by implementing legal mechanisms to create its conservative identity projects. Therefore, I will present the theories of nationalism, human rights, liberal nationalism and biopolitics. In the subsequent discussion part, I will consider the significance of the creation of such identity projects for the human rights situation of the LGBT community.

2. Empirical Material

2.1. The History of Nationalism in a Larger Global Context

Nationalism is re-emerging on every continent in recent years. Starting in the mid-2010s, democracies all over the world have turned toward the right, electing representatives that stand in stark contrast to those that pushed for globalization and international cooperation two decades earlier. Today's nationalists criticize the 'globalist' liberalism of international institutions that supposedly care more about foreigners than their fellow citizens. Accordingly, nationalists promote an agenda that puts national, rather than global, interests first. Nationalism has different features in different countries, however, most of the movements and parties that belong to it share characteristics of right-wing populism, anti-globalization, nativism, protectionism, opposition to immigration, Islamophobia, Sinophobia and Euroscepticism (Eger & Valdez, 2014).

The election of Donald Trump as the 45th President of the United States in 2016 and his promoting of an anti-immigrant agenda has led to a significant rise of hate crimes under his presidency (Hassan, 2019). With the spreading of right-wing populist parties in Europe, and the rise of strongmen in states such as China, the Philippines, and Turkey, liberals around the world are struggling to find answers for populist nationalism. How quickly right-wing populism has spread globally, or at least in countries with democratic systems, is remarkable. When this decade began, hardly any of the parties and leaders that now run the world were on anyone's radar. Now, among the world's democracies, a growing number has embraced right-wing populism and is following nationalistic tendencies, and either have governments led by populist parties, or supported by them. The past few years have seen a noticeable growth in xenophobia, particularly in reaction to asylum seekers and immigrants in Europe. Simultaneously, there has been a growing rejection of European cooperation, propelling the 2016 vote in favour of Brexit in the UK, and the rise of far-right movements all over the continent. Amongst them are Germany, where the AfD has become the biggest opposition party in the Bundestag, Spain, where Vox has become the third largest force in parliament and many other European countries.[1]

This rising sentiment of nationalism is also seen in the countries of Poland and Russia with the Polish right-wing, populist party PiS and the Russian power party United Russia. Representatives of the PiS government emphasize that they are part of the international trend of shifting public sentiment toward right-wing parties, and consider themselves defenders of Western traditions of culture and civilization, especially Christian values. PiS leaders refer to themselves as the "patriotic and national camp", the "independence" or "anti-system right", as well as the "social right", along the lines of the British Conservatives after Brexit, Donald Trump, and the critique of liberal democracy by the German right-wing political theorist Carl Schmitt. More concretely, they see PiS policies as an attempt to counter

[1] For an overview of the rise of nationalism in Europe see picture 1 of the appendix.

the globalization process, growing inequalities, and ideological threats, and party politicians often stress that they want to build relations with foreign partners on equal terms (Jasiecki, 2019, p. 131). Also, Russia's nationalist movements are on the rise, firmly believing that the country's rightful role as a great power can only be saved by a strong nationalist, even authoritarian government that is able to reintegrate the territory of the former Soviet states, as seen as the annexation of Crimea in 2014.

The countries of Poland and Russia have been selected as a case study in this paper. In the following, the emergence and the characteristics of these parties shall be examined, followed by a closer look into the legislation practices considering sexuality and gender.

2.2. The Characteristics of the PiS Party in Poland

2.2.1. The Emergence of the PiS Party in 2001

The period of political change in Poland began in 1989 with the collapse of the Soviet Union, after years without democratic institutions at every level. The fall of communism led the years after 1990 to be overshadowed by a certain 'political vacuum' in the country and only in the second half of the 1990s was new political system introduced based on the division of power, political pluralism and a parliamentary-cabinet form of government with a stronger position of the President than in classic models (Jaskiernia, 2017, p. 229). The reception of a western pattern of political competition had a crucial meaning for the development of a democratic political party system in Poland that was stabilized by the Constitution of the Republic of Poland from 2 April 1997 that as well was based on European democratic standards.

The Polish Law and Justice party was founded in 2001 by the Kaczyński twins, Lech and Jarosław, as a centrist and Christian democratic party (Flis, 2012). It was created on a wave of popularity gained by the late President of Poland, Lech Kaczyński, while heading the Polish Ministry of Justice in the government formed by the election campaign Solidarność (Solidarity Electoral Action, Akcja Wyborcza Solidarność – AWS) under Jerzy Buzek. The AWS was an "ideologically eclectic and heterogeneous political conglomerate including socially conservative trade unionists, Catholic nationalists and relatively secular liberal-conservatives" (Bale & Szczerbiak, 2006, p. 14). It also contained a significant self-declared Christian Democratic element, as well as incorporating more than 30 such organisations including a Christian democratic party called Centre Agreement (Porozumienie Centrum) founded by Jarosław Kaczyński in 1990. Its programme included a strong opposition towards socialism and communism, placing Catholic Church teachings as a model for society and favouring a free market liberal economy (Migalski, 2006, p. 39). After the party become part of the AWS coalition in 1996 and splitting up in 1999, a faction that remained loyal to its founder and leader Jarosław Kaczyński continued the Centre Agreement party as an independent party – one that eventually formed the core of the new right-wing PiS party in April 2001 (Bale & Szczerbiak, 2006, 13f).

PiS was primarily formed as a party fighting corruption, a law-and-order party, symbolized in its 2005 election slogan of building a "Fourth Republic", a conservative construction based on a fundamental critique of the post-1989 Poland as being corrupt and requiring extensive moral and political renewal. PiS successfully took over welfare as its campaign issue from the social democrats and mobilized religious and traditional conservative values by strengthening its ties with the Catholic Church that holds great support and influence in Poland (Jaskiernia, 2017, p. 229). The reason for why more and more voters declared their support for PiS was based on its total criticism and never-ending war declared on all political decisions and actions of the ruling government, especially in the domain of foreign and security policy (Bobrowski, 2007, p. 72).

In the September 2001 general election, PiS managed to become the fourth largest party with 44 (of 460) gained seats in the lower chamber of the Polish Parliament, the Sejm, and 9,5% of votes. It then went on to win the September 2005 parliamentary election with 27% of the votes and 155 seats, therefore defeating the incumbent government and marking the end of the Solidarity-successor party divide that characterized Polish politics since 1989 (Jaskiernia, 2017, p. 229). In October 2005, Lech Kaczyński was elected as President of the Polish Republic by winning 55.04% of votes in the second round run off (Bale & Szczerbiak, 2006).

At first glance, PiS appeared to closely resemble an archetypal Christian Democratic party. Its economic programme was infused with 'social market' rhetoric, and the party saw the function of the state as fulfilling a significant regulatory and interventionist role to guarantee economic security for its citizens. Its 2005 election successes were due to its commitment to the concept of a 'social' Poland, arguing that it was the state's responsibility to build more solidarity between those who had succeeded in the new capitalist Poland and those who felt that they had lost out from economic transformation. From the outset, however, PiS was also a culturally conservative party strongly committed to traditional social values, particularly the importance of using social policy to support the family. It also argued that the state should recognise the importance of and respect Christian values, for the reason of the self-image of Poland as being the "Christ among nations" or the martyr of Europe. This narrative and messianic complex can be traced back to the Romantic poet Adam Mickiewicz (1798-1855), who is considered to be one of Poland's greatest poets. He claimed that Poland's suffering under invasions and partitions would save Europe as a whole. During the periods of foreign occupation, the Catholic Church served as a bastion of Poland's national identity and language, and the major promoter of Polish culture (Hopkin, 2011). PiS therefore felt that Christian values provided the necessary base for all actions not only in the private but also in the public sphere (Bale & Szczerbiak, 2006), p. 19f.).

In 2010, a disaster took place that not only severely changed the political landscape of Poland but also had decisive character for the Polish society. On April 10th 2010, the Polish presidential airplane crashed near Smolensk, Russia during an official trip to a commemoration ceremony for the Polish officers murdered in Katyn by the Soviets in 1940. The plane crash killed all passengers, including the Polish President Lech Kaczyński as well over 90 important political figures. The tragedy of Smolensk

caused a major split in Polish politics. A mythos was created according to which the plane crash was caused by a Russian bomb attack. This myth was created and spread by the national PiS camp, although both Polish and Russian investigators, after meticulous examinations of the wreckage, flight recorder and corpses, did not find the any evidence of an alleged attack. Rather, the Polish public prosecutor's office came to the conclusion that the president's plane had crashed in the woods, mainly because the crew had tried, against all regulations, to land in dense fog on an inadequately equipped airfield in order to reach the memorial ceremony in time (Schuller, 2018, 103f).

The Smolensk case is complicated because two aspects of the Polish experience with the lie can be seen in it. Firstly, the comprehensive willingness with which Kaczyński's camp took over and multiplied the assassination thesis despite of all its adventurousness reflects the fundamental mistrust against public narratives of this society experienced with lies. The fact that the state, both the Polish and the Russian state, operates with deception and murder has been a sad matter of course in Poland since, if not already before, the start of communism in Poland. Nobody of the national camp wants to believe that it was different, of all things, as President Lech Kaczyński died, who was, according to the conservative legend, the only Polish president for generations that was not an anticipatory accomplice of Moscow and Berlin (Schuller, 2018, 103f). Furthermore, the Smolensk disaster was of crucial importance not only for Polish politics but also for its narrative and self-perception. Already on the day of the accident a new narrative of the PiS party was emerging. It was no longer about suspicious insider relationships, corruption or the broken state as PiS was claiming in its election campaign slogan of the 'Fourth Republic'. Donald Tusk, together with Vladimir Putin, was supposed to have prevented the re-election of Lech Kaczyński by causing his death, staging it as a plane crash and covering up an alleged Russian bombing. It didn't matter that members of various parties were on board, or that the president had poor polling results – the assassination theory symbolically fitted perfectly into the historical context of Katyn.

2.2.2. The October 2015 Election

The October 2015 Polish parliamentary election saw the striking victory of the PiS party which became the first in post-communist Poland to secure an outright parliamentary majority. After eight years in opposition, PiS returned to power by creating a single-party government, avoiding negotiations, and compromises with coalition partners (Markowski, 2019, 111f).

PiS's ability to form a much more successful integrative ideological narrative in the wake of the Smolensk disaster – by accusing the incumbent government of treason and referring once again to Poland's self-image as a victim of foreign powers and the "Christ of nations" - than the PO party, helped PiS to win 37,6% of votes and 235 seats in the Sejm. After the Smolensk disaster, PiS decided to abandon direct remarks to its previous campaign slogan of the above mentioned 'Fourth Republic' project of moral and political renewal and decided to concentrate more on socio-economic issues (Szczerbiak,

2016, p. 22). As part of a programme that was titled ‘good change’ (dobra zmiana), PiS promised its voters a series of attractive but potentially very costly undertakings, inter alia to undo the PO government’s highly unpopular decision to increase the retirement age, to introduce additional child benefits for poorer or larger families, and to establish tax-free income thresholds (Ibid., 10f). Nevertheless, next to a concentration of the social and welfare needs of its voters, PiS’s conservative-national project has also put a strong ideological focus on a radical reconstruction of the Polish state and the moral and political renewal towards a stronger conservative and religious narrative. This provided the party with a sense of cohesion and purpose and bound it closely to its core voters. This link was re-enforced strongly by the Smolensk tragedy in 2010 which, together with the concomitant portrayal of Lech Kaczyński as a national martyr, became a touchstone issue for PiS through which it could built even stronger emotional ties with its supporters (Ibid. p. 22).

2.2.3. October 2019 Election and the Use of Anti-LGBT Rhetoric

In the October 2019 election PiS again managed to strengthen its position by easily sweeping to power for a second term. However, after the vote counting determined PiS winning of 43,59 percent of the votes and therefore 235 seats – a majority of five seats in the 460-seat Sejm – the party was facing a new constellation in the senate. For the first time in four years, the opposition controls with the senate an institution that could cause PiS problems in getting their political agenda enacted. The October 2019 election in Poland saw the rise of anti-LGBT rhetoric and issues of sexuality and gender as one of the key themes of the election campaign of the PiS party. A tactic, PiS is not using for the first time as ahead of the 2015 parliamentary elections, PiS – then in opposition – focused its campaign rhetoric on refugees by creating the image of migrants as not belonging to Polish society, being alien and a threat to their conservative, catholic values. Four years later, in the run-up to the parliamentary elections on 13 October 2019, PiS was employing similar tactics with respect to LGBT rights.

Even though LGBT issues were previously not high on the party’s agenda, PiS has a long-standing record of supporting anti-LGBT views. One of the recent key turning points has been the rise of a transnational movements against the so-called ‘gender ideology’, an empty, flexible term, used by anti-gender groups and campaigns to nourish moral panics and mobilise simplistic logics and imaginaries, as well as constitute volatile enemies – often feminists, gays or the LGBT community. In Poland as well, this term is most often associated with such issues as abortion rights, sex education, reproductive technologies as well as feminist and LGBT activism. In January 2014, a number of conservative politicians established a parliamentary group ‘Stop Gender Ideology’, with the main aim being to defend ‘traditional family’ and children. After their win in the 2015 elections, PiS and politicians associated with the party continued their anti-feminist and anti-LGBT politics.

In the 2019 election campaign, PiS specifically targeted the LGBT community. The triggering event was the signing of ‘The LGBT+ Declaration’ in February 2019 by the Mayor of Warsaw, Rafał

Trzaskowski, who belongs to the now main opposition party, the PO. The document was based in parts on consultations with Polish LGBT organisations and was designed to fight against anti-LGBT discrimination promising support for vulnerable lesbian, gay and transgender people. PiS protested against it because it included sex education guidelines compiled by the World Health Organisation, which some of the party's members, including Kaczyński, interpreted as the 'sexualisation of children'. This builds on an old stereotype which conflates homosexuality with paedophilia and portrays contemporary LGBT identities and activism as a foreign, specifically western, import. In the process, a vague 'gender ideology' has been turned into a more specific "LGBT ideology", the phrase which has recently become more common among PiS politicians and that describes an allegedly aggressive movement and policy agenda based on foreign ideas promoted by left-wing enemies of western civilisation.

The PiS party is not alone in its treatment of LGBT people. It has found allies in the public media, when the main news programme, Wiadomości, framing LGBT in a negative context, viewing them as "sexualising' children, attacking 'traditional family values", disrespecting the Catholic Church or demanding "special rights" and "privileges". This, however, is still relatively mild compared to the pro-government right-wing media. The conservative newspaper Gazeta Polska issued in July 2019 "LGBT-free zone" stickers, encouraging its readers to spontaneously use them to mark places where LGBT people are not welcome. Additional to politicians and the media, also the Catholic Church with some prominent bishops demonises LGBT people. A recent example is the Archbishop of Kraków, Marek Jędraszewski, who called LGBTs a "rainbow plague". Speaking during the ceremony commemorating the 75th anniversary of the Warsaw Uprising, he explained that while Poland is no longer affected by the "red plague" (a reference to communism), there is a new plague, which is "not Marxist, Bolshevik but born of the same spirit, neo-Marxist. Not red but rainbow" (Szulc, 2019).

Centring the election campaign on LGBT issues resulted in the mobilisation of both hate and solidarity. The former is epitomised by the reactions to the first Equality March organised in Białstok in summer 2019, where the participants were violently attacked by the far right. The latter is best illustrated by a spontaneous Twitter action #JestemLGBT (#IamLGBT), during which hundreds of thousands of people came out publicly by posting selfies. They showed that the so-called "LGBT ideology" is not about sexualising children nor about threatening families. LGBTs are not the paedophiles, communists or "homo lobbyists" PiS want them to be but real, often ordinary, people.

2.2.4. PiS's Electoral Base

Considering all this, the apparent strong support of the PiS party by its voters, leads to the question of where in the country the party holds its strongholds and of what characteristics its voters are.

The PiS party is widely popular in Poland, firstly, and perhaps most importantly because of the trust bestowed on them concerning socio-economic issues that their voters care about most. PiS has

delivered on many high-profile social spending pledges which were the key to PiS election success in 2015. The most significant of these was its extremely popular flagship '500 Plus' child subsidy programme. The '500 Plus' programme has had an important symbolic effect, providing a significant and clearly identifiable financial boost to many low-income households who felt frustrated that they had not shared sufficiently in Poland's post-communist economic transformation. Many Poles feel that, while politicians often promised to help the less well-off, PiS is the first governing party to actually deliver on these pledges on such a scale. At the same time, although the government's opponents argue that the huge expansion of social spending and tax cuts places a massive strain on public finances, economic growth is strong, unemployment at its lowest for years, and increased tax revenues have actually led to a reduction in the state budget deficit (Szczerbiak, 2019).

A second reason for why PiS is still highly successful among its voters is that the party is putting itself in the position of the defender of the Polish national identity, its traditional values like a traditional family and Catholic values and culture. The party is portraying itself as a guarantor and stabilizer of social order, common good and at the same time promotes those values to be under threat by "a great offensive of evil" (wielka ofensywa zła). As already mentioned above, this could initially be seen in the party's strong opposition to the EU's compulsory migrant relocation scheme in 2015 when the party argued that the taking in of Muslim refugees would put the national security into danger. However, this discourse has now been exchanged for a concentration on the term of 'LGBT ideology'. This focus on polarising issues strike an emotional chord with many Poles because they entail a clash of basic moral-cultural values and shed light on some of the deepest divisions in Polish society. Therefore, protecting traditional moral codes and opposing western cultural liberalism has always been PiS's strategy to appeal to more socially conservative voters. For this reason, highlighting the importance and urgency of these issues helps to mobilise the party's core supporters in smaller towns and rural areas where such values still carry considerable weight. However, PiS has managed to frame its arguments the way that it is not only able to mobilise its core voters but also win a broader public support for the party. The majority of Poles support the PiS government's strong opposition to the EU's mandatory relocation scheme. Similarly, while Poles appear to be increasingly tolerant of LGBT lifestyles, popular acceptance starts to deteriorate when the agenda moves beyond how individuals choose to live their private lives into areas which they feel belong to the realm of family life, such as proposals that appear to diminish the role of parents as the primary educators of their children in matters of sexual relations and morality.

2.2.5. Narratives of National Identity in Poland

To understand why the PiS party was so successful with its usage of anti-LGBT rhetoric in recent elections, it is important to take two strong narratives of the Polish identity project into consideration. Poland belongs to states with particularly strong narratives of national identity around which Polish nationalism emerges. These narratives mainly concentrate on three main strands.

First, it contains the self-understanding of Poland being a Catholic country and one of the fortresses of Christianity in Europe. The second narrative portrays Poland as a specific nation placing a particularly high importance on the value of national freedom and solidarity both at the domestic and the international level. The third strand of Poland's narrative of national identity is linked to the second and constructs Poland as a country threatened by powerful neighbours like Germany and Russia and exposed to the disloyalty of allied great powers. Against the background of the fact that Poland has been anchored in the most important institutions of the West, such as the European Union in 2004 and NATO in 1999, the scenario of an actual threat coming from Germany is almost entirely absent in the dominant Polish discourse. However, the German economic and financial preponderance and the supply of energy resources from Russia are constant areas of Polish concern. These three narratives are of course not the only referential points of discursive commitments of Polish political and societal actors. However, even in cases of the actors' more abstract appeals to "national interest" or "national values", those three narratives remain the framework of interpretation of what 'national interest' or 'national values' might be (Karolewski & Suszycki, 2011, pp. 277–278).

A majority of political and societal actors, including the Catholic church of Poland, refer to the narrative of Catholic Poland to legitimise the prominent power position which the mighty Polish Catholic church acquired in Polish politics after 1989. This position goes beyond its official definition as cooperation between state and church. The church has become an important political actor since it has great influence not only on society but also on politicians themselves, to an extent hardly comparable to any other European state. This position guarantees the church significant financial privileges and a strong influence on legislation in all issues related to morality and sexuality such as abortion, the use of contraceptives and same-sex marriage. In political and social discourse, the terms "Pole" and "Catholic" are difficult to decouple. The narrative of the Catholic nation is used to legitimise a firm opposition to the liberal philosophy of life and legal practices with respect to gender parity and equality, abortion, sexuality and the rights of homosexuals. The claims of proponents of liberal practices in this regard are described as being at odds with 'Polish traditions and habits' and rejected (Ibid., pp. 278-279).

Similar nationalist trends can be found examining the political sphere. In 2007, then Polish Prime Minister Jarosław Kaczyński expressed his concerns that the anti-discrimination provisions of the Charter of Fundamental Rights attached to the Treaty of Lisbon could become a way to push through more liberal rules on same-sex marriages in the country. Kaczyński also rejected the criticism expressed in April 2007 by the EU Parliament of a ban on 'homosexual propaganda' introduced in Polish schools by his government, saying, that it was "not in society's interests to increase the number of gay people"(Ibid., pp. 279–280).

2.2.6. Legislation Efforts regarding Gender and Sexuality

To understand the implications of the re-elections of the PiS party for gender and sexuality issues and legislation, it is crucial to comprehend the legal situation in the first place. This involves abortion rights, same sex marriage, sex education and adoption rights of same sex couples.

In the Constitution of the Republic of Poland of 2nd April 1997, marriage is defined as "a union of a man and a woman that shall be placed under the protection and care of the Republic of Poland" (Chapter I, Article 18), abortion is being entailed in Chapter 2, Article 38. Poland has one of the most restrictive abortion laws in Europe, along with a group of other traditionally Catholic countries, such as Malta, the Vatican or until recently, Ireland.

Historically, abortion was banned in Poland completely, until in 1932 the new Criminal Code legalised the procedure only when there were medical reasons and when the pregnancy resulted from a criminal act. Poland was one of the few countries in the world to outlaw abortion after decades of liberal legislation during Communist rule. In 1989, the new government sought to impose an outright ban on abortion, which had been legal in Poland since 1956 – widely seen as a payoff to the Catholic Church for its integral role in nurturing the rise of the opposition. Widespread protests against the ban led to the creation of the restrictive 'compromise bill' in 1993 that is in place up until today (Nowicka, 2004, pp. 170f). Nowadays the legal status determines abortion to be banned except in three cases. Abortion is allowed when the woman's life or health is endangered by the continuation of pregnancy, when the pregnancy is a result of a criminal act, like incest or rape, or when there is a high probability of a severe or irreversible foetal impairment (Roache, 2019). While the access to abortion plays a crucial role in protecting women's lives and health, in March 2016, lawmakers tried to impose a full ban on abortion, which threatened to imprison women seeking abortions and doctors who performed the procedure for up to five years. Even "suspicious" miscarriages could be investigated. This led to one of the largest demonstrations in the history of the country, the so called "Black Protests" (Czarny Protest).

However, just while conducting the research for this paper, a further restriction of abortion laws is being discussed in Polish parliament on 16 April 2020, in the midst of the Coronavirus pandemic. The proposals that would effectively end legal abortion comes from citizen's initiatives. The first initiative entitled "Stop abortion" (Zatrzymaj aborcję) aims to prohibit the termination of pregnancies due to foetal defects, therefore banning one of the three ways to legally have an abortion in Poland. PiS's chairman Kaczyński said about this topic already in 2016 during the first attempt to pass this legislation, that his party would "strive to ensure that even very difficult pregnancies, when the child is condemned to death, is severely deformed, will end in birth, so that the child can be christened, buried, given a name" (Wilczek, 2020). However, the diagnosis of birth defects is the justification for around 98 percent of the 1,000 or so legal abortions that take place in Poland each year, meaning that the proposed bill would almost complete end lawful terminations.

The second initiative the parliament is considering is entitled "Stop paedophilia" (Stop pedofilii)

that would include jail sentences for those who "propagate or approve of engagement by minors in sexual intercourse or other sexual activity" (Ibid.) while "performing activities related to upbringing, education, health care or care of minors" (Ibid). Critics argue that the working of the law would effectively make it a criminal offence to teach sex education to minors. The organisation behind the initiative, Fundacja Pro, has publicly campaigned against sex education, which it says is a way of "preparing or perpetrating paedophile offences" and "sexually corrupting children" (Ibid.).

In terms of law, sex education in Polish public schools appeared in 1993. It states that courses on the sexual life of an individual, principles of conscious and responsible parenthood, the value of family, life in the prenatal phase, as well as on methods and measures of conscious procreation shall be introduced into school curricula. The authors of the core curriculum focus principally on family in a religious and conservative sense and not on sexual education. Contraception is discussed very rarely, and each time, it is juxtaposed with natural family planning and compared almost to abortion (Grupa Ponton - Edukacja Seksualna, 2017).

As already stated above, Poland does not legally recognize same-sex unions, either in the form of marriage or civil partnerships. According to surveys conducted in 2015, 47 % of questioned Poles said homosexuality should not be accepted by society, which is also accompanied by low levels of support for the legalization of same-sex marriage (Lipka & Masci, 2019). Only 32 % of Poles showed support for same-sex marriage, while younger people (under 35 years) are less opposed to homosexuality and more inclined than their elders to favour legal gay marriage (Pew Research Center, 2017). Furthermore, same-sex couples are unable to legally adopt in Poland, this may be the form of a joint adoption by a same-sex couple, adoption by one partner of a same -sex couple of the other's biological child, or adoption by a single LGBT person. Furthermore, lesbian couples do not have access to in vitro fertilisation. Additionally, almost 100 local municipalities across Poland including five voivodships in the southeast of the country have adopted resolutions 'against LGBT propaganda' or 'pro-family', creating what rights group describe as hostile spaces for anyone who is not heterosexual or committed to the so-called "natural family"[2]. The resolution says its purpose is to "defend children, youth, families and Polish schools from sexual depravity and indoctrination, which lead to many pathologies already existing in Western countries, such as accepting pornography, abortion, sexual criminality, the crisis of the family and others" (Ciobanu, 2020).

2.2.7. The Importance of the Catholic Church in Poland

The church in Poland is deeply rooted in Polish society; however, there is no official religion in Poland and the freedom of conscience and the freedom of religion are guaranteed by the Constitution. This means churches of all denominations and the State are independent and autonomous. Nevertheless, the

[2] For a map of the "LGBT-free" zones in Poland see appendix, picture 2.

Roman Catholic Church is the biggest church in Poland with an overwhelming majority of around 87 percent of the population being Roman-Catholic (Eurostat, 2019).

The strength of the Catholic Church in Poland has diverse reasons, many among those have historical origins. One of them being the important role ordinary priests played in supporting Poles in the post-war era, and especially since 1970 with the rising of the Solidarność movement and the cry for independence from communist rule. In this period, the Church alternated between presenting itself as a bastion of opposition to the regime and seeking to mediate between the Solidarność movement and the communist regime. The legacy of the 1980s not only shaped the thinking of Church leaders and encouraged them to pursue an ambitious social agenda but also bestowed the Church until today with a positive perception in Polish society as an important factor to end Soviet oppression (Ramet, 2017, 19f). A second source of the Church's strength, at least in earlier decades and even now for members of the older generation, is the Catholic Church's strict conservatism. The Catholic Church's refusal – not just in Poland, but worldwide – to liberalise its teachings on sex-related matters, at a time when increasing numbers of Catholics either reject or ignore those teachings and are sceptical about the Church's teachings on contraception, in vitro fertilisation, and homosexuality, makes it appear as a bastion of traditional and conservative values that are – especially in times of an increasing liberalisation through globalisation – in the eyes of many conservative Poles threatened. Another important factor for the influence of the Catholic Church nowadays in Poland is the long reign (1978-2005) of Pope John Paul II – the "Polish pope". In his visits to his native country in 1979, 1983, and 1987, this charismatic pontiff electrified Poles, inspiring them to believe in the possibility of a politically freer, generally freer future. His contribution to strengthening the bond between the Church and the Polish nation, and thus, to strengthening the Church in Poland, cannot be doubted (Ibid).

The authority of the Church in society, and the synergy effects with the conservative party in power have provoked a major shift to the right in public opinion and in accepted societal norms. The Church, as a well-respected authority, affects large segments of the population. Catholic moral concepts thus cannot be ignored in any public debate since they effectively shape majority opinions and norms.

2.3. The Characteristics of the United Russia Party in Russia

At first glance, the Russian turn to conservative values appears to be caused by a different set of reasons than Poland's. Russia's turn towards nationalist structures and thought occurred much earlier than in Poland and well before opponents of liberal reforms united under the flag of conservatism and nationalism.

The following part of the paper will, correspondingly to the analysis of the development of the Polish PiS party, examine the emergence of United Russia after the collapse of the Soviet Union and Vladimir Putin's rise to power. It will further consider the role of the Russian Orthodox Church (ROC)

in today's Russia, be it on its population or the state, as well as shed light on the legislation aiming at sexuality and gender in Russia.

2.3.1. The Emergence of United Russia

In 2005, Vladimir Putin famously declared in his annual state of the national address to parliament: "First and foremost it is worth acknowledging that the demise of the Soviet Union was the greatest geopolitical catastrophe of the century" (Eltchaninoff, 2018, p. 22). This often-quoted statement is exemplary for Putin's underlying motivation since the collapse of the Soviet Union in 1991 and his coming to power in 1999 (Bullough, 2014). His intentions of rebuilding a Russian sphere of influence like in Soviet times and of restoring Russian power is supported by the United Russia party, which was founded in the course of an institutionally fought elite conflict in the run-up to the 1999 elections.

After the chaotic years and political void after the fall of the Soviet Union, the 1996 presidential elections were dominated by the struggle for power between different oligarchic groups. They were closely linked to the party competition in the Duma and to various other arrangements aiming to secure the planned transfer of power from President Yeltsin to Vladimir Putin. In August 1999, the Kremlin authorities had initially elevated the head of the Federal Security Service of the Russian Federation (FSB), Putin, to the position of prime minister. In a second step in autumn 1999, they founded a new party from above. It was christened "Unity" (Еди́нство, Yedinstvo) and was intended to actively support Putin on his way to the presidential elections and the highest state office. In a third step, at the end of 1999, Yeltsin prematurely vacated the presidential chair in order to give his protégé Putin the bonus of being an "executive president" and thus further increase his chances of winning the presidential election in spring 2000 (Colton, 2008, 432ff). While Yeltsin's associates backed Putin and the new party, the group led by oligarch Luzhkov decided to also participate in the Duma elections with a newly founded party. Luzhkovs "Fatherland – All Russia Unity" (Отечество – Вся Россия, Otechestvo – vsya Rossiya, OVR) saw itself as a centrist political force and relied primarily on powerful regional leaders, especially governors from resource-rich provinces.

Following a series of bomb attacks in Russia in September 1999 attributed to Chechen terrorists which left the country in a collective shock, then prime minister Putin ordered a decisive military strike by the Russian army and sent troops to the rebellious Chechnya republic. This and the following Second Chechen War earned him and the Unity party enormous popularity (Gordon, 1999). The result was that in the State Duma elections 1999 the OVR party came in a modest third place behind the communists CPRF and 'Unity'. However, the rise of this new party was rather surprising as 'Unity' won 23% of the votes, only 1% behind the leading communists, without a programme of its own, without well-known leaders and without any organisational substructure. Decisive for the good results of "Unity" in the elections was therefore the popularity of Putin he gained in the course of his determined demeanour during the Chechen crisis. He also complied with the desire of many Russians to demonstrate power, as

well as to regain respect on an international level after the perceived humiliation through the fall of the Soviet Union. Additionally, many Russians believed, that a clampdown in Chechnya was necessary to prevent a further fragmentation of the Russian Federation. Therefore, the election results made clear that Putin was going to win the 2000 presidential election (Mommsen, 2010, p. 67).

Although "Unity" was initially conceived only as a temporary counter-project and limited only to the 1999 Duma elections, the Kremlin gradually developed the party into a stable political force. Through the fusion of the OVR and "Unity" a hegemonic party was formed: "Party of Unity and Fatherland", or more commonly, "United Russia".

2.3.2. State Duma Elections 2003 and 2007

Throughout Putin's first years as president, the country's economy improved considerably, growing more each year than in all of the previous decade and Putin's approval ratings hovered well above 70%. Due to UR having a two-thirds majority of the mandates and the high level of party discipline, Putin was able to push through a wide range of fundamental reforms. UR characterised itself as wholly supportive of Putin's agenda, which proved a recipe for success. Putin himself was perceived as a "liberal conservative" linking a strong state and conservative values with an open market economy (Bluhm, 2019, p. 29). As the economy continued improving and Putin executed several popular moves, such as reining in the unpopular oligarchs, his approval ratings stayed high and helped him win the 2004 presidential election with over 71 percent of the votes.

The parliamentary elections in 2007 as well proved a stunning victory for UR, which won 64,3% of the votes. However, the legislative agenda shifted somewhat after the 2007 elections. Previously being mostly focused on economic reforms, the dominant issues now shifted to anti-terrorism legislation, large increases in social spending and the creation of new state corporations. The Duma elections 2007 and the following presidential elections in 2008 brought another change to the political landscape of Russia as constitutional restriction prevented Putin from pursuing a third term in office. After much speculation, in December 2007 President Putin designated Dmitry Medvedev, one of his deputy prime ministers and chair of Russia's state-dominated natural gas company, Gazprom, as his favoured successor. Putin not only took over the post of prime minister and head of the government but also accepted the nomination to the post of Chair of UR, however denied becoming a party member. According to his own statements, Putin perceived it as inappropriate as president to be associated with a single party which appears almost ironic considering the fact that UR had the facto previously been an instrument of Putin's exercise of political power. As a prime minister and head of government, however, he considered it appropriate to head the party (DeBardeleben, 2013, 37f).

2.3.3. State Duma Elections 2011

The most recent and third leadership transition, again "engineered" from above, went smoothly in a technical sense as it unfolded in late 2011 and early 2012 with Putin accepting the mandate to become President again (Ibid, 38f). The legislative election of December 2011 maintained the majority position of Putin's party in the State Duma. Behind the electoral success however, UR's popularity had been declining in the period preceding the 2011 election. Part of the pattern may have been linked to the effects of the economic crisis of 2008-09, which led to rising unemployment, wage arrears, and periodic disruptions in some public services in some localities. At the same time, earlier in the year, the party became a public target of sometimes virulent and visible political criticism; a much-repeated depiction of UR as a party of 'crooks and thieves' was coined by Alexei Navalny - back then anti-corruption blogger and protester – in a radio broadcast in February 2011. The term resonated with elements of the public who perceived the party as abusing its power and involved in the network of corruption that characterizes the Russian political system.

The parliamentary election 2011 was marked by electoral fraud, as well as biased media coverage. Instances of ballot box stuffing were documented on the Internet, leading President Putin to command the installation of video cameras in polling places for the presidential election to follow and protect against a repeat of these charges. The public protests that followed the election demanded that the election be rerun; it was commonly believed that without interference, the vote would have left UR in a minority position, at least in the popular vote. The protests of late 2011 continued into 2012 and were of a qualitatively different nature from the demonstrations organized over the previous several years by opposition forces, primarily because they took on a mass nature and because the demands and grievances were overwhelmingly political rather than economic.

The 2011 Duma elections therefore sparked the first tangible political crisis of Putin's regime since the start of his leadership in 2000. The protests firstly revealed the low support for the ruling party, which was regarded as one of the pillars of a new Russian nationalism. They also contested Putin's personal popularity, which seemed to be the other pillar of regime stability and the basis of Putin's indisputable leadership within the elites (Rogov, 2016, p. 3).

2.3.4. State Duma Elections 2016 until now

Despite serious Kremlin efforts to suppress and marginalize the opposition in after the 2011 elections, to strengthen control over the media, and to promote conservative values, the results were limited. At the end of 2013, Putin's approval rating was approaching the lowest levels in his presidential career.[3] Thus, Putin's decision to annex Crimea in early 2014 evoked patriotic excitement inside Russia and led

[3] For an overview of Putin's approval ratings in the last years, see appendix figure 3.

to a broadening conflict with Western countries. In general, the Ukraine crisis radically changed the national political agenda and actualized a new pattern of legitimacy for Putin. Now he was not so much a figure providing political stability and economic recovery as he was portraying himself in the 2000s, but a defender of national interest recovering national losses (both symbolic and material), and protecting national sovereignty in the face of a hostile Western alliance. This pattern of Putin's legitimacy and confrontation with the West was an effective Kremlin counter-attack against the civic uprising and demands for modernization, mobilizing patriotism and anti-Westernism to create a new majority in support of Putin. The Russian seizure of Crimea was preceded by a propaganda offensive proclaiming the defense of the Orthodox Christian ideology as the significance of the Moscow Patriarchate in the minds of Orthodox Christians is linked to the geopolitical significance of the former Soviet sphere of influence. Additionally, it is especially linked to the way that Putin has embraced Orthodox Christianity as the single most distinctive feature of Russia's cultural heritage, which he believes extends beyond the borders of Russia itself (Schwartz, 2014).

However, the 2016 Duma election results showed that the patriotic enthusiasm evoked by the annexation of Crimea in 2014 has largely been exhausted. The election cycle in 2016-17 experienced a historical low level of turnout with just 47,88 percent of the Russian population voting.[4] As a result of these elections, United Russia won a supermajority with 54,2% of votes and 343 seats, allowing them to change the Constitution without the votes of other parties (Fishman & Bodner, 2016). The presidential elections took place in March 2018 with Vladimir Putin being re-elected for his second consecutive and overall, fourth term in office with 76,69% of the votes (Reilhac, 2017).

After taking office for the second consecutive time, a discussion arose whether or not, Putin would attempt to stay in power or maybe refer to Medvedev as a placeholder once again. The riddle was solved as Putin in his annual address to the Federal Assembly on January 15, 2020 announced a radical series of constitutional reforms. In those, Putin proposed inter alia further limiting Russian citizens' abilities to seek human rights protections through international courts and agreements (Pertsev, 2020). Furthermore, Putin plans on adding a measure to the Constitution that would prevent international law from being prioritized completely over Russian law. This step would have to go hand in hand with forming and accepting a new Constitution, not as it is proposed to only ament one clause of Article 15 of the current Constitution (Dmitriev, 2020). Putin's own role in the federal government newly planned structure provides for his already completed four terms of office to be set to zero, thus enabling him to serve two more terms until 2036; additionally, the clause limiting presidents to two consecutive terms should also be amended (Bigalke, 2020).

[4] For the voter turnout in the parliamentary and presidential elections from 1991 until 2016, see appendix figure 4.

2.3.5. United Russia's Electoral Base and Ideology

The history of UR is undoubtedly closely linked to Putin's political career as it was partly established from above to guarantee the retention of power to Putin. Despite its lack of ideology in the founding days of the party, over time UR developed a regular voter base. Its base of popular support remains relatively strong among the mass of the Russian population as the foundations of Putin's legitimacy lie in the contrast to the period of economic decline and increasing lawlessness that characterized the 1990s in Russia (DeBardeleben, 2013, p. 54). In 2003, the newly formed majority party UR was conceived with the intention of reaching the widest possible voter constituencies in order to secure power permanently, and it therefore attempted to establish itself as a centrist or 'catch-all' party aiming at transcending ideological classifications (Bluhm, 2019, p. 30). Additionally, UR's market-friendly policy at the beginning of the 2000s earned it the support of younger, pragmatic voter groups. Its programmatic shift towards stabilising the state and higher social spending in the mid-2000s also secured the support of pensioners, residents of rural regions and state employees.

Its rise to become Russia's official so-called "party of power" together with Putin's popularity, helped UR to achieve a stable voter base. The concept of a "party of power" created by political scientist Vladimir Gelman characterises UR and the reasons of its success (Gelman, 2006). Firstly, UR is controlled by the state leadership to determine the legislation: While Yeltsin was still in constant struggle with the Duma and its political forces, Putin and later Medvedev, together with UR, could rely on a loyal governing party in parliament. Secondly, UR presented itself largely free of ideology and instead relied on stability. In doing so, it served the longing of many Russians for order at the end of the 1990s on the one hand, and made it difficult for the opposition on its right and left to form a credible alliance. Thirdly, UR's privileged position as the Kremlin's nurse child allows it to draw on enormous resources: Funding, airtime, the support of popular politicians and public figures. In return, it reliably supplies majorities and ensures a balance of interests between rival elites by providing relatively broad access to state revenues, promotion opportunities and even bribes (Reuter, 2011, p. 2).

In 2013, Putin rang in another era of ideological concentration of UR. His open confession to "conservative values" and his recommendation of selected Russian pre-communist conservative thinkers as required readings for the Russian elite can be linked to a new-found Russian conservatism. While before the conservative political identity of UR was formally and symbolically separate from the president, conservatism had now been adopted by the very top of the Russian government. Even if Putin still defines himself as a "pragmatist with a conservative bent", he now publicly tied himself to conservatism (Bluhm, 2019, p. 32).

2.3.6. Legislation towards Sexuality and Gender

Unlike Poland, where abortion politics are and have been deeply entrenched in Catholicism, Russia has a more complicated past regarding abortion and its regulations.

The Russian Soviet Union led the world in decriminalizing abortion in 1920 by becoming the first country to allow abortion in all circumstances. Over the course of the 20th century, the legality of abortion changed more than once, with a ban being enacted again from 1936 to 1955 in the cause of World War II. After Stalin's death in 1953, the Soviet government revoked the 1936 laws and issued a new law on abortion. During the late 1950s and 1960s, it is estimated that the Soviet Union had some of the highest abortion rates in the world.

The early years of the Russian Federation were marked by declining rates of fertility and abortion and increased access to and use of preventative birth control.[5] The official policy of the Soviet Union at the time of its collapse was pro-family planning, although contraceptives were generally unavailable to the public, leaving most women with abortion as the only way to regulate family size. Therefore, unreliable quality of and non-availability of contraceptive options partially slowed the decline in abortion rates in Russia in the beginning of the 1990s (Gadasina, 1997, pp. 40–42). Between 1990 and 2000 the number of annual abortions in Russia declined by half, but the ratio of abortions to live births (2.04 in 1990 to 1.92 in 1996) declined similarly. This means that not only fewer abortions were performed, but also that fewer women became pregnant overall. Therefore, starting in the 2000s, concerns about Russia's population decline decreased and added a very important component to the dialogue on abortion. Thus, on 21 October 2011, the State Duma passed a law restricting abortion to the first 12 weeks of pregnancy, with an exception up to 22 weeks if the pregnancy was the result of rape, and for medical necessity it can be performed at any point during pregnancy. The new law also made mandatory a waiting period of two to seven days before an abortion can be performed, to allow the woman to "reconsider her decision". The new law is stricter than the previous one, in that under the former law abortions after 12 weeks were allowed on broader socioeconomic grounds, whereas under the current law such abortions are only allowed if there are serious medical problems with the mother or foetus, or in case of rape (Centre for Reproductive Rights, 2012). The parliament passed these restrictions on abortion into law to combat "a falling birth rate" and "plunging population (Kishkovsky, 2011). Therefore, abortion in the Soviet Union was first and foremost a matter of family planning and birth control as contraceptives were widely not accessible, only later with the restriction of the Russian abortion law a religious component has been added to the debate to prevent the declining fertility rate of the Russian population by hampering women's access to abortion and stigmatizing it.

As Putin sets himself up as a defender of traditional morality, not only abortion laws have been restricted, he openly supports the concept of a "traditional family", consisting of a married man and

[5] For an overview of the number of abortions in Russia see appendix figure 5.

women plus children by opposing homosexuality.

Homosexuality was only decriminalized in 1993 under Yeltsin as a result of pressure from the Council of Europe and has been declassified as a mental illness since 1999 under Putin. There are currently no separate laws prohibiting discrimination based on sexual orientation in Russia, however, the Constitution disallows any discrimination at all. Transgender people are allowed to change their legal gender following sex reassignment surgery since 1997. Despite the legal right situation, homosexuality is disapproved by most Russians. In April 2020 the Levada Institute asked Russians what they think "should be done about Gays and Lesbians". According to it, almost one in five Russians believes that LGBT people should be "eliminated". The figures showed 18% of interviewed people gave this response, marking a slight softening in attitude towards members of the LGBT community since 2015, when 21% advocated their "elimination". Similarly, 32 % said that gays and lesbians should be "isolated from society" (Levada Centre, 2020).

In 2013, Russia amended its federal law "for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values", also known as the "gay propaganda law". It punishes the promotion of "non-traditional sexual relations" to minors with fines and administrative sanctions. The Russian government's stated purpose for the law is to protect children from being exposed to homosexuality – content presenting homosexuality as being a norm in society – under the argument that it contradicts traditional family values. Effectively, it bans children from accessing information about LGBT people's lives, including information provided via the press, television, radio, and the Internet. The law's effects have also been insidious in clinical and counselling settings. In 2017 the European Court of Human Rights ruled that the law violates the rights of freedom of expression and freedom from discrimination guaranteed in the European Convention on Human Rights, and that the law was indeed harmful to children as well as to LGBT people as it increases and enshrines stigma and prejudice, leading to discrimination and violence (Bochenek & Knight, 2018).

Additionally, it also hinders gay rights activists from conducting demonstrations and spreading positive information about LGBT people when they might come into contact with minors. An overwhelming 88% of Russians support the gay propaganda ban, according to a survey conducted in June 2013 (Herszenhorn, 2013). Putin has publicly stated that he himself is not prejudiced against gay people, but that he finds a Western willingness to embrace homosexuality and gender fluidity out of step with traditional Russian values (Osborn, 2020).

Not surprisingly, neither same-sex marriages nor civil unions of same-sex couples are allowed in Russia. In July 2013, Patriarch Kirill said that the idea of same-sex marriage was "a very dangerous sign of the Apocalypse" (Herszenhorn, 2013). Additionally, as it has not been included until now, president Putin is proposing the Russian constitution to spell out that marriage means a union between a man and a woman and nothing else in the upcoming amendments of Constitution. According to him, Russia would not legalize gay marriage as long as he was in the Kremlin. He said he would not let the traditional notion of a mother and a father be subverted by what he called "parent number 1" and "parent

number 2" (Osborn, 2020). This attitude towards homosexuality is taken to the extreme in the Chechen Republic, a part of the Russian Federation, where anti-gay purges have included forced disappearances, abductions, torture, imprisonments and extrajudicial killings by authorities targeting gay and lesbians.

The prejudice and stigmatization against LGBT people in Russia as opposition to the paradigms of freedom of expression and sexual orientation promoted by liberal democracies in Russia go hand in hand with a lack of information and education about gender as well as sexuality-related issues. In 2014, the State Duma approved the UN Convention on the Rights of the Child, which recommends the introduction of sex education in schools. However, Russian students currently do not receive any sex education in schools and the government as a whole cannot reach a common opinion on the issue. The introduction of sex education classes is also being complicated by the 2013 gay propaganda law as it prohibits the depiction and description of acts of a sexual nature to children under the age of 16.

3. Theory

The theory section of this paper will focus on providing an academic background on the concepts of nationalism, human rights, liberal nationalism and biopolitics. This will be done to later analyse how the PiS party and United Russia use biopolitical mechanisms to develop a conservative national identity project vis-à-vis gender and sexuality in Poland and Russia. Furthermore, it will be useful to understand the broader implication of the reasons of the employment of biopolitical mechanisms and the consequences for the LGBT community, as well as affected other groups in Poland and Russia.

3.1. Nationalism

Nationalism is commonly recognized as a central organizing force in the modern world. It is the defining ideology of the primary contemporary political unit, the nation-state, and, as such, has often determined how different states interact with one another, how they grant or deny citizenship rights, as well as how groups and individuals identify themselves, their rights, and their responsibilities (Hutchins-Viroux & Tranmer, 2009, p. 1). The field of nationalism study has blossomed, particularly in the past four decades which also led to a variety of theories aiming at explaining the phenomena of nationalism and increasingly also of post-nationalism and globalisation. Often it is said that "nationalism exists wherever individuals feel they belong primarily to the nation, and whenever affective attachment and loyalty to that nation override all other attachments and loyalties" (Alter, 1989, pp. 8–9). H. Kohn categorized two types of nationalism – an ethnic and a civic variant. Civic nationalism is based on citizenship and the ability of people to join the nation. Ethnic nationalism however, is based on the believe of common descent and is thus less inclusive than civic nationalism (Kohn, 1944).

Despite these recent developments, the study of nationalism and the concept of nationhood is a rather modern movement and recent actor on the historic scene. Although people throughout history have always felt loyalty to their native origins and their traditions as well as established territorial authorities, it was not until the end of the 18th century that nationalism became a unifying notion that started merging public and private life. For the first time, civilization was considered to be determined by nationality. Nationalism has revolutionary roots, as its origins in the American and French revolutions may be considered as the first expressions of nationalism. Therefore politically, nationalism has always been linked to either an existing state or the desire to create or re-create one (Brugmans, 1989, p. 305). To give a definition of modern nationalism, it is best understood as a

> malleable and narrow ideology, which values membership in a nation greater than membership in other groups (i.e. based on gender, parties, or socio-economic group), seeks distinction from other nations, and strives to preserve the nation and give preference to political representation by the nation for the nation (Bieber, 2018, p. 520).

The first manifestation of modern nationalism in Europe occurred in the 17th century England with the Puritan revolution. The English nationalism back then was much deeper rooted in religious beliefs than

the nationalisms of the following centuries in different parts of Europe that were much more secularized. However, what nationalism of the 18th century in Europe shared with the English one is its devotion to liberty, its humanitarian nature, the prominence of individual rights and its stressing of the human community as above all national divisions. These thoughts were most prominently authored by John Locke and his political philosophy, which then influenced American and French nationalism in the following century (Kohn, 2020).

Jean-Jacques Rousseau can be considered the intellectual founding father of the growth of the French nationalism not only by his emphasis on popular sovereignty, meaning the inclusion of all people in the creation of the national will, but also by his concern for the common people as true defenders and conservators of the nation. His famous declaration "Man is born free, and everywhere he is in chains. Those who think themselves the masters of others are indeed greater slaves than they" called into question the traditional social hierarchy: formerly, political philosophers had thought in terms of elites, but Rousseau was the first to advocate for the masses (Bertram, 2013, p. 42). However, the nationalism of the French Revolution was more than that: The famous slogan 'liberty, equality, fraternity' and the Declaration of the Rights of Man and of the Citizen were considered valid not only for the French people but universally. This led to the 1848 revolutionary wave throughout Europe with German nationalism beginning to stress the importance of reason versus instinct, rational attempts at progress against the power of historical traditions and the need for a more fair and impartial order (Kohn, 2020).

The turmoils of World War I were followed by the triumph of nationalism in central and eastern Europe with the defeat of the Habsburg and Romanov empires. This enabled the emergence of new nation-states of Austria, Hungary, Czechoslovakia, Poland, Yugoslavia, and Romania which in turn, however, were engaged with the consequences of their own internal nationality conflicts and by nationalistic disputes over territory with their neighbors.

At the same time, Russia saw the Bolshevik revolution and Vladimir Lenin's victory in 1917 with its takeover of the old empire of the tsars. Marxist-Leninists supressed nationalism, as national identity should be obliterated in the name of an imposed internationalism. In Stalin's time, so-called "bourgeois nationalists" were executed or jailed. This physical suppression was matched by an intellectual device, the doctrine of 'false consciousness'. This implied that if workers, who according to the command of Marxism were expected to be innately internationalists, showed signs of nationalism, it was explained that they had been deceived by the bourgeoisie. They were made to believe that they belonged to a national community rather than understanding their membership of a superior internationalism (Kemp, 1999, xi). Joseph Stalin as well used nationalism and patriotism to unite and rally the Russians against foreign invaders during World War II. After the war he found nationalism to be one of the strongest obstacles to overcome for the expansion of Soviet power in eastern Europe. National communism, as it was called, became a divisive force in the Soviet bloc as rebellious movements in Poland and Hungary in the fall of 1956, and its felt influence in Romania and Czechoslovakia and again in Poland in 1980 ultimately, amongst other reasons, led to the fall of the

Soviet Union in 1989 (Kohn, 2020).

The spirit of nationalism appeared to diminish in Europe after World War II with the establishment of international economic, military, and political organizations such as NATO, the European Coal and Steel Community, later known as the European Union. But the policies pursued by France under President Charles de Gaulle and the problem posed by the division of Germany until 1990 showed that the appeal of the nation-state was still very much alive.

Therefore, even though nationalism in different forms has been a feature across the European political spectrum for centuries and its presumed levelling in recent decades, there has been a current growth in voter support for right-wing and populist parties in Europe and worldwide.

3.2. Human Rights

Another factor against which the use of biopolitical mechanisms in Russia and Poland needs to be considered is the concept of human rights. Only against the background of the international norm of human rights it is possible to explain the implications of the emergence of nationalism in Russia and Poland for gender and sexuality related issues and the people affected by it. This part of the paper will examine the emergence of human rights with special regards to sexuality and the rights of the LGBT community.

Human rights are moral principles or "norms that aspire to protect all people everywhere from severe political, legal, and social abuses" (Nickel, 2019). They are commonly understood as inalienable, fundamental rights to all human beings, regardless their nationality, location, sex, national or ethnic origin, language, religion, colour, or any other status. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups (United Nations, 2020). The principle of universality of human rights is the cornerstone of international human rights law. This principle was first emphasized in the Universal Declaration on Human Rights (UDHR) in 1948 and has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of states to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. All states have ratified at least one, and 80% of states have ratified four or more of the core human rights treaties, reflecting consent of states which creates legal obligation for them and giving concrete expression to universality (Ibid.).

Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the events of the Holocaust and culminated in the adoption of the UDHR in Paris by the United Nations General Assembly in 1948. As the wording of the UDHR was under

negotiation, the participating countries were confronted with a wide range of conservative notions on family, sexuality and private affairs. In the last couple of years however, rather strict laws concerning sexual self-expression have attracted considerable attention (Dorfman, 2017, p. 142). However, the UDHR as well as other International Covenants, like the International Covenant on Civil and Political Rights (ICCPR, 1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) guarantee individual freedom "without distinction of any kind" (The Universal Declaration of Human Rights, 1948), meaning that no one should be denied basic international human rights. Therefore, in theory, as the UDHR points out, alone being human should be enough to enjoy all liberties and privileges accorded by international law. This is echoed by the other International Covenants, as often women, ethnic and racial minorities, the working class and religious groups are chosen for special rights protection as particularly their universal rights are often put in danger of infringement (Dorfman, 2017, p. 144). However, as might one expect, nowhere near the same situation exists for LGBT people as they are mentioned practically nowhere in the major documents of international human rights (Ibid, p. 146). The right to sexuality that incorporates the right to express one's sexuality and to be free from discrimination on the ground of sexual orientation is also based on the universality of human rights and the alienable nature of rights belonging to every person under being human.

But why is there such an imbalance of equality when it comes to the protection of human rights of the LGBT community? Reasons for this are complex and manifold. One can always refer to prejudices or negative attitudes and religion towards homosexuality, but at the same time gender philosopher Judith Butler offers a different explanation. Through time, societies have become accustomed to using binary terms to categorise sexuality as groupings like "man/women" or "gay/straight" that were formed over hundreds of years, even millennia, by religion or culture (Butler, 2006). But as they are precisely that, categories or groupings, they come into existence only because society got accustomed to them and sexuality got defined as binary, disregarding what is "organic" or "natural". So even though these by society dictated categories exist, defining what and how a "man" or a "woman" has to be, Butler argues that only through performing our identities and behaviour we can determine our gender. Our gender is not defined via birth as it is a matter of symbolization and social agreements that is concretized through institutions, social norms and legal codes. Therefore, gender is being ingrained into bureaucracy, law and our everyday life as being binary. As a consequence, homosexuality and being queer is defined as outside the norm and excluded from "good society". As a result, such divisions leaves out anyone not fitting precisely into one side or the other of such dualist ideals or the presumptions they often entail, like for example straightness. In basic terms, LGBT life confronts society with the necessity to overhaul categories it took centuries, if not millennia, to make (Dorfman, 2017, 147f).

Both national and international communities appear willing to endorse women's rights, the rights of ethnic minorities and the importance of religious liberty. Therefore, some minorities are being included in human rights and should not socially be left out. However, only as long as these groups

follow along the lines of the binary categories defined by society.

A series of joint statements on sexual orientation and gender identity by member states at the UN General Assembly and Human Rights Council between 2006 and 2011 provides evidence of increasing support for the issues among UN member states. Therefore, in 2008 a declaration was drafted to appeal to the UN for the universal decriminalization of homosexuality. It was decided to use the format of a declaration of a limited group of states because there was not enough support for the adoption of an official resolution by the General Assembly as a whole. The declaration includes a condemnation of violence, harassment, discrimination, exclusion, stigmatization, and prejudice based on sexual orientation and gender identity that undermine personal integrity and dignity. It also includes condemnation of killings and executions, torture, arbitrary arrest, and deprivation of economic, social, and cultural rights on those grounds. The declaration also indicates the Yogyakarta Principles (drafted 2005 and amended 2017) as they provide definitions in detail on sexual orientation and on gender identity as a document on international human rights law.

3.3. Liberal Nationalism

The following section of the paper will examine the concept of liberal nationalism, its key premises, connections with illiberal nationalism, chances and constrains. It will build a theoretical background for understanding the implications of biopolitical mechanisms employed in Poland and Russia.

Liberal nationalism is a form of nationalism identified by political philosophers who believe in an inclusive form of nationalism that complies with classical liberal values of freedom, tolerance, equality, and individual rights (Auer, 2004, p. 5). The concept of liberal nationalism attempts to apprehend what is essential to both schools of thought, drawing from liberalism a recognition of personal autonomy and individual rights, and from nationalism an acknowledgment of the importance of membership in human communities in general, and in national communities in particular (Tamir, 1993, p. 35). Liberalism and nationalism are distinct ways of thinking about politics and society. Nowadays they are presumed to be on opposite ends of the ideological scale. The more nationalist one is, the less liberal, and vice versa. As nationalists stress the interest of a dominant ethnic or religious group, traditional liberals fear for the individual and minority rights.

Liberal nationalism rejects this as a false dichotomy as liberal nationalism is claiming that the two concepts can co-exist and argues that they should, that both are strengthened and given added values by the other. Liberal nationalists stress the importance of national identity by claiming that individuals need a national identity in order to lead meaningful, autonomous lives (Kymlicka, 1995) and that democratic polities need national identity in order to function properly. This is argued by David Miller who in 1993 set out three propositions with which to define nationalism to oppose the prevalent idea of nationalism to be inherently illiberal (Miller, 1993). First, he states that one's national identity is a legitimate and natural component of one's personal identity. Secondly, he lays out how nations are

"ethnical communities" meaning national boundaries are legitimately ethnical boundaries. Therefore, it is not unnatural or even racist to feel a sense of belonging and a shared responsibility towards one's national kinfolk or fellow citizens. Miller also proposes that "people who form a national community in a particular territory have a good claim to political self-determination" (Miller, 1993, p. 12) – whether through a sovereign state or some other political arrangement that recognizes their distinctiveness and allows for a degree of autonomy. The right to self-determination is entrenched as a norm within the governance of any liberal democracy, the desire to determine one's own territorial boundaries remains an immensely powerful driving force within the international system and has marginalised the notions of imperialism and colonialism.

A more contemporary definition of liberal nationalism is offered by Yael Tamir in her classical book "Liberal Nationalism" (1993) as well as in her more recent book "Why Nationalism" (2019). Although she admits that "national ideas have indeed fuelled some of the most devastating regimes of this century, […] they have also inspired some if its most glorious moments, when the struggle against colonialism and imperialism was waged in the name of national self-determination" (Tamir, 1993, p. 4). Like Kymlicka (1995) she argues that modern democracies cannot survive without a national backbone that provides a way of defining "the people" as a political entity being entitled to self-determination and self-rule (Tamir, 1993, p. 9). The establishment of a modern welfare state was determined by the notion of the nation as a political entity that shares a common fate and common vision. She breaks away from the liberal tendency

> to describe nationalism as resting merely on irrational (some say primitive) fears of "the stranger", as motivated by a morally irrelevant attraction to what is familiar and similar, by an unscrupulous desire for power, or as an excuse to grab advantages for one nation at the expense of others (Ibid, p. 4).

Therefore, Tamir suggests that the liberal and national tradition can adapt each other by incorporating their central premises of respect for personal autonomy, reflection, and choice with an emphasis on belonging, loyalty and solidarity (Ibid, p. 5). The core of liberal nationalism is the idea that nations are composed of individuals with absolute, inherent rights. A liberal national state, therefore, combines an uncompromising protection and defence of national symbols and traditions, with an absolute commitment to liberal democratic principles. This is important particularly when juxtaposing it with the illiberal nationalism of Hungary, or the American alt-right ideologies who promoted Trump.

In order for liberal nationalism to function properly, it requires democracy. Liberalism itself is at its best and at its most effective in accordance with democracy. The nationalism that liberal nationalists advocate can only function in a system where citizens of a nation-state feel included in civic life and empowered to influence politics. Contrast to this is illiberal nationalism, which manifests as an authoritarian populism, as the leader presents himself as representing the people. A leader who is the only one to channel people's needs and desires as well as the only source for reliable information and determinant of fake news. When speaking of "the people" however, there is no mention of all people, but there is a distinguishing between outsiders and insiders, us vs. them. Those who do not support the

leaders are branded and scapegoated as the archetypal "other" – ethnic minorities, opposition voices, or whoever does not fit the ideology of said leaders. This implies, that if taken to the extreme, illiberal nationalism can descend into something closer to an authoritarianism or dictatorship (Gross, 2020).

However, what is critical about liberal nationalism is that it can also agitate an inclusive nationalism, one in which citizens of a country are encouraged to feel part of a shared future in a social and political project (liberal democracy), brought together by values rooted in their nation's tradition. This inclusive nationalism will not only acknowledge the concepts coming from the right spectrum, but also the identity politics coming from the left. As identity politics seek to separate citizens into their component social groups based on ethnicity, religion, gender and sexuality, liberal nationalism states that this dissolution of national identity in order to achieve equality and justice is not necessary.

3.4. Biopolitics

As this paper is analysing how the ruling parties of Poland and Russia employ biopolitical mechanisms, it is crucial to understand the theoretical concepts of biopolitics. In the academic literature there is an ample scope of works on biopolitics and biopower in Western and non-Western countries, especially when it comes to gender and family issues, citizenship policies, migration and workforce. It is taking into consideration the administration of and governmental practices towards life and a locality's population as its subject, making biopolitics an extension of state power over both the physical and political bodies of a population (Foucault, 1997b).

The current understanding of biopolitics and biopower was first conceptualized in the work of the French philosopher and social theorist Michel Foucault. With biopower he describes power techniques that "do not aim at the individual but at the entire population" (Foucault, 2005), whereby he understands population as "a group that does not simply consists of many people, but of people who are permeated, dominated and directed by biopolitical processes and laws [as well as] a birth rate, and age curve […] and a state of health" (ibid). According to Foucault the aim of biopower is to regulate this thus defined population, in particular by regulating its reproduction, birth and death rates, health levels, housing conditions, etc., creating biopolitics.

He firstly discussed this idea on biopolitics in his lecture series "Society Must Be Defended" given at the Collège de France from 1975 to 1976. While only mentioned briefly in his lectures, Foucault continued to develop his notions of the biopolitical in his book "The Will to Knowledge" (1977) to describe a new kind of power mechanism that developed in the 18th century: While power was previously derived from death, a power is now developing whose central focus is on life. Foucault describes biopolitics as a shift from the right to take life (the sovereign power's prerogative) to the state's investments in administering life, which is the essence of biopower. For Foucault, the logical consequence of a power technology that is directed at life is the "normalization society", making biopolitics a concept describing a peculiar mode of creating collective identities (communities) through

‘normalization’. Hereby, normalization is defined as “hegemonic struggles over producing an understanding of what body-related practices of population management ought to be considered as consensually accepted and welcomed, and what can be contested and bracketed off as detrimental for body politic” (Makarychev & Yatsik, 2017, p. 1). Because it is a matter of securing life and organizing it in a certain way, subjects are measured against a norm, they are aligned to it and must stand before it (Foucault, 1977, p. 162).

This transition from the right to take life to manage it implies also a shift from disciplining the individual body to disciplining the population as one via administering sexuality, reproduction, nutrition or health. Therefore, biopolitics can be described as a set of tools or mechanisms to exercise control over a population directing at managing life by the government. Thus, making life no longer a private affair but a matter of policy (Makarychev & Yatsyk, 2017, p. 2). Biopolitics exemplify the aspiration of modern power to control, administer, and enhance the human body and body politic altogether “to rationalize the problems presented to governmental practice by the phenomena characteristic of a group of living human beings constituted as a population: health, sanitation, birth rate, longevity, race” (Foucault, 1997b, p. 73). This way, the mechanisms of biopower not only operate on the micro level, the human body, but also on a macro one as creating a dense net of body politics and corporeal relations is being created. Considering identities, this implies that they often base on hegemonic concepts that involve physical practices of Self-Other distinctions as usual deeply private issues of lifestyle and reproductive behaviour is raised to the front of political concerns.

When using biopolitical mechanisms, the distinction between the physical corporeality and the social and cultural milieu of its functioning becomes ambiguous. Conducting an analysis of those instruments, aspects of totalization can be classified, as the subject is subordinated to the common and collective for a shared body of norms and values. This development can be created in each type of regime including liberal ones. The biopolitical approach also presents an instrument for explaining why methods of totalization are so frequent and self-reproducing. This is although they are installed and ingrained in multiple institutions aiming at generating liberal effects through supporting practices of de-bordering, supranationalism and multiculturalism. This is exemplified by the current returning of traditional concepts all across Europe, based on a biopolitical understanding of conservatism, with anti-LGBT, anti-same-sex marriage, and anti-immigrant practices at its very centre. This also illustrates a still unaddressed biopolitical paradox. While globalization and trans-nationalization spread in Europe and worldwide, it also helped to bring the most narrow-minded and primordial characteristics of human bodily existence (like sex, ethnicity, etc.) to the centre of public interest and therefore framed current political debates.

Essential to the field of biopolitics is that it can challenge existing power hierarchies through questioning the biopolitical norm (such as, for example, the institution of marriage as a union between men and women) and providing alternatives to them (same-sex marriage). Therefore, the analytical chances of a biopolitical approach are important: the concept can help to better understand actions aimed

at consolidating power and challenge it, and therefore can be seen as a research approach to study policy strategies with practical implications (Makarychev & Yatsyk, 2017, p. 2f).

An extremely important point of intervention for biopower is sexuality. It allows access to the individual, through it the control of the population and becomes therefore a matter of the public and the state. Sexuality is subordinated to the health system and the rules of normality. Foucault summarizes these developments, amongst others, under the term of the sexuality dispositive. This refers to power-strategic links between discourses and practices that are formed around the topic of sexuality at a particular time (Foucault, 1977, p. 145). Therefore, it is a complex of communicative practices and patterns as well as actions, objects and classification with which people define themselves, or are being defined, through sexuality. The model of sexuality dispositive allows to understand how the individual subjects his or her sexual inclinations, lust or sexual behaviour to certain norms, controls his or her sexuality, classifies it in certain forms (e.g. heterosexuality or homosexuality), accepts it or excludes others accordingly, and how individuals and their sexuality are the subject of corresponding discourses, attributions, and classifications. Connected to sexuality, Foucault gave numerous examples of biopolitical control when he first mentioned the concept in 1979, amongst those the "ration of births to deaths, the rate of reproduction, the fertility of a population, and so on" (Foucault, 1997a, p. 243).

However, biopower and biopolitical mechanisms like restricting sexual freedom are not simply a technique of governance. Next to taking control over the corporeality of its population, biopower also constructs identities and creates the roles of actors as objects of control and regulation. This is conducted through a plethora of institutions, including medical establishments, educational institutions, the church and various cultural practices. Thus, biopolitics can also be considered as an instrument to build nations based on standards and norms of inclusion and exclusion. These norms, for example, may connotate certain sexual practices and lifestyles as culturally inappropriate and therefore marginalize them. Through this, biopolitics can define social rules of belonging and conditions of exclusion and thus shape the boundaries of political communities. Biopolitics pronounce and produce a normative core basing on the common understanding of a "correct" way of life, from birth to death, and therefore can be regarded as a set of tools that define belonging to an "imagined community". This belonging is based on the loyalty to official policies, and at the same time excludes those who not fit the hegemonic biopolitical norms. Biopolitical rules, implemented through bans and restrictions, become one of the key instruments for promoting the regulations that form the political community. Biopolitics determine political limits, and through this create biopolitical boundaries that differentiate one community from another. (Makarychev & Yatsik, 2017, p. 4).

With all their restrictive effects, these bans unveil mechanisms of "inclusive exclusion": "if someone is banned from a political community, he or she proceeds to have relations with that group: there is still a connection precisely because they are outlawed" (Vaughan-Williams, 2009, p. 734). The practice of political imprisonment, the exclusion of LGBT people and the inciting of anti-migrant sentiments among people of a political community are relevant cases of biopolitical restrictions, as

contrasted with liberal emancipation. In many post-Soviet countries in particular, biopolitics refer to a specific way of framing dispersed and not yet fully formed identities in a series of consensual traditionalist notions of social roles. Biopolitics in this sense are a two-way phenomenon, as it excludes bodies of those who are identified as unwanted, but it also creates a feeling of loyalty and solidarity within the national community (Makarychev & Yatsik, 2017, p. 4).

Biopolitical mechanisms and discourses can also be used from sources other than the government of a nation or a sovereign power. However, the latter adopts and hijacks those practices for the purpose of serving the national power consolidation and patriotism which leads to the fusion of biopower and sovereign power as described by Giorgio Agamben. Agamben augmented Foucault's work with his idea that sovereign power strengthens itself through control over the biopolitical life of its population. Agamben used the term of "bare life" to describe a life without public institutions or legal mechanisms that would provide a mediating influence. This would result in a physical struggle of survival beyond the sphere of laws, norms or public institutions. Agamben developed the notion of biopolitics from its liberal interpretation to the field of sovereignty in which life might be taken "not in the literal sense of being killed, but in the figurative sense of being degraded or abandoned… Dispossession without killing results in a provisional, precarious, merely factual existence" (Schütz, 2011, p. 123). Using Agamben's take on biopolitics, the state rules through normalizing, regulating, and administering the citizen's bodies, with the final aim of forming a nation as a homogenous and unified society rooting in a deeply biopolitical understanding of common identity. The core concept of this idea is a normalization of human bodies through management, administration, care-taking, protection and so on. Many premises of political discourses like the concept of family as a constitutive background for political relations of domination came from this biopolitical understanding (Makarychev & Yatsik, 2017, p. 4).

Therefore, biopolitical instruments of power are indispensable components of discourses and practices of making and shaping national identities by practices of inclusion or exclusion of outsiders such as refugees or LGBT people, or by newly developed ideologies of biopolitical conservatism and nationalism in such places such as Poland or with evident imperial tones like in Russia. In these, and other cases, biopolitics is used as an analytical tool to detect and discern a strong totalizing platform for national identity-building projects, including practices of exclusion that do not necessarily fit in the liberal understanding of politics as it will be analysed in the following analytical part of the paper.

4. Analysis

The first part of this analysis will examine how the ruling Polish PiS party is employing biopolitical tools not only to develop its national identity project but also to create policies to exclude the LGBT community from taking part in political and social life as well limiting women in their access to abortion. The second part of the analysis will focus on the United Russia party and the corresponding examination of its usage of biopolitical mechanisms considering sexuality and gender related issues since the third term of Vladimir Putin as President of Russia.

4.1. Biopolitics and their Legal Mechanisms in Poland

The Polish phenomenon of biopolitical conservatism can be described as a set of bodily-oriented policies targeting family, birth, education, sexuality, and even memory, appealing to traditional values and religious attitudes. Polish biopolitical conservatism was promoted by the ruling PiS party since it came to power in 2015.The current conservative, if not nationalist trends in Polish policy is an eloquent example of biopolitical bordering, implemented through disciplinary bands and regulatory restrictions. The biopolitical prism is helpful for explaining how this country, so strongly committed to democracy promotion abroad in the early 1990s, made a deeply conservative reversal away from the liberal paradigm within a time span of only a couple of years (Makarychev & Yatsyk, 2020, p. 73).

As stated in the theoretical part of this paper, the citizens' life of a state is always the biopoliticized subject matter of biopower exercised by the state or other institutions, meaning that citizens are always subject to biopolitics and are shaped by and generated from it. Also, as biopower is a mechanism of modern social formation having to do with the internal regulation of the subject and the management of bodies within new modes of normalization, biopolitics are also bound up with bureaucratic management and work through the regulation of populations.

Both, the PiS party in Poland and the UR party in Russia are employing biopolitics, operationalized on the legal basis. There are several examples of how legal restrictions have become a useful way to implement biopolitical mechanisms some of them directed towards sexuality and gender, to create a specific national identity project and shape their people's attitude towards other groups and communities. In Poland, these policies not only seriously challenged the idea of the EU as a community sharing the common liberal principles of governance and solidarity, some of them were even perceived by the EU as illiberal in nature. PiS's strong conservative identity accentuating the close ties with most of the hierarchy of the Catholic Church, its advocacy of more religious education in schools, the radical criticism of 'gender ideology', the strengthened criminalization of abortion, and the legislation of homosexual marriage are unmistakable indicators of the PiS government's ideology and biopolitical tools in practice (Jasiecki, 2019, p. 134).

One of those biopolitical mechanisms operationalized on the legal basis to normalize, regulate

and administer the citizens' bodies is the attempt to sign the so-called anti-abortion legislation into law, proposed by the PiS party in 2016. As described in the empirical overview, Poland has one of the strictest abortion laws in the EU, allowing the termination of pregnancy only in cases potentially causing serious risks for mothers' health, as a result of rape or incest, or when the foetus is severely and untreatably damaged. This current abortion legislation in Poland is supposed to reflect a social compromise between deeply ingrained Christian values and the protection of the rights of women. However, as suggested by PiS, a new bill was introduced that should totally ban abortion, punishing the act with up to five years in prison for both, the patients and the doctors in violation. The initiative was supported by top members of the Polish elite, including the President Andrzej Duda, Prime Minister Beata Szydło, speaker of the Senate Stanislaw Karczewski, and Minister of Science and Higher Education Jarosław Gowin. Later however, as a reaction to mass protests all across Poland, the law adjourned. Nevertheless, in March 2018, the Polish Catholic Church undertook another campaign to recall the law into discussion, as followed by March 2020. The limitations of women's access to abortion and the restriction of their reproductive and health rights in Poland has become a form of moral surveillance, control of women's intimate lives and clear extension of state power over the physical as well as political bodies of its population. PiS is using the in Polish society deeply ingrained religious believes, together with the corresponding moral values, to legitimize the exercise of power over its population.

As pointed out in the empirical part of this paper, also the LGBT community is facing political homophobia, as well as an increased anti-LGBT rhetoric especially since PiS decided to focus its election campaign for the 2019 European parliament elections on LGBT rights as a useful anti-liberal battleground on which the party – and its clerical supporters – could show off their conservative credentials. At a "patriotic" conference organised by the lay group Catholic Action in spring 2019, Kaczyński described LGBT rights and "gender theory" as a "threat to the nation" (Coman, 2019). This strategy resonated in society as it led several local governments to pass anti-LGBT resolutions. In August 2019, around 30 different LGBT ideology-free zones were declared in Poland, including four voivodeships in the south-east of the country, which form the "historically conservative" part of Poland. The non-binding resolutions therefore coincide with the rise in rhetoric by the PiS party in the election campaign, denouncing "LGBT ideology" as an allegedly foreign import threatening the Polish nation, its age-old Christian values and posing a risk to the morality and health of young Poles. However, the Polish ombudsman criticized the implementation of those anti-LGBT resolutions as breaching principles of the rule of law and being discriminatory towards non-heterosexual members of society (Rzecznik Praw Obywatelskich, 2019). The strategy of raising fear, demonising and attacking a particular group and creating an outside body has also been used in the 2015 election when PiS instrumentalised the refugee crisis and framed migrants and refugees as the Other, contradicting the Polish national identity by portraying them as foreign and alien, and also stressing the fact that they often practise a different religion. In the period before the EP elections, the PiS party decided to antagonise the society even more around ideological issues. While the attack of the LGBT community was a permanent element of

nationalist demonstrations and right-wing organisations, it was also used to mobilise the hard right-wing core around the PiS party. Politicians have portrayed LGBT citizens as the ultimate Other and have threatened the rights and safety of their communities in order to win electoral support of the majority population. Such instrumental use of homophobia seems to work best in societies where homosexuality remains deep in the realm of the taboo, as in Poland and Russia.

One of the reasons for this is that the importance of the Church in Poland remains high as historically, it was a bearer of Polish national identity. The vision of Pope John Paul II for the country is still entrenched in the Polish narrative, an idea of Polish nationalism and religious 'purity' as a precursor to Polish emancipation, not only from the Soviet rule but also as the instrument of the liberation of Western European nations from secular downfall. Poland is depicted by the church as the 'Christ of nations', given the nation's tragic history of occupation and suffering, which would be followed by national rebirth. Therefore, Catholic conservatives are eager to recast Poland along religious values to protect it from 'family demise' and 'moral decline', employing a pro-life and traditional-family position. This notion of Poland as the spiritual leader of Europe is threatened as women demand a right and access to sate abortion methods, as well as the LGBT community the right of equality and non-discrimination as indicated in Human Rights charters. Nevertheless, the dominant position of the Church towards LGBT people has hardly changed since the 1970s. In Poland, it is not uncommon for Catholic priests, organizations and press to speak out against LGBT persons, demonize them and openly deny them rights. As religious adherence is one of the powerful national norms, same-sex acts are considered sinful in that sexuality is reserved only for the sake of reproduction and only for married heterosexual couples. Homosexual acts are thus outcast as unnatural and ungodly. Therefore, the nationalist-Catholic definition of 'Polishness' does not tolerate homosexuality and abortion considering these phenomena as threat to the 'permanence of the nation'. In the right-wing conservative and Catholic press, the dominant narrative talked about is 'reparative therapy', converting to heterosexuality – in other words, homosexuality was treated not only as 'sin', but also as 'disease' that can be cured using appropriate therapies. The combination of religious-nationalistic discourses and the consequent biopolitical motivated legislation (attempts) with sexual emphasis stress the repressive and exclusive attitude towards sexual minorities in Poland. The ideological dimension of it directly translates into political mobilisation as it allows political support to be organised among the conservative and nationalist part of society around attacking the 'other', accused of spreading moral depravity and posing a threat to the Polish family (Żuk & Żuk, 2020). The church therefore seems to share the same narrative PiS is promoting as some archbishops also publicly criticize the current abortion regulations or the so-called "compromise abortion" as inadequate and advocate for banning abortion altogether. Thus, they do not appeal to Christians to not get abortions, but prefer some kind of legal totalism towards abortion. The Catholic Church seems to attach great importance to the legal situation and to focus on pushing their agenda to sign a total ban of abortion into law (Nycz, 2019). PiS at the same time is using religion as some kind of weapon as the party picks the aspects of church teachings that it prefers. This can be

exemplified at PiS's take on refugees. Pope Francis is repeatedly stressing the need to welcome and help refugees, while the PiS party is framing refugees as the unnatural, alien that is attempting to destroy its culture. What PiS is trying to do with its complicity of much of the established church is equate being Polish with being a good Catholic, implying that a good Catholic Pole will also be a loyal PiS supporter. This is the politicisation of the church. In campaign rallies, Kaczyński likes to talk about "decent Poles"; the right-thinking, Catholic types on whose behalf PiS fearlessly governs. In this majoritarian world, civic pluralism and protecting the rights of minorities are not priorities. This strategy is crowned with success as the majority of PiS supporters believe that, beyond economics and social welfare, PiS is fighting the good fight in the battle to defeat the secular liberal values that have corrupted western European nations and which are threating to do the same in Catholic Poland (Coman, 2019).

Additional to the church and influenced by it, public and parliamentary debates in Poland also still frame homosexuality in the context of 'peripheral' sexualities, medical and psychiatric problems – a deviation from the norm of heterosexual monogamy. Thus, sexuality remains the fundamental basis of biopolitics, and heteronormativity remains a key element of the dominant ideology. It is this ideology that proclaims heterosexuality as the self-evident and 'natural' norm, while homosexuality – following the logic of deviation from the norm – is 'unnatural' and therefore in need of correction.

In the Polish political debate, the terms homosexuals and paedophiles have often been deliberately conflated, and PiS's language had a clear subtext: gays were a danger to the nation's children. Following this logic, also sex education is attacked and negatively connotated, as it is stated – similar to the Russian case – it will put minors in danger of becoming familiarised with homosexuality. Sex education classes in more conservative areas of the country tend to teach students how to 'prepare for family life' based on religious conceptions of heteronormativity and Christian values, leaving out any information on sexual orientation, gender identity or contraception. Schools in metropolitan areas with a more liberal leaning also include a broader more inclusive sex education in their curriculum. The latter is now come under attack as only in April 2020, PiS set to vote on a law that would jail people who promote underage sex for up to three years, in a move aiming to ban sex education by labelling those who teach it as paedophiles and LGBT activists. By the linking of sex educators with paedophiles by the ruling party, people who teach student about sexual orientation, discrimination and reproductive health, risk prosecution. Here again, PiS is targeting the LGBT community, contextualizing them with paedophilia, trying to brand the LGBT community as an invasive foreign influence that threatens Poland's national identity and traditional Catholic values as imposed by PiS.

Also, many PiS supporters believe that homosexual people who demonstrate and live their sexuality openly are in effect attacking the church, as the equality movements allegedly "blaspheme" the things Catholic Poles hold sacred. Therefore, Poland is deeply divided between Catholic conservatives, who dominate small towns and rural areas, and secular liberals, who hold sway in big cities such as Warsaw and Kraków. The old, the less-educated and the less-wealthy are more likely to vote for the PiS party, whereas wealthier Poles and the young gravitate to the more liberal Civic Platform

coalition or the left-wing United Left. The marginalisation of the LGBT community is only the latest example of the enthusiasm with which the PiS party, with a certain version of God on its side, has flouted liberal democratic norms. The independence of the Polish judiciary has been undermined and judges friendly to the right-wing agenda placed in key positions; the country's public media has been exploited to promote the government's agenda, as well as described above, women's reproductive rights have been targeted. The government's refusal to form a lay commission to investigate revelations of paedophilia in the church has been judged a cynical cover-up on behalf of a crucial ally. The negotiations and condemnations pile up in Poland and abroad, not least from the European Commission in Brussels. However, the PiS party still manages to gain the majority of votes with its religious nationalism, the politization of the church together with the church's support due to a shared agenda (Coman, 2019).

Therefore, the biopolitical mechanisms considering sexual politics and gender issues in Poland are part of a wider narrative about the threats posed by the corrupt EU and demoralised European 'political correctness' enforced by the PiS party and associates since its coming to power in 2015. The homophobic mechanisms employed are therefore aimed against the sexual minorities or their political defenders, and are part of a comprehensive story about the desired political order. This is how, in social terms, sexuality presented in this way affects the definition of family, the nation, the relationship between the private and the public spheres and acceptable values. PiS's biopolitical practises of excluding and marginalising the LGBT community attempts to forge heteronormativity as the national identity, opposed to the 'moral decay' of the rest of the EU. Anti-EU and anti-LGBT attitudes in Poland can be considered symptoms of a deeper, wider-ranging and fundamental problem – a fear, tension, or anxiety caused by social change, especially the fragmentation of the dominant collective national identity. Sexual minorities represent values so strange and foreign to Polish conservatives that they can only be conceptualized as something imposed by the power which is both new and distant – by Brussels. The EU's liberalism and espousal of human rights, including women's and LGBT rights, makes it impossible for the conservative parts of Polish society to accept a 'European identity'. The conservative reluctance or hostility towards the LGBT community and the implementation of biopolitical mechanisms is caused by their incompatibility with patriotic and religious national identity construction, further deepened and pushed forwards by the PiS party (Chojnicka, 2015).

The success of the PiS party and its conservative narrative cannot only be explained by its discriminatory rhetoric and actions towards the LGBT community, rather the crucial reason is its popularity among the population due to its economic and social politics. Since its coming to power in 2015, the government has undeniably shown a striking commitment to the less wealthy and fortunate. In power, Kaczyński's party claims to have overseen the biggest redistribution of wealth in Poland since the end of communism in 1989. Its flagship 500 Plus programme gives parents a monthly subsidy of 500 zl. for their second child and the same for every subsequent addition to the family. Low-income parents receive the same, life-changing, amount for their first child. The 500 Plus strategy therefore, was presented as a patriotic, nation-building solution to Poland's declining birth-rate. It also ticked the

Catholic pro-family box and made a point about priorities in a country where same-sex marriage is illegal and gay adoption off the agenda. Critics described it as a transparent bribe to win votes, which seems to have worked (Coman, 2019).

The analysis of how the Polish PiS party is employing biopolitical mechanisms to develop and form the countries' identity project vis-à-vis gender and sexuality led to several conclusions.

First, what the above analysis shows is that the nation of Poland is naturally derived from extended kin groups, united by shared sexuality, culture, history, norms and values, stretching back centuries if not millennia and looking towards a common future. Its contours are significantly shaped by biopolitical markers of multiple regimes of belonging – to pastoral power epitomized by the Catholic Church, communities of memory[6], conservative crusaders against global liberalism, and so forth. The continuity for Poland as a nation with a shared national identity as well as its internal homogeneity and clear demarcation from the Other are ensured by means of biopolitical laws and regulations implemented by the PiS party. By attempts to naturalize the patriarchal nuclear family and associated public and private roles of men and woman and, in particular, by controlling women's sexuality through restricting their access to abortion procedures, the PiS party moved private matters of sexuality and gender into the public area. Individuals performing non-normative sexualities are thought to threaten this national identity by undermining the patriarchal family, failing to adhere to national stereotypes of masculinity and femininity, confusing the public/private roles of men and women, undermining the nation's internal homogeneity and deviating from its shared norms, especially those derived from religious teachings.

An important structural component of the Polish version of biopolitical conservatism is also its impacts upon foreign policy domains. The most important manifestations of these spill-over effects are the worsening of Warsaw's relations with the EU, along with the recurrent conflicts with the neighbouring Ukraine, a country that was a key object of the Eastern Partnership program co-initiated by the Polish government for projecting European norms and values into countries of Eastern Europe and South Caucasus. Both domains are interconnected in the sense that the current wave of domestic biopolitical conservatism impedes Poland's constructive relations with major EU member states and diminishes its influence in the Eastern Partnership countries.

4.2. Biopolitics and their Legal Mechanisms in Russia

During the third presidential term of Vladimir Putin, the focus of political discourse in Russia has shifted into the field of sexuality, including issues of paedophilia, homosexuality, abortion, fertility, and family planning. All countries in the world engage biopolitical conventions, however, the depth of policies in

[6] Another biopolitical measure implemented in 2018 by PiS was tied to the politics of memory, the so-called 'Holocaust Law'. As it is not connected to the here analysed gender and sexuality related policies, the importance of the Holocaust and its implications for contemporary Polish politics will not be addressed. For more information on PiS's use of biopolitical tools regarding policies of memory see for example: Makarychev and Yatsyk (2020), Yatsik 2019.

this realm indicates that Russia's initiatives exceed the typical, as various biopolitical initiatives were established by Russian authorities at different bureaucratic levels. This part of the analysis will consider how Putin and his ruling party UR are employing these kinds of biopolitical mechanisms to discipline and constrain human bodies. These methods aim at improving the demographic situation, upholding public morality, and proclaiming a sort of "sexual sovereignty" of Russia (Medvedev, 2020). Also, some of these measures are positioned as means for bringing the country closer to international standards; however only when considering the need of Russia to tackle its declining fertility rate and to increase its birth rate, as well as implementing new hygiene policies.

Nevertheless, there is not a single strategy coming from the Kremlin but rather a "zeitgeist" of biopolitics that is popular in a time of a re-emerging conservatism (Ibid, p. 2). Biopolitics is also employed by the regime to forge the Russian political community in the post-Crimean setting after 2014 as patriotic excitement and voter support for Putin eased. Biopolitical interventions began a year or two before the annexation as a pre-emption of the development of an organic discourse aiming at the human body. These later fuelled geopolitical discourses about the "Russian world" and "divided body" of the Russian nation that accompanied the annexation of Crimea and war in eastern Ukraine. The Kremlin's notion therefore is the idea that the management of human bodies leads to the reconstruction of the political body of the nation. This approach is a central aspect of the current Putin administration and one that hopes to define Russia's place in the world for many years ahead. Like so often in Russian history, the state turns to regard the populations as a resource that can be taken advantage of in times of crisis, especially so during times of "external threat" (Ibid.). Biopolitical normalization thus raised the bar of sovereignty, a core concept of Putin's presidency. Having toyed with the dubious idea of "sovereign democracy" in the mid-2000s, the Kremlin turned to the concept of "territorial sovereignty" beginning from the time of the 2008 Russia-Georgia war and especially from the time of the Russia-Ukraine war in 2014. Biopolitics is yet another territorialisation of state sovereignty, this time placed inside the human body. It is a claim by state authority on the private life and physical existence of the individual.

The biopolitical measures implemented by Putin after his third re-election in 2012 took the concept of "territorial sovereignty" a step further by also focusing on Russia's "sexual sovereignty". Through the extension of state power into the private sphere of its citizens, biopolitics were now also used as a legal tool of social discipline in the wake of the mass protests in 2011-13 and the undermining of the regime's legitimacy. The authorities turned toward a normative, moralizing discourse promoting Russian "traditional values" as opposed to the "moral decay" of the West, which is portrayed as a haven for homosexuality and paedophilia. Conservative family values are proclaimed to be the national idea and spiritual bond of the Russians, and grounds for opposing the West (Makarychev & Medvedev, 2015, p. 45). These traditional standards and their implementation in Russian society is endangered by any deviation from the 'norm'. Therefore, the attitude towards homosexuality that the Kremlin displays, exposes the regime's ambition to socially and normatively homogenize the political community.

Antigay and anti-LGBT legislation, together with abortion restrictions, reflect a general trend

to suppress sexual, ethnic, or political minorities. One of these biopolitical mechanisms is the law on banning propaganda of non-traditional sexual relations of June 2013. Officially, it was signed into law to protect minors from getting in contact with (homo)sexually explicit information. However, through its vague language and the imprecise definition of 'propaganda', the law incited spill-over effects. Not only caused it the silencing and criminalization of the discussion on homosexuality, it also impacted the Russian youth who are questioning their sexuality by restricting them from obtaining adequate and reliable information. The broader implications of an undefined term 'propaganda' is that it can be interpreted as any sort of public exposure of homosexuality-related issues. This can lead to a ban of any public discourse whatsoever from prohibiting protests and parades as well as banishing books or movies with homosexual themes or contexts. Additionally, the antigay legislation has provoked a number of homophobic assaults and killings in some regions of Russia, like the assassination of a gay journalist in St. Petersburg in 2016. Especially serious is the situation with LGBT rights in Chechnya where, according to the Council of Europe, the authorities have abducted LGBT people from their homes and off the street and established a prison where they are tortured and executed (Council of Europe, 2017). In this sense, the biopolitical intervention of the state and the official propaganda together with the patriarchal prejudice of a large part of the population have been stigmatizing LGBT people as second-class citizens, with the predominant rationale being that they cannot make a "normal" family. The increase of violence against the LGBT community also demonstrates that it is unlikely, that the Kremlin will ultimately be able to control the effects of its aggressive, biopolitcally centred regulations towards homosexuality and LGBT people (Makarychev & Medvedev, 2015, 47f).

Both through the gay propaganda law and the discourse on LGBT issues it generated, homosexuality was constructed as the 'Other' to Russian national traditions and family values. Not only the law's imprecise definition of 'propaganda', also the formulation 'non-traditional sexual relations' is problematic. As Russians have commonly used the term 'non-traditional sexual orientation' since the 1990s to refer to male homosexuality, lesbianism and bisexuality, 'non-traditional' automatically induces the association with same-sex relationships. Heterosexuality is normalised as 'natural' and 'traditional' through its association with reproduction, while same-sex relations are othered through their relations with non-reproductive sex and abnormality (Stella & Nartova, 2015, p. 43). A second meaning of national 'traditional family relations' considers it as foreign and alien, often putting Russia in opposition to a sexually and morally decadent Europe. The significance of Europe as central reference point is stressed as European liberalism is often equated to exaggerated political correctness and criticised for being imposed on sovereign states through institutions such as the European Court of Human Rights, and for going against prevailing local customs and sensibilities. Furthermore, internationally, gender and LGBT equality are increasingly upheld as a paradigmatic 'European' value by some states and supranational institutions such as the EU, and have been instrumentally used to reinforce notions of a 'progressive' west and a 'conservative' east (Ibid, p. 25).

In contemporary Russia, policies and legislation restricting sexual and reproductive rights are

justified in the name of national values and of the national interest, thereby naturalising the removal of issues like sexual morality, family and intimate life from the private to the public sphere. As United Russia and its associates took various actions to promote the 'organic' bond of man and woman as a distinctive feature of the Russian way of life and the nation, the draft "Concept of Family Policy" (CFP) of 2013 constitutes a biopolitical mechanism that applies to the whole set of family matters. It introduced the notion of a 'normal family' as marriage understood "solely as the union between a man and a woman […] and undertaken by the spouses with the aim of perpetuating their kin, birth and joint upbringing of children" (CFP, 2013) although Russian law does not explicitly define 'marriage' or 'family' as a union between two differently gendered heterosexual individuals. However, according to the introduced CFP a nuclear heterosexual family has at least three children and two generations living in a common household. This state intervention in private spheres contains explicitly religious connotations, characterising the family as a "small church" that sustains the idea of immortality understood as "the continuation of the nation". With this law the Kremlin gave a special role to the Russian Orthodox Church to share their expertise in acts of legislation, in ruling on family and juvenile delinquency matters and it opened the door to localize proposals such as the number of a person's official marriages to three or imposing hefty divorce taxes. The reference to the ROC reflects its growing influence in Russian political and social life, and its symbolic use as a marker of national identity by the political elite.

The new abortion legislation introduced in 2011 and the further restriction of women's access to it was not intended to protect women's reproductive rights or health; rather it was conceived as a measure to boost the birth rate. As the legislation focuses on hindering access to surgical abortion and discursively constructs individual socio-economic reasons for terminating a pregnancy as unjustifiable, the measures to prevent abortion are directed primarily towards already pregnant women, not towards promoting contraception and sex education. Access to information about contraception and safer sex practices are opposed on the grounds that they stimulate hedonistic attitudes towards sex, contradicting the social norm of sex only for reproductive means. Therefore, the spectrum of reproductive rights in modern Russia has been restricted to the right to give birth, disavowing the right to abortion, and neglecting the right to birth control, sexual health and sex education. Underpinned by demographic objectives and by the political will to promote specific models of family and intimate life, recent policies and legislation priorities the 'national interest' and the idea of 'people as power'. In their explicit attempt to optimise Russian women's reproductive capabilities, they reinforce the notion of women as the reproducer s of the nation (and implicitly as second class workers) and of womanhood as 'naturally' rooted in heterosexual motherhood (Stella & Nartova, 2015, 39f).

5. Discussion

The significance of the biopolitical restrictions signed into law in Poland and Russia is that those mechanisms threat the liberal paradigm of international human rights standards in respective countries, as will be discussed in the following section of the paper. The hampering of women's access to abortion procedures, the discrimination against people belonging to the LGBT community and the refusal to allow sex education in schools in Poland and Russia are not only limiting people in their ability to carry out their human rights of privacy and freedom of expression, but ultimately their right to sexuality.

The right to sexuality incorporates the right to express one's sexuality and to be free from discrimination on the grounds of sexual orientation. In specific, it relates to the human rights of people of diverse sexual orientation, including LGBT people, and the protection of those rights, although it is equally applicable to heterosexuality. However, as pointed out in the theory section, no right to sexuality exists explicitly in international human rights law; rather, it is comprised by various rights from within the framework of international human rights law. Amongst those is inter alia the right to privacy as protected under the UDHR and the ICCPR which reflects the "widespread, if not universal, human need to pursue certain activities within an intimate sphere, free of outside interference" (Heinze, 1995, p. 172). Intimate relationships, whether between two people of the same sex or of different sexes, are among those activities that are subject to a right of privacy. Furthermore, every person, by virtue of their individual autonomy, is free to express themselves, assemble and join in association with others as protected by the UDHR and ICCPR.

Considering the human rights situation in Poland, they are guaranteed by the second chapter of the Constitution. Poland is a party to all important international agreements relevant to human rights, including the Convention for the Protection of Human Rights and Fundamental Freedoms, the UNDHR, the Helsinki Accords, the ICCPR as well as the Convention on the Rights of the Child. Poland is also a member of the Council of Europe and ratified the International Criminal Court agreement. Russia as well, as a successor to the Soviet Union, remains bound by the human rights instruments adopted by the Soviet Union, as the ICCPR and ICESCR. In the late 1990s, Russia also ratified the European Convention of Human Rights (with reservations) and from 1998 onwards the European Court of Human Rights in Strasbourg became a last court of appeal for Russian citizens from their national system of justice. Since the 2011 State Duma elections and Putin's resumption of the presidency in spring 2012, there has been a legislative onslaught on many international constitutional rights, e.g. the freedom of Assembly and Association of the UDHR which is embodied in Articles 30 and 31 of the Constitution of the Russian Federation. A law was passed in December 2015 that gives the Constitutional Court of Russia the right to decide whether Russian can enforce, or ignore, resolutions from intergovernmental bodies such as the European Court on Human Rights (Zagonek & Boulatov, 2016). As a member of the Council of Europe and a signatory of the European Convention on Human Rights, Russia has international obligations related to the issue of human rights.

Thus, both Russia and Poland are members of relevant human rights conventions, still they do not guarantee equal rights for all their citizens. One way of denying particular groups in their society those basic rights is by the use of biopolitics and the signing into law of biopolitical mechanisms by the PiS and UR party towards sexuality and gender, as shown in the analysis of this paper. As biopolitics promote some kind of totalisation, namely the submission of the individual to the common or collective on behalf of a shared set of norms in each type of regime, it poses the danger of human rights restrictions, namely of those groups and minorities that seemingly do not fit the socially constructed concepts of identity of respective nations. If taken to the extreme, historical examples of totalitarian regimes such as Stalin's USSR and Hitler's Germany show, that a lack of political pluralism and the absence of a stable civil society can cause biopolitics to turn into a set of top-down repressive procedures and laws. These regulations include practices of racial or class hygiene, as well as the oppression of "deviant" sexual orientations and practices. (Makarychev & Yatsyk, 2017, p. 3). Furthermore, as Foucault points out, the danger proposed by illiberal and non-democratic models of biopolitics is that they can exercise physical force and military coercion. As "the power to expose a whole population to death is the underside of the power to guarantee an individual's continued existence… [O]ne has to be capable of killing in order to go on living" (Foucault, 1984, p. 260). Therefore, the reverse side of biopolitics constitutes the danger of power being misused in the hands of undemocratic and illiberal rulers. In Poland and Russia this is illustrated by a deeply biopolitical understanding of conservatism and nationalism, with anti-LGBT and anti-same-sex marriage at its core.

As the UDHR describes human rights as rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status, everyone is entitled to these fundamental rights, without discrimination. On what grounds therefore, do the PiS party in Poland and UR in Russia deny these rights to a particular group of their society and do they not have the rights to do so?

Human rights are rights that one obtains simply by the fact of being human and being born. Therefore, it is hard for critics to take issue with the rough idea that all humans matter morally as some abstract claim about the moral worth of persons; however, they might debate about what obligations can be imposed on individuals or states on moral grounds. Poland and Russia especially argue with specific visions of what global justice required by way of transfers in the direction of equality or human rights protection, referring to the notion of liberal nationalism. Liberal nationalism argues for the value of nationalism, as human beings have a deep need to belong somewhere, to create something coherent of themselves, of their own lives, the need to find self-esteem through belonging to a nation. Only through this cultural membership and group affiliation, self-identification or self-definition can be achieved. Therefore, what liberal nationalists hope to show is that nationalism could meet the requirements of liberalism, that it is at least theoretically possible to articulate a position that blends liberal and nationalist tenets in a way that is morally defensible.

Therefore, Poland and Russia both follow the implementation of human rights in their countries

in line with the argumentation of liberal nationalism. According to this, they do not disagree about the position that people should have their basic human rights protected; nevertheless, they support a much thinner list of human rights than liberal democracies do. This happens under the liberal nationalist premises that firstly, one's national identity is a legitimate and natural component of one's personal identity that is worth being protected from the influence of other cultures or identities. Binary opposition in terms of sex/gender, religion or culture constitutes a basis from which the process of identity forming in areas as law, bureaucracy and customs is derived from in Poland and Russia. As homosexuality and queerness got defined as outside the dualist norm, it became excluded from society and was framed as the "Other", as now the LGBT community in Poland and Russia. Therefore, as being considered as outside the countries' national identity, as unnatural and excluded from society, Poland and Russia expel the LGBT community from being included in human rights as they do not follow along the lines of the binary categories defined by society. With this exclusion from basic human rights, Poland and Russia at the same time deprive members of the LGBT community of being considered human, as the cornerstone of international human rights law is the principle of universality.

Poland and Russia justify these practices by their right of self-determination. As pointed out by David Miller, countries and people who form a national community have a claim to political self-rule and self-governance (Miller, 1993, p. 12). Both Poland and Russia have the universal right to ensure their national self-determination, i.e. the claim for a public political sphere in which a nation's cultural identity can be expressed, reflected and fostered (Tan, 2002, p. 437). Therefore, liberal nationalism is a form of nationalism with a cultural content and which, as with all brand of nationalism, commands the establishment of certain nationalised institutions for the purpose of promoting and securing a cultural identity in the name of self-determination. These institutions (e.g. in education, immigration / naturalisation policies, official language policies, etc.) at the national level need to strengthened in order to bring about autonomous political institutions that "members might see as 'their own'", and a public sphere in which the national culture may be expressed (Tamir, 1993, p. 9). According to PiS and UR, Poland and Russia act precisely within these rights of self-determination by creating laws like stricter abortion regulations or the gay propaganda law to distinguish "their" identity, norms and values from the "other".

6. Conclusion

In this project, the aim is to investigate how the Polish PiS party and UR in Russia employ biopolitical mechanisms to develop and form the countries' identity projects vis-à-vis gender and sexuality. As stated in the analysis, various legal instruments were considered to understand these conservative, anti-LGBT sentiments and their creation.

Firstly, it became apparent that in Russia, as well as in Poland the ruling parties employ biopolitics to sign restrictions into law that not only exclude the LGBT community from taking part in the political and social life of its country, but also limit women in their access to safe abortion procedures. These restrictions not only contribute to the already existing conservative sentiments in society, but also resonate within it., as it shares an agenda with the influential churches of respective countries.

Therefore, the conservative hostility towards the LGBT community and the implementation of biopolitical mechanisms expressed by the PiS party is caused by their perceived incompatibility with patriotic and religious national identity constructions, further deepened and pushed forward by PiS. This divisive narrative is partly achieved by the politization of the Catholic Church in Poland and its equalling of being a good Pole as being a good Catholic. The church is still one of the most influential institutions in Poland with far-reaching impact on the building of norms and values in Polish society. Therefore, the teaming up of the Catholic church with the PiS party due to their common interest in a conservative agenda, the banning of abortion and marginalization and stigmatization of LGBT people as outside of societal norms has led to a powerful union.

Thus, the narrative shared by the two actors of Poland as a nation derived from extended kin groups, united by a shared sexuality and religion, culture, history, as well as norms and values is formed by the biopolitics of multiple regimes of belonging. These include religious power exercised by the Catholic Church, as well as conservative crusaders against global liberalism, and so forth. As PiS declared in its election campaign to the European parliamentary elections in summer 2019 and often expressed through state media, it perceives the continuity for Poland as a nation with one shared national identity and internal homogeneity in danger. This risk should be counteracted by means of implementing biopolitical laws and regulations targeting the alleged threat to this conservative agenda, namely the liberal "gender ideology" and with it the LGBT community. By attempting to naturalize the "normal" family, consisting of a married, heterosexual couple, and the related public and private roles of men and women, as well as controlling women's sexuality through limiting their access to safe abortion procedures, the PiS party moved the usually private matters of sexuality and gender into the public sphere. Thus, individuals performing sexualities perceived as non-normative are thought to threaten this national identity by threatening the nuclear family, failing to comply to national stereotypes of masculinity and femininity, disarranging the roles of men and women, weaken the nation's internal homogeneity and differing from its shared norms.

The biopolitical turn in Russian politics taking place in Russia in Putin's third term of office signifies that community and identity building is achieved not on the basis of civil society and citizen participation, but by evoking deeply rooted complexes of phobia, patriarchal instincts, communal belonging, and mob mentality. The biopolitical power attacks the foundations of civil liberties and infringes on the last remaining territory of individual freedom, the private sphere. It completes Putin's decade-long authoritarian drift and reconstitutes the limits of state sovereignty, from reclaiming parts of the Soviet empire, most recently in Ukraine, to re-establishing the state's control over the individual. Second, restrictions on sexual and reproductive rights are advocated in the name of the national interest and of the state's biopolitical aims of increasing the population and improving its health. Restrictions on abortion are intended to boost the birth rate and optimise women's reproductive capabilities; the gay propaganda law is meant to contribute to the healthy psychological and moral development of Russia's younger generations by strengthening 'traditional' family values. On an ideological level, these restrictions construct specific models of motherhood, relationships and family as legitimate and 'traditionally' Russian. A vision of the Russian nation as an 'imagined' community' built on tradition and biological kinship promotes specific sexual and gender normativities. Therefore, biopolitical regulations are the basis for pursuing the so-called "sexual sovereignty" of Russian and an ideological platform for opposition to the West.

Third, the new normative order is a political tool for disciplining the disillusioned society and the increasingly volatile elite, which is necessary in the conditions of the declining legitimacy of the regime, the shrinking electoral base and falling oil revenues. Biopolitical rhetoric could divert people's attention away from political and social problems and channel potential discontent away from the authorities to the designated Others: homosexuals, liberals and so forth. Biopolitics is therefore an intrinsic element of the debates over the essence and border of the Russian political community. More specifically, Russian biopolitics is overwhelmingly about the issues of inclusion and exclusion that are indispensable elements of national identity narratives. Henceforth, biopolitical regulations, implemented through bans and restrictions, became one of the main tools for articulating the rules of belonging in the political community named Russia and drawing its political boundaries.

Concludingly, through the lens of this paper, biopolitics offer an understanding of nationalism and identity through defining an array of issues significant for political communities, inter alia regimes of inclusion and exclusion, and the social construction of otherness. Through these categories, the benefit and contribution of biopolitics becomes apparent – as it problematizes "big" concepts like nationalism on the basis of specific case studies (Makarychev & Yatsyk, 2017, p. 6). This might help understanding biopolitics not simply as a certain way of regulating and controlling populations, but as a policy sphere that aims at shaping a whole range of issues related to human lives, including sexuality, corporeality, and bodily practices.

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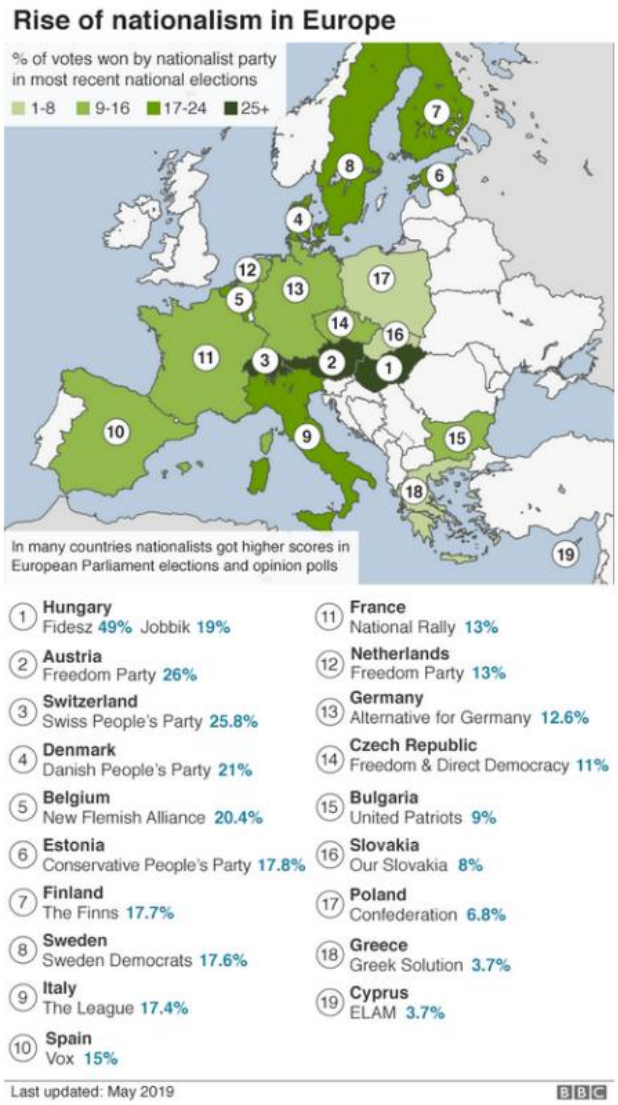
Appendix

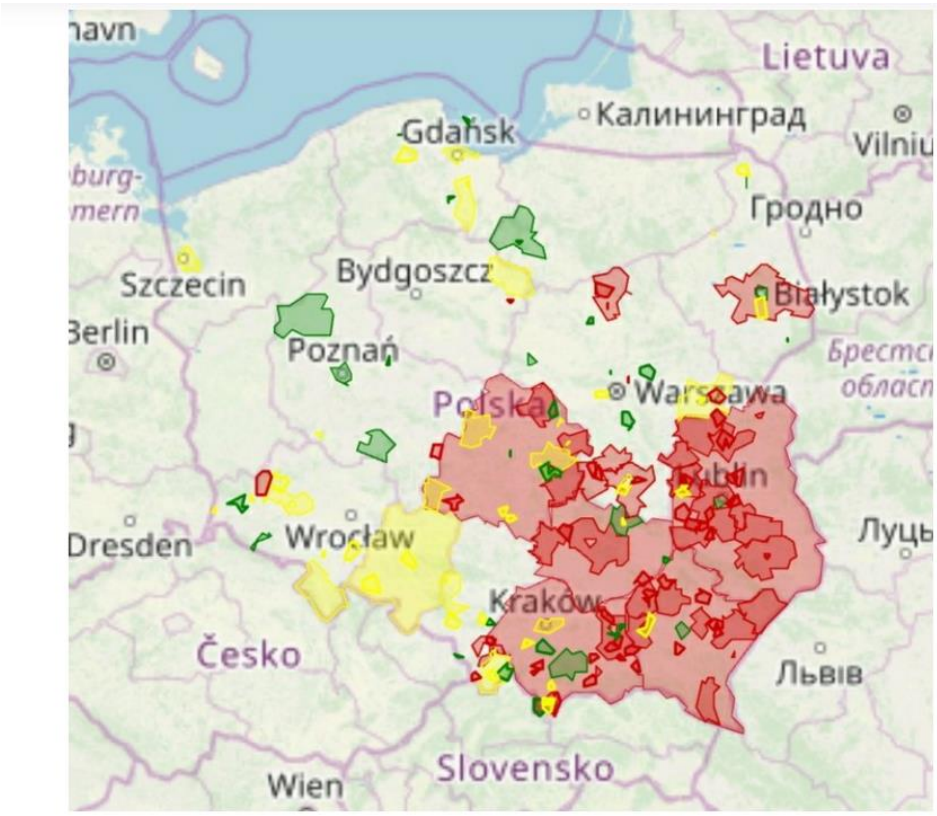
Picture 1:



The rise of nationalism in Europe: Percentage of votes won by nationalist party in most recent national elections, last updated May 2019

Source: BBC News (2019). Europe and Right-Wing Nationalism: A country-by-Country Guide. Retrieved from https://www.bbc.com/news/world-europe-36130006*

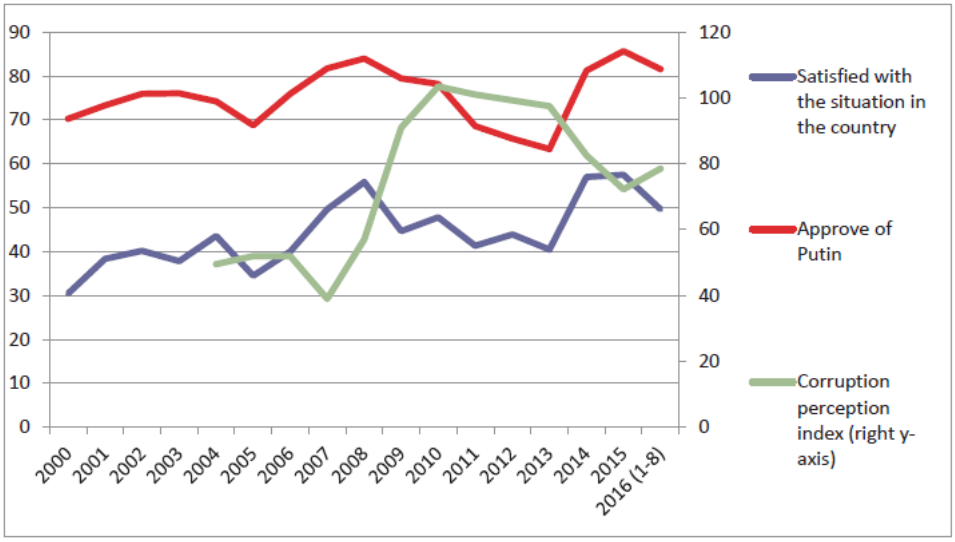
Picture 2:



A map of Poland showing that about a third of the country is effectively an "LGBT-free" zone.

Source: Ciobanu, C. (2020). A Third of Poland Declared 'LGBT-Free Zone'. Retrieved from https://balkaninsight.com/2020/02/25/a-third-of-poland-declared-lgbt-free-zone/*

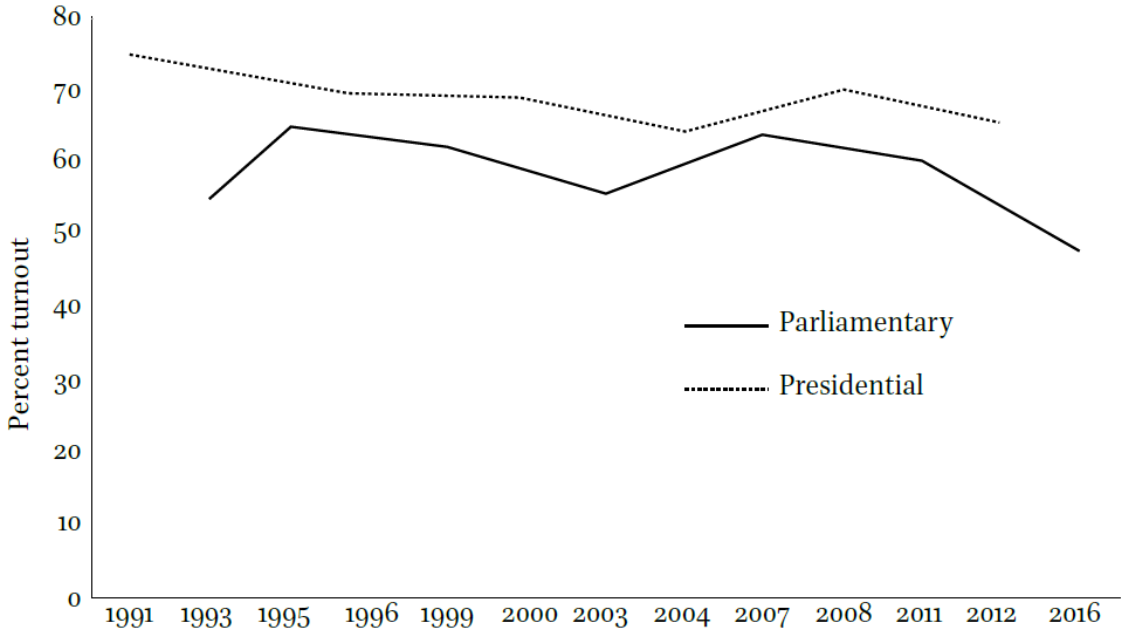
Picture 3:



The perception of the political regime in public opinion: approval, satisfaction and perception of corruption.

Source: Rogov, K. (2016). *Russia's 2016 Duma Elections: Ambiguous Triumph and New Challenges for the Regime* (FIIA Briefing Paper No. 205). Retrieved from The Finnish Institute of International Affairs website: https://www.fiia.fi/en/publication/russias-2016-duma-elections*

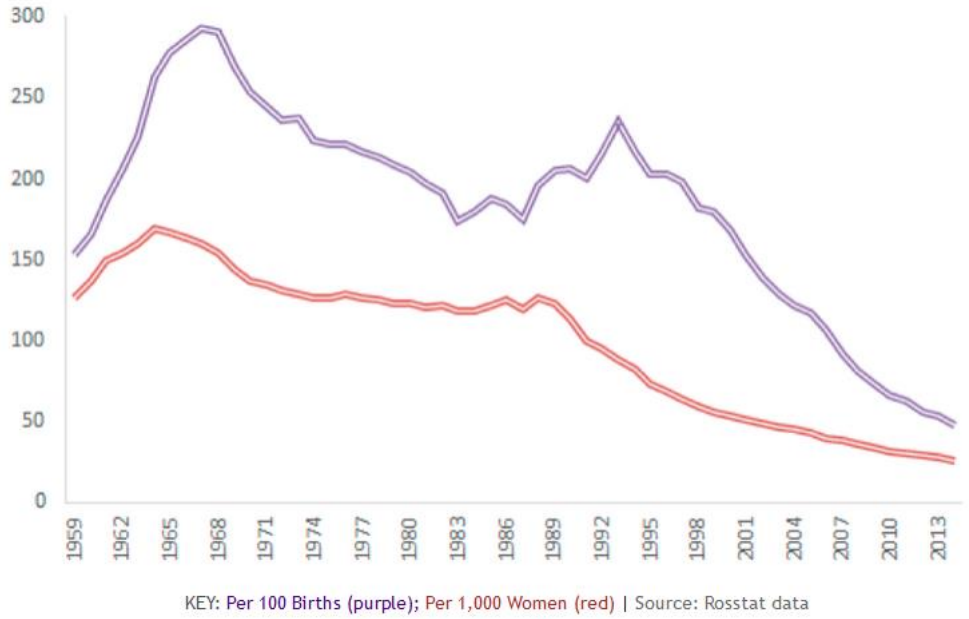
Picture 4:



Voter turnout in the parliamentary and presidential election from 1991 until 2016.

Source: McAllister, I., & White, S. (2017). Demobilizing Voters: Election Turnout in the 2016 Russian Election. *Russian Politics*. (2), 411–433.

Picture 5:



The number of abortions per 1000 women aged 15-49 and per 100 live births (Russia 1959-2014)

Source: Sakevich, V., & Lipman, M. (2019). Abortion in Russia: How Has the Situation Changed Since the Soviet Era? Retrieved from http://www.ponarseurasia.org/point-counter/article/abortion-russia-how-has-situation-changed-soviet-era*