

# Political homophobia as a state strategy in Russia

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## Introduction

*“West will fall in the same way as the Roman Empire before it, because in the roman army it all started with the fact that the soldiers were no longer engaged in battles and indulged in “the charms of homosexual love”.*

State Duma deputy Vitaly Milonov in an interview to the Russian News Service<sup>1</sup>

Political homophobia as a state strategy is a phenomenon that has attracted scholarly attention recently. However, history shows that states such as the USSR or Nazi Germany and some others in the twentieth century resorted to policies of state homophobia. Stalin skillfully used homophobia to crack down on political opponents and consolidate power by terrifying the elite (Dan Healey 2002; Dan Healey, Baer, and Stella 2008). Modern Russia under the rule of president Vladimir Putin deployed political homophobia as a part of range of policies aimed at creating a sense of national identity.

As Wiess and Bosia write political homophobia is

“purposeful [strategy], especially as practiced by state actors; as embedded in the scapegoating of an “other” that drives processes of state building and retrenchment; as the product of transnational influence-peddling and alliances; and as integrated into questions of collective identity and the complicated legacies of colonialism. Specifically, we target the overt deployment of homophobia in political rhetoric and policy, as a remarkably

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<sup>1</sup> Previously being a member of St. Petersburg city hall, Milonov was the main sponsor of the city “gay propaganda law”.

similar and increasingly modular phenomenon across a wide range of cases” (Bosia and Weiss 2012).

The beginning of the twenty-first century introduced a conservative turn in domestic policies of many countries around the globe. A “reverse wave”<sup>2</sup> that aimed at reinstalling autocratic regimes, included among other strategies “a widespread, caustic focus on sexuality, in the form of overtly political homophobia” (Bosia and Weiss 2012). Egyptian “Cairo 52” case leading to the arrest and trial of fifty-two male visitors of a gay-friendly club “Queen Boat” in a special national security court. They were found guilty of charges ranging from habitual debauchery to contempt for religion. (Asal, Sommer, and Harwood 2013) By doing so, the government made it clear that same-sex practices are deemed to be a threat to national security of the country. The securitizing of sexual issues has been happening in Africa in general and in Uganda and Zimbabwe in particular (Weiss and Bosia 2013). The Ugandan government in 2009 adopted the bill that criminalizes homosexuality with the death penalty as a capital punishment<sup>3</sup> (Rice 2009). Zimbabwean president Robert Mugabe has long been using homosexuality to strengthen his own power within the country, distract attention from domestic problems by using “international gay agenda” as a national threat and build a sense of united national identity by scapegoating existing sexual minorities (Tendi 2011). The conservative Polish

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<sup>2</sup> I am referring to Samuel Huntington’s article “The Third Wave: Democratization in the Late 20th Century” in which he claims that democratization that has happened resemble waves in a sense that there are groups of democratizing countries. Each wave is followed by reverse wave which represent the comeback of some countries to authoritarian rule. (Huntington 1992)

<sup>3</sup> “An Act to prohibit any form of sexual relations between persons of the same sex; prohibit the promotion or recognition of such relations and to provide for other related matters.” enacted on 14 October 2009

government that came to power in 2004 launched political homophobia to counteract attempts of the European Union to impose gay rights legislation upon the country. As Graff mentions, “the conflict was more about cultural identity and national pride than about sexual orientation or public morality” (Agnieszka Graff 2010, 584). President Putin unlike Polish prime minister Kachinsky has never explicitly condemned homosexuality. On the contrary, he said in his interview to CBS in 2015 that “the problem of sexual minorities in Russia had been deliberately exaggerated from the outside for political reasons, I believe, without any good basis. We have no persecution at all. People of non-traditional sexual orientation work, they live in peace, they get promoted, they get state awards for their achievements in science and arts or other areas. I personally have awarded them medals” (Charlie Rose 2015). Linking domestic homosexuals to forces “from outside”, Putin makes it clear that the position of the Russian state is that homosexuality and foreignness are connected. Moreover, his assertiveness that gay people in Russia have the same rights is refuted by political homophobia that has been launched after third presidential term of Putin.

The state strategy of political homophobia among other policies of nation building was deployed as a response to the ideological vacuum that had been created as a result of the collapse of the Soviet Union. The need of producing a sense of national identity distinct from both West with its emphasize on liberal values and, as Healey notes, “a decidedly “primitive” or “backward” “East”, which ‘permitted and permits Russians to imagine their nation as universally, naturally, and purely heterosexual’(Dan Healey, Baer, and Stella 2008, 6–7).

With the collapse of the Soviet Union and the fall of the iron curtain, the young democratic government in Russia was more focused on stabilizing the economy than on

political issues. The politics of “shock therapy” aimed at changing the economy and “the initial impoverishment that came along with it had more of a “demasculinizing” effect, as many men could not meet the new market-derived standards for masculine achievement” (Sperling 2014, 60). Therefore, one of the earliest political acts undertaken by Putin when he became president in the early 2000s was the change of discourse to include patriotic terms.

To denote the gradual shift toward politics of nationalism, I introduce the term conservative heteronationalism. Analogues to Puar’s homonationalism, heteronationalism deploys heterosexuality as a modular type of sexual behavior forming the basis of nation (Puar 2007). Queer sexualities are not included into the process and become marginalized as unproductive<sup>4</sup> sexualities (Foucault 1978). The conservatism is expressed by the desire to look for role models of sexual behavior in the history, which is obscure and can be biased. Therefore, conservative nationalism is a state strategy that occurred in the Russian Federation under Putin, including among other strategies a deployment of modular political homophobia to create a sense of a reemerging Russian nation. Its main objective is to create a collective identity of Russians. For Bosia and Wiess, political homophobia is connected to the legacy of colonialism (Weiss and Bosia 2013). Russia has never been colonized by a foreign power. However, the period of 1990s was characterized as the “colonization” of the country and “Putin’s self-assertion as a tough, strong, masculine, and, above all, patriotic leader protecting Russia from the chaotic demands for “mob rule” and the nefarious plans of Western states to weaken

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<sup>4</sup> The sexual behavior the result of which is pleasure and not the birth of children.

Russia and take advantage of her copious natural resources, was both personally pragmatic and eagerly welcomed by the citizenry” (Sperling 2014, 78).

When discussing the deployment of political homophobia in Russia, it is necessary to keep in mind the influence of internal and external actors on that process. The introduction of conservative rhetoric to Russian domestic politics is closely related to the international milieu around Russia in the mid-2000s. The point of no return in Russian-Western relations was passed after another round of NATO expansion in 2007 (Simon 2008). Putin, who has always been suspicious of the West, became aggressively hostile toward foreign powers – members of the alliance. Regardless of the true nature of NATO, the Russian political elite perceives it as a threat to Russia’s national security.

The Putin administration changed rhetoric toward a more critical position on the West. To fill the growing vacuum of ideology, the government rejected western liberalism. Instead, they turned to the concept of traditional values. People impoverished and humiliated in the 1990s politics of “shock therapy” welcomed the changed course. “Russia is getting up from its knees” became a slogan of growing anti-westernization of the country. The new ideology of conservative traditional values involved many actors such as the ruling United Russia party, Cossacks and most importantly the Russian Orthodox Church whose position on homosexuality was known.

I argue that the anti-western turn of Russian politics of the Putin administration in both foreign affairs and internal organizations imitated a societal request for traditionalization of the Russian political realm, created homophobic discourse, legislation and broader sentiment of the population to facilitate the usage of political homophobia to:

- legitimize the current authoritarian political regime;

- build sense of united national identity;
- pose Russia in opposition to the West.

### Literature review

Studying political homophobia as a state strategy within an international context and as a national phenomenon is a new approach to the problem. Scholars have been studying interconnections between states and the homophobic attitude of the population and their effect of LGBTQ rights activists (Frohlich 2011), Christianity and homophobia (Birken 1997) and homophobia and masculinity (Stein 2005). Michael J. Bosia and Meredith L. Weiss pioneered at the study of homophobia as a modular and deliberate political strategy that has taken place in different parts of the world (Bosia and Weiss 2012).

There is no scholarship focused particularly on examining political homophobia in Russia. There is, however, scientific research in the area of history (Ashwin 2000; Engelstein 1995; Dan Healey 2002a, 2002b, 2003; Dan Healey, Baer, and Stella 2008; Daniel Healey 1993) and the sociology of homosexuality in Russia(Baer 2002, 2009). The literature suggests a perpetuated feeling of homophobia within the Russian population due to the historical legacy of homosexuality in Soviet times and negative discourse produced by the state today.

There is also a significant amount of research in the area of masculinity and its nexus to the political regime, attitudes, and culture (Gane.N. 2002; Makarychev and Medvedev 2015; Riabov and Riabova 2014; Sperling 2014). Sperling argues that masculinity plays a key role in legitimizing the Russian political regime. She writes,

“In the contemporary Russian case, the Kremlin deployed a legitimization strategy that included stressing Putin’s machismo – a strategy that bled over into popular cultural productions of the same ilk.[...] Traditional masculinity, therefore, enables male political leaders (and some female ones as well) to assert their power over others who can be identified or characterized as traditionally feminine.[...] Political actors employ widely familiar cultural notions of masculinity, femininity, and homophobia (heteronormativity) as political tools in their performance of legitimacy” (Sperling 2014).

Researchers also note a growing influence of the Russian Orthodox Church as an authoritative actor in producing homophobic discourse and reinforcing traditional gender roles (Hanna Stähle 2015; Sperling 2014; Zorgdrager 2013). Taking into consideration the fact that the majority of the population identify as orthodox Christians, the Church’s position on social issues has a significant impact on societal perception.

A Russian researcher, Igor Kon, connects the conservative turn which started in 2005-2006 to the new round of homophobia which is organically linked with other forms of Soviet-Russian xenophobia. (Kon 2010; Nagel 1998). Helen Jefferson Lenskyj analyzing Winter Olympics in a Russian city Sochi in 2014, points to the interrelationship between xenophobia and homophobia. She writes, “xenophobia as well as homophobia was evident in Putin’s emphasis on the demographic crisis; like right-wing anti-choice groups in Europe, he drew on fears of immigrants and Muslims allegedly taking over the country if Russian women didn’t fulfil their child-bearing duties” (Lenskyj 2014, 14).

Scientists have studied the role media plays in the construction of homophobia within the Russian context. (Persson 2015) Media has a significant influential power over structuring people’s attitudes toward social issues. (Gainous 2007; Venzo and Hess 2013)

Sarah C. Gomillion and Traci A. Giuliano have examined how media influenced self-realization, coming out, and current identities of American homosexuals “by providing role models and inspiration”. (Gomillion and Giuliano 2011, 330)

There is a body of research that studies discursive practices within local LGBTQ community that have been developed as a result of societal homophobia. (A. Kondakov 2013; Kondakov 2011, 2013). This discrete language helps Russian queers stay unnoticed in the hostile environment.

Despite the study of different aspects of homosexuality within the Russian context, there has not been research focusing on modular political homophobia as a state strategy. In my research, I place Russia within a broader international context in order to show that current homophobic discourse and “anti-gay” legislation passed in 2013<sup>5</sup> is not unique to Russia and represents a wider attempt of different authoritarian states to use homosexuality politically to their advantage. However, unlike in places like Uganda or Egypt, Russian homosexuals are hostages of complicated foreign policy games between Russia and the West. I argue that politics of homophobia launched by Putin was a direct consequence of dilapidating relations with the USA and Western Europe.

### Political roots of the institutionalization of homophobia

In many ways, the current conservative turn and the emergence of the authoritarian regime of Vladimir Putin was a logical result following the previous period of the Russian history. I argue that political homophobia as a strategy of the Russian state

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<sup>5</sup> The Russian federal law “for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values” passed by the State Duma on June 11, 2013 and enacted on June 30, 2013.

cannot be understood without reference to the destructive experience of the demasculinization of the country that eventually led to the welcoming of authoritarianism. In this case, Vladimir Putin used sexual minorities in order to construct an image of an external threat and its internal “agents”. However, not only homosexuals were portrayed that way. Russian NGOs that received funding from foreign sources were also marginalized and labeled as “foreign agents”.

The Soviet regime used a political ideology of communism to lessen anxiety about the future of the society by creating and sustaining a stable hierarchy of gender roles where masculinity was a central organizing norm. The country and its leadership, deterring their Cold War enemy – the United States – created an image of great power, which ruled the destinies of the world. The usage of an external threat helped the government to demand loyalty within the country and provided a sense of unity to the nation. The perpetuated feeling of paternalism placed the state in a position of a decision-maker of every aspect of human life. Sarah Ashwin speaking about governing gender norms notes that,

“in the case of women, their role was defined as worker-mothers who had a duty to work, to produce future generations of workers, as well as to oversee the running of the household. Men, meanwhile, had an at once more limited and higher-status role to play. They were to serve as leaders, managers, soldiers, workers – in effect, they were to manage and build the communist system – while the state assumed responsibility for the fulfilment of the traditional masculine roles of father and provider, becoming, in effect, a universal patriarch to which both men and women were subject. In this way, masculinity became socialized and embodied in the Soviet state, the

masculinity of individual men being officially defined by their position in the service of that state". (Ashwin 2000, 1)

The fall of communism and disintegration of the country resulted in a deep feeling of demasculinization. The previously existing gender roles carefully crafted and transmitted through generations were shaken by the significant economic and political turmoil. The abrupt and substantial impoverishment of the population and the decline in male life expectancy negatively affected the ability of man to provide not only for their families but to the nation as well (Riabov and Riabova 2014). The loss in the Cold War with the West left a deep wound in the consciousness of the population. It also led to unexpected demasculinization which, as Riabov and Riabova argue, had two effects,

"First, there was a significant weakening of the country's international position because of the nation's defeat in the cold war, the collapse of the USSR, and the Russian army's defeat in the war in Chechnya in 1994–1996. Second, human trafficking reminded Russian men that they were unable to take care of their nation's women. Moreover, Russia in the 1990s was quite often portrayed not as a mother but rather as a woman of easy virtue; prostitution became a metaphor for the country's foreign policy". (Riabov and Riabova 2014, 25)

The weakening economy of the country compelled Russian leaders to turn to Western countries in order to seek for financial support which only reinforced the image. Impoverished country begging neighbors with an outstretched hand painfully harmed national pride of the Russians. The lost status of a great power was only reinforced by the Western countries expanding NATO and bombing Yugoslavia despite protests from

Russia. No longer masculine, the society harbored resentment against Western democracies.

Flushed with victory in the Cold War, Western countries made a mistake by losing an opportunity to fully engage Russia into the democratic process and the work of European institutions. Had it been done, it would have provided for an additional leverage to influence a Russian government (Aldo Ferrari 2016). However, some European institutions such as the Council of Europe demanded decriminalization of homosexuality before it could welcome Russia. The Yeltsin administration in 1993 excluded “muzhelozhestvo”<sup>6</sup> (male-to-male sexual practice) from the Code of Criminal Offence. The emergence of LGBT activism in post-soviet Russia could have been a first step towards the inception of a statewide LGBT movement. Yet, as Laurie Essig notes, it was not the birth of the movement, but rather a miscarriage (p.67). After the abrupt emergence of the LGBT movement in the 90s by the beginning of the 2000s, it was almost invisible. (Essig 1999; Nemtsev 2008)

However, decriminalization did not lead to destigmatization of Russian gays and lesbians. “Western-style homosexuality, or what Dennis Altman has referred to as the “global gay,” has become a convenient symbol of Western cultural imperialism, involving the encroachment of Western values (overt sexuality, non-reproductive sex, and consumerism) and Western political concepts (tolerance, diversity, and civil rights)” (Baer 2009, 6). For the government, juridical decriminalization of homosexuality was a tool in negotiations with international organizations and foreign governments. Therefore, homosexuality was used politically in two ways. In domestic affairs, the government was

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<sup>6</sup> Here and after all translations from Russian into English are mine.

silent about rights of homosexuals in order not to attract unnecessary criticism of the public. In foreign affairs, homosexuality was used to show ongoing democratization of the country.

The vacuum that was formed after the official communist ideology had gone, persisted until the middle of the 2000s. Western liberal values that filled Russian “market” became gradually rejected. They were associated with the government that failed to deliver expected level of life to most Russians. At some point of the late 1990s, the words “liberal” and “democrat” migrated to a list of offenses. Aging and weakening president Yeltsin was a symbol of the failed country, the country that lost its masculine face and became a mistress of more powerful and wealthy nations.

Growing visibility of sexualities on TV and on streets of Russian big cities quickly ignited a feeling of domestic homophobia within the population. Homosexuality, in particular, was seen as “a foreign import, that is, a direct effect of Western influence”. (Dan Healey, Baer, and Stella 2008, 6) As Massad rightfully observes, “by inciting discourse on homosexual and gay and lesbian rights and identities, the very ontology of gayness is instituted in a discourse that could have only two reactions to the claims of universal gayness: support them or oppose them without ever questioning their epistemological underpinnings.” (Massad 2002, 374) The majority of Russians show strong animosity toward same-sex practices and visibility of homosexuals.

It is important to emphasize that the decriminalization of homosexuality in Russia was not a response to a growing LGBT activism. On the contrary, Russian gay and lesbian groups that started emerging as early as 1993, were weak and disorganized nationally. As Bosia and Weiss suggest there is a clear pattern of the diffusion of global homophobia because “in no context in the world are LGBT citizens the threat they are made out to be;

the ubiquitous specter of married, child-rearing gay men or lesbians inflates a tiny, often meek and nearly - or fully invisible minority, to nation-destroying stature, much as anti-Semitism has done, and frequently at the same time.” (Bosia and Weiss 2012, 20) This is certainly true for the Russian Federation of the 2000s when domestic homophobia was taken upon by the government as a strategic political tool. When it happened, the homophobic discourse and policies received the overwhelming support from the general public for whom gays and lesbian were a symbol of everything they loathed.

Therefore, the 1990s became a lost period for LGBT activism in Russia. In the circumstances of weak and dependent state, it failed to deliver rights of gays and lesbians to political agenda. The society, feeling ripped off their masculine nature, was not enlightened about homosexuality. As a result, politics of compliance with the West in exchange for scarce resources turned Russian population against Western values. Such attitudes later were used to support carefully crafted state strategy of political homophobia.

### [\*\*Putin’s conservative turn and institutionalization of homosexuality\*\*](#)

From the beginning of his presidency in the 2000s, Vladimir Putin attempted to combine politics of “friendly relations” with the West and “patriotism” for his domestic constituencies. Although Putin’s Russia was allowed into many European and international political institutions, the country’s voice was barely heard by the Western counterparts. The last straw was a round of NATO expansion in 2007 with the inclusion of South and East European nations bordering Russia. This move was perceived as unfriendly and even aggressive by the Russian political elites. The offensive character of

NATO and the reluctance to treat Russia as equal pushed the Putin administration into isolation and the search for a new ideology for domestic consumption. I argue that to unite the nation around internationally pressed government, the Kremlin turned to the ideology of conservative heteronationalism. Conservative heteronationalism in its Russian version represents an attempt to create a sense of national identity based on the construct of traditional values and heteronormativity. In such a social construct “nontraditional” (that is, nonheterosexual and nonheteronormative) sexual relationships are understood to be socially inferior.” (Wilkinson 2014, 372)

With the growing conservative heteronationalism, homosexuals again appeared to be the focal point of the policies of exclusion. In order to posit Russia against the West, the government needed a Russian group of people that would represent non-Russian values and at the same time could be argued to be influenced by the West and serve as agents of western corrupt influence within the country. Such tactic of carefully crafted state homophobia facilitates the state’s objective of uniting the society around its national leader. “Feared, condemned and demonized, homosexuality has been used for contesting power relations, articulating Russia’s sovereignty and defining the Self and the Other.” (Hanna Stähle 2015, 52) Politically, it allowed the government to shift public attention to the minor problem, whereas the real social and economic issues remained without substantial public criticism. The parastatal media effectively accomplished the task. LGBTQ-rights organizations, in particular, became an exclusive aim of governmental criticism as agents of the western countries, especially the United States. It found support among the population.

State homophobia in Russia started taking a legislative shape in May 2006 when Ryazan regional Assembly (Ryazanskaya Oblastnaya Duma) adopted a supplement to the

local Law on Administrative Offenses<sup>7</sup>: “Section 3.13. Public actions aimed at propaganda of homosexuality (sodomy and lesbianism) among minors”. The law used the Soviet medical term “homosexualism”<sup>8</sup> combined with the outdated term “sodomy” that has religious connotations and the relatively new “lesbianism” which was not used previously.

The law was contested in the Constitutional Court in 2009. In its decision the Constitutional Court of the Russian Federation on January 19, 2010 N151-O-O, declared, that

...as such the prohibition of the propaganda – as a purposeful targeted and uncontrolled activity of the dissemination of information that may damage the health, moral and spiritual development, including misconceptions about the social equivalence of traditional and non-traditional marriage – among persons deprived due to there are of ability to critically evaluate such information cannot be considered as violating the constitutional rights of citizens (The Constitutional Court of the Russian Federation 2010)

In 2012 the decision was appealed to the UN Human Rights Committee. “The Human Rights Committee found that the applicant’s conviction under the Ryazan Law on Administrative Offenses (Ryazan Region Law) which prohibits “public actions aimed at propaganda of homosexuality among minors” violated her right to freedom of expression,

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<sup>7</sup> Zakon Ryazanskoi oblasti ot 15.06.2006 N66-03 “O Vnesenii izmenenii v Zakon Ryazanskoi Oblasti “Ob Administrativnih Pravonarusheniiaah” [Law of the Region of Ryazan dated 15.06.2006) N 66-03 “On the Changes in the Law of the Region of Ryazan “On the Administrative Violations”] Retrieved May 27, 2013 from

the Region of Ryazan website: [http://ryazan.news-city.info/docs/sistemsj/dok\\_oeqrlo.htm](http://ryazan.news-city.info/docs/sistemsj/dok_oeqrlo.htm)

<sup>8</sup> It should be noted that The Russian language often uses words “homosexualism”, “lesbianism” while in relation to heterosexual practices the word “heterosexuality” is used. The suffix “ISM” in many languages (Russian is not an exception) is used to created ideological concepts (socialism, capitalism, feminism, etc.). I would argue that artificially made mistranslation of homosexuality aims at showing political nature of the homosexual practices as if homosexuality was an ideology.

read in conjunction with her right to freedom from discrimination, under the International Covenant on Civil and Political Rights (ICCPR)" (UN Human Rights Committee 2012). However, that decision did not change the situation since the UN HRC does not have an effective leverage to pursue Ryazan Administration to change the law.

In 2011 a few other Russian regions (Arkhangelsk in 2011, Kostroma in 2012, Saint Petersburg in 2012, Novosibirsk in 2012, Magadan in 2012, Samara in 2012, and Krasnodar in 2012) started adopting similar regional gay propaganda laws. The Saint Petersburg anti-gay law "On Amendments to the Law of St. Petersburg On administrative offenses in St. Petersburg" adopted on 30 of March 2012 offered a translation for the acronym "LGBT" using the repressive language of "sodomy, lesbianism, bisexuality, transgenderism" (Smirnov 2011). It is a complex combination of historical, political and social processes that gave rise to the text. Those factors appealed at the same time to the familiar and still desired imperial and Soviet past, the word "sodomy", and the Western concept of political and social rights ("LGBT").

The federal law "For the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values", that was unanimously passed the State Duma (one deputy abstained), put an end to regional legislative initiatives on 30 June 2013. The law was shortly named the "gay propaganda law" or the "anti-gay law". It faced main criticism from abroad, while inside the country only a small number of democratically oriented organizations and human rights groups opposed the legislation and tried to appeal it but did not succeed.

The vagueness of the language of the legislation opened up the possibility for authorities to eliminate almost all actions related to LGBT community – not only pride parades and other public marches, but also festivals, seminars, conferences, publishing,

even the organizations themselves can be closed. Potentially, these legislative changes aim to erase all non-normative sexualities from the public sphere to sustain the Russian nation as purely heterosexual. As Healey argues, “Russians created a national sexual mythology that celebrated their own natural purity and located Russia between the dangers of a neurasthenic Europe, and a depraved and ‘backward’ East.” (Dan Healey 2003, 4)

The state explicitly politicized homosexuality, making it a political force that is capable of influencing politics and hence change it. Homophobia lifted to the level of state policy created a scapegoated group of Russian homosexuals who became “representatives” of the western culture, alien and dangerous to Russian state and society. Now they were the agents of the foreign government, traitors, and spies. The accusation of homosexuality deprives oppositional politicians of a chance to be elected. Governmental and Orthodox groups are often used to attack NGOs that work to shed light on the government misconduct. Suspicion of promoting LGBTQ-rights is utilized as an excuse for such actions. The Putin Administration uses homosexuality and those groups to blame the West for attempts to change the current political regime in Russia. It allows the leadership to intensify censorship and to press protest activity.

### [\*\*Human Rights Regime\*\*](#)

Another major factor facilitating the creation of state homophobia police is Russia’s indifference toward international norms and its own commitments. In this part, I want to show that there are not many international leverages that may affect the behavior of the Russian government. Russia is not part of the European Union which imposes some legislative regulation on its members, particular when it concerns

prevention of homophobia both domestic and state. Even within the united Europe, there are cases like Poland which attempts quite successfully to defy the EU recommendations and launch state homophobia after nationalists came to power in the mid-2000s. The United Nations institutions of human rights are weak and powerless in their ability to impose any kind of policies protecting people from deliberate policies of state homophobia. As Manuela Picq and Markus Thiel insist, there has been no global treaty that would explicitly recognized rights of gays and lesbians within the worldwide context. (Picq and Thiel 2015) This is not least due to countries such as Russia, where homophobia received state policy outlines. The only institute that can influence Russian legislation is the European Court of Human Rights, decisions of which Russia has to respect by the virtue of being a part of the Council of Europe and signing the treaty sanctioning superiority of the Court's decision in respect to domestic laws. However, I argue that the dearth of legal and political mechanisms that are at a disposal of the international community leaves Russian homosexuals alone with the machinery of the state. The state itself uses timid attempts of Western politicians and institutions to put shame on growing homophobic discourse in Russia to strengthen the power of the authoritarian leader by accusing the West in its policies of intervention in the affairs of other states. I insist, that the excuse is often used to weaken an already faint Western influence in the country and create a more severe conditions for the homosexuals, to strengthen power and influence of the leadership, and to divert public attention from domestic problems.

Russian Constitution of 1993 declares that “in the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of people and citizens according to the universally recognized principles and norms of international law and according to the present Constitution.”(The Constitution of the Russian Federation 1993)

The recognition of and the emphasis on “universally recognized principles and norms” *de jure* puts Russia within a broader context of human rights regime that embrace countries of Europe. In the Article 15, it states that “the universally-recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.” (The Constitution of the Russian Federation 1993) It means that where the domestic laws are silent, international norms should be used to clarify blind spots. That powerful provision would allow what Kollman calls socialization of international norms in Russia. Socialization is a “staged process of norm creation, promotion and internalization” that facilitated dissemination of same-sex unions and marriage laws within the European continent (Kollman 2013, 73) She notes an important role of national and international human rights activist groups in the socialization of norms and adoption of national legislation protecting rights of homosexuals. I argue that on the one hand, unlike in Europe, Russia’s weak LGBTQ community lacking organizational and financial support could not campaign for the promotion of gay rights legislation set aside same-sex union laws until the mid-2000s when it faced a backlash from the government in the form of state homophobia. On the other hand, the state perceives attempts to impose human rights regime as the encroachment on its sovereignty. Timid attempts of gay rights activists to hold public events were not just banned, the government used them to show a corrupt and dangerous western influence that aims at undermining the country’s moral and family values. The traditional value discourse that was subsequently produced among others sought to

justify a departure from the policy of Europeanization and the desire at least in words to recognize the priority of European values and institutions.

On February 28 1996, the Russian Federation joined the Council of Europe. Its entry meant that the country becomes a part of the continental legal space and it agrees with commitments arising from the generally recognized norms of European law. Today Russia is involved in more than thirty European conventions, among them – the European Convention on Human Rights of 4 November 1950. Despite the fact that as Kollman notices the Convention never explicitly stated gay rights as human rights, it nevertheless imposes some restrictions and obligations on countries that signed it (Kollman 2013). For Russia, its provisions with some reservations started applying in 1998. One of the major provision installs jurisdiction of The European Court of Human Rights. The number of lawsuits against Russia has risen from approximately ten thousand in 2010 till twelve thousand in 2013. Since its creation Russia along with Turkey and Poland is one of the major defendants. (European Court of Human Rights 2016) After the mayor of Moscow banned gay parade in the city in 2006, 2007 and 2008 Russian gay rights activists filed a lawsuit against Russia. In 2010, the European Court of Human Rights upheld the claim of one of the leaders of the Russian gay movement Nikolai Alekseev. The Court found a violation of articles of the European Convention for the Protection of Human Rights: art. 11 (“Freedom of assembly and association”), Art. 13 (“The right to an effective remedy”) and Art. 14 (“Prohibition of discrimination”). In its decision the ECHR ordered the Russian side to pay Alekseev 12 thousand euros and reimburse the costs in the amount of 17.5 thousand euros.

These and other human rights cases that Russia lost, compelled the authorities to publicly denounce the court’s decision as political and deliberately anti-Russian. In 2007,

the chairman of the Constitutional Court Valery Zorkin stated that “the European Court of Human Rights, replacing the Supreme Court, the Arbitration Court and the Constitutional Court of Russia, performs the role of national authority, which is contrary to its nature and purpose.” (Savina and Ivanitskaya 2007). In 2010 Chairman Zorkin and then President Dmitry Medvedev said that Russia did not give the European Court of Human Rights a part of Russian sovereignty to make to decide about Russian legislation. The president and the head of the Constitutional Court emphasized that in determining the competence of the Court boundaries must proceed from the fact that Russia has ratified the treaty, which established the jurisdiction of the ECHR. Zorkin emphasized that,

“Having no direct precedent the decision on the granting a parental leave to a male soldier for child care, the Strasbourg Court, in this case, used the legal position from the case of “Smith and Grady v. The United Kingdom,” which granted the dismissal from the armed forces of homosexuals. Of course, in the Russian Federation, as in any modern country, sexual minorities are protected by the principle of legal equality, that all are equal before the law and the courts; State guarantees equality of rights and freedoms, regardless of sex (Art. 19 of the Constitution). However, the “enthusiasm” of the modern European legal protection of the rights and freedoms of homosexuals acquired grotesque forms. Sometimes this can grotesque give a way for a tragedy, as it happened recently in Serbia, where rejection of the gay pride parade in the traditionally Orthodox country resulted in riots.” (Valery Zorkin 2010)

The position of the Chairman of Russian Constitutional Court depicted the idea that was already being coined. In its essence, it represented the position that European countries attempt to change Russian values and impose gay agenda. Regardless of the fact that most of the cases in the European Court against Russia did not concern rights of gays and lesbians, the justification used to criticize the Court was often connected to homosexuality. Even slight, timid attempts to promote gay rights within the country caused a massive backlash used to justify not only tougher measures towards Russian homosexuals but a massive criticism of European institutions and human rights regime.

In 2014 the European Court of Human Rights again attracted criticism on President Putin when he highlighted that they may threaten national security. He said that just like the USA, Russia has the right to comply when “it is advantageous and necessary to ensure our interests”. (Interfax 2014) He also notices that the Court’s decisions are most often political. A year ago, in 2015, a group of State Duma deputies appealed to the Constitutional Court to assess the possibility of recognition and enforcement of judgments of the ECHR that contradict the provisions of the Constitution and the legal positions of the Russian legislation. The court decided that “Russia may exceptionally depart from the execution of entrusted obligations if such derogation is the only possible way to avoid the violation of fundamental constitutional principles.” (Mikhailova and Makutina 2015) On December 15 2015, Russian President Vladimir Putin signed a bill allowing the Constitutional Court to wholly or partially ignore the European Court of Human Rights decisions. It should apply when the Court’s decision allegedly leads to a conflict with the Russian Constitution.

Although cases connected to the violation of human rights of Russian homosexuals are not prevailing in the Court, they are most often used to justify the Western

encroachment on Russian sovereignty, attempts to undermine traditions and morals of the country, and dilute the country's political system. By doing so, the speakers not only create a sense of deliberate international actions against Russia, they also outline a particular group within the populations that allegedly facilitates that.

Unlike in the case of Poland that at the beginning of the 2000s had to go through the EU inspection and change its laws in order to become a member, Russia did not experience such a pressure. However, there are similar consequences that follow from a comparison of Russia with Poland. Both countries have experienced the impact of totalitarian communist ideology. Communism in its Soviet version was an ideology “where “the other” — any other — is reflexively identified as hostile and created by immutable forces of history, something to be feared and ultimately crushed.” (Michael V. Hayden 2016) The sense of suspicion of “the other” and the fear of the overthrow of the regime from abroad deeply penetrated the ruling class psychology in Russia which was socialized during the Soviet period.

There are some peculiar similarities in the positions of churches in both states. In the Russian Orthodox Church as well as the Roman Catholic Church in Poland, “criticism [*of homosexuality and attempts to impose gay agenda*] was phrased in terms of national singularity under threat, rather than in universalist terms of “God’s will” or “natural law.” (Agnieszka Graff 2010, 590) As Hanna Stähle argues, “the Russian Orthodox Church made a significant contribution to the articulation of traditional family values and moral standards, arguing that Russian society was endangered by individualism, consumerism, secularism, and homosexuality”. (Hanna Stähle 2015, 52) The position of the Russian Orthodox Church was outlined by Patriarch Kirill who depicted attitudes toward homosexuality in Western Europe as “dangerous apocalyptic symptom” and highlighted

the necessity to “ensure that sin is never sanctioned in Russia by state law because that would mean that the nation has embarked on a path of self-destruction.” (Patriarch Kirill 2013) Therefore, both Churches rather stressed national identity when opposed the gay rights distribution.

Moreover, Poland had used the rhetoric of “propaganda of homosexuality” approximately five years before the same homophobic discourse was deployed by the Russian politicians. In the case of Poland however, there was a response and efforts of joint actions of European institutions and community to pursue the government to soften their homophobic rhetoric and policies. But those efforts proved weak even within the EU boundaries. The nationalist-led government did not stop using homophobia to oppose the EU until it fell in 2007. (Weiss and Bosia 2013) The weakness of the European legal and political systems does not give a chance for them to even influence Russian politics. Especially when any verbal attempts to point the Russian government to its misconduct with respect to homosexuals receives a massive criticism.

Even an eminent intergovernmental organization such as the United Nations lacks the capacity to drive its members to adopt national legislation prohibiting homophobia and promoting rights of gays and lesbians. As D'Amico mentions there is no “legal binding global treaty” that would explicitly recognize rights of LGBTQ community worldwide and by the virtue of the UN, authority prohibits homophobic policies of certain states. (Picq and Thiel 2015, 54)

Lack of the enforcement power of the UN is due to its origin as a post-world war institution, perpetuating the realist political vision of countries-winners. The only body that has the power of decision-making – the Security Council – does not concern itself with human rights set aside LGBTQ rights. Even if it had to deal with such issues, the

Council is divided between two often opposing forces of the Western democracies on the one side and Russia and China on the other.

The General Assembly consisting of all member-states is an even more polarized institution. It became clearly visible in 2008 when only sixty-six of the one hundred ninety-two countries “mainly from Europe and Latin America endorsed a non-binding declaration of human rights, sexual orientation, and gender identity.” (Picq and Thiel 2015, 54-55) The Declaration faced opposition from Russia and some other countries.

The United Nations Human Rights Council – the body whose main goal is to oversee and protect human rights around the globe, – adopted a resolution on June 30, 2016, on “Protection against violence and discrimination based on sexual orientation, and gender identity.” (Human Rights Watch 2016) Russia, which lost its seat in the Council in 2016, voted against the resolution. (Richard Roth 2016) Symbolic victory of LGBTQ community perpetuated by the adoption of the resolutions, has, unfortunately, little power to change homophobic legislation that exists in Russia.

Thus it is evident that the international human rights regime, created by multiple institutions has little impact on Russia. I would argue that in the absence of significant leverage over the Russian politics, attempts of European and international organizations to combat the state homophobia are either neglected by the state or used to justify tougher measure to protect national sovereignty and identity. Voices of human rights advocacy groups, international institutions and politicians are not heard in Russia. On the contrary, the state by the means of controlled media produces a homophobic discourse and a sense of attempts to undermine national sovereignty from abroad.

## Conclusions

On the eve of National Unity Day, celebrated in Russia on November 4, Vladimir Putin held a meeting with members of the Presidential Council for Interethnic Relations. The holiday is very symbolic for two main reasons. Firstly, it was aimed at replacing 7<sup>th</sup> of November – the Day of the Bolshevik revolution that the state no longer needed. Secondly, it utilized the end of the Time of Troubles – a period of Russian history comprising the years of between the death of the last Russian Tsar of the Rurik Dynasty, in 1598, and the establishment of the Romanov Dynasty in 1613 – as a birth of the Russian nation.

During the meeting, one of the members offered to muse over an idea to create and adopt a bill that would define “Russian nation”. The president supported the idea. “What we really absolutely can and must work on – what we should think about and start practical work on – is a law of the Russian nation”, said the president. (Tom Balmforth 2016) It is not the first attempt to create an idea of unifying national identity. The fall of communism wiped away the previous identity of the soviet man, laborer, and creator of communism. It disappeared so quickly and dramatically that left a newly born Russian individual with no other identity but ethnic. The weak government attempted quite unsuccessfully to introduce the idea of *rossiyanin* identity derived from the country's name – Russia (*Rossiya*). That identity became associated with failed economy, impoverishment and the Western influences, animosity to which rose significantly after 1996 and the bombing of Yugoslavia. The government decided to leave the issue to a better time.

The better time started with the advent of the millennium when Putin became interim president after Yeltsin resigned on December 31, 1999. Although Putin was not hostile to the West at the beginning, he, nevertheless was deeply suspicious of its policies.

Human rights discourse that Western leaders employed was not the language Putin utilized. On the contrary, he reintroduced Soviet symbols such as slightly changed anthem. His discourse slowly filled with patriotic terminology that found a positive response in hearts of Russian population. Hopes that with Putin was able to bring back Russia's masculine face were addressed in 2007 when Putin outlined his vision of international relation during Munich security conference. He argued that the West has to respect other counties' positions in internationals relations. He also criticized the United States and NATO for another round of proliferation including Baltic countries and involvement in domestic policies of former Soviet countries. (Vladimir Putin 2007) The speech was met coldly abroad, at home Putin was praised as the national leader that stood up against the West to protect national security. From now on, Russian government gradually turned away from the West. To facilitate this the concept of "traditional values" was introduced. It was heavily supported by becoming more influential the Russian Orthodox Church. The core of the concept seems to be a nuclear family with traditional gender roles. Supported by the Church and promoted by the government, traditional values and hierarchically lined gender roles filled the discourse of power. Indeed, that approach left sexualities that do not produce offspring outside the normative paradigm.

In 2012 the heteronormative nation building was openly upheld by state homophobia. I argue that state homophobia in Russia is being used to create a sense of national unity in the face of "the other" which happens to be the collective West with its values, discourses, and policies. The regional "anti-gay propaganda" laws that were finalized by the enactment of the federal law banning so-called propaganda of non-traditional sexual relations among minors is a logic implication of the idea that the Russian nation is a heterosexual nation, and homosexuality is non-Russian. However,

that is not simply non-Russian, it is Western as it follows from a homophobic discourse that was produced by politicians. This anti-Western sentiment that exists within public consciousness since the Soviet times accompanied by societal homophobia lets the government scapegoat LGBTQ rights activists within the country. Any attempts of international groups and governmental bodies from abroad to point the government to its misconduct is criticized as the desire to influence the internal politics of the country, undermine the foundations of its constitutional regime and violate the democratic will of the Russian people. This trick is used usually as an excuse for non-fulfillment of decisions of the International Court of Human Rights, the confrontation UN decisions to protect the rights of LGBTQ people. Domestic audience perceives it as a sign of strength rather than weakness.

The state homophobia has been also used by the government to divert public attention from domestic problems. Blaming the West for the dilapidating economy is currently one of the strategies the government is using. In that situation, Russian homosexuals are presented western agents that are paid to destroy family values and national identity.

Intricacies between sexuality, gender roles, and homophobia are utilized by governments to pursue their political goals. The current Russian policy is building the nation based on conservative heteronationalism characterized by the aggressive rejection of non-normative sexuality, stable gender norms, traditional family values and opposition to the West. That approach helps stabilize the regime during difficult times of international instability.

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