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Rainbows for Rights: The Role of LGBT Activism in Gay Rights Promotion

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ABSTRACT

Are advocacy efforts successful in improving the de jure rights of sexual minorities? In this paper, we argue that the lesbian, gay, bisexual, and transgender (LGBT) rights NGO movement has been a powerful force in the struggle against sexual discrimination. However, the work of LGBT organizations is much harder in areas of the world where pre-existing public attitudes are not supportive of the rights in question. By focusing on the issue of sexual minority rights, we are able to see how underlying public attitude divergence on a human rights issue can influence advocacy success. We test the implications of our argument cross-nationally using new data on over 4,000 organizations from 1990 to 2011.

Keywords: LGBT, NGO, Advocacy, Attitudes

Introduction

Does advocacy about LGBTQIA issues work to improve human rights?¹ The impact of advocacy by non-governmental organizations on the rights of gender and sexual minorities has rarely been studied cross-nationally through a comparative quantitative analysis and only recently has received a scattering of theoretical or empirical attention, mainly focused on only a small handful of developed countries (Lax and Phillips 2009; Bob 2012; Flores 2015).² The issue of LGBTQIA rights is an extremely important one for in many countries homosexual behavior is

¹ We use the acronym “LGBTQIA” to refer to lesbian, gay, bisexual, transsexual, queer, intersex, and asexual individuals. There are many acronyms used to refer to gender and sexual minorities, with much controversy about various terms, including the acronym LGBTQIA and the term “gender and sexual minorities.” We use the acronym LGBTQIA to reflect current practice but are aware of the complex issues around these terms. See Meer 2014.

² We define non-governmental organizations in line with the Union of International Associations, a major clearinghouse on information about NGOs: a non-governmental organization “is a legally constituted organization created by private persons or organizations without participation or representation of any government. The term originated from the United Nations, and is usually used to refer to organizations that are not conventional for-profit business. NGOs can be organized on a local, national or international level (INGO)” (UIA 2017). Please see Murdie (2014) for a discussion of the various cross-national definitions of NGOs.

illegal and in some cases can lead to the death penalty (Ottoson 2009). While there has been some quantitative cross-national research on the structural factors leading to repeal of anti-sodomy laws (Frank, Camp and Boutcher 2010; Asal, Sommer and Harwood 2013), most of this work focuses on structural factors. In this paper, we focus on what proactive activity by NGOs can have on repealing laws that, in some cases, can have lethal consequences.

We argue that the advocacy movement by various LGBTQIA NGOs has been a powerful force in the struggle against sexual discrimination. When LGBTQIA NGOs are active towards a state—whether taking to the street to protest against discrimination or simply “shaming and blaming” the state from abroad—the organizations’ heightened public demand for gender and sexual minority rights draws international attention to the discriminatory situation. As a result of the increased advocacy, states eventually make “tactical concessions” to appease the advocates (Risse, Ropp, and Sikkink 1999). In the realm of LGBTQIA rights, we contend that one of these “tactical concessions” comes in the form of the repealing of any bans on homosexual activities or otherwise making homosexual sex legal. Although the *de Facto* situation for sexual minorities does not always improve as a result of these *de Jure* changes, the work of LGBTQIA NGOs in achieving this concession can be a crucial step in the overall adoption of rights-respecting norms regarding sexual minorities.

As for the study of the political effects of social activism, the case of LGBTQIA rights offers us a unique perspective to examine how pre-existing attitudes about human rights can condition the success of advocacy actors. On the one hand, the role LGBTQIA rights groups have in stopping laws against homosexual sex is not surprising; it is consistent with our understanding of rights-promotion in general (Franklin 2008; Murdie and Davis 2012). On the other hand, unlike many other areas of rights promotion, the issue of gender and sexual minority rights is one where underlying public attitudes diverge; there may be pre-existing attitudes strongly against the advocacy efforts. Although it may be reasonable to assume that a large segment of a population is against violations of physical integrity rights, the same assumption cannot be made with regards the rights of gender and sexual minorities. There is often a powerful set of rival civil society activists. In many countries, there are powerful civil society groups, part of Bob (2012)’s so-called “Baptist-burqa” network, that take a stand against legal and *de Facto* protections for sexual minorities (2). This is different than what occurs in advocacy about freedom from political killings, for example, where public opinions in support of political killings rarely lead to rival advocacy groups.

By focusing on the issue of gender and sexual minority rights, we are able to see how underlying public attitude divergence on an issue can influence advocacy success. Our work addresses the question of whether advocacy can be effective outside of a few key issues where a unified civil society movement is likely predominantly working against a repressive state. In that sense, the case of legal protection of gender and sexual minorities sheds new light on the inner workings and underlying mechanisms linking attitudes about human rights to political activism and political decision making. The struggle for gender and sexual minority rights offers us a case where the variance is not simply between different levels of advocacy groups, all of which support the same overall goal (different shades of grey). Instead, this is a case of real rivalry between such groups—where different elements may support diametrically opposing goals (some are black while others are white). Hence, the analyses in this project offer some important—yet heretofore understudied—lessons concerning the ramifications of political activism in areas where public attitudes are not unified. As such, this paper also touches upon

and adds to the bodies of literature concerning the contribution of activism to the realization of human rights in various parts of the world (Simmons 2009) and to shifts in public policy (Meyer 2007; Meyer, Jenness and Ingram 2005).

We find much cross-national evidence that LGBTQIA groups speed up the process of making homosexual acts legal. We use new and novel events data on a variety of LGBTQIA NGO activities from 1990 to 2006 and follow existing research as to possible confounding influences (Asal et al. 2013). More LGBTQIA NGO activities within a state or directed at a state government lessen the time until homosexual acts are legalized. However, proxy measures of the existence of a public with very different attitudes about gender and sexual minority rights slow down the process to decriminalization. Below, we outline the extant literature and then develop our theoretical argument concerning the role of LGBTQIA NGOs in rights promotion. We then present our empirical model and results before offering some implications of our findings for theory and policy.

We should note though before delving deeper into our research that we are very much aware that the gaps between *de Jure* and *de Facto* are important. The assumption that countries with no laws against sodomy would be safer for homosexuals than those with laws against sodomy may be wrong. Indeed, Côte d'Ivoire does not have laws against sodomy and some see it as a haven for homosexuals in Africa (Canning 2011). Yet, evidence indicates that homosexuals are subjected to beatings, imprisonment, humiliation, and extortion by police, gendarmes, and members of the armed forces (Bureau of Democracy 2012). Despite this, we believe that a better understanding of the *de Jure* rights of homosexuals is useful in and of itself and as an important first step in a better understanding of *de Facto* rights as well.

Proactive Change: The Role of NGOs

What role does advocacy play in ending *de Jure* discrimination of the LGBTQIA community? Theoretically, a focus on the role of LGBTQIA organizations rights is extremely important for our understanding of advocacy and the process by which various human rights improvements occur. Traditionally, human rights and advocacy network scholarship has centered on basic physical integrity rights violations, like freedom from torture and political killings (Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999; Murdie and Davis 2012; Murdie 2014). Little attention has been placed on the rights of minorities and advocacy by NGOs regarding these rights. Moreover, unlike physical integrity rights, where there is much agreement among domestic populations as to the underlying human rights norms, gender and sexual minority rights are, in many regards, still a developing international norm (Finnemore and Sikkink 1998). LGBTQIA organizations thus serve both as advocates to improve governmental practices on-the-ground and as norm or attitudinal entrepreneurs, defining what specific practices constitute rights-protection and socializing individuals to adopt these norms (Petchesky 2005).

What does the existing literature tell us about when should we expect LGBTQIA organizational advocacy to matter? The larger literature on advocacy networks offers a well-defined process through which transnational organizations influence policy and behavioral outcomes (Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999, 2013; Simmons 2009). According to this literature, when thwarted domestically in their human rights promotion, local advocates send out a call for help to international NGOs. International NGOs then respond to these calls by coming to the aid of domestic advocates both domestically and internationally. Domestically, international NGOs may help in coordinating protests and “field-building”

activities (Bartley 2007). Internationally, these organizations often try to get media attention on those responsible for the abuses. By “naming and shaming” or “shaming and blaming” those responsible for the human rights abuses, international NGOs try to build the network of actors that can pressure the human rights abuser.³ Shaming draws attention to the plight of the repressed; intergovernmental organizations and third-party states can join in and pressure an actor to stop the abuse (Keck and Sikkink 1998; Murdie and Davis 2012). Organizations also try to use creative framing of abuses to garner support for the cause (DeMars 2005).

In line with our theoretical understanding of how governmental physical integrity rights improve, if this domestic and international pressure is continued, a regime begins the process of human rights change. After deciding they can no longer deny the abuses and deter attention, the regime first tries to make “tactical concessions,” typically offering to make small changes in *de jure* rights protection in order to avoid further shaming (Risse, Ropp, and Sikkink 1999). Through such sort of democratic iterations (Benhabib and Post 2006; Benhabib 2011)—wherein both domestic and international attention and pressure continue—these tactical concessions can eventually become *de Jure* rights.

Recent large-scale empirical scholarship has found much support for the general idea that advocacy improves human rights conditions. Although Hafner-Burton (2008) finds that shaming is not enough on its own to improve physical integrity rights, Murdie and Davis (2012) find that shaming is effective when coupled with heightened international or domestic pressure, consistent with the theoretical literature. Other recent work has found that shaming can stop ongoing mass killings (Krain 2012) and can lead to changes in economic behavior (Barry, Clay and Flynn 2013). Recent research has found the same pattern with regards to women’s rights: women’s rights organizations and their shaming of state behavior can improve women’s rights (Murdie and Peksen 2014). However, work by Boyle (2005) and Murdie (2014) indicates that advocacy efforts are often stalled when advocacy goes against local public attitudes.

With regards to LGBTQIA advocacy specifically, although no large-scale global empirical tests of the effectiveness of LGBTQIA advocacy exist, there is much case study and anecdotal evidence that indicates that LGBTQIA groups are influencing rights-outcomes in a similar fashion to that described theoretically in the larger human rights advocacy literature.

Let’s start with an illustrative case that illustrates this process. In June of 1995, the International LGBTQIA and Lesbian Human Rights Commission, an international NGO based in the United States, sent an action alert to their members through their “emergency response network” entitled “Chile: Activists Launch Campaign to Repeal Sodomy Laws” (Sanders 1996). For sexual minorities in Chile at the time, the Commission’s call for action was long overdue. Homosexual relations between consenting adults were illegal in the state, punishable by up to 3 years in prison (IGLHRC 1995). Chile had been long known for its extremely conservative laws on homosexuality, even in the late 1990s, it was among the least tolerant of gender and sexual minorities in the world (Kelley 2001; Reding 2003). The Commission’s action alert highlighted recent abuse and discrimination against sexual minorities in Chile and called on concerned activists to aid in the multi-NGO movement for the “complete decriminalization of homosexual

³ Although this framework has been used predominately in relation to human rights abuses by states, the logic applies to how advocacy networks influence human rights practices of both government and nongovernment agents, like multinational corporations.

acts between consenting adults as well as the decriminalization of homosexual social and cultural expression” (1).

Was the campaign successful? By all accounts, the work of the Commission, the local NGO *Movimiento de Integración y Liberación Homosexual* (MOVILH), and other organizations in the late 1990s changed the lives of ordinary sexual minorities living in Chile. Although discrimination was far from completely eliminated (Wilkinson 2009; King 2013), the law banning consensual homosexual acts between adults was lifted in 1998. In a 2009 interview in a Santiago magazine, the leader of MOVILH reported of the diminishing negative societal influences against homosexuality and other “important legal and political victories such as ... guarantees of equality in education, health, work and housing” since the organization’s founding in the early 1990s. In short, despite strong societal norms, the work of NGOs in Chile aided in the on-the-ground situation for gender and sexual minorities in the state.

Moving beyond this illustrative case, there is some social science research that focuses on the success of LGBTQIA organizations in highly developed democracies. For example, Ayoub (2015) finds that LGBTQIA organizational embeddedness influences policy adoption in European Union states. Grundy and Smith (2007) outline how LGBTQIA activities in the US and Canada use creative framing and statistics to draw advocacy attention to the conditions of sexual minorities. Mertus (2007) also outlines the multiple domestic and international strategies LGBTQIA groups used to improve human rights conditions of US gender and sexual minorities. Wald, Button, and Rienzo (1996) focus on the adoption of LGBTQIA rights ordinances in US communities; although they do not measure LGBTQIA organizations within each community, they argue and find that resources related to the “organizational capacity of the gay community” matter for the protection of LGBTQIA rights (1160). Soule (2004) finds that LGBTQIA organizations slow down the rate of adoption of same-sex marriage bans in the United States. However, Soule (2004) finds that LGBTQIA organizations are often powerless when faced with organized counter-advocacy groups. Conversely, some authors have found that counter-advocacy movements actually aid in the attention that the issue faces overall, leading to more opportunities for the growth of the LGBTQIA movement (Ayoub 2014; Dorf and Tarrow 2014; Bishin et al 2016).

Outside of the US and other advanced democracies, the scholarly literature on LGBTQIA groups and their influence on LGBTQIA rights is scarce. Massoud (2003) outlines the role that South African groups have had in expanding rights in post-apartheid South Africa. Sanders (1996) outlines the involvement of LGBTQIA organizations in many non-Western countries and some minor successes these organizations have had in raising awareness. Wilson and Cordero (2006) find that social movements have had some success within the legal system in Costa Rica.

Theoretical Development

To our knowledge, no existing cross-national study focuses on the role of LGBTQIA rights advocates globally. However, consistent with much of the above literature, we can expect the shaming and “field-building” activities of LGBTQIA rights organizations to improve the human rights of sexual minorities. Consistent with Risse, Ropp, and Sikkink (1999, 2013), these changes may first manifest themselves in “tactical concessions” or *de Jure* changes in human rights. As such, we expect that LGBTQIA rights advocacy will generally shorten the time until sodomy is legal.

We also expect, however, that LGBTQIA rights promotion will be ineffective under certain conditions. These are rights where pre-existing public attitudes in support of the rights-promotion efforts can vary, limiting the quick success of the efforts (Boyle 2005; Murdie 2014). In fact, in the case of LGBTQIA rights, pre-existing public attitudes diverge so much as to lead to both a movement and a countermovement in many countries. Bob (2012), for example, highlights the influential counter-advocacy of a network of religious groups, “the Baptist-burqa” network, in the United Nations (2). As Bob (2012)’s work shows, when there is a powerful clash between civil society groups, upsetting the status quo becomes difficult. While this could imply that LGBTQIA rights promotion is an especially hard case for advocacy success, it also suggests that LGBTQIA activism offers us a unique case where the political consequences of advocacy are more convoluted. Rather than a movement that pushes in a largely coherent way in the same direction, we observe the effects of movement and a countermovement, whose interests are diametrically opposed; LGBTQIA groups push for liberalization of policy and decriminalization of sodomy laws, whereas, on the other side, conservative and religious groups are likely to push just as hard in the opposite direction.

An organized countermovement can stall down the work of LGBTQIA organizations. As such, when there are resources that are representative of a strong “Baptist-burqa” network, we would expect that LGBTQIA rights groups will be less effective. Such groups will take one of two possible strategies. The first would be to organize and mobilize to advance advocacy in favor of the status quo. They will use means at their disposal—ranging from lobbying to street protests—and allocate their resources to maintain the legal and political state of affairs in which sexual minorities are discriminated or even legally prohibited and their advocacy is kept at bay. In some cases, however, such a campaign may be delayed, deficiently organized, or ineffective for some other reason. In such cases, the counter-advocacy is likely to fight to restore the status quo after laws have been changed. While empirically testing this second strategy of damage repair is beyond the scope of this paper, it is important to bear this possibility in mind; it is another reminder of the high political stakes in the political fight over LGBTQIA rights. LGBTQIA organizations involved in this fight are engaged in a campaign where counter-advocacy that is well organized can yield political outcomes of maintaining or reinstating the status quo of discrimination. This all leads us to the following hypothesis:

Generally, we expect countries with more LGBTQIA rights advocacy to be faster to be faster in decriminalizing sodomy. However, we also expect that LGBTQIA rights advocacy will be less successful in countries where pre-existing attitudes about LGBTQIA rights diverge from the advocacy efforts.

Data and Analysis

We use an event history framework to test how LGBTQIA rights advocacy contributes to the rate of time for a country to decriminalize homosexual acts and the ways in which counter-advocacy can condition this relationship. Below, we outline our dependent variable and modeling choices and then discuss the evidence we find in support of our hypothesis. In doing so, special attention is paid to our novel dataset on LGBTQIA advocacy.⁴

⁴ The dataset will be released upon publication and available for download at the corresponding author’s website.

Dependent Variable – Time Until Sodomy Decriminalized

The dependent variable is the length of time until sodomy is decriminalized. As such, we use an event-history framework (Box-Steffensmeier and Jones 2004). In particular, we run series of Cox proportional hazard models with robust standard errors and the Efron method for ties. We used the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)'s State Sponsored Homophobia Report for 2009 and more recent updates to code our dependent variable. The pertinent sections of the legal code in each country are examined to determine whether same-sex sexual relations were legal or not in each country-year.

Key Independent Variable – LGBTQIA Advocacy

There is no existing widely-used dataset on the activities of LGBTQIA organizations in countries over time. To capture the concept of overall LGBTQIA organizational activities in a given year in a given country, we follow Murdie and Davis (2012) and Murdie (2014) and use an events data framework based on activities of a set of organizations and events captured in Reuters Global News Service (Bond et al. 2003).

Creating this measure first required us to identify LGBTQIA organizations that might be involved in advocacy. For this, we used the ILGA's "Directory of LGBTI and Allied Organizations" in the fall of 2011 and identified 4,090 organizations. The ILGA is a federation of LGBTQIA organizations, over 1200 currently, which has been active in the area of gender and sexual minority rights since 1978. The list of organizations from the ILGA was sent to Virtual Research Associates, LLC, the company that originally produced the Integrated Data for Event Analysis (IDEA) framework and dataset (Bond et al 2003; King and Lowe 2003). Using this list, Virtual Research Associates isolated over 40,000 events where an organization on our list was mentioned during the years 1990 to 2011. In this project, we are interested in any advocacy activity by these LGBTQIA NGOs in a given country in a given year. As such, we collapsed this data to the country year.

We think this final variable captures the idea of total advocacy levels quite nicely. Figure 1 provides a graphical overview of the mean level of our final variable, LGBTQIA Advocacy, over time. In the final sample used in the analysis, the mean country has a little over 12 events a given year. Roughly 44% of the sampled country-years do not have any LGBTQIA advocacy events in them. The maximum of this variable is 1294 in the United States in 2003. Other countries with a large number of LGBTQIA advocacy events include the UK, China, India, and Malaysia. Because of the large number of LGBTQIA advocacy events in the United States in our sample, we run models with dichotomous indicator for the United States. Importantly, however, our conclusions are not dependent on the inclusion of the United States in our sample and are generally robust to a variety of alternative specifications.⁵ To further account for any potential media bias influencing the capturing of events, we include the natural log of the total number of media reports in Reuters in a given year as a control variable.

⁵ Please see our Online Appendix for robustness tests where we use the natural log of LGBTQIA advocacy and the square root of LGBTQIA advocacy as our key independent variable. The Online Appendix also includes models where the US is excluded from the sample, as well as a model where all OECD countries are excluded and a model where cases with very high numbers of LGBTQIA advocacy events are excluded.

Where Does LGBTQIA Advocacy Occur?

Before turning to the research design used to test our hypotheses, it is worth noting that LGBTQIA advocacy is often occurring in the “hardest” cases, biasing us against finding results. For example, when we look at our non-US sample, we find more LGBTQIA advocacy in non-democracies⁶, where the likelihood of getting a speedy reversal of a sodomy law is much lower. Similarly, we find more LGBTQIA advocacy in common law countries, where it is also harder to change sodomy laws.⁷ This is similar to the argument and findings of Murdie and Urpelainen (2015), who find that environmental INGO advocacy is more likely to be a “strategic substitute” for domestic advocacy in hard cases where local efforts alone are not sufficient for environmental policy change.

A similar thing is happening when we look at where LGBTQIA advocacy occurs in relation to where there is greater than 50% of Protestants and Muslims in the population. Here, we find no difference in the mean number of LGBTQIA advocacy events between these two groups. In a regression model, however, we do find that the number of LGBTQIA advocacy events is likely to be lower as the percentage of Protestant/Muslims grows. We think this is consistent with our story and Bob (2012)'s idea of divided advocacy. In short, our preliminary analysis of where LGBTQIA advocacy is occurring does not indicate that this advocacy is occurring in the “easy” cases, leading us to greater confidence in the statistical methods we use in this paper.

Model Specification

To test whether LGBTQIA advocacy generally helps speed up decriminalization, we run statistical models where LGBTQIA advocacy is the key independent variable. To test how pre-existing attitudes condition when and where LGBTQIA advocacy can be effective, there is no ideal cross-national measure, to our knowledge, of these pre-existing attitudes over time. Instead, we have to rely on proxies that capture the potential of pre-existing attitudes that go against the LGBTQIA advocacy and would be indicative of resources for a countermovement. We follow Bob (2012) and focus on religious beliefs that could provide resources useful in a possible countermovement and are often associated with pre-existing attitudes counter to LGBTQIA rights. First, quite basically, we include a control for whether Islam is endorsed as the state religion. We think that these states would likely have a large percentage of the population that could have pre-existing beliefs that go against LGBTQIA advocacy.⁸ Islam as state religion is coded 1 for all country-years where the Islam is endorsed as state religion. The coding is 0 otherwise and is based on the CIA Factbook and on Wikipedia entries for state religions. The coding is 1 for states such as Iran, where the primary basis and key source for the legal code is

⁶ For this, we define a non-democracy as any country with a revised Freedom House/Polity score less than 7. The mean LGBTQIA advocacy in non-democracies is 7.2 events a year; the mean in democracies is 4.1. The difference in these means is statistically significant. A negative binomial regression where LGBTQIA advocacy events is the dependent variable is included in the Online Appendix to this paper.

⁷ Mean in common law countries is 7.0, mean in civil law countries is 5.4. The difference in these means is also statistically significant.

⁸ For the years in our sample, the World Religions Dataset shows that countries where Islam is the state religion have an average of 90% of the population that is Islamic.

Islamic religious law. Likewise, the coding is 1 for countries such as Jordan or Egypt, where Islam is the official religion. We include this variable as a control in the basic model and then interact it with our variable for LGBTQIA advocacy in order to test our pre-existing advocacy hypothesis. Worth noting, our general results continue to hold if we exclude states where Islam is the state religion from the analysis.⁹

Additionally, in order to better capture the “Baptist-burqa” idea from Bob (2012), we included a variable of the percentage of Islamic or Protestant citizens in a country. The data for this concept come from the World Religion Dataset (Maoz and Henderson 2013). This percentage serves as a proxy for locations where pre-existing attitudes towards gender and sexual minority rights are likely to be negative and go against the advocacy the LGBTQIA groups are working towards. Like before, we interact this variable with LGBTQIA advocacy to examine whether slow down the process of decriminalizing. Finally, as an additional possible way to observe the counter-advocacy dynamic, we also run split sample models where we focus first on those countries with greater than 50% Islamic or Protestant citizens and those countries with less than 50% Islamic or Protestant citizens.

We also ran robustness checks with percentage of Roman Catholics within a country (Maoz and Henderson 2013); we did not find evidence of the same slowdown of decriminalization in countries with a greater percentage of Roman Catholics but our main results concerning the “Baptist-burqa” network and the role of LGBTQIA advocacy still hold with the inclusion of this additional control.¹⁰

Several of the control variables in the analyses presented below were taken from the Quality of Government Dataset, which merges numerous useful datasets together (Teorell et al. 2011). To capture if a country has a common law legal system, we created a dummy variable based on the data in La Porta et al. (1999). To measure democracy, we use a variable created by Hadenius and Teorell derived from the POLITY score (Marshall and Jaggers 2002) which was imputed using Freedom House data (2011). The measure for GDP per capita was derived from data produced by the United Nations Statistics Division, Economic Statistics Branch (2009).

The KOF index for the globalization is also included in the analyses (Dreher, Gaston, and Martens 2008). This variable ranges from 0-100, with higher values indicating increased levels of globalization. The overall index of globalization, which is the one in use here, is the weighted average of economic, social and political globalization (Teorell et al. 2011). The measure for economic globalization is defined as the long distance flow of services, goods, capital, information, and perceptions that accompany market exchanges. This index not only measures actual flows of trade and investments, but also trade restrictions, such as tariff rates. The index of political globalization is measured by the number of embassies and high commissions in a country, the number of memberships the country has in international organizations, participation in UN peace-keeping missions, as well as the number of international treaties signed since 1945. Lastly, the social globalization measure includes three categories of indicators: personal contacts, such as telephone traffic and tourism, information flows (e.g., number of internet users), and cultural proximity, such as trade books and number of warehouses of Ikea per capita.

⁹ Results in the Online Appendix.

¹⁰ In fact, we find that a higher percentage of Roman Catholics in a country actually decreases the time until decriminalization. Results in the Online Appendix.

We also include an indicator of whether countries adopted the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). More than 180 countries have ratified this international treaty, which obligates countries that have signed the treaty to prevent abuse on the basis of gender.

Results

What are the key variables that influence a timely legal repeal of sodomy? Which predictors decrease the likelihood of such a repeal? And most importantly, is there evidence of a systematic effect of LGBTQIA advocacy? To what extent is this advocacy dampened in countries where there are increased pre-existing attitudes against the advocacy efforts? Overall, we find very strong support for the two main ideas in our hypothesis: (1) LGBTQIA advocacy diminishes the time until sodomy is decriminalized but (2) the effect of this advocacy is dampened in countries where pre-existing attitudes are more likely to go against the LGBTQIA advocacy efforts.

Table 1 presents the results of our event-history models. To note, the table provides hazard ratios; a hazard ratio greater than 1 indicates that that the variable is increasing the rate until decriminalization (or, in other words, time until decriminalization is decreasing) and a hazard ratio less than 1 indicates that the variable is decreasing the rate until decriminalization (or, in other words, time until decriminalization is increasing) (Box-Steffensmeier and Jones 2004:63). So, a hazard ratio above 1 indicates that the variable is associated with a speed-up of decriminalization while a hazard ratio below 1 indicates that the variable is associated with a slow-down of decriminalization.

Model 1 in Table 1 presents the analysis of the effects of LGBTQIA advocacy when we include a control variable for Islam as the state religion. We find that the hazard ratio on LGBTQIA advocacy is not only in the appropriate direction as hypothesized but is also very highly significant. The hazard ratio of 1.016 suggests that LGBTQIA advocacy systematically decreases the duration to repeal, or in other words, decreases the time that sodomy provisions will remain on the books. In Model 2, we substitute the percentage of Islamic/Protestants in as a control variable. The results are substantively indistinguishable; the hazard ratio for LGBTQIA advocacy remains greater than 1 as well as highly significant. Thus, Models 1 and 2 lend strong support to the first portion of our hypothesis: there seems to be a systematic and positive effect whereby more LGBTQIA advocacy drive up the likelihood for a timely repeal.

Our control variables are also in the expected direction. We find that common law systems increase the time to repeal of sodomy laws. In all six models in Table 1, the hazard ratio on this variable is less than 1 and highly significant. Likewise, the hazard ratio on democracy is greater than 1 and highly significant across the board. Being a democracy decreases the time until repeal of sodomy prohibitions.

Table 1: Determinants of Rate of Legalizing Sodomy, Cox Proportional Hazard Model with Efron Method for Ties

VARIABLES	(1) Basic Model – Islamic State Region	(2) Basic Model – Percentage Islamic/Prot estant	(3) Interaction Model – LGBTQIA Advocacy X Islamic State Religion	(4) Interaction Model – LGBTQIA Advocacy X Percentage Islamic/Prot estant	(5) Split Sample Model - Percentage Islamic/Prote stant <50%	(6) Split Sample Model - Percentage Islamic/Prot estant >=50%
LGBTQIA Advocacy	1.02*** (0.004)	1.02*** (0.004)	1.02*** (0.004)	1.02*** (0.005)	1.00** (0.001)	0.99 (0.021)
Islam State Religion	0.11*** (0.091)		0.45 (0.397)			
LGBTQIA Advocacy X Islam State Religion			0.50* (0.194)			
LGBTQIA Advocacy X % Islamic/Protestant				0.97** (0.015)		
CEDAW	1.29 (0.344)	1.39 (0.388)	1.27 (0.345)	1.33 (0.375)	1.13 (0.329)	2.58* (1.483)
Index of Globalization	0.99 (0.012)	0.99 (0.013)	0.99 (0.012)	0.99 (0.013)	0.99 (0.014)	1.00 (0.027)
Common Law	0.14*** (0.044)	0.16*** (0.049)	0.14*** (0.044)	0.15*** (0.047)	0.16*** (0.052)	0.06** (0.075)
GDP Per Capita (ln)	1.32* (0.218)	1.16 (0.191)	1.31 (0.215)	1.16 (0.188)	1.34 (0.260)	0.80 (0.260)
Media Coverage (ln)	1.04 (0.125)	1.04 (0.140)	1.04 (0.126)	1.05 (0.140)	1.13 (0.158)	0.84 (0.302)
Population (ln)	1.01 (0.119)	1.00 (0.125)	1.01 (0.118)	0.99 (0.124)	1.02 (0.124)	0.92 (0.348)
US	0.00*** (0.000)	0.00*** (0.000)	0.00*** (0.000)	0.00* (0.002)		
Democracy	1.12** (0.061)	1.17*** (0.061)	1.13** (0.061)	1.19*** (0.064)	1.12* (0.068)	1.29* (0.177)
Percentage Islamic/Protestant		0.63 (0.201)		0.80 (0.279)		
Observations	1,282	1,236	1,282	1,236	737	545

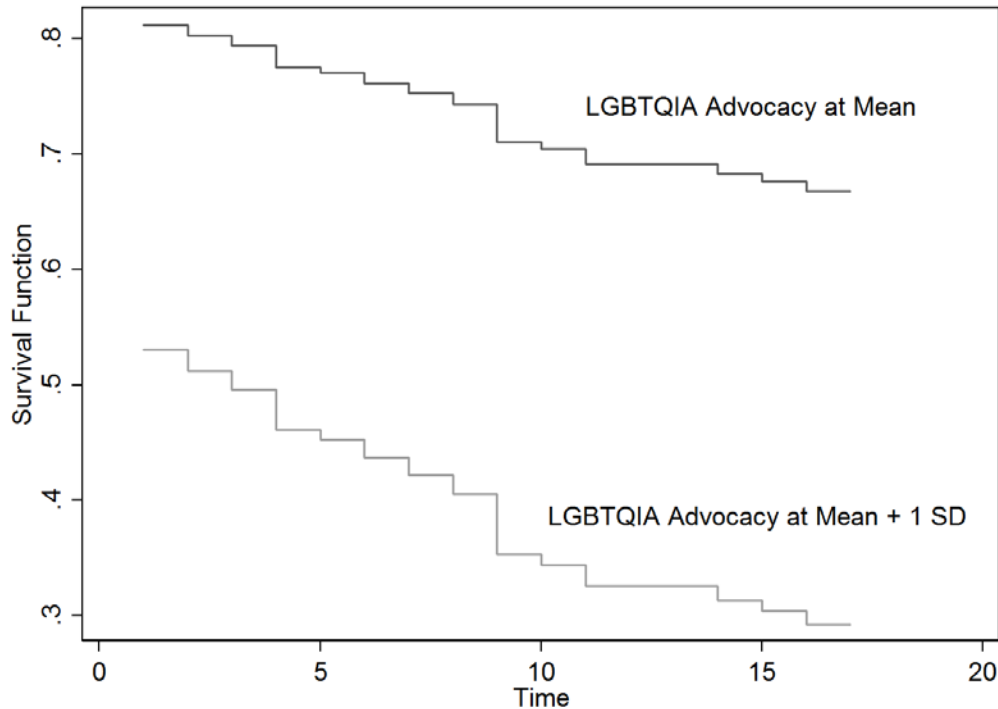
Columns contain Hazard Ratios, Robust standard errors in parentheses.

*** p<0.01, ** p<0.05, * p<0.1

Based on Model 1 in Table 1, Figure 2 demonstrates the effects of different levels of LGBTQIA advocacy on the probability that the sodomy law is still in place as time progresses. The Y-axis indicates the survival function, otherwise known as the probability that the law is not repealed (i.e., the law “surviving”). The X-axis indicates the progression of time. The top line or curve presents the likelihood of timely repeal over time in cases where the level of LGBTQIA advocacy is at its mean value. The bottom line concerns cases where levels of LGBTQIA advocacy are one standard deviation above the mean. Over time, the survival function of sodomy provisions decreases in both cases. Yet, as the comparison of the two curves clearly demonstrates, when LGBTQIA advocacy levels are greater (the bottom line), not only is repeal

more likely at the onset, this likelihood increases more steeply over time. In sum, this figure lends support to the first key hypothesis that stated that as LGBTQIA advocacy increases, so would a timely repeal of sodomy provisions.

Figure 2: Various Levels of LGBTQIA Advocacy on Survival Function, Based on Results from Model 1, Table 1



The next four models in Table 1 offer tests concerning the conditioning role of pre-existing attitudes and also demonstrate the robustness of our findings. Model 3 adds an interaction effect between LGBTQIA Advocacy and Islam as state religion. This interaction is significant and the hazard ratio is less than 1. Thus, we find that not only is the effect of LGBTQIA advocacy contingent on pre-existing attitudes in a statistically significant manner, but that the effect of pre-existing attitudes against the LGBTQIA advocacy movement is indeed to diminish the effect of LGBTQIA advocacy on a timely legal repeal. The effect of LGBTQIA activism is mitigated when pre-existing attitudes pushing in the opposite direction are more likely to be present. Model 4 further substantiates this conclusion. In this model, the measure for the counter-advocacy is the same as in Model 2 (percentage of Muslims and Protestants), and the interaction term now is between LGBTQIA activism and this variable. Here too we find a statistically significant effect for the interaction term, whose hazard ratio of .97 suggests that not only is the effect of LGBTQIA advocacy on the likelihood of repeal dependent on pre-existing attitudes, but also that these attitudes are able to countervail some of the progress the LGBTQIA movement is trying to push for.

The last two models in the Table (Models 5 and 6) offer a robustness test. Model 5 is limited to country-year observations where the countermovement is relatively feeble (as less than

50% of the population falls into this category). Conversely, Model 6 includes the complement group, that is, those data points where the percentage Islamic and Protestant is at least 50%. Comparison of the hazard ratios on LGBTQIA advocacy in both models clearly demonstrates how the hazard ratio on this variable is greater than 1 and statistically significant in Model 5. However, the comparable hazard ratio in Model 6 does not only fail to meet standard levels of statistical significance but is also less than 1. Thus, the combination of Models 5 and 6 suggests that LGBTQIA advocacy's effect on the timely repeal of sodomy provisions is contingent on there being limited pre-existing attitudes that go against the advocacy efforts. When these pre-existing attitudes against gender and sexual minority rights are not present, LGBTQIA advocacy decreases the duration it takes for such a legal change to form and take place. When these pre-existing attitudes are widespread, however, LGBTQIA advocacy may lose some of its muscle.

Figure 3 also lends support to the idea that the effectiveness of the LGBTQIA movement is contingent on pre-existing attitudes within a country. This figure is also based on Model 3 and presents a comparison of the survival functions of sodomy provisions on the books in countries where Islam is the state religion (top line or curve) and ones where Islam is not state religion (bottom line or curve). When Islam is the state region, as the red curve at the top of the figure demonstrates, LGBTQIA advocacy is not successful. LGBTQIA advocacy's effect is annihilated in the presence of a system where this faith is declared to be the state religion. Conversely, the bottom line or curve suggests that when Islam is not state religion, LGBTQIA advocacy increases the likelihood of repeal over time.

In Figure 4, based on Model 4 from Table 1, we compare the effect of LGBTQIA advocacy over time in cases where the percentage of Protestants and Muslims is one standard deviation above its mean (top line or curve) to cases where their share in the population is at the mean (bottom line or curve). Just like in Figure 3, this figure is in support of our argument concerning pre-existing attitudes. LGBTQIA advocacy may increase the likelihood of repeal, however this effect is attenuated by the presence of pre-existing attitudes that go against the advocacy efforts.

Figure 3: Mean LGBTQIA Advocacy Effects on Survival Function in Both Islamic and Non-Islamic States, Based on Results from Model 3, Table 1

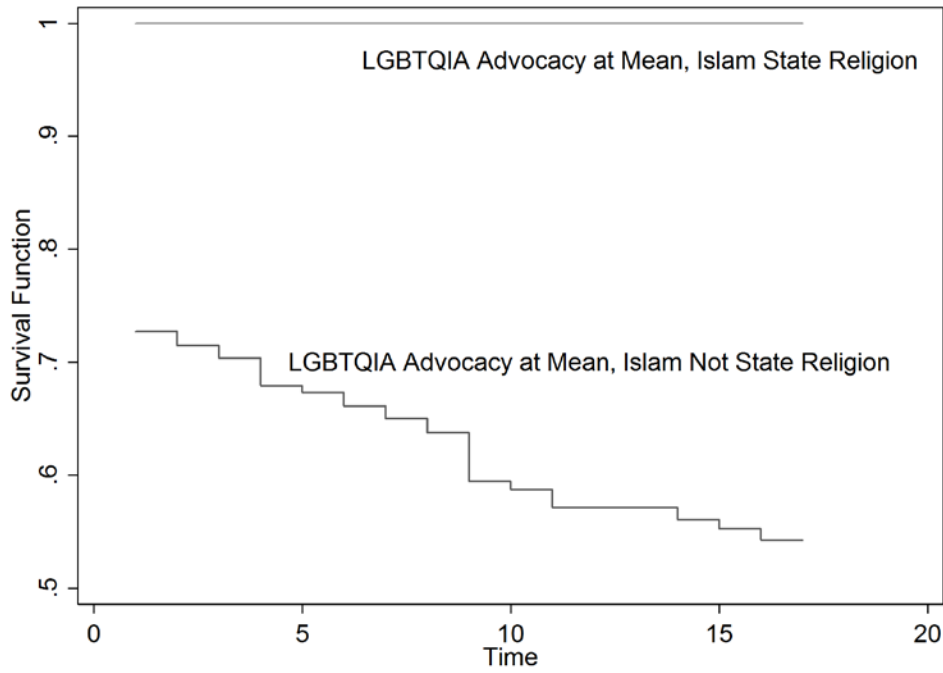
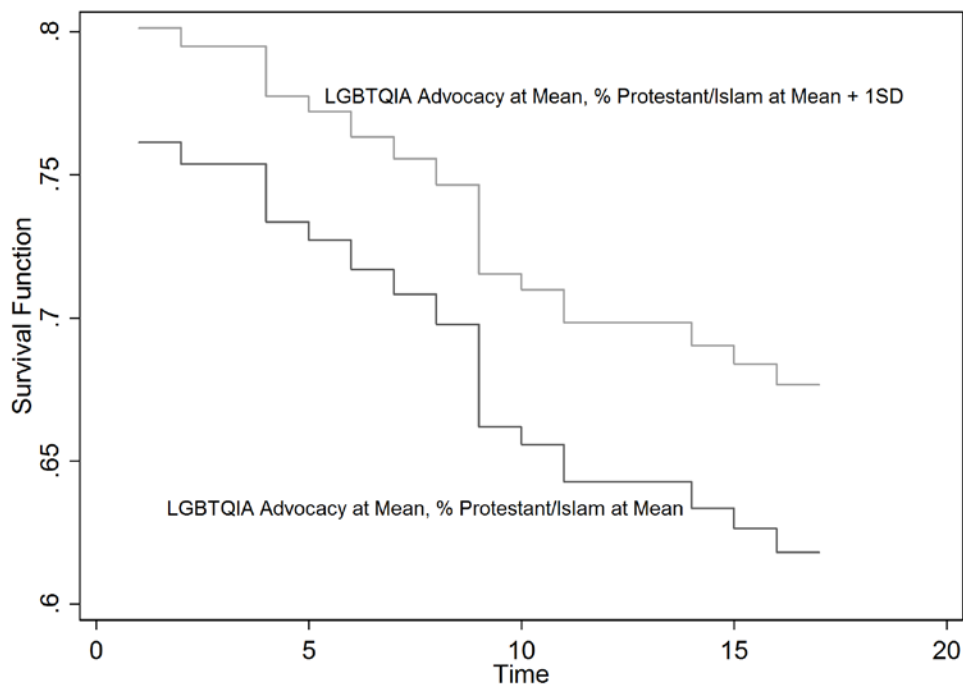


Figure 4: Mean LGBTQIA Advocacy Effects on Survival Function at Different Levels of Percentage Protestant/Islamic, Based on Results from Model 4, Table 1



Conclusion

In the context of the rights of sexual minorities - and unlike the case with physical integrity rights, for instance – the effects of advocacy efforts cannot be analyzed as a relatively uniform power for policy change. Rather, due to differences in pre-existing attitudes about the rights in question, different factions and groups within civil society may push in different directions on the same policy question, especially when it comes to what is often a moral issue of the first degree. This moral issue, as mentioned above, is also not yet set as an international norm, with conflicts concerning this question still unfolding at the national and international levels. Indeed, the actions of those opposing powers within civil society may lead over time to contradictory outcomes in the policy realm. Our findings suggest that in the context of LGBTQIA rights—even concerning the limited question of decriminalization of sodomy—activism is effective. States seem to move forward with tactical concessions in order to appease national and international advocacy.

Activism on LGBTQIA rights seems to be effective, as these concessions later translate into changes, at least at the level of *de Jure* rights. Pro-LGBTQIA activism leads to decriminalization of sodomy. Controlling for alternative hypotheses concerning the legal system in place, the effects of religion and the potential impact of globalization, economic conditions and system of government, we find a systematic effect of LGBTQIA advocacy on the likelihood of repeal. However, we also find that the presence of pre-existing attitudes against LGBTQIA rights can limit the ability of LGBTQIA advocacy organizations to bring about a timely repeal of sodomy laws.

These findings add to our cross-disciplinary understanding of the role of international and domestic NGOs in domestic politics. Like physical integrity rights advocacy, we find cross-national evidence for the success of NGO activism. However, unlike the case with more widely accepted norms, like the right to freedom of torture, LGBTQIA advocacy is somewhat unique in the possible mobilization of a counter-advocacy coalition. When resources available for counter-advocacy increase, the ability of LGBTQIA groups to influence policy change is diminished. A similar dynamic could be evident in advocacy related to new international norms (Finnemore and Sikkink 1998) or in advocacy on other minority rights, where the existence of a majority-driven counter-movement may be more likely.

Our research design also makes use of a growing strategy for capturing the behavior of NGO activism in the comparative context. By using events data, we are able to capture the behavior of thousands of LGBTQIA organizations over time and space. No extant scholarship on LGBTQIA advocacy examines such a large number of countries over time. Future work on advocacy may benefit from these techniques.

Further, there is a growing literature in sociology (Frank et al 2010; Mathias 2012) and political science (Kim 2013) that looks at *de Jure* changes in domestic policies and institutions from an event-history framework. Our study adds to this literature by focusing on the length of time until sodomy is legalized *de Jure*. As Justice Kennedy of the United States Supreme Court noted in *Lawrence v. Texas* (539 U.S. 558 2003), which invalidated sodomy laws in the United States, if “...homosexual conduct is made criminal by the law of the State, that declaration in and of itself is an invitation to subject homosexual persons to discrimination both in the public and the private spheres”. Although *de Jure* changes are not the same as *de Facto* practices, our study helps map the first steps in potential *de Facto* improvement for sexual minorities.

References

- Asal, Victor, Udi Sommer, and Paul G. Harwood. 2013. "Original Sin: A Cross-National Study of the Legality of Homosexual Acts." *Comparative Political Studies* 46(3):320-51.
- Ayoub, Philip M. 2014. With Arms wide Shut: Threat Perception, Norm Reception, and Mobilized Resistance to LGBT Rights. *Journal of Human Rights* 13(3):337-362.
- Ayoub, Phillip M. 2015. "Contested Norms in New-adopter States: International Determinants of LGBT Rights Legislation." *European Journal of International Relations* 21(2):293-322.
- Barry, Colin M., K. Chad Clay, and Michael E. Flynn. 2013. "Avoiding the Spotlight: Human Rights Shaming and Foreign Direct Investment." *International Studies Quarterly* 57(3):532-544.
- Bartley, Tim. 2007. "How Foundations Shape Social Movements: The Construction of an Organizational Field and the Rise of Forest Certification." *Social Problems* 54(3):229-55.
- Benhabib, Seyla. 2011. *Dignity in Adversity: Human Rights in Troubled Times*. Cambridge, UK: Polity Press
- Benhabib, Seyla and Post, Robert. 2006. *Another Cosmopolitanism*. New York: Oxford University Press
- Bishin, Benjamin G., Thomas J. Hayes, Matthew B. Incantalupo, and Charles Anthony Smith. 2016. "Opinion Backlash and Public Attitudes: Are Political Advances in Gay Rights Counterproductive?" *American Journal of Political Science* 60(3): 625-648.
- Bob, Clifford. 2012. *The Global Right Wing and the Clash of World Politics*. Cambridge University Press.
- Bond, Doug, Joe Bond, Churl Oh, J. Craig Jenkins, and Charles Lewis Taylor. 2003. "Integrated Data for Events Analysis (IDEA): An Event Typology for Automated Events Data Development." *Journal of Peace Research* 40(6):733.
- Box-Steffensmeier, Janet M., and Bradford S. Jones. 2004. *Event History Modeling: A Guide for Social Scientists*. Cambridge University Press.
- Boyle, Elizabeth Heger. 2005. *Female genital cutting: Cultural conflict in the global community*. JHU Press, 2005.
- Bureau of Democracy, Human Rights, and Labor. 2012. "Cote D'Ivoire." U.S. Department of State, May 24 (www.state.gov/j/drl/rls/hrrpt/2011/af/186187.htm).
- Canning, Paul. 2011. "Does Ivory Coast's Relative Safety for LGBT Prove Something about Sodomy Laws?" LGBT Asylum News, Oct. 10, (madikazemi.blogspot.com/2011/10/does-ivory-coasts-relative-safety-for.html).
- Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 (<http://www2.ohchr.org/english/law/cedaw.htm>).
- DeMars, William E. 2005. *NGOs and Transnational Networks: Wild Cards in World Politics*. London: Pluto Press.
- Dreher, Axel, Noel Gaston, Pim Martens, and Willem Jozef Meine Martens. 2008. *Measuring Globalization: Gauging its Consequences*. New York: Springer.
- Dorf, Michael C., and Sidney Tarrow. 2014. "Strange Bedfellows: How an Anticipatory Countermovement Brought Same-sex Marriage into the Public Arena." *Law & Social Inquiry* 39(2): 449-473.
- Flores, Andrew R. 2015. "Examining Variation in Surveying Attitudes on Same-Sex Marriage: A Meta-Analysis." *Public Opinion Quarterly* 79(2):580-593.

- Finnemore, Martha, and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(04): 887-917.
- Frank, David John, Bayliss J. Camp, and Steven A. Boutcher. 2010. "Worldwide Trends in the Criminal Regulation of Sex, 1945 to 2005." *American Sociological Review* 75(6):867-893.
- Franklin, James C. 2008. "Shame on You: The Impact of Human Rights Criticism on Political Repression in Latin America." *International Studies Quarterly* 52 (1): 187–211.
- Freedom House. "Freedom in the World 2011: The Authoritarian Challenge to Democracy." *New York: Freedom House*.
- Grundy, John and Mairiam Smith. 2007. "Activist Knowledges in Queer Politics." *Economy and Society* 36(2): 294-317.
- Hadenius, A. and Teorell, J. 2005. "Assessing Alternative Indices of Democracy", C&M Working Papers 6, IPSA, August 2005 (http://www.conceptsmethods.org/working_papers/20050812_16_PC%20%20Hadenius%20%20Teorell.pdf).
- Hafner-Burton, Emilie. 2008. "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem." *International Organization* 62(4):689-716.
- International Gay & Lesbian Human Rights Commission (IGLHRC). 1995. "Chile: Activists Launch Campaign to Repeal Sodomy Law." <https://iglhrc.org/content/chile-activists-launch-campaign-repeal-sodomy-law>.
- Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Cornell University Press.
- Kelley, Jonathan. 2001. "Attitudes Towards Homosexuality in 29 Nations." *Australian Social Monitor* 4(1):15-22.
- Kim, Dongwook. 2013. "International Nongovernmental Organizations and the Global Diffusion of National Human Rights Institutions." *International Organization*, 67(3): 505-539.
- King, Gary, and Will Lowe. 2003. "An Analysis Automated Information Extraction Tool for International Conflict Data with Performance as Good as Human Coders: A Rare Events Evaluation Design." *International Organization* 57(3):617-642.
- King, M. Dawn. 2013. "The Role of Societal Attitudes and Activists' Perceptions on Effective Judicial Access for the LGBT Movement in Chile." *Interface* 5(1):183-203.
- Krain, Matthew. 2012. "J'accuse! Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?" *International Studies Quarterly* 56(3): 574-589.
- La Porta, Rafael, Florencio López-de-Silanes, and Andrei Shleifer. 2008. "Economic Consequences of Legal Origin." *Journal of Economic Literature* 46(2): 285-332.
- Lax, Jeffrey R., and Justin H. Phillips. 2009. "Gay Rights in the States: Public Opinion and Policy Responsiveness." *American Political Science Review* 103(3):367-386.
- Maoz, Zeev, and Errol A. Henderson. 2003. "The World Religion Dataset, 1945–2010: Logic, Estimates, and Trends." *International Interactions* 39(3): 265-291.
- Marshall, Monty G. and Keith Jagers. 2002. *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2002: Dataset Users' Manual*. Maryland: University of Maryland.
- Massoud, Mark F. 2003. "The Evolution of Gay Rights in South Africa." *Peace Review* 15(3):301-307.
- Meer, Talia. 2014. "All The (Tricky) Words: A Glossary of Terms on Sex, Gender and Violence." Retrieved November 15, 2017

- (https://open.uct.ac.za/bitstream/handle/11427/8921/GHJRU_Glossary_Final_10Oct14.pdf?sequence=1).
- Mertus, Julie. 2007. "The Rejection of Human Rights Framings: The Case of LGBTQIA Advocacy in the US." *Human Rights Quarterly* 29(4): 1036-1064.
- Meyer, David S. 2007. *The Politics of Protest: Social Movements in America*. New York: Oxford University Press
- Meyer, David S., Valerie Jenness, and Helen Ingram. 2005. *Routing the Opposition: Social Movements, Public Policy, and Democracy*. Minneapolis: University of Minnesota Press.
- Murdie, Amanda and David R. Davis. 2012. "Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs." *International Studies Quarterly* 56(1): 1-16.
- Murdie, Amanda and Dursun Peksen. 2014. "Women's Rights INGO Shaming and the Government Respect for Women's Rights." *Review of International Organizations* 10(1): 1-22.
- Murdie, Amanda and Johannes Urpelainen. 2015. "Why Pick on Us? Environmental INGOs and State Shaming as a Strategic Substitute." *Political Studies*. 63(2):353-372.
- Murdie, Amanda. 2014. *Help or Harm: The Human Security Effects of International NGOs*. Stanford University Press.
- Ottoson, Daniel. 2009. "State-Sponsored Homophobia. A World Survey of Laws Prohibiting Same-Sex Activity between Consenting Adults." The International Lesbian, Gay, Bisexual, Trans and Intersex Association.
- Petchesky, Rosalind P. 2005. "Rights of the body and perversions of war: sexual rights and wrongs ten years past Beijing*." *International Social Science Journal* 57(184): 301-318.
- Reding, Andrew. 2003. *Sexual Orientation and Human Rights in the Americas*. World Policy Institute.
- Risse, Thomas, Stephen C. Ropp, and Kathryn Sikkink, eds. 2013. *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge University Press.
- Risse, Thomas, Steven C. Ropp and Kathryn Sikkink. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press.
- Sanders, Douglas. 1996. "Getting Lesbian and Gay Issues on the International Human Rights Agenda." *Human Rights Quarterly* 18(1): 67-106.
- Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Chicago University Press
- Soule, Sarah A. 2004. "Going to the Chapel? Same-sex Marriage Bans in the United States, 1973-2000." *Social Problems* 51(4):453-477.
- Teorell, Jan, Marcus Samanni, Sören Holmberg and Bo Rothstein. 2011. *The QoG Standard Dataset version 6Apr11* University of Gothenburg: The Quality of Government Institute, (<http://www.qog.pol.gu.se>).
- United Nations Statistics Division, Economic Statistics Branch. 2009. *National Accounts Statistics Database*. <http://unstats.un.org/unsd/snaama>
- Union of International Organizations. 2017. "What is a Non-governmental Organization." Retrieved November 15, 2017 (<https://www.uia.org/faq/yb2>).
- Wald, Kenneth D., James W. Button, and Barbara A. Rienzo. 1996. "The Politics of Gay Rights in American Communities: Explaining Antidiscrimination Ordinances and Policies." *American Journal of Political Science* 40(4):1152-1178.

- Wilkinson, Abigail. 2009. "Eighteen Years on the Gay Rights Movement in Chile." *Santiago Magazine*, August 17. <http://www.santiagomagazine.cl/living/eighteen-years-gay-rights-movement-chile>.
- Wilson, Bruce M., and Juan Carlos Rodríguez Cordero. 2006. "Legal Opportunity Structures and Social Movements: The Effects of Institutional Change on Costa Rican Politics." *Comparative Political Studies* 39(3):325-351.