Money Talks?

EU Sanctions and LGBT-free Zones in Poland

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Abstract

How do you face democratic backsliding within an organisation known for its emphasis on democracy? Despite membership criteria of democracy and the rule of law unmatched by any other international organisation, the EU has struggled to cope with democratic backsliding in member states Poland and Hungary over the last decade. This thesis explores the ramifications of the European Union's reaction to so-called LGBT-free zones that local level authorities in Poland started to adopt in 2019. The year after, the EU began withholding funds from local authorities upholding documents declaring their area to be "free from LGBT-ideology". Soon after, municipalities started to repeal the homophobic declarations. Using self-collected data on Polish local governments' revenue and EU funds, I employ logistic regression analysis to test the relationship between EU dependency and repealing LGBT- free zones. The LGBT-free zones are part of a democratic recline going on in Poland since the Law and Justice party (PiS) came to power in 2015. The literature on democratic backsliding in the EU revolves around the constraints and effects of the different work tools available to counter backsliding in member states. EU scholars are divided between favouring social pressure as a mean to constrain illiberal practices, and those who consider material sanctions most effective. The findings in the thesis supports the effect of material sanctions as a tool of coercion. I find a robust positive relationship between EU dependency and repealing the homophobic declarations. I also find a positive relationship between EU dependency and *adopting* the declarations. This indicates no salient link between EU dependency and local LGBT-policies prior to 2019. I do not find evidence that richer local authorities are less likely to repeal the declarations, regardless of EU dependency. This is likely explained by historical factors, religion, political values, and economy. While focusing on the relationship between the EU and its member states' central governments, democratic backsliding fuelled by local authorities and the dynamics of the EU sanctioning local-level governments have been given little attention. This thesis emphasises the importance of local authorities' role in democratic backsliding. Moreover, it contributes to the meagre research on the relationship between local authorities and the EU.

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1.0 Introduction

The European Union is exceptional when it comes to its strict membership criteria. The EU demands democracy and rule of law and ensures that potential members states fulfil these criteria before becoming a member of the union (Hillion, 2022). Respect for human dignity, freedom, democracy, equality, the rule of law and human rights are the core values on which the EU was founded and the basic conditions for EU membership. Article 2 of the Treaty on European Union put forward these values as "common to the Member States". Despite of this, the respect for democracy and the rule of law has declined in countries such as Hungary and Poland, who both have been members of the European Union since 2004. Levitsky and Way (2020) classify Hungary as a "competitive authoritarian regime", and Poland seems to be moving in the same direction (Sadurski, 2018). As the EU is one of the most active imposers of sanctions against violations of democracy and the rule of law in other parts of the world (Hellquist, 2019), it could be expected that the European Union would react strongly when the organisation's values are being undermined by its own members. However, it is argued that the EU has mostly looked the other way when it comes to the Hungarian Fidesz party and the Law and Justice Party (PiS) in Poland. This thesis explores the European Union's reaction to democratic backsliding in Poland, focusing on so-called LGBT-free zones. I investigate the relationship between local level governments' dependency on EU funding and their political decisions regarding LGBT-free zones.

Both Poland and Hungary were previously considered admirable examples of post-communist countries transcending to democracy (Auerbach & Kartner, 2023; Kelemen & Blauberger, 2017). This encouraging picture has been repainted in the last decade. In Hungary, Viktor Orbán has continuously limited the constraints on executive power since he came to power in 2010 (Sadurski, 2018). Viktor Orbán and his party Fidesz' rule in Hungary was pronounced a role model for the Law and Justice Party (PiS) in Poland already in 2011, when party leader Jaroslaw Kaczynski promised "Budapest in Warsaw" (Sadurski, 2018, p. 3). Since PiS came to power in Poland in 2015, the party has kept its promise to copy the rule in Hungary. Puddington and Roylance (2017) describe the PiS government as "an accelerated and condensed version of what the ruling Fidesz party has accomplished in Hungary since 2010". By the end of 2015, the new government had initiated a fundamental change in Poland: "abandonment of various dogmas of liberal democracy, constitutionalism and the rule of law,

which so far had been taken for granted" (Sadurksi, 2018, p. 3). Even though these principles have not always been perfectly enforced and practiced, the consensus was that they were standards to be followed (Sadurski, 2018). With PiS in control, however, these principles of liberal democracy were abandoned, justified by a "purely majoritarian democracy, and of the "sovereign" having a right to rule as it wishes" (Sadurski, 2018, p. 3). The PiS government's populist rhetoric and the "winner takes all"-mindset was used to justify fundamental changes and blur out the separation of powers. The government downplayed checks and controls of the executive and legislative power, for example by unconstitutionally changing the nomination procedure to the Polish constitutional court, the Constitutional Tribunal, (Meijers & van der Veer, 2019; Freedom House, 2019). Campaigns against the Constitutional Tribunal and other Polish courts legitimized by the idea that "any restraints upon the political majority are by their nature antidemocratic" (Sadurski, 2018, p. 3). The changes are measurable; in 2020 Poland ranked 45th on the Human Freedom Index, having dropped considerably from ranking 27th in 2014 (Vásquez & McMahon, 2020).

Figure 1.1: Liberal Democracy Index.
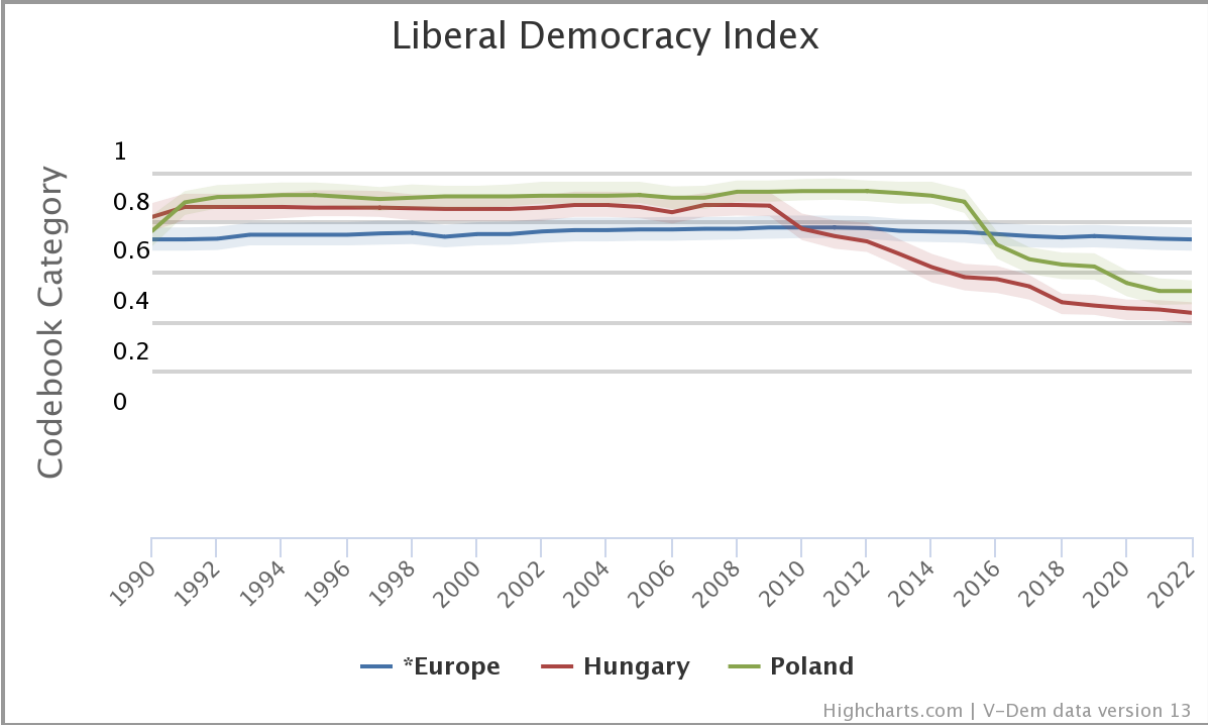
Graph showing the Liberal Democracy Index of Poland, Hungary and Europe, 1990 – 2022. Both Hungary and Poland went from above European average to well below on the index when the current leaders entered government in respectively 2010 and 2015. Source: V-Dem.

Non-heteronormative persons (including lesbian, gay, bi, trans, queer and intersex persons, hereby referred to as LGBT) make up one of the minority groups most repeatedly targeted by PiS (Szymczak & Pacewicz in Bucholc, 2022). ILGA-Europe annually reviews the level of equality and human rights situation for LGBT people in every European country. In 2015, the year PiS came to power, Poland had a score of 26 % on ILGA-Europe's Rainbow Map (ILGA-Europe, 2015). In 2022, that score has dropped to 13 %, making Poland the lowest ranking country in the European Union (Ploszka, 2022; ILGA-Europe, 2022). One of the things pointed out by the organisation is the discriminatory resolutions and charters adopted by local governments in several Polish areas. In March 2019, the County of Świdnica adopted a resolution declaring "freedom from LGBT ideology" and in April the same year Łowicz County adopted a "Charter of Family Rights" (Atlas of Hate, n.d.). Within less than a year, over 90 Polish municipalities, counties and provinces adopted resolutions similar to those in Świdnica and Łowicz (Bucholc, 2022). At most, these declarations were adopted by 106 local governments, whose combined area make up one third of Poland's territory. These areas became known internationally as LGBT-free or LGBT-ideology free zones. Although not upholding any legal value, the LGBT resolutions and family charters must be understood as a part of a broader agenda against "gender ideology", according to professor in sociology at University of Warsaw, Marta Bucholc (2022). The resolutions adopted by local authorities make way for anti-LGBT policies on the national level, according to Bucholc (2022). Ronnelle Adams also argues that the anti-LGBT zones deny the legitimacy that queer people exist in Poland: "The resolutions allege that gays are a threat to Polish children, families, and the country's overall way of life" (Adams, 2020).

The LGBT-free zones eventually gained international attention and reactions from the European Union. In December 2019, nearly one year after the first LGBT-free zones came to be, the European Parliament adopted a resolution on public discrimination and hate speech against LGBT people, including LGBT-free zones (European Parliament, 2019). In July 2020, six Polish LGBT-free towns were denied grants from the EU twinning town program, and soon after the first municipalities withdrew their declarations (Wądołowska, 2020; Atlas of Hate, n.d.). When the EU Commission in September 2021 threatened to hold back funding to five Polish provinces if the LGBT-free declarations were not repealed, four of the provinces complied (Reuters, 2021; Atlas of Hate, n.d.). Since then, more local governments have

followed. As of 15. April 2023, 48 local governments have repealed the LGBT-free zones (Atlas of Hate, n.d.).

Poland makes an interesting case of democratic backsliding in the EU. The country is both the largest recipient of EU's cohesion fund and the largest EU member state experiencing a serious decline in the rule of law (Tilles, 2022b; European Commission, 2022). How the situation evolves is therefore of great importance to the European Union. One can also assume that it is easier to get access to free and open data in Poland, compared to the more thoroughly authoritarian Hungarian regime. Investigating the LGBT-free zones gives us the opportunity to look at democratic backsliding at a local level, not just on the national level. There is also very little literature connecting democratic backsliding to LGBT rights. With the European Union's apparent inability to adopt effective measures to counter democratic backsliding within its own borders, this thesis explores the following research question: *How does economic pressure from the European Union affect Polish local governments regarding "LGBT-ideology free" zones?*

I theorize that local governments receiving more money from the EU, relative to its total revenue, are more dependent on EU funding than local governments that receive less money from the EU relative to their total revenue. The analysis is built on the assumption that the more a local government is dependent on EU funding, the bigger impact losing said funding has on the government. Further, I assume that the risk of losing said funding affects local governments with higher EU dependency when deciding to repeal the homophobic resolutions. I conduct an analysis of 1416 Polish provinces, counties, and municipalities, to investigate whether there is a statistical correlation between dependency on EU funding and withdrawing the resolution. I employ cross-sectional logistic analysis to investigate the research question. All data in in the analysis have been collected by me and put together in a dataset, some of the variables have been manually coded. The data has been collected from Statistics Poland, Atlas of Hate, an interactive map monitoring local governments' actions in regard to the LGBT-free zones, and the Polish National Electoral Commission. I employ observations on all three levels of local government. Poland consists of 16 provinces that are divided into 380 counties, which consist of 2477 municipalities (Statistics Poland, n.d.). Even though they follow a hierarchical structure, the different levels are independent authoritative

units and possess legislative competence in different areas. If a province adopts a resolution declaring itself LGBT-free, a county or municipality within the province can still reject or repeal the resolution on the smaller local level. Examples of this can be seen in figure 1.2, where green counties or municipalities, indicating a rejection of LGBT-free zones, can be seen inside of red LGBT-free areas. Although the observations on different level of local authority are not completely independent of one another, they have their own agency. Henceforth, it is reasonable to include observations on all three levels when investigating the LGBT-free zones.

1.1 Outline of Thesis

Chapter two gives a brief overview of the evolution of LGBT rights in Poland, from the decriminalisation of homosexuality in 1932, to the homophobic declarations that started to show up in 2019. The contents of the declarations on "Freedom from LGBT ideology" and the "Charter of the Rights of the Family" are explained, before I move on to reactions from the international society, focusing on the European Union. In chapter three I review the literature on democratic backsliding in the EU. An overview of the literature on material sanctions and social pressure, as tool for the EU to counter democratic backsliding within the Union. The linkage between economic dependency and vulnerability to coercion is also somewhat explored. Chapter four introduces the theoretical framework in the thesis. I draw on Kelemen's theory of the EU's authoritarian equilibrium to make my theoretical argument. Kelemen argue that the EU maintains and even foster favourable conditions for authoritarians, through its partisan politics, open borders, and funding. The hypothesis deduced from the theoretical framework is then presented. Next, in the research design chapter, which is chapter five, the data and the data selection process are introduced, and I present the variables. I then discuss the reliability and validity of the data and the analysis. In the following sections I account for the modelling choices, the assumptions of logistic regression and discuss the methodological challenges of the study. In chapter six, I assess the results of the analysis, including different robustness tests, before I discuss the implications of the findings. Lastly, I conclude by summarising my research in chapter 7.

This thesis shows that local-level authorities should not be disregarded when investigating democratic backsliding. I do find a robust positive relationship between EU dependency and repealing LGBT-free zones. This is in line with my theoretical expectations. However, I also find a positive relationship between EU dependency and *adopting* the declarations. This indicates no salient link between EU dependency and local LGBT-policies prior to 2019. I do not find evidence that richer local authorities are less likely to repeal the declarations, regardless of EU dependency. This is likely explained by historical factors, religion, political values, and economy. Overall, the findings in this thesis show that material sanctions should not be disregarded as a tool for the European Union to counter democratic backsliding.

2.0 LGBT Rights in Poland

This chapter gives a short introduction to LGBT rights in Poland, from the decriminalisation of homosexual acts in the early 1930's, to the introduction of LGBT-free zones almost a hundred years later. Even though Poland was remarkably early in legalising homosexuality, LGBT people were considered deviant. With the collapse of the communist regime, a new hope of recognition and better rights was lit. However, homophobic attitudes were still prevalent among the Polish population at the turn of the century. The context which led to the declarations on "Freedom from LGBT ideology" and the "Charter of Rights of the Family" are explored before I give a brief explanation of the content of the documents. Then I present some key reactions on the LGBT-free zones from the European Union and the rest of the international community.

2.1 From Decriminalisation to Homophobic Declarations

Poland was one of the first European countries to decriminalise homosexual acts in 1932. Homosexual prostitution was decriminalised in 1969 (Baer, 2020). During the communist rule, sexual orientation and gender identities differing from the hetero-normative majority were mainly kept hidden in the private sphere. Institutions of power, such as the state, the Catholic Church and the media showed little interest in sexual minorities. Both trans and homosexual persons were however perceived as deviant, and the more visible the minority became, the more oppression LGBT persons faced by the state (Baer, 2020). One example is in the mid 1980's, when Polish secret services arrested and registered homosexual men in what is known as Operation Hyacinth (Baer, 2020). With a new regime, gay and lesbian movements were formed in the 1990's (Baer, 2020), but no significant improvements of the legal status for Polish sexual and gender minorities were made (Ploszka, 2022). According to Ploszka (2022), the only legal change of importance came with the accession to the European Union and the implementation of the EU anti-discrimination law. This did however only rose the "level of LGBT rights protection to a limited extent" (Ploszka, 2022, p. 3). In 2015 the right-wing Law and Justice Party (PiS) in Poland achieved two major wins. First the then relatively unknown Andrzej Duda won the presidential election in May, rather unexpectedly (Sadurski, 2018). Then, in October 2015, PiS won an absolute majority in the parliamentary

election and was for able to form government without needing to seek alliances with other parties (Zamecki & Glied, 2020).

Despite homosexuality had been decriminalised for almost 70 years at the turn of the millennia, gay and lesbian people were largely perceived in a negative way. In 2005, 40 % of Poles thought that homosexual acts between consenting adults should be illegal. Just as many preferred to not have any contact with gay and lesbian persons. 86 % did not want their children to encounter homosexuals, and only 4 % believed that homosexuality is normal (Wenzel in Gruszczyńska, 2007, p. 96). Surveys from the Polish Public Opinion Research Centre on public attitudes towards sexual minorities indicates a slow increase in acceptance towards some LGBT rights. The share of people who think that LGBT persons should have the right to show their lifestyle in public increased from 16 % in 2005 to 30 % in 2013 (Chojnicka, 2015, p. 38). The share of people thinking that LGBT persons should have the right to adopt children did however not increase and stayed at 8 %. In comparison, the EU average was 32 % in 2006 (Chojnicka, 2015, p. 38). Similar attitudes towards the LGBT minority are seen fuelled today by both the governing PiS party and the Catholic Church in Poland. In April 2019, PiS-leader Jaroslaw Kaczynski claimed that "gay ideology" is a "threat to Polish identity, to our nation, to its existence and thus to the Polish state" (in Adams, 2020). In 2019, the Archbishop of Krakow said that Poland is occupied "under a rainbow plague" (Goclowski & Wlodarczak-Semczuk, 2019), and he later compared "LGBT ideology" to communism and Nazism, claiming it must be resisted (Tilles, 2019). This statement was supported by Polish president Andrzej Duda, who in the 2020 election campaign also compared LGBT rights to communism, saying that "LGBT is not people, it's an ideology" (Gera, 2020).

Even though sexual and gender minorities are repeatedly targeted by the PiS administration (Szymczak & Pacewicz in Bucholc, 2022), LGBT rights did not enter the centre of public debate until 2019 (Ploszka, 2022). When the Law and Justice party came to power in 2015, hopes that a new government would adopt policies strengthening the legal status of sexual and identity minorities extinguished. Instead, the LGBT community turned to local authorities to improve their situation (Ploszka, 2022). In February 2019, the mayor of Warsaw signed a so-called LGBT+ Charter. The Charter was drafted in collaboration with LGBT organisations as

a political commitment to implement policies supporting LGBT rights. Among the commitments in the declaration is a "lighthouse keeper"-project for teachers to monitor the well-being and support LGBT students. The declaration also proposes sex education in every school in accordance with WHO standards and commits to use anti-discrimination clauses for city contracts (Ploszka, 2022; Bucholc, 2022; Declaration Warsaw Urban Policy for LGBT+ Communities). Some of Poland's biggest cities, typically more liberal and where the political opposition is strongest, have also adopted similar charters (Bucholc, 2022). The declarations were sharply criticised by PiS, with Kaczynski proclaiming it "an attack on the family and one carried out in the worst possible way, because it is in fact an attack on children" and accusing the declarations of having the hidden agenda to promote adoption by same sex couples (Ciobanu, 2019). Even though the declarations had no legal binding power, it sparked several counterreactions.

In March 2019, Świdnica County adopted a resolution declaring "Freedom from LGBT Ideology". The following weeks 13 areas on all three levels of local government followed, and in April the Łowicz County adopted a "Charter of Family Rights" (Atlas of Hate). At the same time, the LGBT community became a hot topic for PiS, the Catholic Church and the media in the election campaign to the European Parliament and in the campaigns for the Polish parliament election the following autumn (Żuk, Pluciński, & Żuk, 2021; Ploszka, 2022). In summer 2019 the Polish newspaper Gazeta Polska announced it would give out "LGBT-free Zone"-stickers with a crossed-out pride flag with one of their editions. The text was changed to "LGBT Ideology free Zone" after being halted by a Polish court (Knight, 2019). The stickers did however further fuel the call from PiS supporters for more districts declaring themselves LGBT-ideology free (Żuk, Pluciński, & Żuk, 2021). Within less than a year, over 90 resolutions and charters were adopted in Polish municipalities, counties, and provinces, most of them ruled by PiS. At the most, the LGBT-free zones made up 30 % of Poland's territory (Ploszka, 2022).

Figure 1.2: Map over Polish LGBT-free zones in March 2020 and April 2023
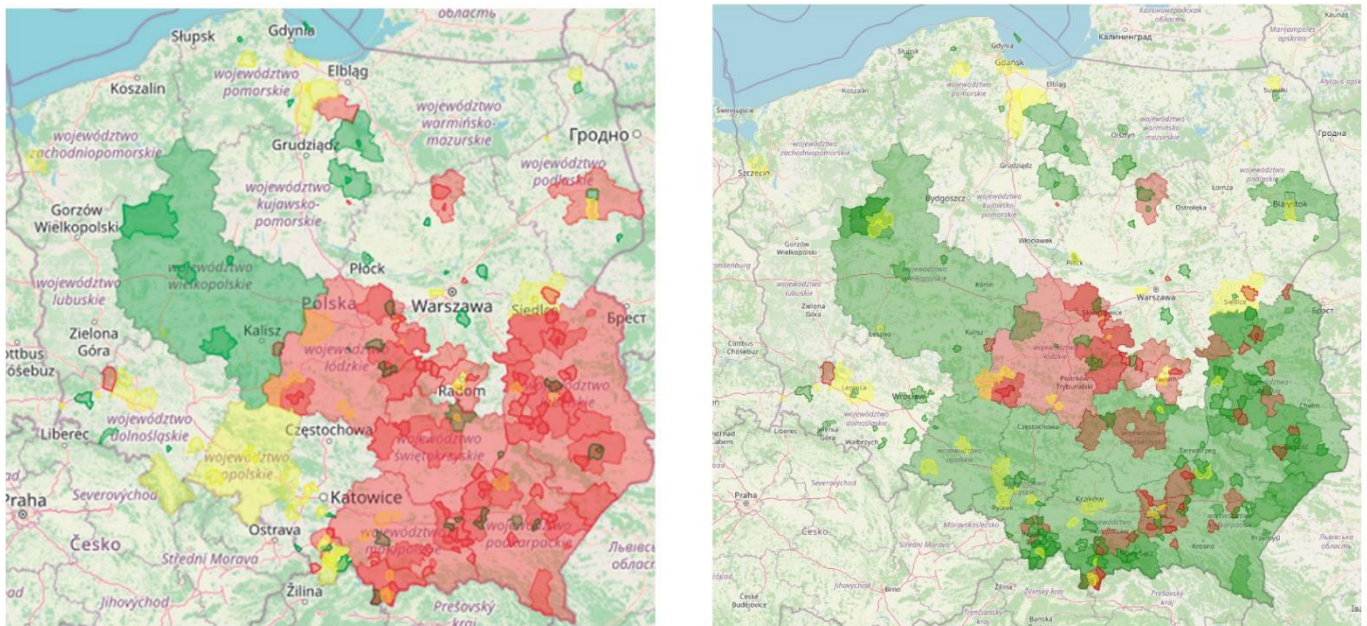
The map on the left is from March 2020, whereas the map to the right show LGBT-free zones in April 2023. Red areas are LGBT-free zones, green indicates areas where the declarations have been rejected or repealed. In yellow areas the declarations have been debated, but neither adopted nor rejected. Sources: Atlas of Hate; Atlas of Hate in Żuk, Pluciński, and Żuk (2020).

2.2 "Freedom from LGBT Ideology" and "Charter of the Rights of the Family"

Even though there is no blueprint for the "LGBT-ideology free" resolutions, they vary only limitedly between the different provinces, counties, and municipalities (Bucholc, 2022). According to Bucholc's content analysis of the resolutions, they consist of one page "drafted as a legal document with numbered paragraphs" (Bucholc, 2022, p. 10). The documents state that Poland is being pushed towards a cultural revolution by radicals, and that the resolution is a response to attacks on the "freedom of expression, the innocence of children, the authority of the family, and freedom of business" (Bucholc, 2022, p. 10). Several of the resolutions identifies the radicals as LGBT organisations, the political left, and liberal politicians. The resolutions claim that bearers of "political correctness" mainly target schools, where children

are being sexualised in accordance with the "so-called standards of the WHO" (Bucholc, 2022, p. 10). The resolutions clearly reference the LGBT+ Charters and the commitment to use anti-discrimination clauses for city contracts. It is expressed that the "administrative pressure" on some professions to be politically correct is a violation of the private life. This intervention should be refused because of the long tradition in Poland to respect "life, family and freedom" (Bucholc, 2022, p. 10). The resolutions imply that this pressure, sometimes referred to as homo-propaganda, is imposed by foreigners, and some resolutions points out "the West" as the foreign influence. Bucholc identify the main argument for rejecting "LGBT ideology" in the resolutions as the idea of "participation in a historical national community informed by religious values by way of individually exercising liberal rights and liberties, especially in the economic sphere" (2022, p. 11).

The charters of family rights are based on a document drafted by the very conservative religious organisation and think tank Ordo Iuris and varies even less than the resolutions on "Freedom from LGBT Ideology" (Bucholc, 2022). The blueprint document takes on six themes: parents' and children's rights in the school system, families' rights in social policy, social services adapted to the needs of families, good practices regarding the rights of families in business, monitoring and enforcing family rights and enactment of family-friendly laws (Charter of the Rights of the Family, 2019). The document starts by quoting the Polish constitution, article 18: "Marriage, being a union of a man and a woman, as well as a family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland" (Charter of the Rights of the Family, p. 4). The constitution is frequently referenced to legitimise the document and is also quoted in the first section of the document, titled "justification". This section states that the purpose of the document is to "strengthening the family as a basic social community and ensuring its protection against influences of the ideologies that undermine its autonomy and identity" (Charter of the Rights of the Family, p. 5). What ideologies the charter is meant to protect against is not specified, but the measures to protect family rights put forward in the charter and the LGBT declarations mirrors those of the LGBT+ Charter in Warsaw (Bucholc, 2022). Where the LGBT+ Charter introduces institutions to defend LGBT rights, such as the "lighthouse keeper"-project, the charter of family rights proposes to establish a "Speaker for Family Rights" to inform families of their rights and monitor and intervene when local governments and schools break those rights (Bucholc, 2022; Charter of the Rights of the Family, 2019). Throughout the document, the

protection of children and the family "is framed as an essentially liberal, individual, and subjective right guaranteed by the Constitution and statutes" (Bucholc, 2022, p. 12). Neither of the declarations on "freedom from LGBT-ideology" nor charters of family rights hold legal value. In both documents, the need to protect school children from "homo-propaganda" is both implicitly and more explicitly stated, although local authorities do not have competence to set the curriculum (Wieczorek, 2022). Regardless of legal power, the declarations are an expression of homophobia. When legitimized by the authorities, the message conveyed by the declarations should not be underestimated.

2.3 The European Union's Reactions to LGBT-free Zones

The European Union's first response to the LGBT-ideology free zones came from the EU Parliament nearly one year after the first resolution was adopted. On 18. December 2019, the Parliament adopted a resolution on public discrimination and hate speech against LGBT people, including LGBT-free zones. It specifically mentions the resolutions on freedom from LGBT ideology and the charter of family rights, claiming they "represents an extremely discriminatory measure" (European Parliament, 2019). The EU Parliament calls on the Commission to assess whether the ideology-free zones violate the freedom of movement and residence in the EU and to monitor the use of EU funding streams and take measures to breaches of anti-discrimination rules (ibid.). The Parliament also calls on Poland to "firmly condemn discrimination against LGBTI people, including when it originates from local authorities, and to revoke resolutions attacking LGBTI rights, including local provisions against 'LGBT ideology'" (European Parliament, 2019). In July 2020 the Education, Audiovisual and Culture Executive Agency (EACEA), which executes the Europe for Citizens Program on behalf of the European Commission, rejected the applications of six Polish town to take part in a subsidised twinning programme (Euronews, 2020; Ploszka, 2022). The towns were all considered LGBT-ideology free zones. EU's Commissioner of Equality, Helena Dalli, wrote on Twitter 28th of July that "EU values and fundamental rights must be respected by Member States and state authorities" (Dalli, 2020). Even as the call from the EU Parliament to the Commission remained unanswered, the Polish justice minister announced that Tuchów, one of the towns being denied the EU grant, would be compensated 250 000 zloty, from the ministry's Justice Fund (Charlish et al. 2020). This accounts for three

times the sum given by the EU programme. Other towns were promised similar support. Shortly after, however, the first counties withdrew the declarations (Atlas of Hate, n.d.).

In her state of the union-speech in September 2020, leader of the EU Commission, Ursula von der Leyen, openly criticized Polished governments. Von der Leyen said "being yourself is not your ideology. It's your identity," before adding "LGBTQI-free zones are humanity free zones. And they have no place in our Union" (von der Leyen, 2020). She also announced EU's first ever strategy to strengthen LGBT rights. The strategy was presented on 12th of November the same year. It was made on the background that 43 % of the people identifying as LGBT in the EU felt discriminated against in 2019. This was an increase of 6 percent points compared to 2012 (European Union Agency for Fundamental Rights, 2020). Even though 76 % of EU citizens believe that LGBT persons should have equal rights to non-LGBT persons, the Covid-19 pandemic has "brought new pressures to the most vulnerable groups, and LGBTIQ people are no exception" (European Commission, 2020). The strategy focuses on four main themes: tackling discrimination, ensuring safety, building inclusive societies, and leading the call for equality around the world (ibid.). In March 2021 the Parliament declared the European Union a "LGBTIQ Freedom Zone", as a direct response to LGBT-free zones in Poland and the deterioration of LGBT rights in Hungary (European Parliament, 2021). In July the same year, the EU Commission announced an infringement process against both countries "related to the equality and the protection of fundamental rights" (European Commission, 2021). Polish authorities had failed to cooperate and provide information about LGBT-free zones requested by the Commission to assess whether they violate EU law (ibid.). In September the European Commission sent a letter to the marshals of the provinces Lublin, Lesser Poland, Subcarpathian, Holy Cross and Łódź. In the letter it was stressed that "declaring LGBTIQ- free/unwelcome territories, workplace or services constitutes an action that is against the values set out in Article 2 of the Treaty on European Union. Therefore, we will put on hold the REACT-EU programme amendments in relation to your regional operational programmes" (Popens, 2021). The REACT-EU programme provides considerable funding to help recovery from the pandemic. The province of Lesser Poland was at risk of missing out on €33.5 million, or 151 million zloty (Tilles, 2021a). Within the end of the month, all but the province of Lodz had withdrawn their declarations (Atlas of Hate; Tilles, 2021b). On 26th of January 2023, the European Commission officially closed the legal action against Poland over the LGBT-free zones the month before (Tilles,

2023b). This was done rather unannounced, and the Commission did not respond to journalists on why this was done (ibid.). As of 15th of April 2023, about half of the LGBT-free zones have been repealed (Atlas of Hate).

The Polish LGBT-free zones have also gained attention from other international actors. Reactions worth mentioning is when Norwegian minister of foreign affairs in September 2020 announced that Polish municipalities that have passed anti-LGBT resolutions will not receive EEA and Norway Grants (Søreide, 2020). The grants support civil society, innovation, the justice system, social inclusion, and more, with Poland as its largest recipient. In the original budget for 2014-2021, Poland was budgeted to receive €411.5 million in Norway Grants and €397.8 million in EEA Grants (Tilles, 2020).

3.0 Literature Review

This chapter investigates the literature on the European Union's various work tools to counter democratic backsliding in its member states. I start by explaining the concept of democratic backsliding, as a perquisite for understanding the EU's internal struggles. Then I explore the different work tools available to the EU, categorised as material sanctions and social pressure. The purpose of this is to illustrate different opinions on why the EU is undertaking certain measures and to what extent different type of sanctions can be fruitfully applied. There is a dividing line between Sedelmeier on one hand, being sceptical of the effect of material sanctions and favouring social pressure, and Kelemen on the other hand, advocating that the EU should take action and make use of the material sanctions available. I also investigate literature on the relationship between economic dependency and vulnerability to coercion, looking at Kim's research of the political economy of China and its smaller neighbouring countries. Reviewing literature on democratic backsliding within the EU makes it evident that the current situation accounts for new challenges for the European Union. It is also noticeable that the literature focuses on the relationship between the EU and its member states' central governments. Democratic backsliding fuelled by local authorities and the dynamics of the EU sanctioning local-level governments is mainly undiscovered terrain.

Democratic backsliding can be understood as "the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy" (Bermeo, 2016, p. 5). In other words, democratic backsliding is the intentional withdrawal from the rule of law and democracy. Bakke and Sitter (2020) define democratic backsliding on four points; The first being that democratic backsliding is "movement away from democracy" (Bakke & Sitter, 2020, p. 24), as already mentioned. Secondly, this movement is gradual and continuous, literally sliding back – democracy is not crumbling in a big leap. Bakke and Sitter's third point is that democratic backsliding (and democratization) is an open-ended process. Democratic backsliding may lead to a change of regime, but it might as well not. Bakke and Sitter argue that it is not a part of the definition, but rather an empirical question, where the process of democratic backsliding ends. Finally, democratic backsliding is driven by elites. It "involves successful wilful acts by elected power-holders to undermine democracy. Consequently, backsliding is about what powerholders do, not what they would like to do" (Bakke & Sitter, 2020, p. 24). This definition is important when exploring the literature on

democratic backsliding in the EU. Defining and understanding the concept of backsliding is critical for understanding the severity of what is happening in Poland. When investigating what *has been* and what *can be* done to counter backsliding, it is essential that the backsliding is a process wilfully undertaken and carried out by elected politicians. The feasible measures to protect democracy against backsliding are different from the measures to restore democracy after to a coup d'état.

3.1 Material Sanctions

3.1.1 Article 7 of the Treaty on European Union

To influence state governments, the European Union uses either material sanctions or social pressure (Sedelmeier, 2017). The strongest tool for countering democratic backsliding in a member state available to the EU is Article 7 of the Treaty on European Union (TEU). In December 2017, the European Commission triggered the Article 7 process against Poland (Meijers & van der Veer, 2019). The procedure was initiated over concern for the separation of powers and the independence of the judiciary in Poland. In September 2018, the European Parliament approved a report calling on the Council to initiate the same process against Hungary (Zamecki & Glied, 2020). Article 7 gives member states the opportunity to suspend certain membership rights, including voting rights in the Council, of a member state who breaches fundamental democratic values stated in Article 2 of the Treaty on European Union. Article 7 also opens up for punitive actions of different strength, such as holding back financial support from the EU budget (Sedelmeier, 2017).

It is difficult to impose sanctions through Article 7 because of demanding majorities in the EU institutions. Article 7 distinguishes between establishing that the principles of Article 2 of the Treaty on European Union has been violated, and how to impose sanctions. Adopting sanctions when a breach of EU values has been established only require a qualified majority (Treaty on European Union, 2020: Article 7). However, in order to determine "the existence of a serious and persistent breach by a Member State of the values referred to in Article 2" in a member state, firstly a proposal has to be adopted by "one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament" (Treaty

on European Union, 2020: Article 7). Then, the European Council must unanimously (except for the member state in question) determine that there is a serious and persistent violation of the EU's values. This means that even if the Parliament or Commission brings about Article 7, other backsliding states can block the implementation of Article 7 in the Council. Sedelmeier points out that the high voting thresholds can make EU politicians in favour of an Article 7 procedure reluctant to put forth a formal proposal, "for fear that a defeat will be interpreted as establishing the absence of a breach, rather than simply a shortfall of the required political support" (Sedelmeier, 2017, p. 339). Meijers and van der Veer (2019) argue that even when a formal proposal is made, the high voter thresholds make the triggering of the Article 7 process a merely symbolic move, without any real repercussions. The two illiberal governments in Hungary and Poland essentially have a veto on taking the next step in the Article 7 procedures in the other country. Already in 2016, Viktor Orbán stated that "Hungary will never support any sort of sanctions against Poland" (Financial Times, 2016).

Sedelmeier (2017) also identify member state preferences as a general hinderance to using Article 7. He explains that the "general determination of the member states in the negotiations of the Amsterdam Treaty to maintain full control over the use of Article 7 reflect a strong underlying aversion to using sanctions" (Sedelmeier, 2017, p. 340). Particularly among governments less focused on integration, the preferences to avoid using sanctions are rooted in concern about national sovereignty. It is also an expression of general concerns to estrange a member state's government through sanctions and making working together in the EU even harder (Sedelmeier, 2017). This may be the cause in the delayed Article 7 proceedings on the rule of law in Hungary and Poland. In both cases formal hearings in the European Council have been held with very long intervals, often two or three years apart. In Poland's case, there were no hearings between September 2018 and June 2021 (Human Rights Watch, 2021). Nearly four and five years after the processes were initiated and "despite the deteriorating situation in both countries in recent years, member states have avoided voting to determine whether there is "a clear risk of a serious breach" of the EU's common values" (European Parliament, 2022). R. Daniel Kelemen (2017) also argues that the EU's seemingly incompetence to counter democratic backsliding in member states is partly explained by the lack of political will among MEPs and member of the Commission sympathizing with PiS and Fidesz. Even though Article 7 makes it possible for Hungary and Poland to simply block further actions against the other state, other EU ambassadors have also been protecting them

(Bakke & Sitter, 2020). One of the biggest reasons for why it took the EU so long to act against democratic backsliding in Hungary is because it has been opposed by the European People's Party (EPP), which Fidesz was formerly part of (Sedelmeier, 2017). Kelemen and Blauberger (2017) label EU's response to democratic backsliding in Hungary as half-hearted. While Polish PiS is not part of the European People's Party group, other countries have still been reluctant to inflict serious material sanctions against Poland. In 2017, Hungary, the Czech Republic, Slovakia, and Croatia voted against considering triggering Article 7 against Poland in an informal vote amongst the EU ambassadors, while Austria, Romania, Italy, Lithuania, Malta, Estonia, Slovenia, the UK, and Bulgaria abstained from voting (Bakke & Sitter, 2020). EU partisan politics will be further discussed in chapter 4.

Kelemen and Blauberger (2016) and Kelemen (2017) also claim that EU's weak and ineffective response to democratic backsliding in the past is partly due to the EU's limited toolkit of enforcement measures. Kelemen points to the European Commission's attempt to put in place a series of infringement proceedings against Hungary for the European Court of Justice. The proceedings were focused on violations of EU directives and regulations, and whilst they succeeded in making the Fidesz government revise some of the most controversial changes, it lacked a comprehensive approach the attacks on the rule of law and democratic pluralism. Kelemen argues that this case-by-case approach let the Hungarian government "play legal games of cat and mouse with Brussels" (Kelemen, 2017, p. 224), while failing to systematically approach the democratic backsliding. The lack of sufficient tools does however not fully explain the weak reactions from the EU. In fact, Kelemen (2022), argues that the argument of an insufficient toolbox can be used as a resting pillow hindering any real measures to be implemented. The EU must make use of the tools already available and stop wasting valuable time making new unnecessary tools "rule of law instrument creation cycle" (Pech, 2020 in Kelemen, 2022, p. 4). Unlike Sedelmeier, Kelemen claims "the first tool the EU needs to use to defend democracy is its purse" (Kelemen, 2022, p. 8), meaning the European Union must stop funding authoritarian regimes. Even so, it is also pointed out that there are limits to how far an authoritarian regime may slide back before provoking a severe and meaningful reaction from the EU leaders (Bozóki & Hegedüs, 2018 in Kelemen, 2020). This makes it unlikely that the government of a member of the European Union will install a full-scale violent dictatorship.

3.1.2 Conditionality for EU Funding

Even though the Article 7 processes for both Poland and Hungary are moving so slowly it has almost come to stop, other measures have been taken. Already in 2013, the foreign ministers of Germany, Finland, Denmark and the Netherlands brought up the idea of responding to rule of law violations by suspending EU funds, in a letter to president of the European Commission (Scheppele & Morjin, 2023; Westerwelle et al., 2013). The Conditionality Regulation was passed seven years later, late in 2020, but only after attempts from Poland and Hungary to legally challenge it in the European Court of Justice (ECJ). Although the Regulation started as an attempt to sanction violations of the rule of law, it ended up as a law "designed to protect the EU budget by withholding potentially corruptible funds until rule-of-law deficiencies could be corrected" (Scheppele & Morjin, 2023, p. 2). Simultaneously, other conditionality mechanisms were implemented in the EU. The regulation on the Recovery and Resilience Fund, a central part of the Next Generation EU Package adopted in 2020, entails economic conditionality where the money is tied to the fulfilment of country-specific recommendations issued by the Council (Scheppele & Morjin, 2023). To receive Recovery and Resilience funds, the Commission must approve a Recovery Plan submitted by each member state. The member state must also fulfil "relevant milestones and targets" specific to each country, to the satisfaction of the Commission (European Commission, n.d.-a). Both Poland and Hungary's milestones require judicial independence. Consequently, Hungary is withheld from €5.8 billion, while Poland is denied access to €35.4 billion in Recovery funds (Scheppele & Morjin, 2023).

Moreover, in 2021, the specifications of how EU funds should be spent was negotiated between the EU and each member state. In both the Polish and Hungarian Partnership Agreements, the Commission managed to freeze all funds covered by the negotiations until both countries restore an independent judiciary (Scheppele & Morjin, 2023). For Hungary this means up to €16.2 billion withheld. In addition to conditioning the independency of the judiciary, the Commission demands the repeal of a "child protection law" violating LGBT rights, the restoration of academic freedom, and compliance with the right to asylum (Scheppele & Morjin, 2023). In total, over €28 billion can be withheld from Hungary. Poland's Partnership Agreement conditionalities are linked to concerns about gender equality and rights of persons with disabilities, but judicial independence is not explicitly mentioned (ibid.). However, it seems like about €75 billion in Cohesion Funds are held back from Poland

(Simon, 2023; Kosc, 2022). While the Commission has given no official legal basis for the decision, it is likely using the same reason as for freezing Hungary's funds. Scheppele and Morjin (2023) argue that when the implementing decisions for Poland is published, it is likely that we might discover even more funds being held back. Additionally, the Commission is fining Poland €1.5 million every day, for violating decisions of ECJ. The fines, approaching €500 million in total, are being deducted from the funds. In total, Poland is losing at least €110 billion (Scheppele & Morjin, 2023).

3.1.3 Drawbacks of Material Sanctions

While the European Union is starting to actively sanction backsliding member states, the effect of closing the moneybag is yet to be seen. Sedelmeier argues that the effect of material sanctions on democratic backsliding should not be overrated, as it is "least likely to deter governments the more these rely on illiberal practices to maintain office" (Sedelmeier, 2017, p. 338). Sedelmeier supports this claim by looking at former cases where EU has tried to impose democratic change in potential member states. Even though the conditionality and the material incentives the EU holds towards candidate states can be very effective to bring about changes domestically, the possibility of EU membership with all its benefits and the threat of denying membership are deficient toward illiberal governments. In Slovakia under the government of Vladimír Mečiar and under the government of Franjo Tuđman in Croatia, the EU's material incentives were not enough to make the countries more democratic. Sedelmeier (2017) argues that both governments were too dependent on their illiberal practises to stay in power to be persuaded by the prospect of becoming a member of the European Union. It is reasonable to assume that when illiberal governments are willing to give up on becoming a member state of the European Union, illiberal governments in the EU will also be hesitant to give up the practices that keep them in power when threatened by economic sanctions. As Sedelmeier (2017) points out, how big material sanctions the regime is willing to endure depends on how much it relies on its illiberal practises to hold on to power.

Further, Sedelmeier states that even though material sanctions may lead to a dissatisfaction among voters, authoritarian regimes might not suffer too much by unhappy voters because of their illiberal nature. Intervening sanctions by the EU might even be used to create support domestically, as external threats can have a rally 'round the flag-effect. Material sanctions

imposed by the EU can thus be used as a scapegoat to cover up their own failing economic policies (Sedelmeier, 2017; Galtung, 1967 in Sedelmeier 2017). Moreover, because public opinions are largely formed with the help of media framing, the rally 'round the flag-effect is likely to be even bigger in countries where the government largely controls the media (Scheufele & Iyengar, 2017). Indeed, Scheppele, Kelemen and Morjin point out that when the EU Commission approved Hungary's Recovery Plan, conditioned with 27 "super milestones" that must be met in order to receive Recovery funding, Victor Orbán was using state money to "flood the zone with his message that the Commission doesn't care about the Hungarian people and is responsible for all of the economic pain they feel" (Scheppele, Kelemen & Morjin, 2022, p. 4). Ironically, Orbán's regime keeps filling its own pockets and "dumping the pain on the general population", all while working hard to discredit the EU for setting conditions concerning corruption (ibid.). In November 2022 the Hungarian Parliament adopted a bill allowing the government to suspend almost all social benefits. According to the new law the legal responsibility for the well-being of the citizens first and foremost falls upon each individual, next their families, then as a last instance the state, heavily assisted by churches pressed to take upon responsibility (ibid.). According to Scheppele, Kelemen and Morjin "the government plans to get out of the social benefits business except in desperate cases in order to leave room in the budget for its ongoing corruption" (Scheppele, Kelemen & Morjin, 2022, p. 4). With the EU withholding funds to Hungary, Victor Orbán gets the perfect scapegoat for his unsocial policies. Never mind that the conditions set by the EU is meant to combat corruption – when the EU is incapable of communicating its intentions to the Hungarian public, the Hungarian government can get away with blaming Brussels.

3.2 Social Pressure

Rather than imposing material sanctions, Sedelmeier (2017) suggests that persuasion and social pressure can be effective safeguards against democratic backsliding. The European Parliament exert pressure through issue emphasis and through position-taking. Members of the European Parliament can put democratic backsliding on the agenda by issuing parliamentary questions and motions for resolutions. They can also vote for or against resolutions on democratic backsliding in member state (Meijers & van der Veer, 2020). The main mechanism in disclosing and criticizing member states in the European Parliament is

shaming (Sedelmeier, 2017). Whereas Article 7 and material sanctions can be regarded as hard policies, the Rule of Law Framework is considered a tool of soft policy.

Experience from Romania in 2012 implies that it is possible for the EU to influence a member state without the threat of material sanctions (Sedelmeier, 2017). In an attempt to impeach the president, Victor Ponta's government was defying constitutional provisions and democratic procedures, violating the rule of law (Iusmen, 2015; Sedelmeier, 2017) Both the president of the European Commission and the president of the European Council met with Ponta and got him to commit to a list of measures to bring back the rule of law. According to Sedelmeier (2017), the domestic circumstances were critical for the European Union's success in pressuring the Ponta government to change. For the Romanian government, the cost of complying with the demands put forth by the EU were not considered too high, as it was not dependent on keeping their illiberal policies to hold on to power (Sedelmeier, 2017). In this case the possibility of sanctions through Article 7 cost a lot more than complying with the EU. It should also be noted that the EU has a high legitimacy both in the Romanian public and in the political sphere. This, combined with Ponta being relatively inexperienced with international diplomacy and likely more impressionable, made Romania quite amendable for the social pressure put forth by the EU (Sedelmeier, 2017).

3.2.1 The Rule of Law Framework

In 2014, the European Commission established the Rule of Law Framework to "prevent emerging threats to the rule of law to escalate to the point where the Commission has to trigger the mechanisms of Article 7 of the Treaty on European Union (TEU)" (European Commission, n.d.-b). According to Kelemen (2017), the framework was introduced as a response to growing frustrations with the lack of sufficient tools to deal with democratic backsliding. The Rule of Law Framework is meant to be a tool to counter threats to the rule of law, without having to trigger Article 7 of the Treaty on European Union. The framework allows the EU to pressure a member state's government with gradual warnings that it was moving towards an Article 7 procedure, which can result in losing voting rights in the European Council (Kelemen, 2017). The framework introduces a three-stage process: 1, Commission assessment; 2, Commission recommendation; 3, monitoring of the EU country's follow-up to the Commission's recommendation (European Commission, n.d.-b). If no

solution can be found within the framework, initiating Article 7 is a last resort to "resolve a crisis and to ensure the EU country complies with EU values" (European Commission, n.d.-b). Sedelmeier (2017) assess that the emphasis on dialogue is making the Rule of Law Framework first and foremost a tool of persuasion, but the public nature of the process also makes the social pressure a strong element. It can be seen as a formalization of the dialogue between the member state and the Commission, and "should enjoy greater legitimacy than informal practice" (Sedelmeier, 2017, p. 346).

3.4 Economic Dependency and Vulnerability to Coercion

"Coercion, by definition, is a stronger state's political act of compelling a weaker state to take a certain path that the stronger state prefers" (Kim, 2019, p 3). In other words, when the European Union uses either material sanctions or social pressure to influence state government, they exercise a form of coercion. Kim (2019) investigates the linkage between asymmetry and coercion in his research on the political economy of China and its smaller neighbouring countries. Drawing on literature on asymmetrical trade relations and reconceptualizing Hirschman school's theory of trade dependency, Kim (2019) emphasises the consequences of asymmetrical economic relations. He claims asymmetry and dependency are not in a cause-and-effect-relationship, but rather a tautology. Instead of focusing on how asymmetry between two states causes dependency, which makes little sense when equating the two terms, he introduces an asymmetry-coercion linkage. This reconceptualization demonstrates the weaker state's vulnerability to coercion by the stronger state better than dependency (Kim, 2019). This also brings up perspectives on economic relations which are lacking in earlier literature on the topic. In addition to trade dependency, which has been examined by the Hirschman school (Hirschman, 1945; Emerson, 1962; Caporaso, 1978; Armstrong, 1981, all in Kim, 2019), state vulnerability to coercion is measured by non-transparency and reliance on bilateral aid (Kim, 2019).

A state is being subjected to coercion when a greater power "threatens to bring unwanted damage to the statehood of the weaker unless it behaves according to the wishes of the great power" (Kim, 2019, p. 5). Coercion can take the form of compelling and bullying, but also

coaxing and appeasing, and does not always come with the use of force. Coercion happens in one of two ways: through compellence or by the great power co-opting the weaker state (Kim, 2019). Compellence of a state can be exemplified by sanctions, while "co-optation takes place through the manipulation of, collusion with, and bribery of actors within the small state" (Kim, 2019, p. 6). Co-optation is more likely to occur in states with corruption and little transparency, as these features creates loopholes the great power can take advantage of through policy ambiguities, personal connections, and bribes. As a result, the small state becomes more vulnerable to coercion, and the great power increases its influence (Kim, 2019). Reliance on bilateral aid also increases the receiving small state's vulnerability to coercion. Kim explains that independent of the aid coming in form of grants or loans, "the donor may stop aid and deal to damage the recipient without incurring any cost to itself" (2019, p. 8). This creates a particular relationship and gives the donor the opportunity to influence the recipient. Regardless of how the coercion is carried out, it always entails an expected cost if the small state defies the great power. Put in other words, coercion bring about conditionality, "pressing the small state to make a choice in favour of the interests of the great power" (Kim, 2019, p. 6).

Introducing the asymmetry-coercion linkage, Kim (2019) investigates the relationship between economic dependency and coercion. Concentration of trade, corruption and non-transparency, and bilateral aid are all factors increasing the asymmetry between two states, thus making the smaller state more vulnerable to coercion. Kim stresses that all three factors progressively challenge the independence and sovereignty of the smaller state (Kim, 2019). Even though Kim writes about China as the great power coercing neighbouring countries, it is plausible that some aspects of the asymmetrical power dynamics described can be attributed to the European Union as well. The European Union can certainly be perceived as the great power in relation to the smaller member state. By implementing material sanctions or social pressure on a member state to make the state "take a certain path", the EU is coercing said member state. The aid aspect of the asymmetry-coercion linkage is more prevalent in the relationship between the EU and a member state than non-transparency and trade. While the EU is financing an abundance of funding programs available to member states, the EU also has the power to hold back funding (Sedelmeier, 2017; Abnett & Strupczewski, 2022; Bayer, 2022). While the EU certainly wishes to influence its member states by undertaking coercive measures, it should be noted that being an EU member state entails willingly giving up on

some independence. One should therefore differentiate between one state exercising power over another state, and a union sanctioning a member state for violating the organisation's rules. The latter should not necessarily be judged as violation of sovereignty in the same way as the former.

3.5 Summary

In the literature on democratic backsliding in the European Union, the work tools available to the EU are divided into material sanctions or social pressure. On one hand, Kelemen and Blauberger blame weak and ineffective responses from the EU partly on a limited toolkit. By not being able to systematically approach backsliding fuelled by Victor Orbán, the Hungarian government could easily slip away from the sanctions imposed by the EU. However, a lack of will to act is considered a bigger limitation than the tools available. Kelemen argues that instead of coming up with new tools and frameworks, the EU must make use of those already existing. The strongest material sanction in the EU can be found in Article 7 of TEU, which opens for the suspension of voting rights and for example withholding funds from the EU budget. Article 7 is however hard to enact, due to a combination of voting rules, party politics and member state preferences. Recent developments do however show that the EU is capable of implementing economic conditionality for member states and has found other methods for holding back funding from backsliding countries. It is however too early to see an effect of the sanctions towards Polish and Hungarian central governments. Sedelmeier upholds that material sanctions are unlikely to bring about a re-democratisation or stop authoritarian regimes if they are put in place. Instead, he favours softer tools like the Rule of Law Framework, the Justice Scoreboard and the Council's Dialogue, and deems social pressure as effective under favourable conditions. In contrast, Kelemen argues that withholding funds is essential. Kelemen's defence of material sanctions is underpinned by Kim's investigation on the relationship between economic dependency and vulnerability to coercion. Kim argues that coercion, that is the threat of material sanctions, will always entail an anticipated cost for the part being coerced. The effect of the sanctions depends on how high the Polish and Hungarian governments consider the cost to be. The democratic backsliding driven by Polish and Hungarian politicians accounts for new challenges for the European Union. Existing literature thus have few cases to draw from, when theorising on the effects of the different work tools available to the EU. This thesis contributes by examining the relationship between

dependency on EU funding and Polish LGBT-policy. Further, it sheds light on local governments' role in democratic backsliding and investigates the dependency between local authorities and the EU.

4.0 Theoretical Framework

As illustrated in the previous chapter, the literature on democratic backsliding within the European Union investigates the tools available to the Union and discusses how effective the tools are in countering democratic backsliding. In this chapter, I draw on R. Daniel Kelemen's concept of EU's authoritarian equilibrium, which aims to explain how authoritarianism can emerge and even thrive in an organisation presenting itself as a defender of liberal democracy. He theorises that partisan politics, emigration and funding from the centre together sustains an autocracy trap within the European Union. I combine these elements to build a theoretical framework and develop theoretical expectations for the thesis. I argue that the more a member state depends on funding from the EU, the more effective will material sanctions be. I expect this to be the case with LGBT-free zones as well and assume that the more EU dependent local authorities are, the more likely they are to be coerced into adjusting their LGBT-policies in accordance with EU wishes.

4.1 The European Union's Authoritarian Equilibrium

In 2017, R. Daniel Kelemen introduced the concept of authoritarian equilibrium in his paper "Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union". Kelemen states that the greatest threat to democracy in the European Union no longer is the Union's own democratic shortcomings, but rather on the national level of the member states. Consequently, he poses the questions like "How could it be that a union that sets democracy as an explicit condition for membership would tolerate the slide to autocracy of one or more of its member states?", "Why has the EU not done more to defend democracy at the national level?", and "What explains differences in the EU's reaction to democratic backsliding in various cases?" (Kelemen, 2017, p. 212). He draws heavily on comparative politics literature that explores conditions "under which state-level authoritarianism can survive within a broader democratic union and the conditions under which the overarching democratic regime is likely to intervene to defend democracy at the state level" (Kelemen, 2017, p. 213). This literature emphasises that soft versions of authoritarianism can exist at the state level for years, even when the polities are democratic at the federal level. Kelemen thus argues that the development of democratic backsliding in the EU should not come as a

surprise and that the explanatory factors in the comparative politics literature also can be used to understand democratic backsliding in the EU (ibid.).

4.1.1 Partisan Politics

Despite the EU's outspoken defence of liberal democracy, the Union find itself trapped in a "politically stable equilibrium in which the EU paradoxically supports the survival of authoritarian member governments" (Kelemen, 2020, p. 482). There are three components, or pillars, that uphold this equilibrium, according to Kelemen: partisan politics, money and migration (ibid.). The first pillar is a result of the underdeveloped nature of the politicisation of the EU level (ibid.). In Kelemen 2017, he holds that partisan politics best explains the EU's reaction to democratic backsliding and explore this mechanism in depth. The paper explores a possible correlation between advances of democracy at the EU level the last decade and a decrease of democracy in some member states (Kelemen, 2017). On one hand, the development of Europarties in the European Parliament becoming more powerful in making EU politics more democratic and partisan. On the other hand, this development increases the incentives for the Europarty leaders "to protect national autocrats who deliver votes to their coalition at the EU level" (Kelemen, 2017, p. 213). This happens while the party politics at the EU-level is not advanced so that the Europarties can intervene directly and support more democratic opposition to the autocrat on the national level. Intervening in such national affairs is considered meddling in local democracy, and thus deemed illegitimate, in current EU context, according to Kelemen (2017). This dynamic of "just enough partisan politics at the EU level to coddle local autocrats, but not enough to topple them" (Kelemen, 2017, p. 214), traps the EU in an authoritarian equilibrium.

Partisan politics may also explain why the EU has largely turned a blind eye to democratic backsliding in Hungary but has been reacting more firmly towards democratic erosion in Poland. Since Viktor Orbán's party Fidesz came to power in 2010, the government has hollowed out the democratic institutions and the rule of law through a constitutional revolution (Sadurski, 2018). Even as some EU actors, including the European Commission, have spoken out against the authoritarian regime, Fidesz' party colleagues in the European Parliament have blocked significant intervention from the EU. Kelemen judges that "On the whole, the EU has done little to defend democracy and the rule of law in Hungary" (2017, p.

220). It should however be noted that the European Parliament called on the Council to initiate the Article 7-process against Hungary in 2018 (Zamecki & Glied, 2020). In March 2019, Fidesz did not enjoy the protection from The European People's Party (EPP) anymore, as the Europarty no longer could ignore its problematic member and excluded Fidesz from meetings and internal elections. Fidesz remained a member of the parliamentary group (La Baume, 2019). Two years later, in March 2021, Fidesz left the party group after risking being kicked out (La Baume, 2021). When PiS entered government in Poland in 2015 and started to consolidate power by attacking the Constitutional Tribunal, the EU reacted much faster (Meijers & van der Veer, 2019; Kelemen, 2017). Unlike in the case of Hungary, the Rule of Law Framework was put into use to combat the democratic erosion in Poland, as described in chapter 2. Kelemen (2017) admits that Poland's greater strategic significance compared to Hungary, or hard-earned lessons after seeing the decline of democracy in Hungary may have prompted the reactions towards Poland. However, he upholds that the most convincing explanations of why the Polish government has been met with harder reactions is because PiS "does not enjoy protection from powerful partisan allies at the EU level to the extent that Fidesz does" (Kelemen, 2017, p. 220).

4.1.2 Free Movement of Persons

Another pillar upholding the authoritarian equilibrium is the free movement of persons. This fundamental freedom of the European Union makes it possible for citizens dissatisfied with their own government to emigrate to a different EU member state. Kelemen builds on Hirschman 1978, and claims "the easier it is to emigrate from an autocracy, the more likely it is that dissatisfied citizens will choose to exit instead of remaining and exercising voice" (Kelemen, 2020, p. 486). The mechanism of emigration as a pressure release valve tends to dilute the domestic opposition, as people who are most unhappy with the regime, and thus most likely to form and engage with the opposition, will move away. This in turn strengthens the authoritarian regime's chances of survival (Kelemen, 2020). This is also supported by Miller and Peters, concluding their empirical study "that emigration can be a boon to autocratic leaders (…) Allowing citizens to leave can also drive out political opponents and the unemployed, leaving behind a more loyal population" (Miller & Peters, 2018, p. 404). Furthermore, the capital flow that may come with emigrants sending money to family members back home "may bolster the domestic economy and help sustain the incumbent

regime" (Kelemen, 2020, p. 483). People receiving money from family member living abroad tend to misattribute and wrongly associate and give credit for their improved situation to the government and increase their support for the regime (Tertytchnaya, De Vries, Solaz, & Doyle, 2018; Kelemen, 2020). The transaction flow may therefore help stabilize the regime.

4.1.3 EU Funding and the Authoritarian Equilibrium

The last pillar upholding the EU's authoritarian equilibrium is funding from the centre. Literature on subnational authoritarianism shows how federal funding often helps sustain authoritarian member states. The regimes functions "as rentier states, where the 'rent' supporting them comes not from oil or gas revenue, but from their control of the federal funds that flow into their state" (Kelemen, 2020, p. 485). Gervasoni argues that poorer states are more likely to sustain less democratic regimes "because incumbents can rely on their privileged fiscal position to restrict political competition and weaken institutional limitations on their power" (Gervasoni, 2010, p. 303). Ironically, funding from the EU to member states like Hungary and Poland may consequently enable the regimes to "support clientelist networks" upholding their rule, even though they undermine the democratic norms of the Union supporting them (Kelemen, 2020, p. 485). Studies on EU funding in for example Greece shows that EU remittance may fuel corruption and clientelism, acting as a resource cure (Huliaras & Petropoulos in Kelemen, 2020). In democratic backsliding states the ramifications of the EU driven resource curse are even more severe. In Hungary "a significant portion of the EU funding" have found their way into "the pockets of Fidesz cronies" (Kelemen, 2020, p. ¨490). Kelemen (2020) argues that the European Union likely is the largest funder of democratic backsliding in the world, as both Poland and Hungary are very economically dependent on EU funding. In 2017, Hungary was the largest per capita beneficiary of the European Structural and Investment Funds (ESIF), which accounted for 3.43 percent of Hungary's gross national income that year (Kelemen, 2020, p. 490). Poland was the largest overall ESIF recipient in the budget period 2014-2020, and the country continues to be the largest beneficiary of the Cohesion fund (one of the ESIFs) in the 2021-2027 period (Kelemen, 2020; The Chancellery of the Prime Minister, 2023).

When funding can play a key role in sustaining authoritarian regimes within the European Union, it can however also be used to constrain and perhaps dismantle such regimes

(Kelemen, 2020). In other words: funding can be used as leverage to put pressure on local authorities. As discussed in chapter 3, Sedelmeier considers material sanctions to be both difficult to use and ineffective. He claims material sanctions are less likely to deter authoritarians, the more these rely on their illiberal practices to hold on to their power (Sedelmeier, 2017). It is however not unreasonable to assume that the same mechanism applies the other way around: the more a member state depends on EU funding, the more effective will material sanctions be. Poland is, as already pointed out, dependent on EU funding. Applying this to the case of LGBT-free zones, I make the assumption that a province, county or municipality receiving more money from the EU, relative to its total revenue, is more dependent on EU funding than a province, county or municipality that receives less money from the EU relative to its total revenue. Further, losing EU funding has a bigger effect on local governments the more EU dependent they are. Thus, it is logical to assume that the risk of losing EU funding affects local governments decisions regarding LGBT-free zones. To summarise: funding from the European Union is a large contributor to the backsliding regime in Poland. These economic contributions make the country financially dependent on the EU. This dependency makes it possible to use funding as leverage to pressure Poland, when there is political will to do so.

4.3 Hypothesis

Kelemen's authoritarian equilibrium gives a three-sided explanation of how the European Union, committed as it claims to be towards liberal democracy, allows member states to slide away from democracy. Grounded in the theoretical discussion, and based on the fact Poland is a major recipient of EU funding, I make the following hypothesis:

H_0: *A province, county, or municipality more dependent on EU funding is NOT more likely to repeal an anti-LGBT declaration than a province, county, or municipality less dependent on EU funding.*

H_1: *A province, county, or municipality more dependent on EU funding is more likely to repeal an anti-LGBT declaration than a province, county, or municipality less dependent on EU funding.*

H_2: *A rich province, county, or municipality is less likely to withdraw an anti-LGBT declaration than a local area with less revenue, independent of EU dependency.*

5.0 Research Design

In this chapter I discuss my self-collected data and the research design. I present the independent, dependent, and control variables and the sources they are collected from. Control variables are chosen carefully, as to not overfit the model. In order to conduct the analysis, the theoretical, abstract terms used in the analysis must be converted into measurable variables (Jonker & Pennink, 2010). The operationalisations of the variables are chosen on the basis of the hypothesis and the data available. When presenting the variables, I also discuss the operationalisations and justify how they are operationalised. Additionally, I present tables and figures to show and visualise the descriptive statistics of the variables. As I don't speak Polish, I have only accessed data available in English. It is therefore a possibility that there are variables, available in Polish only, that would be more adequate for the analysis than the ones used. This will be further discussed in section 5.1.4, in the more in-depth discussion of the validity and reliability. I assess the measurement validity, reliability, and internal validity, in addition to the external validity.

Moving on to section 5.2, I present the multivariate logistic regression model design of the analysis. I discuss the decision of applying a logistic regression model instead of ordinary least square (OLS), before going more in depth on the dataset and sample. I have collected data from the Atlas of Hate, Statistics Poland, and the Polish National Electoral Commission. Data from Atlas of Hate and the National Electoral Commission has been manually coded. The dataset consists of 1416 observations and 11 different variables. Of the 1416 observations, only 41 have repealed a LGBT-free zones, making it a rare event. I discuss the ramifications of rare events data, which is affecting the size of the coefficients in the regression. As $Y = 1$ is extremely rare, the models are likely to underestimate the probability of an event happening, and the coefficients are expected to be small. I also elaborate on the choice of using observations from all three levels of local authority. Justifying this substantially I argue that the different all units do possess agency, despite being partly dependent. The sample and the possibility of selection bias is also discussed. I then move on to discussing assumptions of logistic regression. Finally, missingness and multicollinearity are discussed in the diagnostic section.

5.1 Variables

5.1.1 Dependent Variable: Withdrawal of the Declaration

The units of the analysis are the local administrative divisions – regions, counties, and municipalities. The dependent variable is the withdrawal of anti-LGBT resolutions and is called *repealed* in the dataset. The declarations are adopted and repealed by majority in the local legislative body. The legislative body is called the regional assembly in provinces, the council in counties and the municipal council in municipalities. The elections to the councils and assembly are held simultaneously (European Committee of the Regions, n.d.). Even though the councils and assembly have legislative competence, the declarations do not hold any legal value. They do however convey a homophobic message and are excluding to the LGBT-minority. Consequently, repealing the declaration is a symbolic act of inclusion. Data on the independent variable is collected from the Atlas of Hate – an electronic map over Poland showing where homophobic resolutions have been on the political agenda. The map is created by LGBT rights activists who monitor the resolutions. As local authorities in an area either have or have not repealed the resolution, the variable is dichotomous. When an area has not repealed a resolution, it is given the value 0, and an area where a resolution has been withdrawn is given the value 1. In total 41 units holds the value 1 on the variable.

In models 4.1 – 4.4, I test whether EU dependency has an effect on local governments adopting the homophobic resolutions. The dependent variable here is *adopted.* All units who have adopted one of the anti-LGBT resolutions are given the value 1 on this variable, regardless of the resolution being withdrawn later. On other words, all current and former LGBT-free zones are included in these models. Data on this variable is also collected from the Atlas of Hate.

Table 5.1: Dependent and Independent Variables

Variable	N	Mean	Min	Max
Repealed	1416			
... 0	1375	97%		
... 1	41	3%		
Adopted	1416			
…0	1364	96%		
…1	52	4%		
EU dependency	1416	5.9	0.0021	35
EU dependency mod1	1416			
... 0	882	62%		
... 1	534	38%		
EU dependency mod2	1416			
... 0	1062	75%		
... 1	354	25%		

5.1.2 Independent Variable: EU Dependency

As explained in the theory chapter, Kelemen (2020) argues that the EU's partisan politics, funding of member states and migration upholds an authoritarian equilibrium and makes it possible for authoritarian regimes to survive within the European Union. To test the hypothesis that increased dependency on EU funding increases the likelihood of withdrawing a homophobic declaration, dependency on EU funding is the explanatory variable. *EU dependency* is operationalised as the percentage of the total revenue of the units that consists of EU funding. As the EU finances a series of funding programmes, the data is accessed directly from the local governments' budgets. The variable is aggregated from the revenue posts "European Union funds to finance programs and EU projects" and "Payments from the budget of European funds" and divided by the total revenue of the unit, multiplied with 100. The revenue-variable is the total revenue of the budget. All numbers are in PLN. All data in this variable is collected from Statistics Poland's local databank.

To ensure robustness of my results, I use three different operationalisations of EU dependency. In addition to the continuous *EU dependency*, I apply two dichotomous moderations with different cut-off points. *EU dependency mod1* has the mean as a cut-off point, where units above the mean are considered EU dependent. The mean being 5.9, as seen in table 5.1, substantially means that local governments where EU funding constitute 5.9 percent of the total revenue are considered EU dependent. 38 % of the units falls into the category "EU dependent" with this operationalisation. The central tendency measure mean is a natural threshold for a cut-off point. However, *EU dependency* is extremely left skewed, with a few outliers with high values. As seen in table 5.1, the mean of the variable is 5.9, while the minimum value is 0.0021 and the maximum is 35. Another moderated variant of the variable with a higher threshold is therefore added. *EU dependency mod2* has a cut-off point at the 3rd quartile, defining the top 25 % units as EU dependent. This operationalisation defines EU dependency as EU funding making up 8.3 percent of the total revenue. Given the distribution of the variable, I consider the threshold for EU dependency mod2 as more suitable. The different cut-off points in the two dichotomous variables can be seen as the stippled lines in figure 5.1. In the analysis I expect EU dependency mod1 to have a lower effect on the independent variable compared to EU dependency mod2, due to the lower cut-off point.

Figure 5.1: Density Distribution of EU Dependency with Cut-Off Points for Dichotomous Variables
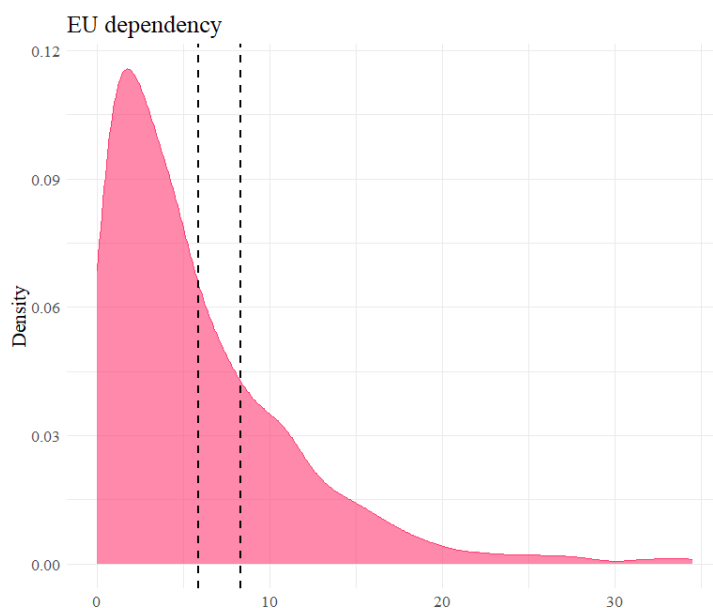
5.1.3 Control Variables

Revenue and population

In order to test H2, "a rich province, county or municipality is less likely to withdraw an anti-LGBT declaration than a local area with less revenue, independent of EU dependency", total *revenue* is added as a variable. As the units of the analysis differ greatly in size and population, *population* is also added as a control variable. Both variables have been log transformed. Data of these variable is collected from Statistics Poland's local databank.

Figure 5.2: Density Distributions of Revenue and Population
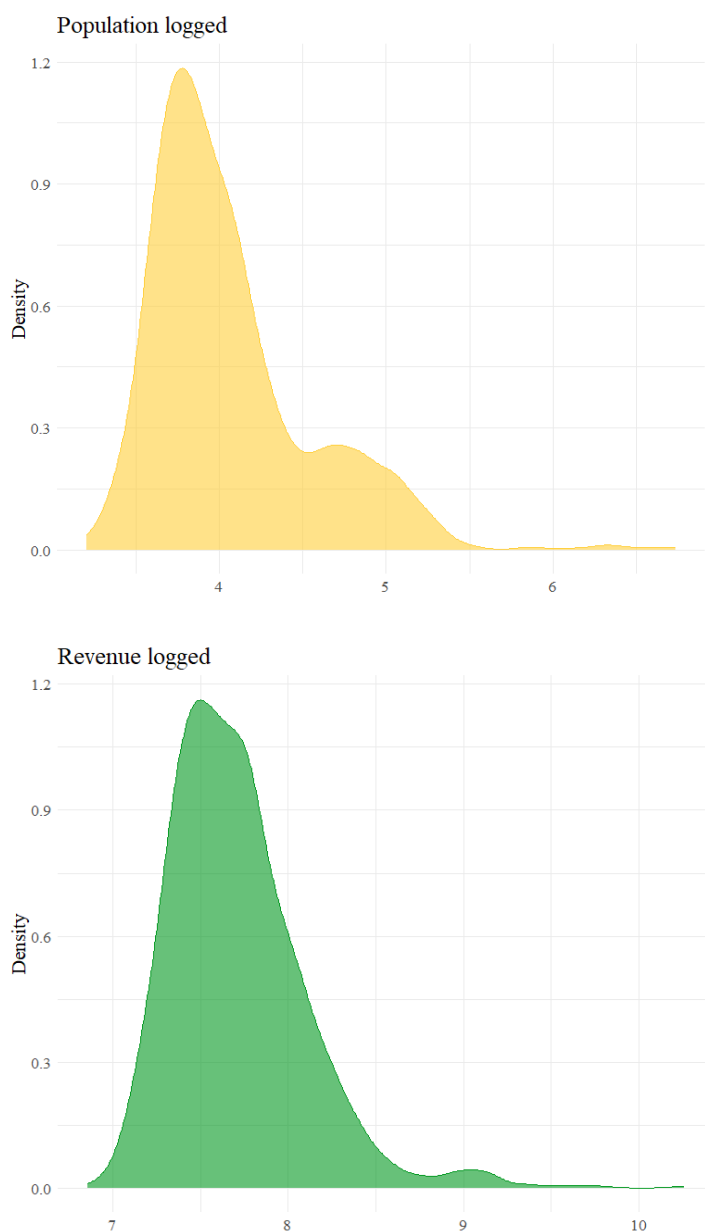
Province

I have made dummy variables for the provinces, with Holy Cross as the reference category. These variables function region-fixed effects to control for the effect of the province on both the dependent and independent variables. I also suspect that adopting an anti-LGBT declaration on province level affects adopting the declaration for units on the lower levels of local governments. Opposite, I assume the province repealing the declaration has an effect on other units repealing as well. Thus, the variable *province repealed* is added as an alternative to the region-fixed effect. The variable *province adopted* is added as an alternative in model 3, where I test relationship between EU dependency and adopting the resolutions.

Biggest political party

To control for whether or not PiS is the biggest political party, I add *party* as a control variable. The variable is dichotomous, where the value 1 is given when PiS is the biggest party, 0 is assigned when any other party is the biggest. *Party* is operationalised as the political party who gained the most seats in the local council in the 2018 elections. Due to the election system, sometimes when the margins are small, the party with the second most votes secured most seats in the council. Operationalising the biggest political party by mandates instead of votes, ensures that the most political powerful party is measured. The same applies in the cases where two parties have gotten the exact same number of votes. The data is collected from National Electoral Commission and manually coded into the dataset. Data on this variable is only collected on the units on province and county-level. Data on the municipalities is also available, but a lot of the political parties operating on this level are extremely local, often existing in one municipality only. This would contribute to little of substantial meaning in the analysis, and because it would be disproportionately time consuming, data on the municipality-level have not been collected for this variable.

Table 5.2 Control Variables

Variable	N	Mean	Min	Max
Revenue logged	1416	7.7	6.9	10
Population logged	1416	4.1	3.2	6.7
Province	1416			
... Holy Cross	115	8%		
... Lesser Poland	199	14%		
... Lodz	188	13%		
... Lublin	231	16%		
... Masovian	327	23%		
... Silesian	180	13%		
... Subcarpathian	176	12%		
Province repealed	1416			
... 0	695	49%		
... 1	721	51%		
Province adopted	1416			
... 0	507	36%		
... 1	909	64%		
Party	194			
... 0	66	34%		
... 1	128	66%		

5.1.4 Validity and Reliability

Measurement validity refers to whether the operationalisation of the variables measures the theoretical concepts in the research question. It is necessary to consider the measurement validity to ensure sound research. The variables have high measurement validity when "scores (including the results of qualitative classification) meaningfully capture the ideas contained in the corresponding concept" (Adcock & Collier, 2001, p. 530). The measurement validity is weak when the operationalized variable measures irrelevant concepts (Lund, 2002). As I do not speak Polish, I am dependent on data and public information on local governments budgets translated and accessible in English. One may presume that there are data that better operationalize the theoretical concepts being explored in this thesis, that are not available to

me. In that case the measurement validity might be lower than it potentially could have been. For my dependent variable I had to rely on the Atlas of Hate project and navigate the information there via translation software. However, the specific nature of the dependent variable in the analysis, making it easy to operationalise, minimises the risk of errors due to language barriers. Additionally, the comprehensiveness and regular update of the Atlas of Hate project, as well as it being credited and cited by other scholars (see Żuk, Pluciński, & Żuk, 2020; Ploszka, 2022; Bulchoc, 2022) suggest high measurement reliability. Reliability refers to how precise the variable has been measured (Halperin & Heath, 2017). Even if the variables are valid, the measure can be inaccurate if the data is unreliable. If repeated measurements of the data result in consistent outcomes, the reliability is high. High reliability makes it easier for other researchers to replicate the analysis.

Internal validity refers to the causal relation between the dependent and independent variables. There is good internal validity when there is a causal relationship between the independent and the dependent variable, as they are operationalised (Lund, 2002). The internal validity is heavily dependent on the research design and the strength of the effect and whether it is significant within the 95 % confidence level conventional in social sciences. The research design is further discussed in section 5.4. Estimates on a 95 % confidence level marks a 5 % significance level and chance of type 1-errors. Type-1 errors occurs when the null hypothesis is being falsely rejected - the association between dependent and explanatory variable is in fact random, despite reporting statistical significance. As already mentioned, I use different operationalisations on EU dependency and employ different specifications in the models. This is to ensure internal validity in the analysis. The coefficients all show the same direction of the effect and largely remain significant, substantiating the robustness of the results. The results are also consistent with my theoretical expectations, which further implies that I am able to draw causal inference based on the empirical analyses.

External validity refers to whether conclusions from this particular study can be generalised, i.e. if my findings are applicable to other similar situations. Generally, case studies may facilitate stronger internal validity and causal explanations, while quantitative analysis may be better suited to draw generalised conclusions. In the case of rare event data,
This thesis aims to explore the linkage between EU dependency and the effect of material sanctions from the EU, by examining the economic relationship between the EU and Polish local governments. As discussed previously in this chapter, the analysis consists of rare events

data, and Schoon et al. argues "the specific causes identified for one instance of a rare outcome may not (and often do not) generalize to other instances" (2019, p. 13). However, there is reason to believe that the findings should be valid when generalised to other EU countries. Poland is a Central European country with cultural ties to and similarities with both Western and Eastern European states. Economically, it is comparable to states like Portugal, Hungary, Romania, and Latvia in terms of GDP per capita (Eurostat, 2022). Nevertheless, it should be noted that I analyse governments on a local level, and I do claim representativeness to central governments.

5.2 Model Design

The modelling choices are made on the basis of the data available and the aim to answer the research question sufficiently. The modelling choice of multivariate logistic regression follows the binary nature of the dependent variable. When the dependent variable is dichotomous, the statistical relationship between independent and dependent variables will usually be S-formed. This makes logistic regression more suitable than a linear regression analysis (Skog, 2004). In a linear regression the regression coefficient tells us how much the dependent variable changes when the dependent variable increases with one unit. This effect on the dependent variable is the same, whether the independent variable changes from 2 to 3 or from 40 to 41. With logistic regression, on the other hand, the effect on the dependent variable depends on where on the scale the change occurs, due to the recoding to logits (Skog, 2004). This makes the logit-outcomes harder to interpret than a linear regression output. The output from logistic regression analysis is given in log-odds. Beyond the direction of the effect - a positive coefficient indicates a positive effect, and a negative coefficient indicates a negative effect, log-odds are hard to interpret substantially (Skog, 2004). While there is a general agreement that linear regression should not be applied when the dependent variables is dichotomous, some scholars, like Hellevik (2009), argue that a linear model should not automatically be disregarded. He argues that violating the assumption of homoscedasticity in linear models have little practical importance for significance testing. Due to the more intuitive interpretation compared to log-odds, linear regression models might be more preferrable, according to Hellevik (2009). For an easier interpretation of logistic regression, the log-odds output can be converted to odds-ratios. My results converted to odds-ratios can be found in tables A.3 and A.4 in the appendices.

5.2.1 Dataset and Sample

In order to test the hypothesis, it was necessary to collect and put together and partly code the dataset myself, as no such dataset as the research question requires already existed. The dependent variable, namely the adoption and repeal of the LGBT free zone-charter, is collected from the Atlas of Hate, a group of LGBT activists monitoring local authorities in regard to the LGBT free zone-declarations. This data has been manually coded by me. The independent variable and most of the control variables are collected from Statistic Poland local databank. As it was not possible to compile the different variables together before extracting them, the variables have been downloaded one by one, then assembled into a dataset and prepped. Data collected from Statistics Poland is from 2019, which is the same year as the first LGBT-free zones appeared. Data on the control variable, biggest political party, has been collected from the Polish National Electoral Commission and manually coded. This data is from the local government elections in 2018.

The analysis is conducted with rare events data, as the binary dependent variable has several times fewer events (repealing the declaration) than "non-events" (not repealing the declaration). Rare events data is common in political science, for example in the study of wars, coups, presidential vetoes, revolutions, among others (King & Zeng, 2001). In statistical analysis with rare event data, the probability of rare events is often underestimated (ibid.). It is well documented that logistic regression give biased estimates with small data samples with under 200 units. However, as argued by King and Zeng (2001), models with rare events data tend to be biased towards the non-events and underestimate the probability of the events. King and Zeng (2001), point out that the fear of collecting data with no events (i.e. no 1s and thus no variation on Y) when working with rare events data, often leads to collecting very large numbers of observations. Due to resource constraints, these datasets in many cases end up with few, often poorly measured explanatory variables (King & Zeng, 2001). To optimize the trade-off between observations and quality of the variables, King and Zeng propose more efficient data collection strategies, known as endogenous stratified sampling: "When one of the values of Y is rare in the population, considerable resources in data collection can be saved by randomly selecting within categories of Y" (2001, p. 142). One can select on Y by collecting all "events" either randomly or all those available and a random selection of Y = 0.

Provinces, counties, and municipalities are independent authoritative units governed by elected representatives. All local elections are held simultaneously (National Electoral Commission, 2018). The legislatives on all local levels hold decision-making competence and control their own budget. Provinces are responsible for economic development in the region, higher education, and specialised health services, among other things. The counties' responsibilities include secondary education, orphanages, and the foster care system. The municipalities responsibilities are for example kindergartens and elementary education, kindergartens, primary health services, civil status registration, and telecommunications (European Committee of the Regions, n.d.). Evidently all three authority levels hold the power to adopt and repeal discriminative resolutions. The local authority levels follow a hierarchy, but a county or municipality in a "LGBT-free" province van still reject the declaration on their local level. Even though observations on different authority levels are not completely independent of one another, they still hold their own agency. I employ units an all three levels of local government. As the analysis consist of rare events data, I want to include as many observations where $Y = 1$ as possible. Municipalities are the smallest level of local authority, with 1222 observations in the dataset. However, municipalities only make up a little over half of the declarations that have been adopted and later repealed. If provinces and counties were to be excluded from the analysis, 43 % of the observations where $Y = 1$ would not be included in the data.

Figure 5.3: Observations Distributed by Province
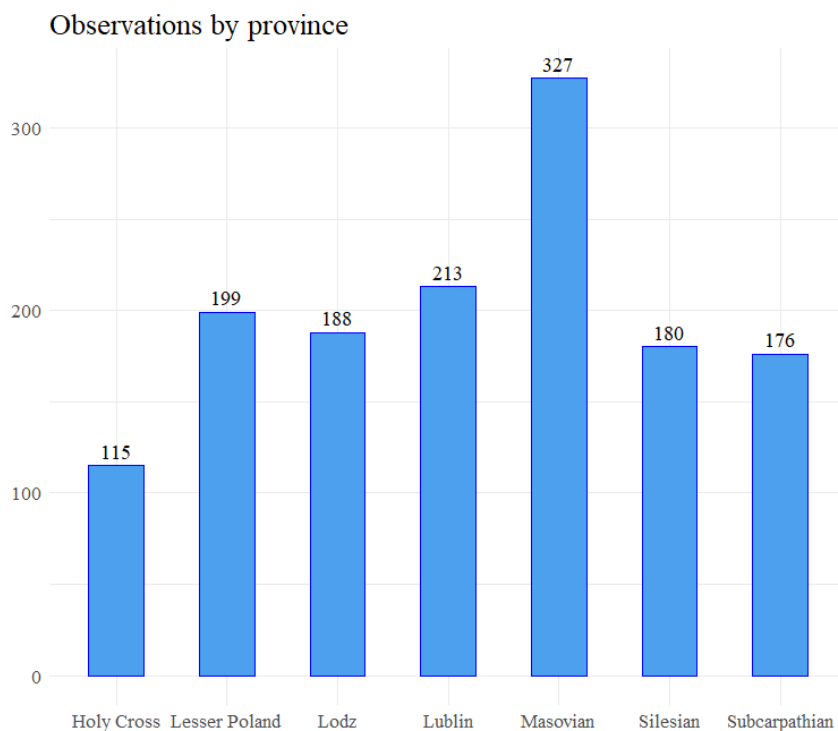
The data contain 1416 units consisting of seven provinces (voivodeships), 187 counties (powiats) and 1222 municipalities (gminas) in these provinces. Poland consists of 16 provinces which are divided into 380 counties consisting of 2477 municipalities. Collecting data from all voivodeships would be too extensive given the scope and time frame of this project. As explained above, prioritising more observations in the dataset could compromise the quality of the variables. Therefore, the provinces with no or only one LGBT-free zone (currently in effect or repealed) are excluded from dataset. The provinces included in the analysis are Lublin, Lodz, Lesser Poland, Masovian, Subcarpathian, Silesian and Holy Cross. On the county level there are no missing units. In four municipalities, the declarations were repealed by the provincial administrative courts in 2022, after being challenged by Poland's then Human Rights Commissioner (Tilles, 2022a; Ptak, 2022). The four municipalities were all part of different provinces. As the withdrawal of the declarations were ordered by a court ruling, instead of being a political decision, these municipalities have been excluded from the dataset. In addition, 89 other municipalities have been left out of the dataset due to missing values on the independent variable. Considering the large N in this dataset, this should not have any big effects on the analysis. Although, I will discuss possible systematic missing in section 5.2.3. In total, 93 of the 102 areas that have adopted anti-LGBT declarations are part of the dataset, and 41 out of the 47 areas that have adopted and later repealed the resolutions

are included. The exclusion of certain observations can lead to selection bias. This is handled in the analysis by testing different sample selections. In models 3.1 – 3.4 the sample is restricted to include current and former LGBT-free zones only, in other words: only areas where the authorities at one point adopted one of the homophobic declarations are included. Models 5.1 – 5.4 are restricted to include only provinces and counties – municipalities are excluded from in these models.

The provinces Lublin, Lesser Poland, Subcarpathian and Holy Cross all became LGBT-free zones between April and August 2019. All of these were repealed in September 2021. Lodz voivodeship adopted the resolution on Family Rights in January 2020 and has not repealed the declaration. In Masovian and Silesian, the voivodeships themselves have not adopted the resolutions, but the resolutions have been adopted and, in some cases, repealed by counties and/or municipalities within the provinces.

5.2.2 Logistic Regression

Logistic regression has three main assumptions, the first one being that the logistic S-curve correctly describes the empirical relationship between the variables. The continuous independent variables must however be linearly related to the log-odds outcome (Skog, 2004). Only the three variables EU dependency, population and revenue are continuous, as all other variables are dichotomous. The relationships between the continuous predictor and control variables and the logit of the outcome are linear. Scatterplots can be seen in figure B.1 in the appendices. The second assumption is that the observations are independent on one another (Skog, 2004). The data used in the analysis contains observations on three different levels of local self-government. It could thus be argued that a multilevel analysis should be applied. Multilevel analysis is preferable when the data structure is hierarchical, with the lowest level usually defined by the individuals (Hox, 2010). The Polish provinces, counties and municipalities do however work as independent government units, with representatives directly elected to assemblies or councils on each local level, as explained in section 5.1. The third and, according to Skog (2004), most substantially important assumption, is that there are no underlaying confounding variables, i.e. the relationship between the dependent and the independent variable is not spurious. This is controlled for by adding control variables.

5.2.3 Diagnostics

Missingness

As mentioned in section 5.1, 93 observations were excluded from the dataset. Four of them due to their withdrawal not being a political act, and the other 89 because of missing values on the independent variable. Data missing systematically poses a threat to the representativeness of the data. If the data is missing at random, it will still be representative (Christophersen, 2013, p. 81). All of the units excluded from the dataset are municipalities. Units with missingness occur in all of the seven provinces. Disregarding the four municipalities purposefully excluded, Holy Cross province has the smallest share of missing observations with 0.9 % of the municipalities missing, while 11 % of the units in the Silesian province are missing the independent variable. In total. 6 % of the observations have missing values on the independent variable. There is no universally agreed upon threshold for how much missingness that should be accepted to draw valid statistical inferences. Schafer (1999) suggests a 5 % limit, while Bennet (2001) upholds that more than 10 % missingness leads to biases in the analysis. Considering that the missingness does not exceed 10 % and that the missing variables are spread out in all provinces, the missing values appear to be missing at random.

Multicollinearity

To check for multicollinearity, correlation between independent variables, I test the Variance Inflation Factor (VIF). Usually, a threshold of 5 or 10 are used as a cut-off point (O'brien, 2007). Model 1.4 and model 3.4 have a highly problematic VIF-scores on the revenue and population variables, the scores being respectively over 60 and 70. Both models only include municipality units. All other models have VIF-scores well below 10, most have a score under 5. This indicates that models 1.4 and 3.4 contain highly correlated predictor variables, while the others do not violate the assumption. The high correlation between revenue and population in municipalities, but not in provinces and counties, can be interpreted as the share of revenue from income taxes is bigger in municipalities than in provinces and counties. This means that population affects revenue to a greater extent in municipalities than in provinces and counties. In the analysis I employ a battery of models to avoid relying on any single set of estimates.

6.0 Results

In this chapter I present the results from the empirical analysis and discuss the implications of the findings. The main model 1 tests the effect of EU dependency on local governments repealing the anti-LGBT declarations. It uses the continuous operationalisation of the explanatory variable, where *EU dependency* is measured as the percentage of EU funding of the total revenue. *Population*, *revenue*, and *regions* are controlled for in the main model. Regions are controlled for by the *dummy province variables*, where province Holy Cross is the reference category. The *province repealed* variable, which measures whether the province has repealed the declaration, is also added as an alternative to the dummy variables. Model 1.1 - 1.3 include all units in the dataset, while model 1.4 only samples municipalities. In regression table 6.2 the two modified binary versions of the dependent variables are included. Models 3.1 – 3.4 sample only the units which have been or still are LGBT-free zones. In regression table 5.4, I replace the dependent variable and test the effect of EU dependency on *adopting* one of the declarations. In this model the province repealed variable is replaced by a *province adopted* variable, controlling for whether the province has adopted the declaration. Table 6.5 restricts the sample to provinces and counties only. As already mentioned, the regression tables present coefficients in log-odds. Positive coefficients indicate an increased likelihood of withdrawing the LGBT-declarations, while negative coefficients indicate a decreased likelihood of withdrawing the declarations.

6.1 The Effect of EU Dependency

Table 6.1 presents logistic regression models 1.1 - 1.4 of the relationship between EU dependency and local governments repealing the homophobic declarations. As rare events data tend to underestimate the probability of the event (King & Zeng, 2001), I expect small coefficients. When the direction of the relationship between the dependent and independent variables, as indicated by the coefficient, is consistent in the different models, it indicates robust results. In regression table 6.1, the estimates for the independent variable remain positive and the strength of the effect is roughly the same in all four models. When converting the coefficients of the independent variable from logits via odds-ratios to probabilities, they vary between 0.52 and 0.51. The results from models 1.1 – 1.4 reported in odds-ratio can be

found in table A.3 in the appendices. A table with the predicted probabilities can also be found in the appendices, in table A.5.

Table 6.1: Logistic Regression Table of the Main Model

	Dependent variable:			
	Repealed			
	(1.1)	(1.2)	(1.3)	(1.4)
EU dependency	0.078*** (0.020)	0.047* (0.026)	0.036 (0.028)	0.052 (0.048)
Population logged		1.411*** (0.512)	1.458*** (0.522)	4.232 (5.011)
Revenue logged		0.367 (0.677)	0.577 (0.684)	-1.292 (4.987)
Province repealed		2.192*** (0.514)		
Lesser Poland			0.492 (0.896)	0.622 (1.145)
Lodz			-1.194 (1.295)	-0.359 (1.435)
Lublin			2.115*** (0.819)	1.929* (1.080)
Masovian			-1.046 (1.092)	-0.178 (1.290)
Silesian			-0.895 (1.080)	0.090 (1.247)
Subcarpathian			1.337 (0.846)	0.894 (1.139)
Constant	-4.050*** (0.240)	-14.321*** (3.743)	-15.222*** (3.766)	-12.087 (18.598)
Observations	1,416	1,416	1,416	1,222
Log Likelihood	-183.110	-151.939	-143.905	-99.770
Akaike Inf. Crit.	370.220	313.879	307.809	219.540

Note: *p**p***p<0.01

The results indicate a positive relationship between EU dependency and repealing the anti-LGBT declaration. Local governments more dependent on EU funding are associated with a higher probability of repealing the declaration, as suggested by the theoretical framework, and formulated in hypothesis 1. The coefficients of the independent variable are significant in models 1.1 and 1.2. Model 1.1 is a stripped model without any control variables. This bivariate regression holds limited explanatory power, as it does not account for spurious effects and might contain omitted variables biases. A stripped model is however a useful starting point to avoid overfitting models. Model 1.2 includes controls for population, revenue and if the province has repealed the declaration. In addition to the independent variable,

population and province repealed are significant and positive, implying a positive relationship between the respective variables and the dependent variable. In model 1.3, where the province repealed variable is replaced by the dummy province variables, the population variable is still significant and positive. This positive relationship between population size and repealing the anti-LGBT declaration remains through all models in regression table 6.1. The coefficients are significant in all models in the regression table, except for model 1.4.

The results have interesting implications. The analysis show that being more dependent on EU funding is correlated with repealing the homophobic declarations. In other words, local authorities who receive relatively more money from the EU are more probable of changing their LGBT-policy to align with EU preferences when money is at stake. This strengthens the theory that funding can be used by the EU as leverage to pressure member states. As explored in the literature review, coercion entails an expected cost if the targeted party defies the greater power. The results imply a clear connection between EU dependency and the cost of defying the EU. The greater the dependency, the greater the cost. Put simply, the more local governments are dependent on transfers from the EU, the more it hurts when Brussels closes the money bag. The statistical finding on the relationship between EU dependency and repealing the declarations is supported by cases where councillors have commented on the withdrawal. In August 2022, Łopuszno municipality repealed its LGBT-free declaration. Before the vote, chairman of the council said "In 2019, a group of people asked in writing for us to take a stand against ... on stopping LGBT ideology (…) However, it turned out that it does not serve us well, therefore today I would like to ask you to vote to repeal that vote" (Walczak, 2022). While the chairman did not disclose in what way the LGBT-free zone did not "serve them well", as much as 15 % of Łopuszno's revenue comes from EU funds. One councillor expressed his regret of the withdrawal to the newspaper, blaming activists and the EU for overreacting. "(..) because if you don't know what's going on, it's about money. What would you call it if not blackmail?" (Wlaczak, 2022). When Świdnik municipality council withdrew the declaration in December 2022, it was replaced by an anti-discrimination declaration. The new declaration states that "the dignity of every human being is an inalienable value subject to special protection" and expresses "opposition to all forms of discrimination based on sex, race, ethnic origin, nationality, religion, denomination, belief, disability, age or sexual orientation" (Tilles, 2023a). The repeal of the LGBT-free zone in Świdnik give the impression of being an act of inclusion. However, local media outlet Nowy

Tydzień reported that councillors privately claimed the change was done solely to access EU funds (Tilles, 2023a). One councillor told news outlet Onet "Without EU funds, Świdnik's budget will be at risk. In my opinion, this is the only reason that [this change] prevailed." (in Tilles, 2023a). Świdnik municipality scores high on EU dependency, with 14.2 % of its revenue coming from EU funds. Both Świdnik and Łopuszno are among the top 8 % EU dependent observations. These cases illustrate that for at least some local governments money is the main, if not the sole, reasons for repealing the declarations.

In model 1.4 provinces and counties are excluded from the sample containing municipalities only. Curiously, the revenue variable changes direction from positive to negative in model 1.4, compared to models 1.2 and 1.3. Although none of the revenue coefficients in the three models are significant, the directions of the effects are still interesting. H2, "a rich province, county, or municipality is less likely to withdraw an anti-LGBT declaration than a local area with less revenue, independent of EU dependency", hypothesise a negative effect of revenue on the independent variable. This relationship is surprisingly only present in model 1.4. The revenue coefficients in models 1.2 and 1.3 imply that local governments with higher income generally are more probable to repeal the declaration, contrary to H2. This relationship will be further explored in the discussion of the alternative models below. In model 1.4 the relationship between revenue and the dependent variable follows the direction expected in hypothesis 2. However, as revenue is not significant in any of the models in regression table 6.1, the chance of the association between the dependent variable and revenue being random is above 5 %. The results in regression table 6.1 is insufficient evidence to draw conclusions about the H2.

Figure 6.1: Predicted Probabilities from Model 1.1

Predicted probability to repeal LGBT-free zones
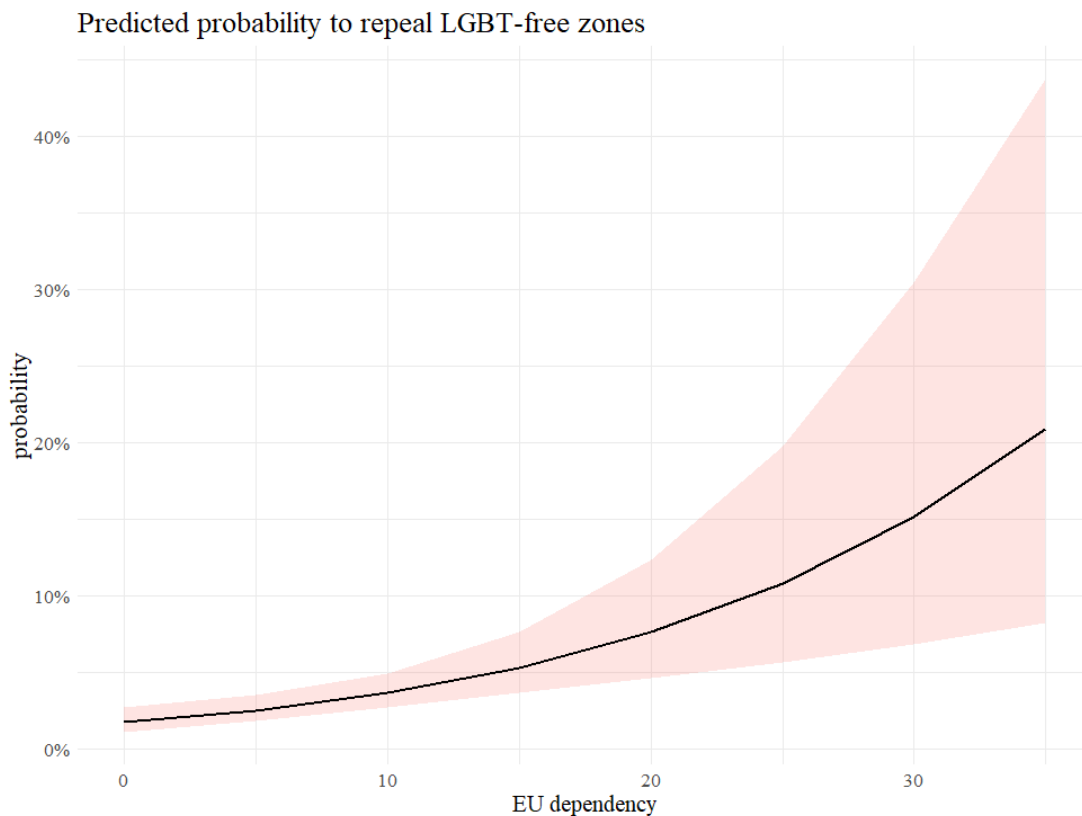
6.2 Alternative Independent Variables

Moving to regression table 6.2, I add the modified dichotomous versions of the independent variable as a robustness test. Units scoring above average on the continuous EU dependency variable is defined as being EU dependent and given the value 1 on the *EU dependency mod1* variable. In *EU dependency mod2*, the cut-off point is set at the 3rd quartile. The alternative operationalisations are added to test the robustness of the results from regression model 6.1. The results are substantiated when the effects from the different operationalisations of EU dependency follows the same trend as the original variable.

The relationship between all three versions of the independent variable and the dependent variable is positively correlated across all nine models 2.1 – 2.9. Furthermore, the estimates are not altered too much when control variables are included. This indicates robust estimates and may be interpreted as a sign of structural validity (Lu & White, 2014). The consistent positive coefficient and most of them being significant supports hypothesis 1, that EU

dependency positively affects the dependent variable. In the stripped models (2.1, 2.2 and 2.3) all three versions of the dependent variable are significant. When modifying the continuous EU dependency variable into dichotomous variations, much information is being lost - the dichotomising makes fine-tuned information much coarser. The continuous variable allows us to compare trends, whereas dichotomies compare groups. When EU dependency mod1 is used as the explanatory variable, I compare local authorities less EU dependent than the mean to local authorities more EU dependent than the mean. With EU dependency mod2, the 25 % most EU dependent local governments are compared to the other observations. As expected, the effect of EU dependency mod2 is stronger than EU dependency mod1, and both report a stronger effect than the continuous EU dependency variable across all models. When transforming the log-odds via odds-ratios to probabilities, the continuous EU dependency-variable has a probability of 0.51 in the full model without dummy-variables. EU dependency mod1 increases the probability of repealing the declaration to 0.60, and applying EU dependency mod2 shows a probability of 0.70.

EU dependency mod1 is only significant in the stripped model. EU dependency mod2, however, has both higher coefficients and is significant in all three models 2.3, 2.6, and 2.9. EU dependency mod2 offers strong and robust results in the stripped model, with controls added, and when province repealed is replaced by the region-fixed effects. Given the theoretical implications that the cost of defying the EU is higher for governments more dependent on EU funding, it is no surprise that a higher threshold for categorising a local government as EU dependent shows a stronger relationship between the two. As already mentioned, information is lost when dichotomising a continuous variable. This can lead to an oversimplification and leave the variable sensitive to outliers. As shown in the variable section in chapter 5, EU dependency is very left skewed, with a few extreme outliers. Nevertheless, both modified variants of EU dependency back up the results from model 6.1 discussed above.

The dependency effect weakens for all three operationalisations of the variable when region-fixed effects are added. The region-fixed effects controls for omitted variables that are constant over time but vary between regions, like geographical traits or culture (Watson & Stock, 2012). This indicates that there are province-specific factors able to account for

unobserved variables affecting the relationship between EU dependency and repealing the declaration. The coefficients for the province repealed variables remains both significant and positive throughout the models 2.4 - 2.6. This indicates that if a province repeals the declaration, it has a positive effect on local governments within the province to do the same.

Considering the goodness of fit for the model, the log likelihood should be examined. Log likelihood values closer to zero means a better fitted model (Skog, 2004). In both regression table 6.1 and 6.2 the models where control variables are added have a better fit than the stripped baseline models. The log likelihood also suggests that the models with dummy region variables might be better than the models with the province repealed variable.

Table 6.2: Logistic Regression Table with Variations on the Independent Variable

	(2.1)	(2.2)	(2.3)	(2.4)	(2.5)	(2.6)	(2.7)	(2.8)	(2.9)
					Dependent variable:				
					Repealed				
EU dependency	0.078*** (0.020)			0.047* (0.026)			0.036 (0.028)		
EU dependency mod1		0.715** (0.315)			0.411 (0.333)			0.161 (0.350)	
EU dependency mod2			0.941*** (0.316)			0.847** (0.342)			0.612* (0.359)
Population logged				1.411*** (0.512)	1.489*** (0.499)	1.429*** (0.505)	1.458*** (0.522)	1.540*** (0.513)	1.436*** (0.518)
Revenue logged				0.367 (0.677)	0.329 (0.667)	0.475 (0.676)	0.577 (0.684)	0.534 (0.675)	0.678 (0.684)
Province repealed				2.192*** (0.514)	2.229*** (0.513)	2.235*** (0.517)			
Lesser Poland							0.492 (0.896)	0.367 (0.865)	0.472 (0.876)
Lodz							-1.194 (1.295)	-1.259 (1.271)	-1.245 (1.283)
Lublin							2.115*** (0.819)	2.047*** (0.792)	2.023** (0.801)
Masovian							-1.046 (1.092)	-1.239 (1.065)	-1.124 (1.067)
Silesian							-0.895 (1.080)	-1.023 (1.056)	-0.992 (1.067)
Subcarpathian							1.337 (0.846)	1.270 (0.818)	1.299 (0.828)
Constant	-4.050*** (0.240)	-3.816*** (0.232)	-3.811*** (0.211)	-14.321*** (3.743)	-14.266*** (3.693)	-15.255*** (3.776)	-15.222*** (3.766)	-14.973*** (3.706)	-15.819*** (3.784)
Observations	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416
Log Likelihood	-183.110	-186.541	-184.948	-151.939	-152.730	-150.549	-143.905	-144.604	-143.293
Akaike Inf. Crit.	370.220	377.083	373.895	313.879	315.461	311.098	307.809	309.208	306.585

Note: *p* * *p* ** *p*<0.01

6.3 Tackling Selection Problems: Sample Restrictions

In regression tables 6.3 and 6.4 I run the analysis with different restrictions to the sample. This is done to tackle possible selection bias. By testing different sample selections, I reduce check that the association between dependent and independent variable is not random in the specific original sample. In table 6.3 the sample is restricted to units where at least one of the declarations have been adopted. Models 3.1 – 3.3 includes all 93 units in the dataset where a declaration has been adopted, while model 3.4 is restricted to the 51 municipalities who have also repealed it. The explanatory variable EU dependency follows the pattern of having positive coefficients, although only being significant in model 3.1. Population is only significant in models 3.2 and 3.3, but not in 3.4. In contrast to the models in regression table 6.1 and 6.2, population has a negative effect on repealing the declaration in models 3.2, 3.3 and 3.4. Revenue is positive in all three models in regression table 6.3, but not significant in model 3.4. Province repealed is also significant and positive, like in the other regression tables. When province repealed is replaced by the region-fixed effects, the effect of the dependent variable decreases. As in the previous models, this indicates province-specific factors accounting for unobserved variables that affect the relationship between the independent and dependent variable. The dummy variables for the Silesian province and Lesser Poland change direction in model 3.3, compared to models 2.7, 2.8 and 2.9, and in model 3.4 all but provinces except for Lodz and Masovian have changed direction. As pointed out by e.g. King and Zeng (2001), logit coefficients in samples smaller than around 200 are biased. The results in regression table 6.3 should thus not be used as concluding evidence, but the positive coefficients on the independent variable underpin the findings from the other models.

Table 6.3: Logistic Regression Table with Sample Restricted to Current and Former LGBT-free Zones

	Dependent variable:			
	Repealed			
	(3.1)	(3.2)	(3.3)	(3.4)
EU dependency	0.056* (0.033)	0.030 (0.041)	0.022 (0.045)	0.062 (0.090)
Population logged		-1.906** (0.867)	-2.026** (0.934)	-0.361 (9.839)
Revenue logged		4.127*** (1.471)	4.634*** (1.636)	3.250 (10.078)
Province repealed		1.283** (0.608)		
Lesser Poland			-0.636 (1.285)	-17.563 (3,956.180)
Lodz			-2.354 (1.621)	-18.648 (3,956.181)
Lublin			0.518 (1.199)	-17.209 (3,956.180)
Masovian			-1.044 (1.436)	-17.413 (3,956.181)
Silesian			0.892 (1.720)	0.290 (4,790.846)
Subcarpathian			0.642 (1.269)	-17.260 (3,956.180)
Constant	-0.631* (0.330)	-25.645*** (8.466)	-28.012*** (9.455)	-7.053 (3,956.372)
Observations	93	93	93	51
Log Likelihood	-62.457	-54.221	-50.320	-28.690
Akaike Inf. Crit.	128.914	118.441	120.639	77.379

Note: *p**p***p<0.01

In regression model 5, the sample is restricted to include provinces and counties only. The dependent variables follow the pattern of being positive and mostly significant. Unlike model 1.4, where the sample is restricted to municipalities only and EU dependency is not significant, both the stripped and the full models 5.1 and 5.2 EU dependency is significant. In table 6.5 I include biggest political party as a control. As I am interested at investigating the effect of PiS being the most popular party the variable is dichotomous, where PiS winning most seats in the 2018 local elections is coded as 1. As explained in the variable section in chapter 5, this variable contributes to little substantial meaning on the municipality level compared to the demand of resources. Models 5.1 – 5.4 thus only contains units on the province and county-levels. Żuk, Pluciński, and Żuk claim that the LGBT-free areas "exactly overlaps with political sympathies" (2020, p. 1583). In the western provinces of Lower Silesian, Lubusz, and West Pomeranian, the left and liberal parties obtain the best election

results, while PiS stand strongest in the south-eastern parts of the country. These political divisions are also apparent when looking at indicators of conservative values like divorce rates, or attitudes towards receiving refugees (Żuk, Pluciński, & Żuk, 2020). I do not access data on political attitudes or values such as conservatism, but I do have data on the 2018 local elections. As seen in table 6.5 the party coefficients are all positive, although not significant. This suggests a positive relation between PiS being the biggest party and repealing the declaration, in contrast to what might be expected. However, the party coefficients are also positive when I run the models with adopted as the dependent variable. This resembles the inconsistency discussed in regard to regression table 6.4 below. It should however be noted that the small sample of 194 could result in biased results (King & Zeng, 2001).

Table 6.5: Logistic Regression Table with Sample Restricted to Provinces and Counties

	Dependent variable:			
	Repealed			
	(5.1)	(5.2)	(5.3)	(5.4)
EU dependency	0.142*** (0.038)	0.099* (0.054)		
EU dependency mod1			0.109 (0.574)	
EU dependency mod2				1.015* (0.597)
Population logged		-0.673 (1.170)	0.426 (0.986)	0.103 (1.035)
Revenue logged		1.512 (0.955)	1.293 (0.948)	1.543 (0.988)
Party		1.642 (1.164)	1.879 (1.208)	1.823 (1.206)
Province repealed		18.737 (1,622.960)	19.063 (1,606.377)	19.004 (1,589.600)
Constant	-3.336*** (0.421)	-31.399 (1,622.972)	-34.943 (1,606.389)	-35.567 (1,589.612)
Observations	194	194	194	194
Log Likelihood	-51.949	-38.010	-39.834	-38.426
Akaike Inf. Crit.	107.898	88.019	91.668	88.852
Note:				*p**p***p<0.01

6.4 Testing the Effect of Dependency on *Adopting* LGBT-free Zones

In regression table 6.4 I test the relationship between EU dependency and adopting the resolution. All the coefficients in all models 4.1 - 4.4 are statistically significant. Following the logic of H1, that EU dependency positively affects the probability of repealing the declaration, I expected EU dependency to negatively affect adopting the declaration. It is thus surprising that the independent variable is positive in all four models 4.1 – 4.4. This indicates no salient link between EU dependency and local policies on LGBT prior to 2019. Likewise, when population is positively related to repealing the declaration in models 1 and 2, I expected population to be negatively related to adopting the declaration. The positive population coefficients in models 4.2 - 4.4 indicates the opposite. A larger population thus increases the likelihood of both adopting and repealing the homophobic declarations. One possible explanation is a divided public opinion in larger areas. Both adopting the declaration and repealing it might have strong public support in the big cities. This inconsistency could also be the result political instability or incompetence among local politicians. It is however not possible to draw any such conclusions from the analysis in this thesis. Investigating the lack of consistency between variables effect on adopting and repealing the declarations, it would be preferable to collect data from different time points and study a possible change in public opinion or political awareness on the topic.

Revenue is significant and negative in all three models 4.2, 4.3. and 4.4. This indicates that richer local governments are less likely to adopt homophobic declarations. The results are in line with the findings on revenue in the previous regression tables, where revenue is positively related to repealing the declaration. This is contrary to the predictions of hypothesis 2 but might be explained otherwise. Żuk, Pluciński, and Żuk (2020) draw a connection between historical factors and religion, political values, and economy. Between 1795 and 1918, Poland was divided into three partitions between Russia, Austria, and Prussia, who imposed their own economic and political models "which consolidated and reproduced differences between these three parts of the country for over 120 years" (Żuk, Pluciński, & Żuk, 2020, p. 1585). The Prussian controlled part of Poland was heavily influenced by the economy and administration which led to modernisation of industry and the emergence of a middle class unparalleled in the Austrian and Russian areas. The Russian invaders controlled their areas in

an authoritarian manner which left them with "the lack of democratic traditions, a corrupt administration and the lack of solid technical infrastructure that inhibited their development" (Żuk, Pluciński, & Żuk, 2020, p. 1585-1586). The areas controlled by Austria were the poorest and most peripheral of the Habsburg Empire. Poverty, conservative Catholicism, and moral rigour were predominant in these areas, a stark contrast to other parts of Poland: "The backward social structure, poverty and cultural authoritarianism of the areas in the Austrian Partition were the opposite of the more rational and modern areas in the Prussian Partition" (Żuk, Pluciński, & Żuk, 2020, p. 1586). Comparing these historical borders to modern Poland shows that the most conservative south-eastern part matches the former Russian and Austrian areas. Most of the LGBT-free zones fall inside these areas. Żuk, Pluciński, and Żuk (2020) emphasise the economic part of these divisions and point out that south-eastern Poland is generally poorly industrialised. With this perspective, it is unsurprising that richer local governments are less likely to adopt the homophobic declarations and more likely to repeal them. This is supported by my findings on the effect of revenue on the dependent variable in my regressions.

Table 6.4: Logistic Regression Table with Adopted as Independent Variable

	Dependent variable:			
	Adopted			
	(4.1)	(4.2)	(4.3)	(4.4)
EU dependency	0.055^{***} (0.016)	0.042^{**} (0.020)		
EU dependency mod1			0.400^{*} (0.232)	
EU dependency mod2				0.511^{**} (0.247)
Population logged		2.309^{***} (0.370)	2.306^{***} (0.367)	2.289^{***} (0.366)
Revenue logged		-1.124^{**} (0.516)	-1.098^{**} (0.512)	-1.038^{**} (0.511)
Province adopted		1.303^{***} (0.317)	1.326^{***} (0.317)	1.342^{***} (0.315)
Constant	-3.019^{***} (0.161)	-4.902^{*} (2.863)	-5.012^{*} (2.838)	-5.400^{*} (2.845)
Observations	1,416	1,416	1,416	1,416
Log Likelihood	-337.835	-291.284	-291.923	-291.351
Akaike Inf. Crit.	679.670	592.568	593.846	592.702

Note:				*p **p ***p<0.01

6.5 Evaluating Robustness

I have sought to strengthen the robustness of my results through different measures. To increase the internal validity and make sure the results are not driven by model specifications, I test three different operationalisations of EU dependency. In every model EU dependency shows a positive effect on repealing the homophobic declarations, regardless of the operationalisation. As expected, the dichotomised variants of the dependent variable produce a stronger effect than the original continuous variable. This is because the continuous variable compares trends, whereas the dichotomous variables compare the groups defined as "EU dependent" and "not EU dependent". The dichotomous variable EU dependency mod2, with a cut-off point at the 3rd quartile produces a stronger effect than EU dependency mod 1, with the cut-off point at the mean. EU dependency mod2 is also significant in all models it is applied, and EU dependency mod1 is only significant in two out of five models. While the higher threshold for defining a local government EU dependent in mod2 appears more suitable, none of the dichotomous variables alters the results in any meaningful way. The effect reported from the independent variable remains robust.

In addition to the stripped baseline models, I test two different full models. The first includes population, revenue and province repealed. In the second, province repealed is replaced with region-fixed effects with dummy variables for the different provinces. In the first full model, the effect of EU dependency weakens when controls are added. This indicates that the added variables affect the relationship between dependent and independent variable, and that this effect is accounted for. However, the relationship between dependent and independent variable still remains positive and to a large extent significant. When region-fixed effects are being used instead of the province repealed-variable, the effect EU dependency decreases further. This indicates that region-specific factors that affects the relationship between dependent and independent variable are accounted for. As with the first full model, the effects are still positive, although largely not significant. The continuity of the EU dependency-effect throughout all models underpins the robustness of the results.

To further test the robustness of the results I employ ordinary least square regression (OLS). Rare events data are rarely significant with OLS, but if the effects show the same direction as the main models, it strengthens the result. The results from the OLS regression can be found

in table A.7 in the appendices. In the stripped models, the coefficients for EU dependency, EU dependency mod1, and EU dependency mod2 are respectively 0.003, 0.022, and 0.032. They are all significant. Although the effect is quite weak, it follows the pattern from the logistic regression models, where EU dependency mod2 has a stronger effect than EU dependency mod1, and they both show a stronger effect than the continuous version of the variable. All variants of the independent variable are also positive in the full models 7 – 9 with region-fixed effects. In the full models 4 – 6, it is evident that the model is not suited for the data. All coefficients of EU dependency are 0.000. However, the overall results from the OLS regression support the findings in the logistic regression models.

6.6 Money Talks?

The findings from the main models suggest a positive relationship between EU dependency and repealing the anti-LGBT declaration. This supports my hypothesis 1 that a province, county, or municipality more dependent on EU funding is more likely to repeal an anti-LGBT declaration than a province, county, or municipality less dependent on EU funding. I find support for hypothesis 1 in all models applied. EU dependency remains positive and to a large extent significant in all models, also when the alternative operationalisations for the independent variable is applied. I also take into account that the coefficients are likely underestimated, due to the analysis being built on rare events data. However, the positive relationship between revenue and the independent variable in my models reduces support for hypothesis 2, that a rich province, county, or municipality is less likely to withdraw an anti-LGBT declaration than a local area with less revenue, independent of EU dependency. It is important to consider the limitations to establishing causality with cross-sectional data. The significant correlation I find between EU dependency and repealing the declarations is consistent with my theoretical expectations and suggests that the relationship might be attributed to causal processes. I am not however able to draw causal inferences based on my results. Nevertheless, I believe I am able to draw valid descriptive inferences based on the empirical analysis.

The findings on EU dependency are in line with Kelemen's argumentation on the EU's authoritarian equilibrium. Kelemen reasons that democratic backsliding is made possible due to partisan politics, the free movement of persons, and funding from the centre. However, as

pointed out by Kelemen, funding can also be a tool used to constrain authoritarian policies. In the case of LGBT-free zones my study finds that dependency on EU funding positively affects repealing the declarations. This further implies that the fear of losing funding from the EU is an important consideration for local authorities. My study supports to the presumption that material sanctions can be used effectively by the European Union, even on local-level governments. I do however not contend that EU dependency fully explains the withdrawal of the LGBT-free zones. As more and more local authorities have abandoned the LGBT-free claim, it is not beyond reason that others have felt more and more pressured to follow. In this case, both material sanctions and social pressure might work together to coerce the local governments.

As stated in the literature review, the attention on local authorities' role in democratic backsliding and the relations between local governments and the EU in this regard is lacking. It could be reasonable to assume that local governments are less vulnerable to coercion, if they are able to have the cost of defiance covered by the central government. My findings suggests that this is not feasible over time. When the EU denied LGBT-free zones subsidises from the twinning programme, Polish central governments tried to soften the blow. But even though the justice minister promised Tuchów thrice the amount of money given by the EU programme, the municipality ended up withdrawing its LGBT-free declaration one year later. The withdrawal was initiated by the mayor, who did not hide that the risk of losing EU funds was the reason for the withdrawal (Pitoń, 2021). The unanticipated results on the revenue variable contradicts the expectations expressed in hypothesis 2. The positive relationship between revenue and the independent variable, indicating that richer provinces, counties, or municipalities are more likely to withdraw the LGBT-free zones, are reasonable within the historical context presented by Żuk, Pluciński, and Żuk (2020). The more economically developed areas in Poland are historically more liberal. This also coincide with political affiliations. PiS enjoys more support in the generally poorer and more conservative regions in south-eastern Poland, compared to regions in the west. I do however not find evidence that PiS being the biggest political party is having a negative effect on withdrawing the declarations.

As pointed out in the literature review, material sanctions are hard to implement due to a variety of voting rules, party politics, and member states' preferences. Efforts to sanction

Poland and Hungary through Article 7 has proved unfruitful so far. However, new ways of implementing material sanctions have emerged, by tying funds to rule of law-conditions. It thus seems like Kelemen's plead to the EU to stop the "rule of law instrument creation cycle" and start acting have been at least partially heard. The effect of withholding funds from Poland and Hungary will likely depend on whether the EU will be fooled by their superficial accommodations to comply with EU law, while actually undermining it (Scheppele & Morjin, 2023). If the EU stays firm, findings from this study suggests that withholding funds can be effective. This is especially given Poland's dependency on EU funding, which, according to my findings, make Poland more vulnerable to coercion from the European Union. In the case of LGBT-free zones in Poland, money, do indeed talk.

8.0 Conclusion

How do you face democratic backsliding within an organisation known for its emphasis on democracy? Despite membership criteria of democracy and the rule of law unmatched by any other international organisation, the European Union has struggled to cope with democratic backsliding in member states Poland and Hungary over the last decade. In Poland, the LGBT-community has been especially targeted since PiS came to power in 2015. Poland's ILGA-Europe's Rainbow Map score dropped from 26 % in 2015, to 13 % in 2022. This makes Poland the lowest ranking country in the European Union. The decreased score can largely be attributed to the LGBT-free zones that started emerging in 2019. At most, about one third of Polish territory were considered LGBT-free. The declarations eventually prompted reactions from the international society and from the European Union. With the EU holding back funding from Polish local authorities upholding LGBT-free zones, the first municipalities started to repeal their declarations. In this thesis, I have explored the ramifications of the EU's reaction to LGBT-free zones in Poland, with the following research question: *How does economic pressure from the European Union affect Polish local governments regarding "LGBT-ideology free" zones?* In the thesis, I have, in short, introduced the topic, presented relevant literature and theory, developed theory to answer the research question, presented the dataset and the research design. Finally, I have analysed and discussed the findings.

In chapter 2, I gave a short historical overview over LGBT rights in Poland, before presenting the contents of the LGBT-free zones. Chapter 3 investigated previous literature on democratic backsliding in the EU and showed that research on the topic is largely focused on the work-tools available to the EU. I have discussed the effect of and constraints on social pressure and material sanctions. While social pressure can be effective, like in the case of Romania, the government being pressured must not be too dependent on their illiberal practises. A regime unable to survive without being oppressive, will not easily be pressured to restore democratic institutions. When it comes to using material sanctions, the EU runs the risk of being used as a scapegoat for the regime's economical shortcomings. This is because an external threat can cause a rally 'round the flag-effect. This can be seen in Hungary, where Victor Orbán uses the media to frame the EU as being responsible for cuts in social welfare, to cover up his own deliberate unsocial policies.

In the literature review I identified a research gap on local-level authorities' role in democratic backsliding. Furthermore, there is no comprehensive research in the relationship between the EU and member states' local governments. The following chapter 4 presented the theoretical framework and hypothesis for the thesis. I have built my theoretical expectations on insights from literature on democratic backsliding in the European Union, hereunder EU's authoritarian equilibrium, economic dependency and vulnerability to coercion, and the fact that funding from the European Union is a large contributor to the backsliding regime in Poland. I assumed that a province, county, or municipality receiving more money from the EU, relative to its total revenue, is more dependent on EU funding than a province, county, or municipality that receives less money from the EU relative to its total revenue. Thus, I expected EU dependency to be positively associated with the withdrawal of anti-LGBT declarations. Additionally, I expected revenue to be negatively related to the withdrawal of the declarations. Chapter 5 presented the research design. First, I accounted for the operationalisations of the dependent, independent and control variables, and discussed the validity and reliability. I then presented the logistic model design and the dataset and sample. I went through some main assumption for logistic regression and the diagnostics of my data. In chapter 5, I analysed and discussed the results from the logistic regression tables. The first part of the chapter focused on the effect of EU dependency on repealing the homophobic declarations, before testing alternative independent variables. Secondly, I addressed selection problems by employing different sample restrictions. I then tested the effect of EU dependency on *adopting* the LGBT-free zones before I evaluated the robustness of my results. Finally, I discussed the findings more generally.

The findings in the thesis supports the use of material sanctions as a tool of coercion. The robust positive relationship between EU dependency and repealing the LGBT-free zones found across the models is in accordance with the theoretical expectations presented in chapter 4. While I am not able to draw causal interferences based on my data, the findings suggest that the effect of material sanctions should not be discarded. On the contrary, this study supports the theoretical argument that while funding can uphold backsliding regimes, it can also be an important tool to constrain or dismantle illiberal policies. I have argued the fear of losing funding from the EU has become an important consideration for local politicians when voting on LGBT policies. Thus, this study supports to the presumption that material

sanctions can be used effectively by the European Union, even on local-level governments. While the results clearly support my hypothesis 1, my results do not support hypothesis 2. I do not find any evidence that richer local authorities are less likely to repeal the declarations, regardless of EU dependency. This is likely explained by historical factors affecting religion, political values, and economy. I do however find a positive relationship between EU dependency and *adopting* the declarations. This indicates no salient link between EU dependency and local LGBT-policies prior to 2019.

The current development of democratic backsliding within the EU accounts for new challenges for the European Union. Further research on the effect of both material sanctions and social pressure is thus recommended. Under which conditions material sanctions will be most effective is especially interesting and should be investigated further. As the situation on democracy in Europe rapidly changes, so does the response from the EU. The sanctions newly imposed on Poland and Hungary by withholding EU funding should be carefully monitored. Both countries will likely try to please the EU on the surface, while still undermining EU laws. Whether the EU sticks to its guns or gets played by Polish and Hungarian governments will be crucial for the effect of the sanctions. How the EU handles the newly set conditionalities will thus be of the uttermost interest. While this thesis is limited to the specific case of LGBT-free zones in Poland, it shows that the local-level authorities should not be ignored in the research of democratic backsliding. Further research should investigate in what way and to which degree local-level authorities contribute to democratic backsliding. It should also be explored how and if the EU can work with local authorities to resist backsliding. In the case of LGBT-free zones, material sanctions have proven effective. How well the European Union deals with other aspects of democratic backsliding within its own borders remains to be seen.

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Appendices

Table A.1: VIF Scores Main Model and Model with Variations on the Independent Variable

Model 1.2	
EU dependency	1.010037
Population logged	4.094415
Revenue logged	4.129850
Province repealed	1.076799
Model 1.3	
EU dependency	1.076010
Population logged	4.427134
Revenue logged	4.538131
Province	1.281057
Model 1.4	
EU dependency	1.601006
Population logged	61.740850
Revenue logged	60.724969
Province	1.402950
Model 2.4	
EU dependency	1.010037
Population logged	1.010037
Revenue logged	4.129850
Province repealed	1.076799
Model 2.5	
EU dependency mod1	1.010731
Population logged	4.095169
Revenue logged	4.143100
Province repealed	1.072778
Model 2.6	
EU dependency mod2	1.023524
Population logged	4.107008
Revenue logged	4.195212
Province repealed	1.077243
Model 2.7	
EU dependency	1.076010
Population logged	4.427134
Revenue logged	4.538131
Province repealed	1.281057
Model 2.8	
EU dependency mod1	1.080374
Population logged	4.338172
Revenue logged	4.475929
Province	1.292751
Model 2.9	
EU dependency mod2	1.091049
Population logged	4.390876
Revenue logged	4.591005
Province repealed	1.270970

Table A.2: VIF Scores Alternative Models

Model 3.2	
EU dependency	1.204511
Population logged	5.509434
Revenue logged	5.388266
Province repealed	1.052256
Model 3.3	
EU dependency	1.306079
Population logged	5.929625
Revenue logged	6.082829
Province	1.335966
Model 3.4	
EU dependency	1.958127
Population logged	78.453371
Revenue logged	76.488387
Province	1.719970
Model 4.2	
EU dependency	1.030864
Population logged	3.737416
Revenue logged	3.743262
Province repealed	1.053829
Model 4.3	
EU dependency mod1	1.024888
Population logged	3.798402
Revenue logged	3.812788
Province adopted	1.050555
Model 4.4	
EU dependency mod2	1.024676
Population logged	3.759546
Revenue logged	3.778751
Province repealed	1.042840
Model 5.2	
EU dependency	1.380448
Population logged	2.625161
Revenue logged	2.263291
Party	1.120278
Province repealed	1.000000
Model 5.3	
EU dependency mod1	1.042151
Population logged	2.237572
Revenue logged	2.433325
Party	1.154970
Province	1.000000
Model 5.4	
EU dependency mod2	1.045835
Population logged	2.342718
Revenue logged	2.553216
Party	1.158171
Province repealed	1.000000

Table A.3: Logistic Regression Table of the Main Model with Odds-Ratios

	Dependent variable:			
	Repealed			
	(1.1)	(1.2)	(1.3)	(1.4)
EU dependency	1.081***	1.048***	1.037***	1.053***
	(0.020)	(0.026)	(0.028)	(0.048)
Population logged		4.100***	4.296***	68.834***
		(0.512)	(0.522)	(5.011)
Revenue logged		1.443**	1.781***	0.275
		(0.677)	(0.684)	(4.987)
Province repealed		8.950***		
		(0.514)		
Lesser Poland			1.636*	1.862
			(0.896)	(1.145)
Lodz			0.303	0.699
			(1.295)	(1.435)
Lublin			8.289***	6.885***
			(0.819)	(1.080)
Masovian			0.351	0.837
			(1.092)	(1.290)
Silesian			0.408	1.094
			(1.080)	(1.247)
Subcarpathian			3.806***	2.446**
			(0.846)	(1.139)
Constant	0.017	0.00000	0.00000	0.00001
	(0.240)	(3.743)	(3.766)	(18.598)
Observations	1,416	1,416	1,416	1,222
Log Likelihood	-183.110	-151.939	-143.905	-99.770
Akaike Inf. Crit.	370.220	313.879	307.809	219.540

Note: *p**p***p<0.01

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Table A.4: Variations on the Independent Variable with Odds-Ratios

	Dependent variable:								
	Repealed								
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EU dependency	1.081*** (0.020)			1.048*** (0.026)			1.037*** (0.028)		
EU dependency mod1		2.044*** (0.315)			1.508*** (0.333)			1.175*** (0.350)	
EU dependency mod2			2.562*** (0.316)			2.332*** (0.342)			1.844*** (0.359)
Population logged				4.100*** (0.512)	4.435*** (0.499)	4.175*** (0.505)	4.296*** (0.522)	4.664*** (0.513)	4.205*** (0.518)
Revenue logged				1.443** (0.677)	1.390** (0.667)	1.608** (0.676)	1.781*** (0.684)	1.706** (0.675)	1.970*** (0.684)
Province repealed				8.950*** (0.514)	9.288*** (0.513)	9.343*** (0.517)			
Lesser Poland							1.636* (0.896)	1.443* (0.865)	1.604* (0.876)
Lodz							0.303 (1.295)	0.284 (1.271)	0.288 (1.283)
Lublin							8.289*** (0.819)	7.744*** (0.792)	7.559*** (0.801)
Masovian							0.351 (1.092)	0.290 (1.065)	0.325 (1.067)
Silesian							0.408 (1.080)	0.360 (1.056)	0.371 (1.067)
Subcarpathian							3.806*** (0.846)	3.560*** (0.818)	3.665*** (0.828)
Constant	0.017 (0.240)	0.022 (0.232)	0.022 (0.211)	0.00000 (3.743)	0.00000 (3.693)	0.00000 (3.776)	0.00000 (3.766)	0.00000 (3.706)	0.00000 (3.784)
Observations	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416
Log Likelihood	-183.110	-186.541	-184.948	-151.939	-152.730	-150.549	-143.905	-144.604	-143.293
Akaike Inf. Crit.	370.220	377.083	373.895	313.879	315.461	311.098	307.809	309.208	306.585

Note:	*p **p ***p<0.0

Table A.5: Logistic Regression Table of the Main Model with Probabilities

	Dependent variable:			
	Repealed			
	(1.1)	(1.2)	(1.3)	(1.4)
EU dependency	0.52***	0.51***	0.51***	0.51***
Population logged		0.8***	0.81***	0.99***
Revenue logged		0.59**	0.64***	0.22
Province repealed		0.9***		
Lesser Poland			0.62*	0.65
Lodz			0.234	0.41
Lublin			0.82***	0.87***
Masovian			0.26	0.47
Silesian			0.29	0.52
Subcarpathian			0.79***	0.70**
Constant	0.017	0.00000	0.00000	0.00001
Observations	1,416	1,416	1,416	1,222
Log Likelihood	-183.110	-151.939	-143.905	-99.770
Akaike Inf. Crit.	370.220	313.879	307.809	219.540

Note: *p**p***p<0.01

Table A.6: Variations on the Independent Variable with Probabilities

	Dependent variable:								
	Repealed								
	(2.1)	(2.2)	(2.3)	(2.4)	(2.5)	(2.6)	(2.7)	(2.8)	(2.9)
EU dependency	0.52***			0.51***			0.51***		
EU dependency mod1		0.67***			0.60***			0.54***	
EU dependency mod2			0.71***			0.70***			0.65***
Population logged				0.80***	0.82***	0.81***	0.816***	0.82***	0.80***
Revenue logged				0.59**	0.58**	0.62**	0.64***	0.63**	0.66***
Province repealed				0.90***	0.90***	0.90***			
Lesser Poland							0.62*	0.59*	0.62*
Lodz							0.234	0.22	0.22
Lublin							0.82***	0.89***	0.88***
Masovian							0.26	0.23	0.19
Silesian							0.29	0.19	0.27
Subcarpathian							0.79***	0.78***	0.79***
Observations	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416
Log Likelihood	-183.110	-186.541	-184.948	-151.939	-152.730	-150.549	-143.905	-144.604	-143.293
Akaike Inf. Crit.	370.220	377.083	373.895	313.879	315.461	311.098	307.809	309.208	306.585

Note: *p** p*** p<0.01

Table A.7: Ordinary Least Squares Regression Model

	Dependent variable:								
	Repealed								
	(2.1)	(2.2)	(2.3)	(2.4)	(2.5)	(2.6)	(2.7)	(2.8)	(2.9)
EU dependency	0.003***			-0.000***			0.002***		
EU dependency mod1		0.022**			0.000*			0.012	
EU dependency mod2			0.032***			0.000***			0.027***
Population logged				-0.000***	0.000***	0.000***	0.086***	0.083***	0.084***
Revenue logged				0.000	-0.000	-0.000	-0.013	-0.008	-0.009
Province repealed				1.000***	1.000***	1.000***			
Lesser Poland							0.007	0.004	0.006
Lodz							-0.003	-0.006	-0.005
Lublin							0.073***	0.073***	0.072***
Masovian							-0.002	-0.007	-0.005
Silesian							-0.018	-0.020	-0.019
Subcarpathian							0.034*	0.035*	0.035*
Constant	0.011	0.022***	0.022***	0.000	-0.000	-0.000	-0.247*	-0.259**	-0.265**
Observations	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416	1,416
R^2	0.011	0.004	0.007	1.000	1.000	1.000	0.080	0.075	0.079
Adjusted R^2	0.010	0.003	0.006	1.000	1.000	1.000	0.074	0.069	0.073
Note:								*p**p***p<0.01	

Figure B.1: Testing for Linear Relationship Between Predicted and Continuous Variables