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IS DEMOCRACY BAD FOR LGBT+ RIGHTS?

Kristopher Velasco, Siddhartha Baral, and Yun (Nancy) Tang

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In early 2024, Ghana's Parliament unanimously passed the Human Sexual Rights and Family Values Bill. If signed into law, the bill will criminalize anyone identifying as LGBT+ and anyone who knowingly fails to report them. The architect of the bill, opposition MP Sam George, defended curtailing LGBT+ rights as necessary to protect "Ghanaian family values." When one of us asked George in 2023 if he worried that the bill, which limits freedom of speech and assembly among other things, would damage Ghana's reputation as a robust West African democracy, he did not hesitate: "What is undemocratic about a bill supported by 96 percent of Ghanaians? That is going through Parliament? And that will be voted upon by representatives duly elected by the people?"¹ George was not wrong; his bill was indeed going through proper channels and had received significant vetting and consideration. Its passage, therefore, cannot be blamed on the failure of democratic institutions but rather on their effectiveness.

Cases like Ghana's are shining a light on the growing threats to LGBT+ rights around the world. Dramatic anti-LGBT+ measures enacted in authoritarian and illiberal regimes such as Russia, Uganda, and Hungary demonstrate how politicians intentionally "other" LGBT+ communities and leverage their repression to consolidate power. Liberal democracies, in theory, should be bulwarks against this concerning trend. As Ghana's anti-LGBT+ bill shows, however, democratic institutions can sometimes be put to undemocratic purposes. Several other democratic countries, even some that receive high marks on international report

cards, have curtailed LGBT+ rights in recent years: In 2020, dozens of Polish municipalities declared themselves “LGBT-free zones” to block pride marches and keep LGBT+ people from living openly; in 2023, Italy limited the rights of lesbian mothers, denying them access to fertility treatments and retroactively removing their names from their children’s birth certificates; and in the United States that same year, dozens of state legislatures enacted more than eighty anti-LGBT+ bills, and the U.S. Supreme Court gave businesses what Justice Sonia Sotomayor called in her dissent “a new license to discriminate” against LGBT+ customers.²

Just as liberal democracies do not always ensure or expand LGBT+ rights, neither do all autocracies oppose them. Recently, Cubans approved same-sex marriage through a referendum, Singapore’s Parliament decriminalized sodomy, and Kuwait’s Constitutional Court ruled an anti-trans penal provision to be unconstitutional.

Here, we aim to highlight the limited ability of democratic institutions largely built on majoritarian principles to protect LGBT+ rights, which also bears lessons for other minority rights in democracies. Certainly, LGBT+ rights around the world are stronger in democratic systems; yet the relationship between those rights and democracy is not straightforward. Our research shows that between 1990 and 2009, LGBT+ rights expanded as countries became more democratic. But in the following decade, the trend reversed. The legal inroads made via democratic institutions by LGBT+ people sparked a backlash. They are now a prime target of populist leaders, who promote an us-versus-them mentality among citizens and can use the very same democratic channels to curtail LGBT+ rights as those used to win them in the first place.

We must therefore reconceptualize the relationship between LGBT+ rights and liberal democracy. Rather than seeing LGBT+ rights as the consequence of liberal democracy, we need to see them as constitutive of liberal democracy.³ In other words, we should change the discussion from LGBT+ rights *and* democracy to LGBT+ rights *as* democracy.

The Road to (and from) LGBT+ Rights

Concerns about rising authoritarianism and eroding democratic institutions understandably have LGBT+ advocates sounding the alarm. Leading LGBT+ organizations have detailed how global threats to democracy pose a fundamental, even existential, challenge to LGBT+ communities. Historical evidence shows that as countries become more democratic LGBT+ rights typically expand. The inverse, however, seems particularly true in this moment: Once-hopeful democracies such as Hungary and Turkey, to name just two, are paving the road to authoritarianism with anti-LGBT+ hate.

What about liberal democracy enables it to serve as a vehicle for expanding LGBT+ rights? Here, we focus on the three key elements:

the freedoms of speech, association, and assembly; party and electoral politics; and respect for individual and minority rights. Foremost is the ability of LGBT+ advocates to gain public visibility, made possible by speech, association, and assembly protections. The strength of domestic civil society space is a consistent predictor of LGBT+ rights, and these effects are magnified when domestic LGBT+ advocates are linked to larger transnational advocacy networks.⁴ Intertwined within these protections is the ability of activists and allies to expand LGBT+ visibility in everyday life through advocacy campaigns, media representation, and individual disclosure of one's identity to friends and family.

The consistent strength of this pathway is why opponents in power censor LGBT+ content in the public arena and restrict LGBT+ civil society groups and activities through regulatory crackdowns.⁵ Russia started a global trend in 2013 with its prohibition against promoting "non-traditional sexual values" to minors. One human-rights advocate explained that the ban "further stigmatizes and alienates LGBTI people, including children, and will deprive them of information that could be crucial to their health," and that it "will deny LGBTI people equality before the law by curtailing the activities of LGBTI activists, some of whom have already been harassed and assaulted."⁶ In 2022, Russia's parliament expanded the law to criminalize such speech across all age groups. It targeted the freedoms of speech and assembly precisely because they are critical for creating robust civil societies and, ultimately, expanding LGBT+ rights and recognition. The following year, the country's Supreme Court took the measure to its inevitable conclusion, declaring the international LGBT+ movement an "extremist organization," thereby granting the state significant powers to continue suppressing civil society and public speech.

Party and electoral politics are critical avenues for bringing the LGBT+ agenda into the political limelight. When election manifestos include proposals related to LGBT+ rights, it is often the product of activists' sustained, strategic lobbying. In the United Kingdom in 1992, for example, LGBT+ activists persuaded the Labour and Liberal Democratic parties to advance proposals on equal age of consent regardless of gender or sexual orientation, marking the left's early engagement with pro-LGBT+ policymaking. Over time, even the once-hostile Conservative Party started endorsing some pro-LGBT+ policies in an effort to modernize its image—for example, the party agreed to reclassify same-sex civil partnerships as marriage in 2010.⁷ In Brazil, too, democratization meant that political parties could "contribute significantly to the increasing recognition and visibility of gays, lesbians, and *travestis* as political actors in the public sphere."⁸

LGBT+ constituents need not rely solely on lobbying politicians and parties. They can also become candidates, and therefore officeholders, themselves. The number of openly LGBT+ lawmakers continues to

grow around the world—most recently, Taiwan elected its first openly lesbian parliamentarian in January 2024. The presence of LGBT+ parliamentarians, concentrated largely within left and green parties, has been shown to greatly increase the probability of pro-LGBT+ bills' being passed.⁹ Importantly, efforts to expand LGBT+ rights via party and electoral politics are not exclusive to the political left. Some right-wing parties in Europe, like Britain's Tories, have embraced certain LGBT+ rights and run LGBT+ candidates. In some cases, this may have been a cynical tactic to better position a party to oppose Muslim immigrants, who are often caricatured as homophobic.¹⁰

Finally, LGBT+ activists have evoked respect for individual and minority rights—including rights to privacy, equality, dignity, and protection from discrimination—to advance other protections. The United Nations Human Rights Committee's 1994 landmark *Toonen v. Australia* decision, for example, ruled that the state of Tasmania's criminalization of sodomy violated privacy protections embedded in the International Covenant on Civil and Political Rights. The decriminalization of sodomy in many countries has been based on such privacy claims. Similarly, legalization of same-sex marriage has been achieved with claims to equality made in national legislatures and high courts. South Africa's Supreme Court initiated that country's eventual adoption of same-sex marriage when it ruled unanimously in 2005 that banning gay marriage

represents a harsh if oblique statement by the law that same-sex couples are outsiders, and . . . It reinforces the wounding notion that they are to be treated as biological oddities, as failed or lapsed human beings who do not fit into normal society, and, as such, do not qualify for the full moral concern and respect that our Constitution seeks to secure for everyone.¹¹

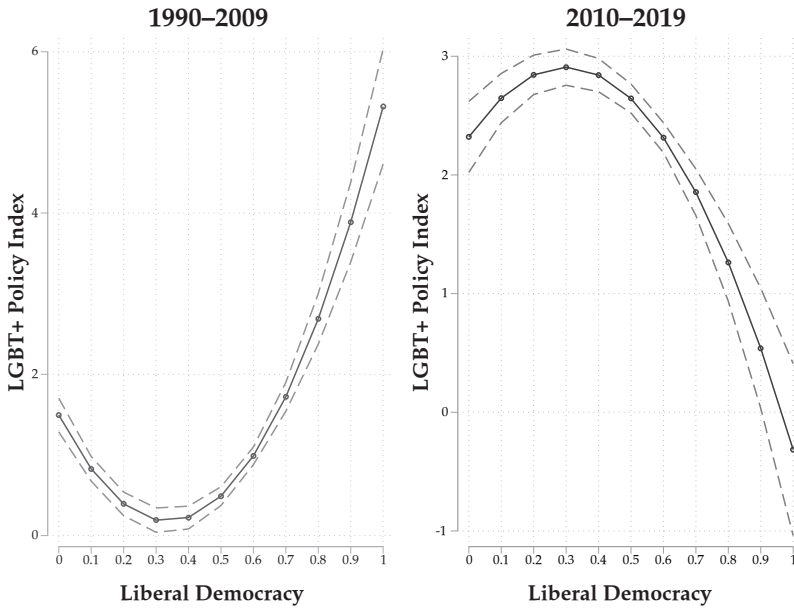
Rights activists have also championed antidiscrimination principles in the employment and healthcare sectors, securing protections such as Mauritius's 2008 Equal Opportunities Act, for example, which prohibits workplace discrimination based on sexual orientation. Where respect for these individual and minority rights is democratically entrenched and combined with vibrant associational freedom and dynamic electoral party politics, LGBT+ people see their rights expanded.

Roadblocks Ahead

The association between internal democratization and respect for LGBT+ rights (decriminalization of sodomy, employment protections, marriage equality, changes to state gender markers) is strong. But underneath this trend lurks a concerning reality: Many new policies expanding or protecting LGBT+ rights within democracies have been enacted via countermajoritarian mechanisms.

Judiciaries and court systems, for example, have been particularly

FIGURE—LIBERAL DEMOCRACY AS A PREDICTOR OF LGBT+ RIGHTS, 1990–2019



Note: This figure was produced using two-way fixed-effects models. The dependent variable is a continuous policy index, ranging from -5 to +13, developed by Velasco (2023) that comprises 18 different LGBT+ policies. The independent variable is V-Dem’s measure of “Liberal Democracy,” which ranges from 0 to 1. The sample consists of 156 countries stratified into two samples, 1990–2009 and 2010–2019.

instrumental in extending legal recognition to LGBT+ communities around the world. Court rulings in countries as diverse as Belize, Botswana, Canada, India, and Mauritius have decriminalized homosexual acts. And rulings in Austria, Brazil, Mexico, Slovenia, and South Africa have paved the way for marriage equality. In the United States, the Supreme Court’s decisions in *Lawrence v. Texas* (2003), *United States v. Windsor* (2013), *Obergefell v. Hodges* (2015), and *Bobstock v. Clayton County* (2020) all expanded LGBT+ rights. International courts have also been instrumental, beginning with the European Court of Human Rights’ decision in *Dudgeon v. United Kingdom* (1981) decriminalizing homosexual acts in Northern Ireland. In 2020, Costa Rica legalized same-sex marriage in response to a 2018 advisory opinion of the Inter-American Court of Human Rights.

But majoritarian and counter-majoritarian mechanisms sometimes yield opposite results. After Taiwan’s Supreme Court instructed the legislature to enact marriage equality, for example, opponents of the measure initiated a national referendum on the issue and won. Even in some of the most consolidated democracies, direct majoritarian processes

such as popular referenda can inhibit rights expansion or even roll back existing protections. The courts are therefore critical for protecting minority rights against popular prejudice. Given these counterweights, we must ask whether it is possible to achieve and maintain full recognition for LGBT+ rights in liberal democracies.

The world is currently witnessing two parallel trends: rising anti-gender sentiment, with moral-conservative actors criticizing “gender ideology” as a way to push against LGBT+ inclusion across society and rising autocratization accompanied by increasing right-wing populism and democratic backsliding. While many right-wing populists leverage homo- and transphobia to justify authoritarian policies, democratic institutions can also provide a pathway to undermining LGBT+ rights.

As the Figure above shows, between 2010 and 2019, LGBT+ rights decreased as countries became more democratic. What caused this reversal? In particular, a global movement formed to counter LGBT+ gains made in the preceding two decades,¹² including the decriminalization of sodomy, recognition of LGBT+ relationships, and freedom to legally change gender markers. Intent on undoing these gains, this countermovement has turned LGBT+ activists’ best tools into its own weapons—leveraging the same democratic channels and espousing similar liberal tenets as pro-LGBT+ activists. This strategy gives anti-LGBT+ measures a stamp of democratic legitimacy, as with Ghana’s 2024 bill. Viewed in this light, democracy seems at best quite limited in its ability to expand LGBT+ rights and at worst an actual obstacle to doing so.

The elements of liberal democracy that are so critical for pro-rights activists are equally meaningful for their opponents: The freedoms of speech, association, and assembly enable the formation of anti-LGBT+ countermovements, which can then work to advance their agendas via majoritarian democratic channels, including elections and legislation. Appeals to citizens’ homophobia or transphobia are often effective for mobilizing opposition to LGBT+ rights. In a world where most publics remain unfriendly or ambivalent to LGBT+ communities, these efforts often succeed.

It is not uncommon for voters to reject LGBT+ rights directly. In the 2018 Taiwanese referendum, for instance, two-thirds of voters rejected marriage equality and teaching gender equality in schools—a “bitter blow” to LGBT+ rights on the island. Even though turnout was only around 55 percent, the country’s conservative right, which had campaigned to include anti-LGBT+ questions in the referendum, still saw the results as a victory.¹³ Although Taiwan’s legislature legalized same-sex marriage the following year, the 2018 referendum nonetheless demonstrates how voting directly on LGBT+ issues in liberal-democratic societies does not always advance rights. Similarly, Croatia held a constitutional referendum in 2013 to define marriage as “matrimony between a woman and a man” in response to a petition with 700,000

signatures collected by a conservative organization. Almost two-thirds of voters who turned out supported the measure.

The Taiwanese and Croatian referenda are just two examples of how direct majoritarian mechanisms can deal a deathblow to minority rights—

The extent to which a ruling political class actively persecutes LGBT+ groups and individuals can serve as a key barometer for gauging a country's antidemocratic proclivities, especially in the current political climate.

and why people often argue that fundamental minority rights should not be subject to the will of the majority. Indeed, right-wing politicians often raise LGBT+ rights in electoral campaigns to stoke fear and rally conservative bases. When campaigning for reelection in 2020, Polish president Andrzej Duda launched a “family charter” and pledged to fight “LGBT ideology,” which helped him to eke out a narrow victory.¹⁴

Legislatures are also attacking LGBT+ rights. Ghana’s anti-LGBT+ bill, which passed unanimously

in parliament (and was pending presidential sign-off at the time of writing), is just one example of how lawmakers can turn antiminority prejudice into policy. In 2022, Indonesia’s legislature unanimously passed a bill criminalizing all sex outside of marriage (including between unmarried people). Thus in the world’s most populous Muslim democracy, same-sex marriage is illegal and unmarried sex is prosecutable—leaving little doubt that this law targeted LGBT+ people. In the United States, too, more than five-hundred anti-LGBT+ bills were introduced in various state legislatures in 2023 alone, with at least 84 passing across 23 states.¹⁵

Opponents of LGBT+ rights are also turning to the judiciary, but with mixed results, as courts are generally better positioned to protect minority rights than to deny them, regardless of popular opinion. Politicized courts, however, can just as easily undermine rights. Anti-LGBT+ litigants have won cases using free-speech and free-exercise arguments, including at the U.S. Supreme Court in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018) and *303 Creative LLC v. Elenis* (2023) and the U.K. Supreme Court in *Lee v. Ashers Baking Company Ltd and others* (2018). These rulings weakened antidiscrimination protections for LGBT+ people, and such tactics are starting to spread across the globe.

In addition to hijacking democratic institutions, anti-LGBT+ forces evoke liberal-democratic values to justify their antiminority positions—arguing, for example, that LGBT+ rights interfere with an array of “competing rights,” including parental rights as well as the freedoms of religion, speech, and artistic expression. This claim is at the core of

many anti-LGBT+ legal and mobilization strategies, which aim to conjure the illusion of a threatened religious or cultural minority.

Anti-LGBT+ activists have also been fine-tuning their “family values” strategy. They claim, for example, that children must be protected from LGBT+ content in the media and at school. Thus in 2021, Hungary’s parliament banned LGBT+ content in educational materials and children’s television shows. In the United Kingdom two years earlier, the introduction of mandatory LGBT+-inclusive sex education sparked a massive backlash from conservative parents and educators: More than a hundred-thousand people petitioned for the “fundamental right” to opt out.¹⁶ The protection of “parental rights”—ostensibly to ensure that parents can make independent decisions for their children—is increasingly being cited to justify trans and queer exclusion, as with the U.S. state of Florida’s Parental Rights in Education Act or the Canadian province of British Columbia’s move to include gender- and sexual-diversity education in schools, which prompted mass protest from parents and conservative groups.¹⁷

Finally, anti-LGBT+ activists in the Global South, especially in post-colonial contexts, often frame LGBT+ rights as “Western” or “imperialist,” and therefore incompatible with the right to self-determination. Similar to the logic of “competing rights,” LGBT+ identities are pitted against national or regional identities, with the former portrayed as “un-African” or “against Asian values.” Ironically, behind such activism—the ideas as well as the financial backing—often are right-wing sponsors from the West, who have “appropriat[ed] the anticolonial frame” and combined “gender conservatism with a critique of neoliberalism and globalization.”¹⁸ There is, in fact, an extensive anti-LGBT+ network connecting like-minded groups across the world; the U.S.-based group Family Watch International, for example, has supported anti-LGBT+ bills in Uganda, Kenya, and Ghana (the group itself denies this).¹⁹

LGBT+ Rights *as* Democracy

All this suggests that it is empirically suspect to see the enactment and protection of LGBT+ rights as a clear downstream outcome of democracy. There are two reasons why. First, democratic countries across the globe are at the forefront of innovating new forms of repression against LGBT+ individuals and civil society. Repressive measures are being proposed and passed through institutions that, in theory, embody democracy—namely, legislatures and referenda. Even countermajoritarian institutions such as the courts cannot always be counted on as LGBT+ allies. Second, some authoritarian regimes have, despite popular opposition, allowed or expanded LGBT+ rights. Both trends sit uncomfortably with the idea that democracy is a desirable precondition for LGBT+ rights.

How might we rescue the fraying association between LGBT+ rights and democracy? We suggest conceptualizing LGBT+ rights as constitutive of democracy, particularly in an egalitarian, pluralistic form that rests on protections for individual and minority rights. Doing so effectively shifts the discussion away from LGBT+ rights *and* democracy to LGBT+ rights *as* democracy. Such a reconceptualization has both a clear, normative rationale and important pragmatic value in today's global context: Procedural definitions of democracy no longer capture the complex forms of democratic backsliding, which are often linked to global anti-LGBT+ trends.

In defining democracy, we often focus more on electoral and legislative processes than on representation, inclusion, and civil liberties. This skews how we understand democratic history and progress, as feminist scholars have been pointing out for decades.²⁰ Electoral competition and legislative contestation are bare-minimum requirements for democracy; for it to be stable and robust, political elites and ordinary people alike must embrace norms including freedom of speech and association, personal liberty, and protection of minorities, even when a majority of the *demos* opposes a minority group's identity claims or practices.²¹

Implicit in this proposition, however, is a key tension. Powerful interest groups can leverage these same liberal-democratic norms and understandings to challenge the rights of historically marginalized groups—the “competing rights” scenario. Religious objectors to LGBT+ equality and even some proponents of “men's rights” are employing institutional tactics and arguments about minority rights that closely resemble those used by LGBT+ advocates and feminists. Thus the struggle for both democracy and LGBT+ rights must also be waged on normative grounds. Conceptualizing LGBT+ rights as being constitutive of democracy is one way of doing that.

From a normative standpoint, accounting for LGBT+ rights specifically will help to determine the “quality” of a given democracy, as it is often minority groups with the least political and electoral might who suffer first when democratic norms and values come under attack.²² The U.S. states passing anti-LGBT+ laws, for example, are becoming increasingly antidemocratic across multiple dimensions. Take Alabama, where there is only one majority-black electoral district despite African Americans' making up a quarter of the population; the state legislature there is trying to extend a current law prohibiting teachers from discussing matters of gender or sexual orientation in the classroom through fifth grade up to twelfth grade.²³ Such distinct instances of antidemocratic and anti-LGBT+ acts tend to share a close connection. As long as LGBT+ people remain a politically vulnerable and electorally weak group, violations of their rights should be considered indicative of *general* democratic decline. In the words of Mahatma Gandhi, “The true measure of any society can be found in how it treats its most vulnerable members.”

There are also compelling pragmatic reasons to consider LGBT+ rights as constitutive of pluralistic democracy. First, the majoritarian conception of democracy is now widely accepted as *the* legitimate means of governing societies—so much so that even authoritarian rulers claim to be democratic to bolster domestic legitimacy. But standard ways of assessing democracy by their majoritarian institutions and processes are no longer as useful. To give an example, the lens of free and fair elections does not bring into focus contemporary India's democratic backsliding, whereas the ruling regime's illiberal treatment and political sidelining of Muslim minorities does. The exclusion and demonization of minority groups, including immigrants, religious minorities, ethnoracial groups, and LGBT+ people, are core features of democratic backsliding.²⁴ This reality calls for using minority rights as a lens for evaluating countries' democratic health.

The status of LGBT+ rights is especially well suited for making comparative assessments of democracy. The domestic political treatment of LGBT+ people—a transnational minority group—can signal the extent to which a country has internalized norms of pluralistic, liberal democracy. The data back this up: The most illiberal governments have also done the most to systematically target and repeal LGBT+ rights—Brazil under Bolsonaro, Russia under Putin, and Uganda under Museveni are some cases in point. Conversely, only in consolidated liberal democracies, such as those of Scandinavia, has a fuller slate of LGBT+ rights been institutionalized.

There is a systematic logic at play here, given that LGBT+ people as a minority group are different from other ethnic, religious, and racial minorities. LGBT+ individuals make up a territorially dispersed group without longstanding indigenous-identity claims. Thus, their identity-based needs and demands, which help to make them a coherent constituency, are also easier to delegitimize. And because LGBT+ identities are globally resonant and their agendas relatively similar across countries, they are also easier to villainize as outsiders who are motivated by foreign forces and are undermining national sovereignty. In Uganda, for instance, one member of parliament defending a bill that criminalizes LGBT+ identities claimed, "This is about the sovereignty of our nation, nobody should blackmail us, nobody should intimidate us."²⁵ LGBT+ people often serve as convenient scapegoats for political elites, at times to deflect from larger issues facing a country. Therefore, the extent to which a ruling political class actively persecutes LGBT+ groups and individuals can serve as a key barometer for gauging a country's anti-democratic proclivities, especially in the current political climate.

Many populist and authoritarian leaders already purposefully conflate limiting or repealing LGBT+ rights with the liberal-democratic project.²⁶ They cite majoritarian notions of democracy to justify cracking down on LGBT+ issues, as an influential Putin advisor did when

defending Russia's 2013 "gay propaganda" law. He called the policy a "protection of the majority," thereby reframing it as democratic in a majoritarian sense,²⁷ in the same way that Sam George would later defend Ghana's anti-LGBT+ bill.

LGBT+ individuals are the new political targets of illiberal majoritarian regimes across the Global South and beyond. Thus reframing LGBT+ rights as constitutive of democracy and adjusting our measurements accordingly can help us better assess a country's democratic health in the contemporary context.

Thus the battle over the meaning of democracy—as either majoritarian or liberal and pluralistic—is already being waged worldwide on the issue of LGBT+ rights. Promoting these rights as part and parcel of democracy is therefore rhetorically important for countering the authoritarian appropriation of it, which is based on majoritarian impulses and antiminority sentiments.

This idea of discursively linking the exclusion of group-based rights—in this case, of LGBT+ people—with the conceptualization and assessment of democracy

has precedent. Before the 1980s, women's rights were barely on the agenda of democracy promoters. Beginning in the 1990s, however, feminist activism increasingly linked women's rights and interests directly to the very concept of democracy. In 1995, the Beijing World Conference on Women's Platform for Action document declared: "No government can claim to be democratic until women are guaranteed the right to equal representation."²⁸

Academics and activists alike now view the sociopolitical treatment of women in a given country as indicative of its democratic strength or weakness. Indeed, indicators designed for comparative assessments of democracy routinely incorporate criteria that evaluate women's rights.²⁹ The success of this approach is reflected somewhat perversely in the fact that authoritarian countries are now ahead of democracies in expanding de jure women's rights.³⁰ LGBT+ individuals are the new political targets of illiberal majoritarian regimes across the Global South and beyond. Thus reframing LGBT+ rights as constitutive of democracy and adjusting our measurements accordingly can help us better assess a country's democratic health in the contemporary context.

In practice, this would require democracy advocates to shine a light on the antidemocratic spirit behind efforts to limit or curtail LGBT+ rights, whether enacted via majoritarian or countermajoritarian institutional channels, and to include the status of LGBT+ rights in broader measurements of democracy. Some of these, such as V-Dem's "egalitarian democracy index," already include (binary) gender-related components. Yet these may not suffice in a context where opponents of trans rights

are succeeding in blocking measures that offer protection and recognition to trans people—as recently happened with a reform of the United Kingdom’s Gender Recognition Act (2004)—by claiming they threaten cisgender women’s safety in single-sex spaces. Failure to include an LGBT+-rights component in measures of egalitarian democracy therefore risks distorting the extent to which a given democracy practices gender egalitarianism. Incorporating such dimensions into measures of democracy will also capture the counterintuitive reality that LGBT+ rights have expanded in some authoritarian regimes in recent years.

LGBT+ Rights and the Future of Democracy

As antidemocratic leaders learn from each other how to subvert democratic institutions and mechanisms toward authoritarian ends, threats to democracy increasingly come from internal, rather than external, sources.³¹ This larger development parallels—and is reflected in—the elite-led backlash against LGBT+ rights in democracies. Anti-LGBT+ leaders and activists have made strategic, and oftentimes successful, use of majoritarian and countermajoritarian institutions to target LGBT+ individuals and civil society activism, thereby demonstrating the limits of procedural democracy when it comes to ensuring LGBT+ inclusion and protections.

While early gains in LGBT+ rights came about through democratic channels, it should not be forgotten that activists did not necessarily achieve such wins via institutional means alone. Activists also pursued extra-institutional avenues—protests, pride parades, awareness-raising campaigns, and even “kiss-ins”—to shift public opinion and force democratic institutions to be accountable to the core norms of democracy. In places where democracy had yet to take hold, be it South Africa or Nepal, LGBT+ advocates fought in lockstep with prodemocracy allies to usher their societies toward a more egalitarian future.³² Just as those early LGBT+ activists already understood their rights *as* democracy, we should see now that backsliding on LGBT+ rights is backsliding on democracy.

To be sure, treating LGBT+ rights as an essential element of democracy is not without risks. When issues lose their political charge in society, those in power may leverage progressive changes in one domain to obscure or justify questionable practices in others. For example, a month into the Israel-Palestine war that started in October 2023, the Israeli government shared an image of one of its soldiers raising a rainbow flag, emblazoned with the words “in the name of love” in English, Arabic, and Hebrew, on top of the ruins of Gaza.³³

We may soon see a sharp rise in such “pink-washing” efforts by autocrats seeking to gain democratic legitimacy, as they have long been doing with “gender-washing.”³⁴ By that point, LGBT+ rights as

democracy may be an anachronistic concept, perhaps even a counterproductive one from the perspective of democratic deepening. The problem of today and the near future, however, is the opposite: Political leaders are proactively persecuting LGBT+ individuals and civil society to excite and ingratiate themselves with their conservative bases—a strategy that Meredith Weiss has aptly named “pink-blocking.”³⁵ In such a global context, if we can reach the point where the state of LGBT+ rights stops being a meaningful indicator of democratic quality, it will be a significant win for both LGBT+ rights *and* democracy.

NOTES

1. Sam George, interview by Kristopher Velasco, June 2023, Accra, Ghana.
2. Michael Mitsanas, “Sotomayor Says Supreme Court Ruling Condemns LGBTQ People to ‘Second-Class Status,’” *NBC News*, 30 June 2023, www.nbcnews.com/politics/supreme-court/sotomayor-says-supreme-court-ruling-condemns-lgbtq-people-second-class-rcna92023.
3. Andrew R. Flores, Miguel Fuentes Carreño, and Ari Shaw, “Democratic Backsliding and LGBTI Acceptance,” Williams Institute, UCLA School of Law, September 2023, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/GAI-Democracy-Sep-2023.pdf>.
4. Phillip M. Ayoub, *When States Come Out: Europe’s Sexual Minorities and the Politics of Visibility* (Cambridge: Cambridge University Press, 2016).
5. Global Philanthropy Project, “The Perfect Storm: The Closing Space for LGBT Civil Society in Kyrgyzstan, Indonesia, Kenya, and Hungary,” 2016, <https://globalphilanthropyproject.org/wp-content/uploads/2016/04/The-Perfect-storm-4-27-16.pdf>.
6. Amnesty International, “Russia’s Anti-Gay ‘Propaganda Law’ Assault on Freedom of Expression,” 25 January 2013, www.amnesty.org/en/latest/news/2013/01/russia-anti-gay-propaganda-law-assault-on-freedom-expression.
7. Paul Chaney, “Institutionally Homophobic? Political Parties and the Substantive Representation of LGBT People: Westminster and Regional UK Elections 1945–2011,” *Policy and Politics* 41 (January 2013): 101–21.
8. Juan P. Marsiaj, “Social Movements and Political Parties: Gays, Lesbians, and Travestis and the Struggle for Inclusion in Brazil,” *Canadian Journal of Latin American and Caribbean Studies* 31, no. 62 (2006): 167–96.
9. Andrew Reynolds, “Representation and Rights: The Impact of LGBT Legislators in Comparative Perspective,” *American Political Science Review* 107 (May 2013): 259–74.
10. Gabriele Magni and Andrew Reynolds, “Why Europe’s Right Embraces Gay Rights,” *Journal of Democracy* 34 (January 2023): 50–64.
11. *Minister of Home Affairs and Another v. Fourie and Another* (CCT 60/04) [2005] ZACC 19.
12. Phillip Ayoub and Kristina Stoeckl, “The Global Resistance to LGBTIQ Rights,” *Journal of Democracy* 35 (January 2024): 59–73.

13. Amnesty International, "Taiwan: Referendum Results Rejecting Marriage Equality a 'Bitter Blow,'" 24 November 2018, www.amnesty.org/en/latest/press-release/2018/11/taiwan-referendum-lgbti.
14. Phillip M. Ayoub, "Attacking LGBT Life Helped the Right-Wing Polish President Win Reelection—Barely," *Washington Post*, 21 July 2020.
15. ACLU, "Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2023," 21 December 2023, www.aclu.org/legislative-attacks-on-lgbtq-rights-2023.
16. Rachel Savage, "Compulsory Sex and LGBT+ Education Sparks Religious Backlash in UK," Reuters, 25 February 2019, www.reuters.com/article/us-britain-lgbt-education/compulsory-sex-and-lgbt-education-sparks-religious-backlash-in-uk-idUSKCN1QE24Z.
17. CBC News Front Burner, "The Canada-wide Protests over LGBTQ School Rights," 22 September 2023, www.cbc.ca/radio/frontburner/the-canada-wide-protests-over-lgbtq-school-rights-1.6974581.
18. Elżbieta Korolczuk and Agnieszka Graff, "Gender as 'Ebola from Brussels': The Anticolonial Frame and the Rise of Illiberal Populism," *Signs: Journal of Women in Culture and Society* 43 (Summer 2018): 797–821.
19. David McKenzie and Sarah Dean, "Activists Link US Nonprofit to Anti-LGBTQ Laws in Africa. The Group Says It's Only Promoting 'Family Values,'" CNN.com, 18 December 2023, <https://edition.cnn.com/2023/12/18/africa/anti-lgbtq-laws-uganda-kenya-ghana/index.html>.
20. Pamela Paxton, "Gendering Democracy," in Gary Goertz and Amy G. Mazur, eds., *Politics, Gender, and Concepts: Theory and Methodology* (Cambridge: Cambridge University Press, 2008): 47–70; Georgina Waylen, "Democracy, Democratization, and Gender," in *Oxford Research Encyclopedia of International Studies* (2010).
21. Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999).
22. Larry Diamond and Leonardo Morlino, eds., *Assessing the Quality of Democracy* (Baltimore: Johns Hopkins University Press, 2005).
23. Jacob M. Grumbach, "Laboratories of Democratic Backsliding," *American Political Science Review* 117 (August 2023): 967–84; Sam Levine and Andrew Witherspoon, "How Alabama Is Defying the Supreme Court to Discriminate Against Black Voters," *Guardian*, 1 September 2023; Trisha Powell Crain, "Alabama Bill Would Expand Ban on Sex and Gender Topics in Schools, Despite Lack of Complaints," *AL.com*, 20 March 2024.
24. Stephan Haggard and Robert Kaufman, *Backsliding: Democratic Regress in the Contemporary World* (Cambridge: Cambridge University Press, 2021).
25. "Uganda Passes a Law Making It a Crime to Identify as LGBTQ." Reuters, 22 March 2023, www.reuters.com/world/africa/uganda-passes-bill-banning-identifying-lgbtq-2023-03-21.
26. Phillip M. Ayoub, "Tensions in Rights: Navigating Emerging Contradictions in the LGBT Rights Revolution," in Alison Brysk and Michael Stohl, eds., *Contesting Human Rights: Norms, Institutions and Practice* (Northampton, Mass.: Edward Elgar, 2019): 43–58.
27. Fred Weir, "Russia's 'Majoritarian' Crackdown on Minorities Rolls On with New Anti-Gay Law," *Christian Science Monitor*, 1 July 2023, www.csmonitor.com/World/Europe/2013/0701/Russia-s-majoritarian-crackdown-on-minorities-rolls-on-with-new-anti-gay-law.

28. Pamela Paxton, Melanie M. Hughes, and Tiffany D. Barnes, *Women, Politics, and Power: A Global Perspective* (Lanham, Md.: Rowman and Littlefield, 2020), 10.

29. Conny Roggeband and Andrea Krizsán, “Democratic Backsliding and the Backlash Against Women’s Rights: Understanding the Current Challenges for Feminist Politics,” UN Women Discussion Paper, no. 35, June 2020, www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Discussion-paper-Democratic-backsliding-and-the-backlash-against-womens-rights-en.pdf; Alexander Cooley and Jack Snyder, eds., *Ranking the World: Grading States as a Tool of Global Governance* (Cambridge: Cambridge University Press, 2015).

30. Daniela Donno, Sara Fox, and Joshua Kaasik, “International Incentives for Women’s Rights in Dictatorships,” *Comparative Political Studies* 55 (March 2022): 451–92.

31. Thomas Carothers and Benjamin Press, “Understanding and Responding to Global Democratic Backsliding,” *Carnegie Endowment for International Peace*, 20 October 2022, <https://carnegieendowment.org/2022/10/20/understanding-and-responding-to-global-democratic-backsliding-pub-88173>.

32. Tessa Devereaux Evans, “Conflict and Coalition: Securing LGBT Rights in the Face of Hostility,” *Comparative Political Studies* 57 (May 2024): 1035–67.

33. State of Israel, “The first ever pride flag raised in Gaza,” X (Twitter), 13 November 2023, <https://twitter.com/Israel/status/1723971340825186754>; see also Eliyahu Freedman, “Israeli LGBTQ Soldiers Hope the War in Gaza Will Bolster Their Fight for Equal Rights at Home,” Jerusalem Telegraphic Agency, 8 January 2024.

34. Elin Bjarnegård and Pär Zetterberg, “How Autocrats Weaponize Women’s Rights,” *Journal of Democracy* 33 (April 2022): 60–75.

35. Meredith L. Weiss, “Scapegoating Queers: Pink-Blocking as State Strategy,” *Current Sociology* (2023), <https://doi.org/10.1177/00113921231217498>.