“Social Movements between Communism’s Legacy and Europe’s Pull: The Case of the Gay-Rights Movement”

Conor O’Dwyer  
(codwyer@ufl.edu)  
Department of Political Science  
University of Florida

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I. Introduction

What is the state of gay-rights movements and LGBT activism in Eastern Europe today? That’s an easy one, isn’t it: what rights? What activism, of any kind, for that matter? Aren’t these deeply conservative societies when it comes to homosexuality? They were so before communism, and they were so under it. Gay rights are so deeply buried in taboo that most people wouldn’t recognize the term. For that matter, weren’t civil society and its close cousin political activism pronounced, if not dead, at least in critical condition after the fall of communism (Jowitt 1992; Howard, 2003)? Not that long ago, at least in social scientific time, the very term “postcommunist gay-rights movement” would have been dismissed as a double oxymoron.

Now, of course, this conventional wisdom is looking quaintier by the day. Warsaw has a rainbow arch, the iconic symbol of LGBT activism, on its Savior Square (Plac Zbawiciela); it is located on the doorstep of the Church of the Holiest Savior. In Russia, Vladimir Putin has felt it necessary to declare the equal status of gays and lesbians in Russian society in the wake of an avalanche of international criticism of his government’s antigay policies (“Gay Rights” 2013). His declaration is unconvincing, but the fact that he made it shows the importance of the issue. The upcoming Sochi Olympics virtually guarantee a surge of LGBT activism in the host country. Meanwhile in the broader realm of civil society and political activism, in precisely those countries traditionally considered as the region’s most quiescent there are mass demonstrations in the streets and revolt against the political class. Ukraine is the most dramatic example, but the last couple of years have seen sustained mass protests in Bulgaria, Romania, and even Russia.
Over the past few years, I have been researching postcommunist social movements, in particular those mobilizing around the issue of gay rights. In that research I have found a trajectory of increasingly organized and influential activism. I was drawn to study this area of activism, first, because it seemed so unlikely and, second, because it offered a particularly dramatic perspective into transnational dynamics of social movement development and broader social change after communism (e.g. Tarrow 2005). More specifically, I was struck by the politicization of homosexuality in Eastern Europe precisely at the moment when the first round of postcommunist countries joined the European Union. In its initial wave, this politicization took the form of strongly antigay rhetoric and policies, again precisely at the moment that much of the region had successfully passed the democratic litmus test of EU accession.

Thus, besides prompting a rethinking of the literature on Leninist legacies, the issue of gay rights also focuses a critical perspective on Europeanization theory, which has acquired a position of predominance in the scholarship on international-domestic linkages in the region (Kelley 2004; Schimmelfennig and Sedelmeier 2005; Vachudova 2005). Over the course of my research into gay-rights movements in postcommunist Europe, I have become persuaded that, despite its dominance in the analysis of linkages between European integration and domestic politics in the region, Europeanization theory consistently misreads these linkages in the case of gay rights. In tracing the development of the politics of LGBT activism from the early 1990s to the present across Poland, the Czech Republic, Slovakia, Hungary, and Romania, I found that Europeanization theory generates flawed expectations about when gay rights become politicized, when social
movements mobilize around them, what form of organization these movements employ, and how they frame homosexuality as an issue (cf. O’Dwyer 2012).

In sum, the politics surrounding homosexuality is changing rapidly in postcommunist Europe and in ways that present a host of empirical surprises while also posing some thorny problems for predominant theories of comparative politics and international relations as applied to the region, in particular, the literature on civil society and the Leninist legacy and that on Europeanization. Let us consider a few cases to demonstrate this contention.

II. Some Illustrative Examples

Romania makes a good starting point. Homosexuality was criminalized there until 2001, punishable under the infamous Article 200 by up to five years in prison. In 1993, when the Romanian government applied to join the Council of Europe, it was granted membership in return for the promise to repeal Article 200 within six months. As Scott Long, an American who spent much of the 1990s as a gay-rights activist in Romania, commented on this seemingly-forgotten promise, “Romania has a playful attitude toward international commitments” (1999: 244). By 2006, Romania’s legal framework for LGBT people had undergone a transformation, and the country was one of five named by Human Rights Watch for exemplary progress on LGBT rights (Human Rights Watch 2006). Today, Romania has more expansive antidiscrimination protections (notably in the area of transgender persons) in its legal code than most of its neighbors and even most West European countries.
Poland presents an example of rapid social and political change, though not (yet) legal change. In 2004, just two months after joining the European Union, the country earned international notoriety by banning Pride parades in Warsaw and several other cities. Over the course of the next several years, radically antigay political parties were elected to government, antigay youth groups were attacking Pride parades, and a stridently homophobic political rhetoric was being employed by national political leaders. Yet, by 2011, the tide had turned drastically. The most vociferously antigay parties had imploded, Warsaw had become the first postcommunist city to host the EuroPride festival, and strongly organized, highly professional, well-funded gay-rights NGOs had built national networks of activists. Several prominent gay-rights candidates had been elected to the national parliament, and a highly visible campaign for registered partnerships with major party backing was underway.

Now as a final example of the divergent politics of homosexuality evident a generation after the fall of communism, take the case of the Czech Republic. During the 1990s, Czech activists built one of the best-organized and most influential gay-rights movements in the region. In 1999 Scott Long, the activist and analyst cited above, called SOHO, then the main Czech gay-rights group, “the only genuinely national gay and lesbian network in the former Soviet bloc – and, arguably, one of the best organized in Europe (1999: 248).” In 2006, the Czech activists achieved their long-held goal of enacting same-sex registered partnerships, becoming the first country in the region to do so. As important as the legislation was, especially symbolically, it was incomplete, and prominent Czech rights advocates vowed to campaign to correct its shortcomings and further the goal of equality. Within a year, however, all of the major Czech gay-rights
organizations had disbanded, and ever since, the Czech movement has been one of the weakest in the region – despite the country’s better than average gay-rights framework. Thus the Czech example is one of pioneering legal change but social movement decay.

The lesson here is that the conventional wisdom does not sustain closer scrutiny. The empirical reality on the ground is not only varied, it is often surprising, and changing quickly. Explanations of why this is so have not kept up.

But one of course may ask: why look for an underlying theoretical rationale for this divergence? Why even group these countries together? (After all, the question “Whither Eastern Europe?” problematizes not only future trends but the regional category itself.) Aside from the fact that, in all of these countries, communist political systems created an extremely repressive environment for homosexuality, shouldn’t we expect that things would be different today two decades later? The simple answer is that the similarities among the region’s political systems did not end with the fall of communism; almost immediately after that transformational event, they embarked together on a new project, joining the European Union (EU) – a project which would also prove transformational. As the exit from communism happened in the course of just one year, the *annus mirabilis* of 1989, so too entry into the EU was a process characterized by simultaneity – with common timetables, common conditions, and common requirements for accession.¹ Yet, though the EU accession process emphasized common requirements and timetables, those conditions interacted with communist legacies and domestic politics was far from straightforward. Especially when it comes to political and human rights, with the benefit of hindsight, we can see that the accession process may generally have

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¹ To be strictly accurate, there was a three-year delay for Romania and Bulgaria to enter the EU, but this was, first of all, a small lag in the larger scheme of things and, second, was undertaken in order to keep them to a common yard-stick of standards for entry.
improved rights, but not always and certainly not always because of conscious policy choice. The result has been that EU accession has shaped domestic politics in ways that are systematic and patterned but also surprising and poorly understood.

III. Catching Up, Sliding Back, or Both? Uneven and Combined Development After 1989

The first step in understanding the rapidly changing field in which gay-rights movements in the region have been developing is to break it down into three related but conceptually distinct components: legal rights, political practice, and social attitudes. The second step is to recognize that these components develop at different speeds, and sometimes even move in different directions.

The first component is easy to define; it concerns legislation, public policy, and court rulings. The second component, political practice, concerns the conceptual distinction between politics as officially codified and politics as it is lived. Are minority rights exercised, or do they simply exist on paper? Do minority groups participate in political life? Is such participation structured in terms of social movements, political parties, or rather as local and unconnected individual efforts? The third component is social attitudes. How is homosexuality perceived by the broader society? How are gay rights framed as an issue by rights activists, as well as by antigay groups? What is the public discourse around homosexuality?

Looking across these elements reveals the enduring relevance of the communist legacy while at the same time making clear that this legacy interacts with international pressures, in particular, those associated with EU integration. The relevance of the
The communist legacy is evident in a comparison of social attitudes and legal frameworks East and West. Figure 1 draws on crossnational public opinion data collected in the World Values Survey (WVS) to compare attitudes toward homosexuality in both regions. As Figure 1 shows, there is a clear difference between postcommunist countries and the rest of Europe regarding attitudes toward homosexuality. Only the Czech Republic exceeds the European average. Figure 2 presents the East-West comparison in terms of rights. Here, I draw on a crossnational index of rights for lesbian, gay, and bisexual people constructed by the Brussels-based NGO ILGA-Europe. The index, based on data from 2010, ranges from a minimum score of -4 to a maximum of 10; each country’s score reflects state policy on such issues as same-sex partnerships and marriage, parenting rights, and provisions preventing discrimination on the basis of sexual orientation. The similarity to Figure 1 is striking and serves as another strong indicator of the communist legacy, at least in this area of politics.

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2 The WVS includes a question asking whether “Homosexuality is always (10) / never (1) justified.” This question is rather blunt, and naturally, there is room for diverse attitudes at this level since even the most tightly knit societies are never monolithic. Nevertheless, it is also clearly possible to speak about the prevailing attitudes toward homosexuality in a given society, especially in relation to other societies.

3 For a full description of the index and country analyses, see http://www.ilga-europe.org/home/publications/reports_and_other_materials/rainbow_europe_map_and_country_index_may_2010.
Figure 1: Attitudes Toward Homosexuality Compared


Figure 2: Gay and Lesbian Rights in West and East Compared (2010)

Source: ILGA Europe Rainbow Index (http://www.ilga-europe.org/home/publications/reports_and_other_materials/rainbow_europe_map_and_country_index_may_2010).
The picture becomes more complex, however, when we consider the relationship between social attitudes and legal rights. Using the same data as above, Figure 3 plots legal rights against social attitudes. We might assume without, it would seem, being too controversial that countries with more tolerant social attitudes regarding homosexuality would also have more progressive gay-rights frameworks. As Figure 3 shows, this is in fact true in Western Europe. It is not the case in Eastern Europe, where the relationship is attenuated to non-existent. Something besides the communist legacy, as captured by attitudes toward homosexuality, is shaping legal rights in Eastern Europe. That something, I argue, is the European Union, which incentivizes countries like Romania or
Croatia to adopt legal rights for LGBT people far beyond what the prevailing social attitudes would otherwise support. This is our first example of how the elements of the larger field of the postcommunist politics of homosexuality may move at different speeds. They may also move in different directions, as becomes evident when we turn to the third element, political practice.

Political practice, which includes rights activism and social movement mobilization, is the most difficult of the three dimensions to compare systematically across countries. For now, to present a stylized, but not inaccurate picture, let me consider one proxy indicator of activism: Pride parades. These are primarily a symbolic form of activism. They do not change social attitudes, at least not immediately. They do not end with the enactment of new policies or legislation. They do not, at least not directly, lead to the election of political candidates. But they are nonetheless immensely important to gay rights activism as a social movement. They help define the movement both to itself and to broader society. The attract attention to the cause. They generate discussion. They articulate identities and represent interests. To quote from one activist in Poland:

[T]here are [only a few] situations where there is no difficulty in coming together, for example, the Equality Parade [the term for Warsaw’s Pride parade]…This year it was a big success because 3,500 people came and even though some organizations were quarreling with each other – because that’s the way it is, sometimes they quarrel – it was clear that this is the Equality Parade, that we’re all there, and that we all march together…And as far as it goes about things like the Equality Parade, there will always be solidarity because the goals are shared; in that moment we are not divided. (Krzemiński et al. 2006: 136).

In demonstrating proof of the movement’s solidarity and its numbers, Pride parades are, of course, also tests of the movement’s strength. If the turnout is disappointing, they
show weakness. By increasing visibility, they will inevitably also expose the leadership to attacks from the outside. More prosaically, but also importantly, they are a test of the movement’s logistical and organizational capacity because they require permits, security measures, management of the participants, and so on. If any or all of these elements hosting a Pride parade seem problematic for a given movement’s leadership, they may choose not to host them.

It is noteworthy that in Warsaw Pride parades have been held since 2001, yet in Prague the first such parade was in 2011 – despite the fact that Czech society is generally more tolerant of homosexuality and the Czech parliament has enacted same-sex registered partnerships. This lag is one more indicator of the relative weakness of the Czech movement since EU accession, as described earlier. This contrast between the Czech and Polish movements speaks to the possibility that “closed societies” – those characterized by intolerant social attitudes toward homosexuality – may spur LGBT groups to stronger organization and activism. This last intriguing possibility, that there may be advantages to “backwardness,” is precisely what I have found in my research.

IV. Two Grand Narratives of East European Politics after Communism

What accounts for the sudden appearance of homosexuality as a political issue around 2000 after a decade of taboo, its politicization, the rapid development (and implosion) of gay rights movements in some countries (but not others), and the enactment of legal changes? As the previous section argued, key elements in this story resonate with predominant theoretical perspectives on the region drawn from comparative politics and international relations – in particular, the Leninist legacy thesis and the
Europeanization thesis of externally-supported reform. In this section, I discuss these two perspectives in more detail, but I will also highlight their shortcomings. This critique sets the stage for the final substantive section of the paper, which outlines a framework for understanding how European integration and communist legacies have interacted to produce varying cycles of social movement mobilization and legal change over the past two decades.

**The Leninist Legacy Thesis**

The literature on political activism in postcommunist societies is dominated by the work of Marc Howard (2001), which built on theoretical foundations laid by Ken Jowitt (1992). The basic thesis of this scholarship is that postcommunist civil society is depressed across the board. People do not join organizations; they do not sign petitions; they do not participate in public events; and they do not organize collectively for common causes. When a thesis enjoys as much success as this one, there is a real danger that it become over-applied, that the assumptions behind it become obscured and, more significantly, that analysts fail to notice when these assumptions can no longer be assumed. In Howard’s case, the critical – and here problematic – assumption is that civil society is organizing in a political vacuum, in the absence of an opposition. For Howard’s NGOs and civic associations, the chief implication of the communist legacy is a lack of resources, both ideational and material, that social movements can draw on. The region’s gay-rights movements lack both kinds of resources too, but this lack is largely compensated for by one asset they do have – an organized and threatening opposition. Such opposition is a political resource.
When social movements face implacable opposition, it allows them to solve several basic collective action problems at once and, more importantly, to do so without material resources. First, it largely overcomes the free-rider problem. For groups that find themselves under attack, or that can easily imagine that they will come under attack, it is not difficult to generate collective action to provide for defense. Second, coming under attack solves the problem of issue saliency. In normal political life, one of the largest problems faced by any collective action effort is that of visibility, that is of making the wider political society aware of one’s goals. Doing so requires resources – considerable resources if the goal is raising consciousness at a national level. Here too, opposition is quite valuable; coming under attack draws press attention, and it draws international attention.

Third, opposition can, if the social cleavages are right, be an extremely valuable resource by drawing in allies that would not otherwise see common cause with the movement. In the case of gay rights, this phenomenon proved critical because the identification of homophobia with Euro-phobia proved a boon for gay-rights groups where it occurred. The best example of such alignment came in Poland. As Poland has moved further away from 1989, the fundamental cleavage in Polish politics of the 1990s, which was one of post-Solidarity versus postcommunist parties, has increasingly shifted to what is now called Poland A and Poland B (Pilátová and Stránský 2007). This divide is founded on nationalism versus Europe, secularism versus religiosity, and the liberal market versus solidarity society. Gay rights fits very neatly within this political map. Homosexuals are easily labeled as and numbered among what Cas Mudde has called “perverters of the nation” (Mudde 2007: 68). Labeling them as such in the context of
polarization puts them easily in the neighborhood of Poland A, where they may more easily find allies.

**The Europeanization Thesis**

A second grand narrative of Eastern Europe’s development since 1989 is offered by Europeanization theory (Kelley 2004; Vachudova 2005). The search to identify signs of Europeanization has extended to all corners of political life – from economic policy making, to environmentalism, to ethnic minority rights, to political corruption – and given the breadth of standard definitions of the concept, it is natural consider its usefulness for understanding social movements in the region. Since the beginning of the accession process, the EU made respect for minority rights, including sexual minorities, a requirement for membership. The concept of minority rights was broadly applicable, from equal treatment of organized interests in a pluralist political system to individual freedom from discrimination in the public sphere and labor market (O’Dwyer and Schwartz 2010). Without exception, nascent gay-rights organizations across the region have come to frame their demands within the model of EU norms promoting diversity and non-discrimination (O’Dwyer 2012). Even the opponents of gay rights also frame the debate in EU terms – though, obviously, they construed the language of EU norms as a threat to national identity.

Europeanization theory highlights two mechanisms by which EU norms diffuse – external incentives and social learning – both of which offer hypotheses for how postcommunist social movements develop. External incentives links membership to compliance with EU legal norms (Schimmelfennig and Sedelmeier 2005). By imposing legal obligations on EU applicant states in areas directly relevant to LGBT activists,
conditionality has the potential to greatly amplify these activists’ political significance. They can, for example, serve as brokers between the EU-level institutions and applicant states, assisting in monitoring the latter’s policy promises and implementation. To the extent that EU norms require that home governments consult with social partners in designated policy areas (e.g. antidiscrimination policy), this also magnifies the activists’ influence. Social learning, on the other hand, describes a process whereby both applicant- and member-states are persuaded of the appropriateness of EU norms. This occurs, first, through the participation of national-level policy makers and other political elites in EU networks and, second, through the activity of transnational networks of domestic and European actors, who exert pressure on national governments and endorse European norms in the domestic discourse. Not only can this network serve as a channel for financial support, but it also helps legitimate these groups among otherwise indifferent domestic groups (Schimmelfennig and Sedelmeier 2005: 18).

A full “test” of the Europeanization thesis for postcommunist gay-rights movements is beyond the scope of this paper, so I will limit my remarks here to a brief analysis of one critical case, Poland, which as noted earlier has come to have one of the best organized gay-rights movements in the region. Since Poland gained EU membership, gay-rights groups’ efforts to expand antidiscrimination provisions beyond the labour code have fallen flat, and EU conditionality pressure has not helped them. Puzzlingly, at least from the conditionality perspective, the greatest growth in the organization and influence of Poland’s gay-rights movement – including its increasing engagement with political and legal change – has occurred *after* Poland joined the EU. Neither can the Polish movement’s growth plausibly be attributed to social learning,
which, as noted above, posits that norm change is unlikely when EU norms clash directly with domestic ones. Given the political role of the Polish Catholic church and the common identification of Polishness with Catholicism, EU norms regarding homosexuality clearly clash with domestic ones (O’Dwyer 2012). On the contrary, against the social learning argument, in my larger research project, I argue that the conflict between EU norms and entrenched social customs catalysed the movement. EU conditionality in fact provoked a hard-right political backlash that, at least temporarily, worsened the political situation of LGBT groups. In the longer term, this setback created a stronger, better-organized rights movement in Poland, not just compared against its position a few years earlier but also in comparison with the neighboring Czech Republic (O’Dwyer 2013).

V. From Legacy and Conditionality to Backlash and Mobilization

Let’s pause to take stock of where we are. I have reviewed two grand narratives of postcommunist political development in Eastern Europe in order to analyze the “new” politics of homosexuality in postcommunist Europe, specifically regarding the mobilization of gay-rights movements. On its own, each narrative makes for an incomplete picture of the region’s rapidly changing politics of homosexuality and raises as many questions as it answers. Rather than force a choice between the lesser of two evils, I would propose that we bring the domestic- and EU-level dynamics together as summarized in Figure 4 below.

The dependent variable here is cycles of social movement mobilization around gay rights. For any particular time-frame that we might choose, are gay-movements
growing in strength, or are they declining? My premise is that it is best to think of gay-rights movements, as is the case with any social movement, in terms of ebbs and flows rather than as entities with a fixed stock of political assets – membership, influence, financial resources, etc. A second and related outcome is whether cycles of social mobilization are subject to an “EU boost” from the factors that homophobic backlashes unleash. As outlined above, these are the circling-the-wagons effect, the increased visibility effect, and the winning-friends-and-allies effect.

As Figure 4 shows, I propose that we may explain cycles of social mobilization around gay rights in the region in terms of two broad conditions: (1) the degree to which hard-right parties and affiliated groups are pivotal in national politics and (2) how open a given society is political equality regardless of sexual orientation. While the logic of the figure is that of the 2x2 table, the axes are intended to capture not binary categories but gradations of variation. In other words, actual country cases may be ranked in terms of their relative openness to gay-rights and the relevance of nationalist Euro-skeptics to national politics.
Figure 4 – The Domestic and EU-Level Dynamics of Social Movement Mobilization

- **Populist Hard Right Pivotal**
  - **IV.** Movement Stagnation, resistance from populist hard right without “EU boost”
  - **III.** Movement Growth, “EU boost” outweighs resistance from populist hard right

- **Society open to gay rights**
  - **I.** Favorable conditions for movement, but no “EU boost”
  - **II.** Unfavorable conditions for movement, and no “EU boost”

- **Society closed to gay rights**
  - **I.**
  - **II.** Populist Hard Right Irrelevant
The horizontal axis captures the openness of society to homosexuality. In my broader research project, I measure this openness using public opinion data on (1) attitudes toward homosexuality and (2) religiosity. The vertical axis captures the political relevance of populist hard right parties, from irrelevant to politically pivotal. Comparing the political relevance of such parties is a way of answering the question: which countries experience the kind of populist hard right political backlash that can spur gay-rights movements to mobilize? Where antigay backlashes have occurred during the EU accession process, the signs have been manifold, and hard to miss. Agnieszka Graff has looked at the media in Poland (2010). There was a consensus among observers and analysts of the region that a broad populist-right shift occurred in much of the region after 2000, and many warned of democratic backsliding (Larabee 2006; Jasiewicz 2007). To be systematic about identifying where such a shift occurred and how large its impact was on politics, I examine electoral breakthroughs of the “populist hard right.” Who are the “populist hard right,” and how relevant are they in national-level politics? In practice, the task of categorization proves quite simple: the populist hard right consists of what Cas Mudde (2007) classifies as the “populist radical right” plus those conservative or Christian Democratic parties willing to form governing coalitions with them.

By locating countries within these axes, we can understand the logic of gay-rights movement mobilization in terms of four ideal-typical scenarios. In Quadrants I and II, we do not expect the gay-rights movement to receive an “EU boost” because populist hard right parties are politically irrelevant. Even if such parties raise the “threat” of gay rights as a tool to mobilize their own supporters (as in Quadrant II), it will not bring greater general salience to the issue because these parties occupy the political fringe. In
Quadrant I, not only are populist hard right parties politically irrelevant, society is more open. At the far reaches of Quadrant I we would expect the most favorable conditions for gay-rights movements, while the far reaches of Quadrant II would present hostile ground for such movements. The important point for us is that in both Quadrants I and II the cycles of gay-rights social movement mobilization would be determined by domestic, not EU, factors. Hence, we would expect greater mobilization in the more open societies because of their more favorable domestic political opportunity structures. We would also expect obstacles to collective action such as the Leninist legacy to be harder to overcome.

In Quadrants III and IV, populist hard right parties are politically pivotal. As described earlier, I find that countries in Quadrant III, where European integration sparked a right-wing backlash it also created the conditions for stronger gay-rights activism. Poland and, more recently, Hungary are good examples. What happens when populist hard right parties become pivotal in open societies (Quadrant IV)? Practically speaking, this is not a scenario that we find in postcommunist countries. By various measures of society’s openness to homosexuality, not many postcommunist countries fall on this side of the spectrum; of that small number of countries, none have a populist hard right with more than marginal political appeal.4

**V. Conclusion**

In this paper, I have used the rapidly changing field of gay-rights politics in Eastern Europe to revisit how social movements develop at this stage in the region’s development.
postcommunist experience. On the face of it, gay rights would seem to represent one of the most challenging terrains on which a social movement might seek to mobilize, not only because of the barriers to collective action described by Marc Howard (2003) and Valerie Sperling (1999) but also because of the strong legacy of intolerance toward homosexuality preserved, and even amplified, under communism. As I have argued, however, this communist legacy masks important differences among countries. It also, I have argued, interacts with transnational pressures, particularly those from the EU, to produce sometimes surprising outcomes. If we distinguish between three levels of social change – legal rights, social attitudes, and political practice – we find that communist legacies and EU pressure interact in ways that neither the postcommunist civil society nor Europeanization theses would predict. From my perspective, this finding is encouraging: Eastern Europe retains a “regional distinctiveness” for the political analyst while at the same time continuing to generate theoretical insights of broader relevance to comparative politics and political science.
Bibliography


