

When do Local Governments Discriminate?

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Introduction

Although recent decades have brought expanding minority rights worldwide, this trend is by no means universal. Many governments maintain long-standing policies that discriminate against underprivileged and minority groups, and societal institutions writ large have long privileged in-groups at the expense of others. However, some governments are going even further: implementing *new*, actively discriminatory policies against minority groups. Many such policies – pursued at both the national and subnational levels – are quite open with their discriminatory intent. Indeed, many politicians actively draw attention to these policies in their campaigning and interviews as they seek to gain political support of majority-group constituents.

While we may know the intent of these policies, we know less about where and when they might be implemented. Our paper aims to shed light on this question and to try to develop an understanding of which governments pursue discriminatory policies. To maximize leverage and comparability, we examine the establishment of local-level discriminatory policies in Poland, where we have seen anti-LGBTQ+ ordinances implemented at the national, regional, and local levels under the government of the ruling Law and Justice (PiS) party. Specifically, we focus on the establishment of so-called “LGBT Free Zones” (*strefy wolne od LGBT*) beginning in March 2019.² Our paper uses local-level data from a variety of sources to better understand the reasons why some of the 2477 local government units (*gminy* or *miasta*) in Poland have pursued such policies and others have not. The establishment of these zones has attracted a firestorm of international attention and criticism. At the same time, that the vast majority of Polish local government units have *not* declared themselves LGBT Free Zones: it remains a relatively rare phenomenon in spite of the attention afforded to it and in spite of Poland’s broad reputation as a country hostile to LGBT rights.³ We want to understand what factors lead some local governments to pursue these discriminatory measures when the majority do not. Even though the event is relatively rare, we consider it to be highly significant because of challenge to liberal democratic principles that it represents.

This paper proceeds in four parts. First, we discuss broader movements against the expansion of rights for sexual minorities in Poland and specifically elaborate on the establishment of LGBT Free Zones in Poland at various levels of government. Second, we develop hypotheses about which local governments might pursue discriminatory policies. Third, we describe our data on Polish municipalities, local politics, and LGBT Free Zones. Fourth, we discuss our results and implications, where we find that direct, institutional channels in subnational politics most clearly explain which local governments pursue these discriminatory policies. Finally, we conclude.

Discriminatory Policies and Local Government

² As a note about the use of terminology, scholars and activists recognize a broad set of identities and orientations relating to gender and sexuality, acknowledging these in umbrella terms such as LGBTQ+. Since, however, most of the political debate in Poland about these issues tends to use the narrower term “LGBT,” especially in connection with the “zones” that we are studying, we will use the term LGBT here.

³ See Table 1 below for data on the number of zones.

There is a long history of local and municipal governments worldwide passing resolutions, laws, and regulations governing discrimination and anti-discrimination. There is a well-established literature on racially discriminatory laws and policies at the local level in American politics (Kanazawa 2005; Mickey 2015; Trounstein 2018, among many others), but this is not a uniquely American phenomenon. Discriminatory laws have been implemented elsewhere as well: for example, antisemitic and anti-Roma laws were enacted at municipal levels in Europe as well as in European-controlled colonies (Gruner 1999; MacLaughlin 1999; Andrade Júnior 2013). Local politics is an avenue by which actors seeking to legally discriminate against minority groups pursue their goals.

Anti-LGBT policies are no exception to this pattern, even as LGBT individuals have gained increasing legal and social rights in many countries. This expansion of rights has not been evenly dispersed, and legislation attacking the LGBT community has been implemented in a wide range of countries. Such laws have been pursued in countries like Russia (Wilkinson 2014; Holley 2015), Nigeria (Adebanjo 2015), and Malaysia (Radics 2021), among many others.

Poland has become one of the most visible and most-studied sites for analyzing the politics of homosexuality after communism. It is an instructive case from a comparative perspective because its recent history reflects ongoing debates about the trajectory of LGBT rights globally. In 2014, the political scientist Omar Encarnación wrote an influential article arguing that democratization and expanding LGBT rights were closely linked. His argument was notable because, instead of focusing on the pioneering LGBT movements of North America and Western Europe, he looked at the "gay-rights periphery." In this zone, he argued, there is a strong correlation between 3rd-Wave democratization and relatively greater tolerance of homosexuality. Those countries which the 3rd Wave failed to reach—in much of Africa, the Middle East, and China—LGBT rights are least developed. Even if Eastern Europe's LGBT citizens still lacked full political inclusion, they had nevertheless achieved gains, comparatively speaking (Encarnación 2014). If, however, we consider the gathering consensus that a wave of de-democratization is underway, then what does that mean for LGBT rights? As an oft-cited example of this newer trend, Poland offers us the opportunity to probe this question in detail.

Situating the Contemporary Politics of Homosexuality in Poland

Scholars of the politics of sexuality in Poland have tended to focus on the following features of its development: political culture, in particular, communist legacies and religious identity (Walicki 2000; Ramet 2006; Owczarzak 2009; 2010; Kula 2012; Ayoub 2016; Grzymała-Busse 2016; Hall 2016); the politics of transition and democratization (Kliszczyński 2001; Owczarzak 2009; Kulpa and Mizielińska 2011; Szulc 2017); international diffusion and Europeanization (Graff 2008; O'Dwyer and Schwartz 2010; Holzacker 2012; O'Dwyer 2012; Binnie and Klesse 2013; Ayoub 2016; Rawłuszko 2021); social movement organization and activism (Ferens 2006; Graff 2006; Krzemiński 2006; Gruszczynska 2009; Chetaille 2011; O'Dwyer 2018; Bielska 2018; 2021); and political parties (Pankowski 2010; Shibata 2013; Graff 2014; O'Dwyer 2018). Virtually none of this scholarship, however, deals meaningfully with the subnational level,

especially in terms of analyzing variation across municipalities (*gminy*), counties (*powiaty*), and regions (*województwa*). Subnational politics, however, are crucial for understanding LGBT rights issues in both Poland and in other comparative cases. Elias goes as far as to say “LGBTQ+ issues at the local level pose some of the most pressing civil rights challenges in the current U.S. context” (Elias 2020, 1083). While much of this research comes out of American politics (Becker 2014; Cravens, III 2015), other comparative research has also begun to consider the determinants of either pro- or anti-LGBT policies implemented locally (Negroni 2004; Browne and Bakshi 2013; Wilkinson 2014; Takao 2017).

Despite the importance of local-level politics for understanding contemporary LGBT rights issues, political scientists have sought to situate Poland's experience vis-a-vis that of other countries, or they have examined the impact of international institutions and transnational activist networks on Poland. Despite their focus on national- and international-level politics, the literatures cited above are useful for framing theoretical expectations about the subnational politics of homosexuality in Poland. In this section, we survey these literatures to draw out these points of relevance. In the process, we describe the broader arc of Poland's experience, placing particular emphasis on the establishment of "LGBT-free zones" beginning in 2019.

Drawing on these literatures, we can periodize the politics of homosexuality in Poland into three broad phases since 1989. The first spanned the better part of the 1990s. In it, the effect of political culture was felt most strongly: concretely this meant that issues of sexuality and gender were practically invisible in the public sphere. LGBT people tended not to be public about their sexual orientation. LGBT activism, to the extent that it existed, tended to be apolitical, oriented toward community building and provision of services, which tended to focus on HIV/AIDS prevention (Owczarzak 2010). As one indicator of this state of affairs, there were no Pride parades in Poland throughout the 1990s. Inasmuch as such activism was limited to larger cities such as Warsaw, Kraków, and Wrocław, we can describe it as local-level; however, there was little coordination between municipal governments on these issues, and weak links between locally-based activists groups as well (O'Dwyer 2018, 104-109; Krzemiński 2006). Analysts often cite political cultural legacies in accounts of this period. Sexual mores under communism were culturally conservative, valorizing the family and portraying homosexuality as detrimental to the socialist project. Gays and lesbians remained closeted in order to avoid harassment; for most people, then, negative stereotypes about them went unchallenged by any actual experience. Catholic teaching's traditional hostility to homosexuality compounded this harmful communist legacy. Moreover, in Poland the church commanded unrivaled legitimacy because of its role supporting the Solidarity movement's struggle against communism; in the 1990s it used this legitimacy to gain significant influence in the education system, the media, and public policy (Ramet 2006; Grzymała-Busse 2016). After a burst of newly established LGBT organizations after 1989—again, locally based—the movement began to implode in the mid-1990s, and by 2001 only one registered organization remained in the country, Lambda Warszawa, which was based in the capital (O'Dwyer 2018, 107).

Cycles of mobilization and counter-mobilization by supporters and opponents of expanding LGBT rights in the context of EU accession catalyzed the rebirth of the movement at the turn of the millennium. Thus, the catalyst of this second stage was international politics (EU conditionality applied to LGBT rights), while the response was largely national-level (conservative backlash as embodied by national-level parties and LGBT-rights NGOs seeking to represent the nation's sexual minorities). As a condition of accession, the EU mandated that Poland revise its labor code to bar discrimination on the basis of sexual orientation. It also brought new attention to Poland's record on LGBT rights as well as support to its nascent LGBT-rights organizations. Socially conservative political and cultural elites had to tread carefully lest they complicate Poland's accession efforts (Ramet 2006), but by the mid-2000s, homophobic backlash was in full swing. In 2004, Warsaw's President and leading figure in PiS Lech Kaczyński banned the city's Pride parade despite pointed criticism from the EU. PiS then used the issue as part of its winning campaign in the 2005 national parliamentary elections. An even more aggressively homophobic political party, the League of Polish Families (LPR), scored an electoral breakthrough in these elections and entered into a coalition with PiS. This government proved short-lived, falling in 2007, but as scholars have argued, this period transformed the issue of homosexuality in Poland by moving it squarely from a private sphere of taboo governed primarily by Church teaching to the public sphere in which political parties compete for electoral advantage and media attention. (Again, before 2004, one would struggle to find much mention of LGBT issues in Polish party politics.)

As homophobic as the rhetoric sounded and as hostile as the PiS-led government of 2005-2007 was to any expansion of LGBT rights, until 2014 it seemed that the politicization of homosexuality in Poland had abated. LPR failed to win sufficient votes to re-enter parliament, and PiS, it seemed, had moved on from the issue. A number of observers noted a decline in harshly homophobic rhetoric in party politics, while others pointed to organizational gains by Poland's LGBT-rights organizations (Chetaille 2011; Ayoub 2016; O'Dwyer 2018). An optimist might have gone so far as to say that Poland's LGBT-rights politics was "normalizing:" the country still ranked very low by European standards in terms of formal rights and policies, but the polarization and backlash of the mid-2000s had receded.

In 2015, PiS returned to power, following its best ever electoral performance and heralding a third and ongoing stage in the evolution of the politics of sexuality and gender in Poland. Two features of the post-2015 climate lead us to characterize it as a qualitatively new stage in this evolution: its strongly *subnational* dynamics and its coincidence with democratic backsliding. To begin the latter: as Oscar Encarnación (2014) argues, democracy tends to expand LGBT empowerment to the extent that it expands political and economic rights more generally; to the extent that it allows for robust civil society; inasmuch as it promotes a strong judiciary and rule of law; and because, in Encarnación's words, "[it] provide[s] gay people with the most socially tolerant environment in which to live their sexuality openly and honestly" (2014, 99). To be sure, LGBT empowerment is not *automatic* in democratic conditions, but it is much more likely than in less democratic, or backsliding ones. Since 2015, Poland's democratic institutions have deteriorated sharply, making it one of the leading examples of

democratic backsliding in the region (Kelemen 2017; Cianetti, Dawson, and Hanley 2018; O'Dwyer and Stenberg 2021; Pirro and Stanley 2021). Thus, the context in which socially conservative backlash is occurring now is significantly different than in the 1990s, when the country's democratic institutions were not under threat.

The second new development is the diffusion of antigay politics at the subnational level. On March 26, 2019, the elected council of the county (*powiat*) of Świdnicki passed a declaration of "freedom from LGBT ideology" by an overwhelming margin, 15 out of 19 councilors. The declaration stated that the radical proponents of LGBT ideology were attempting a cultural revolution in Poland "attack[ing] freedom of speech, the innocence of children, the authority of families and schools, as well as the freedom of entrepreneurs" (Powiat Świdnicki 2019). Świdnicki's example was soon followed by various other elected councils at all three levels of subnational government in Poland: municipality (*gmina* or *miasto*), county (*powiat*), and region (*województwo*). Żuk, Pluciński, and Żuk (2021) argue that the implementation of such ordinances is indicative of the ways by which subnational governments reproduce authoritarian structures of national politics. In that sense, the establishment of LGBT Free Zones and implementation of anti-LGBT legislation directly intersect with broader Polish trends toward backsliding.

The majority of these councils followed one of two ready-made templates, sometimes with minor emendations: a resolution against LGBT ideology and a so-called "Self-governmental Charter of the Rights of Families."⁴ The first was drafted by MEP Elżbieta Kruk and Vice-Chair of the Lubelski region's elected council (*sejmik*) Mieczysław Ryba. The second was authored by the conservative Catholic think tank Ordo Iuris, which was founded in 2013 "to research the legal culture and spiritual heritage in which Polish culture is rooted, and to promote them in public life and the legal system."⁵ According to the Polish LGBT rights organization Campaign Against Homophobia (KPH), both templates have the goal of preventing subnational governments from adopting anti-discrimination or pro-equality policies for sexual minorities (Pająk and Gawron 2019, 8). Such organizations can also function as a means of diffusing similar pieces of legislation, as Linder et al. (2020) find with text reuse among state legislatures in the United States.

The immediate catalyst for the diffusion of these various resolutions was a highly publicized resolution of the Warsaw city council in February 2019, the so-called LGBT Charter, which introduced municipal policies to combat discrimination against LGBT people, especially young people in schools or kicked out of their homes by intolerant families. While research finds limited evidence for a backlash against LGBT rights initiatives among public opinion in other contexts (Bishin et al. 2016), that does not necessarily preclude an institutional backlash. Indeed, the LGBT Charter triggered a swift backlash by conservative social groups, Church associations, and PiS, who saw it as a precedent that, if unchallenged, might be adopted by other Polish cities (Cienski 2019).

⁴ Some subnational governments also drafted their own resolutions with similar intent (Pająk and Gawron 2019).

⁵ Their webpage can be found at <https://en.ordoiuris.pl>.

PiS took up this “threat” in the next several elections: the May 2019 European Parliament elections, the October 2019 national parliamentary elections, and the June 2020 presidential elections. In the latter, the subnational context was evident, as the liberal challenger to PiS's Andrzej Duda was Rafał Trzaskowski, the President of Warsaw who had championed the LGBT Charter a year earlier.

We analyze this third and ongoing period, one defined by the subnational politicization of LGBT issues against a national-level backdrop of democratic backsliding.

Hypotheses

We seek to better understand what determines whether local governments choose to adopt resolutions constraining themselves or their successors from following the example of Warsaw's LGBT Charter and instead doing the opposite: implementing discriminatory local ordinances, resolutions, and policies attacking the LGBT community. We hypothesize that the passage of such resolutions may be seen in terms of three overarching logics: a logic of diffusion, a logic of electoral competition, and a logic of external incentives.

In an article about the diffusion of an innovative anti-apartheid protest tactic on American college campuses in the 1980s, namely the construction of "shantytowns" on campus grounds, the sociologist Sarah Soule (1997) provides a useful framework for analyzing the adoption of LGBT Free Zones by Polish municipalities as a form of diffusion. Like the shantytowns, the zones constitute a modular collective action tactic (Tarrow 1994) that can be borrowed by actors in different social units or contexts as part of a broader movement resisting the expansion of LGBT rights. As Soule argues, when a tactic is modular, direct contact or coordinated planning is not necessary for the tactic to be imitated and diffused (1997, 859). Instead, indirect channels may suffice. Indirect connections are conceptualized as “cultural linkages:” “essentially, actors or groups are said to have ties simply because they belong to the same category” (1997, 860). In Soule's research on shantytown protests, she found that indirect ties were the primary drivers of diffusion: the tactic was taken up by colleges of a certain institutional type (i.e. liberal arts), from certain geographic regions, of a certain socioeconomic profile (with large endowments), and of a certain cultural niche (highly prestigious). Of course, relational ties, i.e. direct contact or coordination may also drive diffusion. Such ties are typically embodied in organizational networks and mobilizing structures like political parties. (In Soule's work, she measures direct relational ties in terms of the presence of an African American studies department on campus).

Applying this framework to the diffusion of LGBT Free Zones in Poland, we expect direct relational ties of two main types: political party networks and the territorial network of political institutions of the Polish state and self-government (*samorząd*). Both constitute pre-existing mobilizing structures facilitating face-to-face contact among political elites that can serve as direct channels of diffusion. As noted above, PiS quickly transformed the 2019 LGBT Charter passed by Warsaw's city government into a major campaign issue in that year's EP and parliamentary elections. We expect that

municipalities led by PiS politicians will by virtue of those politicians' ties to party networks be more likely to adopt LGBT Free Zones. Unlike many countries in Europe, Poland has especially robust independent mayoral candidates and non-partisan lists for Council seats (Dudzińska 2008; Gendźwiłł 2012), meaning that local politicians can be successful without partisan affiliation. As such, we expect those politicians who choose to affiliate with parties locally to be more strongly linked to party networks and more strongly tied to party positions.

Beyond these party links, because local governments are nested within the territorial structure of the Polish state, we also expect that municipalities are likely to be affected by the adoption of resolutions about LGBT Free Zones in the county or region in which they are located. In these regions, we expect there to be greater salience of the issue, leading more municipalities to choose to take it up – we might indeed also expect more regions to adopt the opposite as well, policies in support of LGBT people, as seen in Warsaw. This is a similar logic to the tensions between more conservative state governments and progressive localities, where tensions between tiers of government in the United States have led to increasing efforts at municipal preemption, specifically targeting LGBT rights ordinances (among other policies) (Riverstone-Newell 2017).

Municipal preemption emerges because of states responding to actions taken by local jurisdictions – this is to say, local governments are leading in this policy space. We therefore might expect anti-LGBT policies to reflect the logic of bottom-up federalism that has emerged in the American politics literature, where cities acting in a policy domain ultimately encourage higher level jurisdictions to act. This sort of vertical diffusion can emerge through policy networks in both structured and unstructured ways (Shipan and Volden 2006; 2008; Jacob, Gerber, and Gallaher 2018). While the American politics literature has not specifically examined laws pertaining to discrimination extensively, we can see historical examples from 1930s Germany of municipal anti-Semitic laws pushing the pace of anti-Semitic laws at the national level (Gruner 1999). While this literature suggests that local action may precede higher level action, they offer strong support for the expectation of an intergovernmental transmission effect.

These considerations prompt the following first set of hypotheses:

H1: We expect municipalities with a PiS mayor to be more likely to adopt anti-LGBT policies.

H2: If either the region or county in which the municipality is located passes anti-LGBT policies, the municipality will be more likely to adopt them also.

At the same, time, we expect that indirect channels will also play a role; indeed, since local politics in Poland is known for low levels of party institutionalization, we might

reasonably expect that such indirect channels or "cultural linkages" will be more important than direct channels. What are the common markers of such cultural linkages in Poland? In other words, what factors sort Polish municipalities into distinctive cultural types? The literature suggests at least five: religiosity, population size, age-demographic profile, education level, and economic dynamism. Polish commentators often reference a divide between so-called Poland A and Poland B. The latter comprises the strongholds of socially conservative attitudes: smaller sized towns, often economically stagnating, skewed toward older, less educated, and more religiously-oriented inhabitants. The former are the larger, more liberal cities. Thus, we frame the following three hypotheses to capture the effect of indirect channels of diffusion:

H3: The more religious the locality, the more likely the implementation of anti-LGBT policies.

H4: The smaller the population of the locality, the more likely the implementation of anti-LGBT policies.

H5: The higher the level of unemployment in the locality, the more likely the implementation of anti-LGBT policies.

H6: The greater the percentage of senior citizens in the population of the locality, the more likely the implementation of anti-LGBT policies.

H7: The lower the education level among local elected officials, the more likely the implementation of anti-LGBT policies.

A second set of factors that are potentially related to a municipality's decision to adopt a resolution on LGBT Free Zones relates to party competition. We distinguish these hypotheses about party competition from those regarding the mayor's partisan affiliation (hypotheses 1 and 2 above). Partisanship as such relates to the direct ties that mediate between local politicians and larger party networks. By contrast, electoral competition affects a local politician's calculations of individual electoral advantage. We are concerned with the degree to which local election dynamics either insulate local politicians from or make them dependent on the policies of the national-level party. Our general intuition is that the *more* competitive local races were before the politicization of LGBT issues nationally, the *more* likely the town will be to adopt anti-LGBT policies later.

In particular, we pay attention to the calculations of mayors because they play important roles in Polish local governments. The importance of this position is heightened by the increasing focus on local government as part of regional democratic backsliding trends (Jakli and Stenberg 2021; M. Stenberg, Rocco, and Farole 2022). Our second set of hypotheses build on mayoral election results as a potential explanatory factor for the emergence of local LGBT free zones. Mayors in Poland were consciously strengthened as part of broad political reforms in Poland, with direct election implemented in 2002

(Gendźwił and Swianiewicz 2017). In Poland, the most recent mayoral elections were held in 2018, prior to the establishment of the first of the local anti-LGBT zones.

Across Europe, including in Poland, mayors and other local elected officials enjoy a strong incumbency effect (Trounstine 2011; Freier 2015; Flis 2018). Turska-Kawa and Wojtasik (2020) outline some of the strategies used by mayoral incumbents in Polish local elections to achieve reelection. One way the benefits of incumbency can play out is by providing an insulating effect for local politicians away from national political issues (Kang, Park, and Song 2018). Given this insulation, we might expect that incumbents may be less responsive to competitive pressures from elsewhere to pursue discriminatory policies. By being more electorally secure, a mayor may not need to respond to PiS' national-level strategy of politicizing LGBT issues.

H8: (Incumbency) If an incumbent won in the 2018 mayoral race, the municipality is less likely to adopt anti-LGBT policies.

Likewise, in Poland's two-round mayoral election rules, the number of rounds also indicates how competitive local races are (O'Dwyer and Stenberg 2021): municipalities in which previous elections failed to produce a winner in the first round can be considered more competitive. Thus,

H9: (2nd rounds) In municipalities where the previous mayoral election went to a second round, we expect anti-LGBT policies are less likely to be implemented.

We also have an additional hypothesis based off local political context. As part of its national control since 2015, PiS has aggressively pursued an anti-LGBT agenda. PiS has consistently emphasized an LGBT threat to the Polish citizenry in its campaigning (Bill and Stanley 2020; Kocemba and Stambulski 2020; Yermakova 2021). Given the prominence that anti-LGBT discourse and tactics have played in their national campaigns, we expect that the higher the vote share gained by PiS in the most recent parliamentary elections within a local government unit, the more likely they are to pursue local-level measures that discriminate against the LGBT community.

H10: The Higher PiS' vote share in national elections, the more likely anti-LGBT measures are to be implemented.

A third possible set of factors impacting the likelihood of pursuing anti-LGBT measures concern external incentives, in particular, the possible loss of European Union funding by local governments. EU funding plays a significant role in the Polish economy. The European Union's 8th Report on Economic, Social and Territorial Cohesion estimates that across each Polish region, EU regional policy makes up somewhere between 1.5 and 3.9% of total GDP (2021, 296). EU funding also has been shown to have a Europeanizing effect on local governments in Poland, primarily operating through the mechanism of social learning (Dąbrowski 2013). While Lackowska-Madurowicz and Swianiewicz (2013) find that the Europeanization has relatively thin impacts on social values in

subnational politics, there's still a clear potential path of influence, even if thin. That said, the EU does sometimes consciously use its funding mechanisms to pursue more socially liberal policies. Marta Rawłuszko (2021) outlines mechanisms used as part of the European Social Fund to push for gender mainstreaming reforms in Polish local government through the technocratic requirements associated with EU funding mechanisms.

Given 1) the potential socializing effect of European Union funding, and 2) the potential threat of *losing* European funding by implementing discriminatory measures, we expect on average cities with greater allocations from EU funding mechanisms to be less likely to pursue such measures. We have indeed see Polish subnational units explicitly roll back some of these discriminatory measures under threat of losing EU funding (Shotter 2021), meaning they did not see the threat as empty. It stands to reason that some local governments may have preemptively considered the possibility of losing funding and elected not to pursue such measures in the first place.

H11: Local government units receiving more EU funding are less likely to implement anti-LGBT policies.

Data

Our dependent variable is the implementation of LGBT Free Zones at the local government level (*gmina* and *miasto*). We have four possible outcomes: 1) an LGBT Free Zone ordinance is passed successfully; 2) an LGBT Free Zone ordinance is proposed but fails; 3) the implementation of an LGBT Free Zone has been actively discussed but not yet voted on; and 4) there has not been serious discussion of implementing an LGBT Free Zone. These will be coded as a series of dichotomous variables, where category 4 will be our reference category. Data were compiled by the Atlas of Hate project (Pająk and Gawron 2022), run by a team of Polish LGBTQ activists who have subsequently been sued by several local governments in Polish courts for their project (Gordon-Martin 2021). Data on the implementation of such measures at higher tiers of governments come from the same source. Our data are imbalanced, in that the majority of cases fall into our fourth reference category. In total, such resolutions were passed in 51 local government units. Data on the timing of the resolutions comes from the same source. Further information on categorical classification is available in Appendix C.

Table 1. Data Distribution by Outcome

| Outcome | Number of Local Government Units |
|---------------------------------------|----------------------------------|
| (1) Ordinance Passed | 51 |
| (2) Ordinance Proposed but Failed | 90 |
| (3) Ordinance seriously discussed | 40 |
| (4) Ordinance not seriously discussed | 2,296 |

Our data for independent and control variables primarily come from Polish government sources. Data on local mayoral election results and partisanship; on incumbency; and on

national electoral results by local government unit all come from the Polish national election office.

Data on EU funding by local government unit come from the Central ICT System from the Ministry of Development Funds and Regional Policy. To determine total funding for a given local government unit, allocations from six separate funding programs were summed.⁶ We measure only the EU's aggregate contribution in 100,000s of złoty. Alternative specification of this measurement, which use a per capita measure of the raw number the aggregate EU spending in złoty, show similar results.

Municipal statistics come from the Polish Central Statistics Office. We include data on municipal population, logged, as a control variable; the local unemployment rate (as a proxy for community-level economic circumstances); the percentage of older citizens, operationalized as the share of the total population over the age of 60; and the education level of local city councilors, here measured as the percent of total municipal councilors with a tertiary degree. While this is an imperfect proxy for measuring education-levels within a community, we assume that the makeup of councilors may be likely to represent the community as a whole. Moreover, this particular measure is one of Kamińska's (2013) three variables in her index to measure the education levels in rural Polish *gminy*.⁷ Additionally, we include proprietary local-level data on religiosity were acquired separately from the Polish Institute for Catholic Church Statistics, given that Catholicism being the vastly dominant religious denomination in Poland. To measure religiosity, we use the self-reported percentage of weekly residents in a *gmina* that receive holy mass. For this variable, the denominator is not municipal population but the number of baptized residents in a local government unit. This measure is similar to that used by Fałkowski and Kurek (2020) in their analysis of the impact of level of religiosity in Polish communities on NGO participation.

We would ideally like to include hypotheses referring to the size and/or strength of the LGBT community in a local government unit. Data on these measures have proven difficult to find. We have been unable to find any sort of systematic estimates of the size of the LGBT community by local government unit thus far; efforts to acquire novel data (Grindr, etc.) to proxy this have been unsuccessful.

Given the categorical nature of our dependent variable of interest, our data can most effectively be analyzed using a multinomial logit model, which will allow us to see separately the impacts of our independent variables on each categorical outcome (El-Habil 2012). Subsequent analysis might utilize genetic matching to compare otherwise

⁶ Program Operacyjny Infrastruktura i Środowisko 2014-2020, Program Operacyjny Inteligentny Rozwój, Program Operacyjny Polska Cyfrowa, Program Operacyjny Polska Wschodnia, Program Operacyjny Wiedza Edukacja Rozwój, and Regionalny Program Operacyjny.

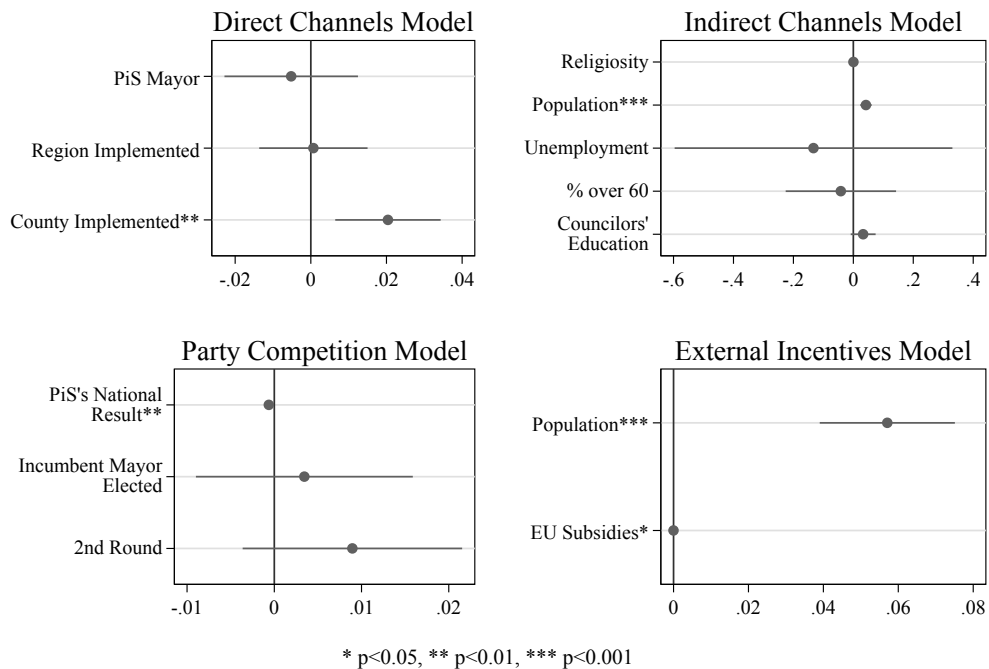
⁷ Kamińska's other two measurements were education level of the population as a whole and percentage of farmers who had received post-secondary education in agriculture. The former measurement is unfortunately no longer made available at the *gmina* level by the Polish census and is only available at higher levels of aggregation; the most recent data available is from 2002. The latter variable would not be relevant for measuring education levels in urban polish *gminy* and would not be a good fit. Due to these barriers, we only use this single measurement of education as opposed to replicating her index.

similar *gminy* who differ on our dependent variable of interest (Diamond and Sekhon 2013). Where appropriate, models include region-level fixed effects.

Results

Given our large number of variables of interest, we group the variables in our models into several groupings, much as we organized our hypotheses. Figures 1-4 below show the results of our multinomial logistic models. For ease of interpretation, the figures visually depict the marginal effects of our independent variables, i.e. the change in the probability of an outcome occurring for a unit change of a given independent variable. We also report varying levels of statistical significance via asterisks following the relevant variables. (Appendices A and B present the corresponding logistic regression coefficients.) To further ease the interpretation, Figures 1-3 group the results by outcome and by the various models. (The comparative baseline outcome is no serious discussion at the local level, and therefore, we do not include a figure for it.) Figure 4 shows a comprehensive model including all variables to verify that significant variables retain significance.⁸ (The model in Figure 4 also includes regional fixed effects, at the Voivodeship level.)

Figure 1: Zone Discussed



⁸ Note to simplify the graphing of Figure 4, we did not report the variable for unemployment. It was statistically insignificant (see Appendix B).

Figure 2: Zone Defeated

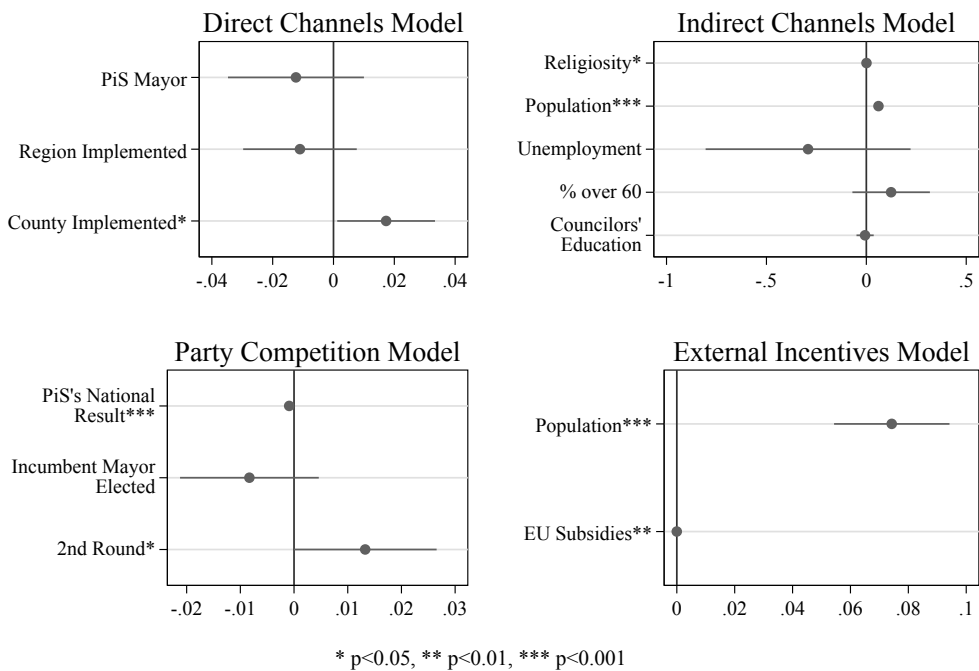


Figure 3: Zone Created

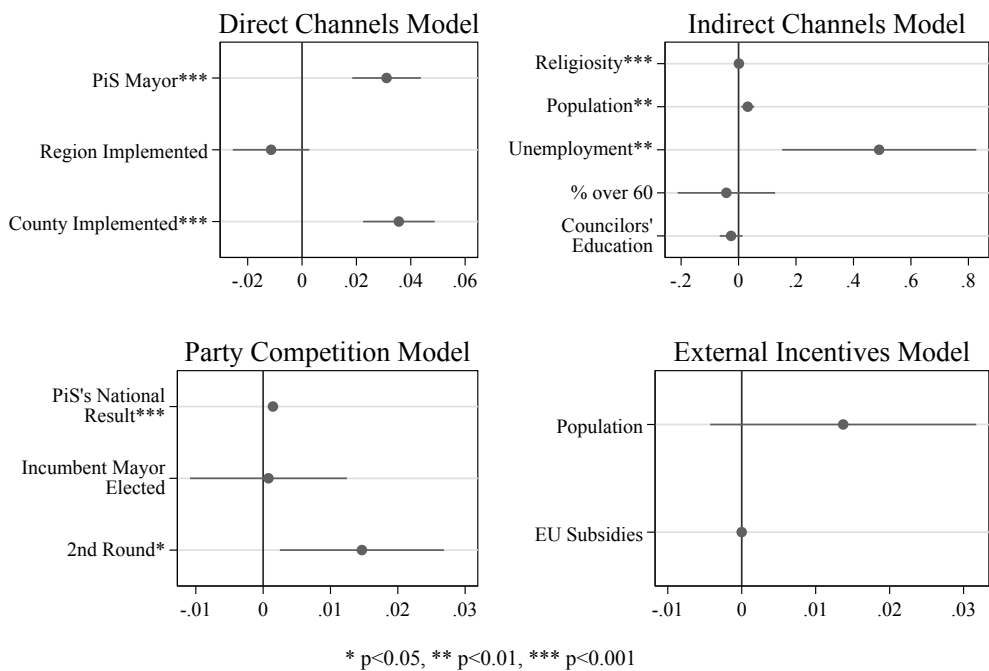
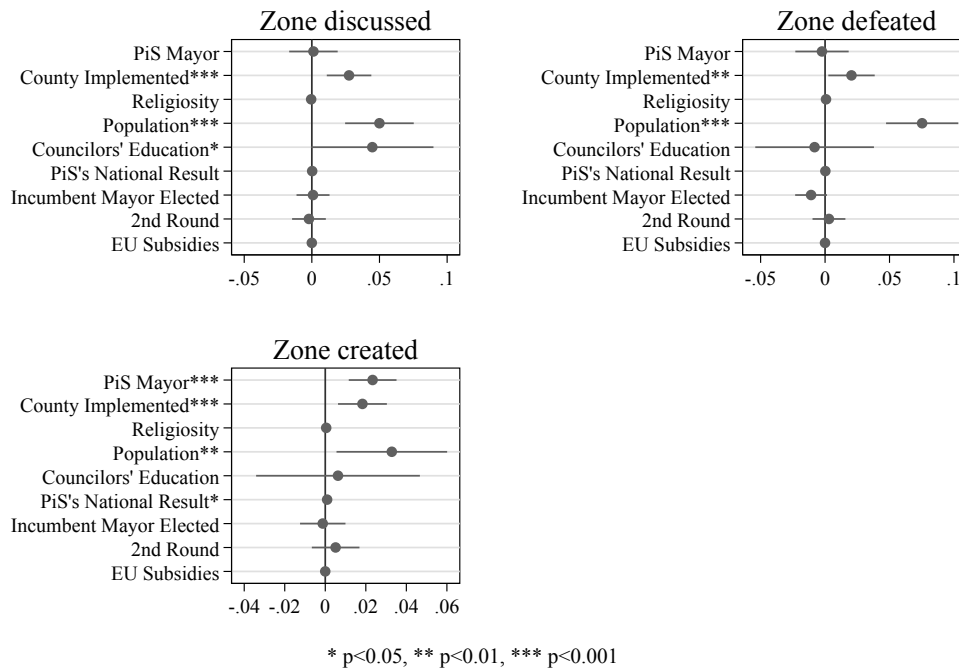


Figure 4: Full Model with Regional Fixed Effects



Across all models we see our strongest evidence for one direct channel in particular – intergovernmental links between the local government and county level. For all three statuses, measures being implemented at the county level (irrespective of sequencing) are associated with a greater likelihood of either serious discussion, the measure coming to the agenda and rejecting it, or implementation. This variable retains its significance when including all variables as well as including regional fixed effects. This suggests that counties play an important agenda setting role for local governments. The marginal effects show that the respective Powiat implementing an LGBT Free Zone is associated with a 2-3% increase in the likelihood of the issue entering the local agenda as one of our three possible outcomes of interest. While this effect may seem small, the importance of this factor is also demonstrated by the larger marginal effect – between 6.64 and 7.33% – associated with the likelihood that it does *not* enter the local agenda where it also does not appear on the county-level agenda. This provides fairly strong evidence for Hypothesis 3 (that municipalities zones are more likely to pass zones if higher level units also have them), at least at the county level.

The evidence for Hypothesis 1 is quite robust: having a PiS-affiliated mayor is associated with a highly significant increase in the likelihood of an anti-LGBT zone being implemented. This effect holds with the inclusion of all independent variables as well as when incorporating regional fixed effects, indicating the impact of mayoral partisanship is durable.

We find broadly similar findings for our second and third outcomes: where such legislation was seriously discussed but not voted on, and where legislation was rejected. We find these outcomes more likely in higher population local government units

(significant in each at the .001 level) and where PiS has, on average, done slightly worse electorally (significant at the .01 level for zone discussed and .001 for zone defeated in a vote). The effect of national party performance loses significance, however, when incorporating all variables into our model, indicating at best mixed support for a lower PiS vote share in the 2018 national elections being associated with not taking measures up for a vote or for killing the legislation. Finally, we see similarly that the presence of more EU grants has a substantively small negative impact on the likelihood of a city discussing the legislation and not formally proposing it, or having it formally proposed and rejected. This effect, likewise, loses significance when all variables are included. It offers weak support for the idea, however, that such measures were at least considered viable to seriously discuss in cities that received less EU funding.

Where zones are proposed but ultimately defeated (through either a vote or through procedural measures), other variables of note have significance in some model formulations, but not the complete set of cases. For example, we do find an effect for religiosity, albeit only at the .05 level, associated with cities where it came to a vote and was rejected.

In our fourth category, where such legislation was voted on and an anti-LGBT zone was implemented, we see some key differences. We see that PiS's vote share in the 2018 national election has a *positive* predicted value associated with the implementation of an LGBT-zone: opposite the effect for where such zones were killed, significant at the .01 level. We also find weak support for some municipal characteristics being associated with a greater likelihood of implementation in our indirect channel models. We see a much stronger effect on religiosity, with higher sacrament receipt among baptized Catholics associated with a greater likelihood of an anti-LGBT zone being passed, also at the .001 level. Unemployment rate is also significant and has a substantively large effect: anti-LGBT zones are more likely to be implemented in cities with higher unemployment rates. The effects of both of these variables, however, lose significance when including the entire set of independent variables.

Finally, we see mixed impacts from the competitiveness of local electoral politics. When mayoral elections are closer (measured by reaching a second round), we find weak evidence of an association with a higher likelihood of implementation. This is, however, only significant at the .05 level and loses significance when all IVs are included. Nevertheless, this goes against our predicted direction in Hypothesis 9 and suggests that Hypothesis 9 can be clearly rejected. We also find little impact from having strong incumbents as mayors (indicating less competitive local politics), leading us to reject Hypothesis 8.

Discussion

Poland is commonly – and accurately – depicted as a country where local politics are less partisan than in its neighbors (Dudzińska 2008; Gendźwił 2012; 2022; Gendźwił and Żółtak 2014; Gendźwił, Kjaer, and Steyvers 2021). Nevertheless, our findings suggest that partisanship is substantively important at the local level when candidates *do* choose to affiliate with national parties. Moreover, we find a stronger effect for mayoral

partisanship than for partisanship in the form of national vote share; when regional fixed effects are included in our model, the effects of municipal support for PiS in national elections have reduced statistical significance (only .05 level), but having a PiS affiliated mayor remains significant at the .001 level, with a much larger substantive effect. Our distinction between direct and indirect channels is helpful in interpreting this result. Having a mayor with strong ties to PiS's party network appears to be the primary mechanism by which partisanship operates, facilitating the diffusion of tactics among local elites through face-to-face contacts. The less direct channel of ideological support for PiS's national program also favors the adoption of LGBT Free Zones, but its impact is weaker. This finding also builds on previous research that suggests the importance of local-level control for undergirding national projects, especially during times of ongoing democratic backsliding (Jakli and Stenberg 2021). That local level political characteristics like mayoral partisanship matter so much may actually be, counterintuitively enough, further evidence for the lack of nationalization in Polish local elections. Even though PiS has sought to pursue an anti-LGBT issue nationally, there is only limited evidence for national-level PiS support being associated with an increased likelihood on implementing an LGBT Free Zone. Instead, specific local characteristics play a bigger role.

We also find fairly robust evidence for the importance of the link between local governments and counties (*powiaty*) – another primarily local mechanism that suggests the importance of direct channels in the diffusion of LGBT Free Zones. Rather than diffusion through party networks, here we see diffusion via institutional networks, recalling the literature on bottom-up federalism. Unlike the effect of PiS mayors, which we find is salient only in local governments that ultimately implement a policy, we see the impact of county is also statistically positive and significant for whether or not a local government discusses, considers and rejects, or considers and implements LGBT Free Zones. Logically, this suggests that county actions might have an agenda setting function, and by taking up the issue at the county level by implementing an LGBT Free Zone, they may force local governments to at the minimum actively debate the topic and to decide whether or not they want to go along with the county's decision or to challenge it.

We find mixed, even contradictory, evidence for the set of indirect channels that we hypothesized might make local governments more likely to pursue anti-LGBT policies. On the one hand, we see that higher unemployment rates and greater levels of religious participation are associated with implementing an LGBT Free Zone, in some models. On the other hand, when controlling for other factors (more direct channels and the national political environment) and regional effects this impact is heavily moderated. Moreover, our findings regarding municipality size (as measured by population) go consistently against our initial expectations: we find that the odds of implementing LGBT Free Zones *increase* as municipalities grow in size, and this effect holds across all model specifications. That said, we also find that the odds of simply discussing or of rejecting LGBT Free Zones increases in larger municipalities. Altogether, these findings regarding population size suggest that larger cities are more politically active than small villages, offering more opportunities for the development of mobilizing networks that can facilitate tactical diffusion – in short, more evidence for the direct channels argument.

They also might suggest a greater capacity for action on cultural issues or a more likely target for lobbying by organizations such as Ordo Iurus. It should be noted that these results run counter to the Poland A/Poland B conventional wisdom that sees cities as the bastions of liberalism and villages of social conservatism. The Polish city and the Polish village may represent distinct cultural types, but these types, it would seem, do less to facilitate the diffusion of LGBT Free Zones than the more direct channels of mobilizing networks and institutional affiliation. (A similar story might be said about PiS' vote share in the previous national election, which can also be seen as a "cultural type" variable with clear geographic variation.)

Finally, that EU funding has at best weakly mixed support is also notable. There has been considerable discussion about the potential influence of withholding EU funding from subnational units that implemented LGBT Free Zones (Euronews 2020; Neuman 2021). To some extent, this discussion itself had the desired effect: several Polish counties opted to repeal their zones following the debate. However, the vast majority of entities have *not* repealed LGBT Free Zones. Given that there seems to be a limited relationship, at least at the local level, between areas receiving more or less EU funding and areas that implemented such zones, it is not clear that threatening to withhold EU funding will necessarily be able to motivate local governments to repeal en masse. The possibility may still exist – certainly the loss of funding can be important even if there is not evidence of local governments being hesitant to implement zones in the first place out of concern of losing funds in the future. But it suggests that EU funding did not play a motivating role in their implementation and likewise may not in their eventual maintenance or repeal.

Conclusion

Subnational governments pursuing openly discriminatory policies represents a major challenge to the liberal democratic order worldwide. Poland's LGBT Free Zones have been implemented in various regions of the country at multiple subnational tiers of government, all clearly stating the open hostility of governments to their LGBT citizens. While here we discuss the specific case of Poland, this is not only a Poland problem. Contemporary American examples like Texas' Anti-Transgender Directive, which would deny Texans under the age of 18 gender-affirming medical treatments (Sharro and Sederbaum 2022), and Florida's "Don't Say Gay" bill, which limits discussion of LGBT issues and undermines the provision of mental health services in public schools (Goldstein 2022), clearly illustrate that such policies are being openly pursued in other subnational jurisdictions as well.

We leverage the specifically local nature of many such initiatives in Poland to examine what factors may contribute to local governments choosing to implement these discriminatory policies. We analyze a wide range of economic, demographic, and political factors that we might expect to play a contributing role. While we find limited mixed evidence for more indirect factors, like religiosity and unemployment rates, we find that two direct routes through subnational politics are associated with the greatest likelihood of local governments' implementing policies: whether or not the county has implemented a policy (a multi-level effect) and whether or not the local government unit has a mayor who is affiliated with the national ruling PiS party, which has broadly

pursued an anti-LGBT agenda on the national level. Somewhat surprisingly, we found more limited evidence for the role of political ideology, measured by PiS support in the last parliamentary election, even as having a PiS mayor seems to be more predictive. We also find that higher-level jurisdiction actions at the regional level do not appear to be predictive. Instead, this seems to be a process driven through local channels even in a political environment where such issues have been highly nationalized.

Further research should continue to examine the ways that subnational politics may influence local governments to pursue discriminatory policies against minority groups in both other national case studies as well as comparative contexts, especially avenues that similarly might not be driven by ideology, as we might expect. Future research may also examine how these mechanisms may play out at different levels of subnational jurisdiction as well as expand on the existing literature on bottom-up federalism to assess if such mechanisms extend might affect the sequencing of measures and/or extend to unitary contexts. Better understanding the origins of these policies is crucial, as they represent troubling normative challenges to the liberal democratic order that have real and deleterious impacts on the lives of everyday people.

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Appendix A

Table 2A. Multinomial Logistic Regression Coefficients – Zone Discussed

| | Direct Channels | Indirect Channels | Party Competition | External Incentives | Everything |
|---------------------------------------|----------------------|----------------------|-----------------------|----------------------------|---------------------------|
| PiS Mayor | -0.220 (0.446) | | | | 0.0708 (0.482) |
| Voivodeship Implemented | 0.00231 (0.358) | | | | 0.0801 (0.414) |
| Powiat Implemented | 1.074** (0.333) | | | | 1.564*** (0.406) |
| Religiosity | | 0.0326 (0.0250) | | | 0.000905 (0.0309) |
| Population (Logged) | | 2.611*** (0.480) | | 3.485*** (0.391) | 3.177*** (0.625) |
| Unemployment Rate | | -7.924 (12.13) | | | -20.62 (13.96) |
| % Over 60 | | -1.478 (4.826) | | | -0.902 (5.032) |
| % Council with Higher Ed | | 1.631 (1.073) | | | 2.149 (1.160) |
| National Election PiS Vote Share | | | -0.0304** (0.0107) | | 0.0195 (0.0188) |
| Incumbent Mayor | | | 0.158 (0.309) | | 0.0151 (0.327) |
| 2 nd Round in Mayoral Elec | | | 0.467 (0.310) | | -0.0436 (0.336) |
| Local EU Grants | | | | -0.0000457* (0.0000199) | -0.0000314 (0.0000261) |
| Constant | -3.967*** (0.176) | -15.48*** (2.024) | -2.492*** (0.591) | -18.21*** (1.691) | -18.62*** (2.867) |
| Observations | 2477 | 2421 | 2473 | 2477 | 2417 |

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 2B. Multinomial Logistic Regression Coefficients – Zone defeated

| | Direct Channels | Indirect Channels | Party Competition | External Incentives | Everything |
|---------------------------------------|----------------------|----------------------|------------------------|---------------------------|---------------------------|
| PiS Mayor | -0.483 (0.477) | | | | -0.197 (0.508) |
| Voivodeship Implemented | -0.474 (0.395) | | | | -0.376 (0.442) |
| Powiat Implemented | 0.793* (0.340) | | | | 1.238** (0.408) |
| Religiosity | | 0.0528* (0.0222) | | | 0.0314 (0.0265) |
| Population (Logged) | | 3.168*** (0.462) | | 3.871*** (0.381) | 4.107*** (0.600) |
| Unemployment Rate | | -13.65 (12.04) | | | -21.49 (13.39) |
| % Over 60 | | 5.501 (4.551) | | | 6.575 (4.756) |
| % Council with Higher Ed | | -0.131 (1.018) | | | -0.328 (1.102) |
| National Election PiS Vote Share | | | -0.0375*** (0.0101) | | 0.0169 (0.0174) |
| Incumbent Mayor | | | -0.344 (0.274) | | -0.506 (0.298) |
| 2 nd Round in Mayoral Elec | | | 0.581* (0.279) | | 0.115 (0.309) |
| Local EU Grants | | | | -5.84e-5** (0.0000205) | -0.0000499 (0.0000265) |
| Constant | -3.636*** (0.152) | -18.70*** (2.013) | -1.742** (0.534) | -19.74*** (1.657) | -22.89*** (2.799) |
| Observations | 2477 | 2421 | 2473 | 2477 | 2417 |

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 2C. Multinomial Logistic Regression Coefficients – Zone Implemented

| | Direct Channels | Indirect Channels | Party Competition | External Incentives | Everything |
|---------------------------------------|----------------------|-----------------------|-----------------------|---------------------------|---------------------------|
| PiS Mayor | 1.672*** (0.305) | | | | 1.405*** (0.322) |
| Voivodeship Implemented | -0.633 (0.388) | | | | -0.771 (0.413) |
| Powiat Implemented | 1.996*** (0.307) | | | | 1.468*** (0.326) |
| Religiosity | | 0.0764*** (0.0170) | | | 0.0284 (0.0238) |
| Population (Logged) | | 1.842** (0.586) | | 0.889 (0.482) | 2.388** (0.749) |
| Unemployment Rate | | 24.96** (8.417) | | | 8.896 (9.613) |
| % Over 60 | | -2.081 (4.527) | | | 4.990 (4.923) |
| % Council with Higher Ed | | -1.310 (1.045) | | | 0.219 (1.165) |
| National Election PiS Vote Share | | | 0.0742*** (0.0128) | | 0.0666** (0.0206) |
| Incumbent Mayor | | | 0.0375 (0.308) | | -0.0413 (0.325) |
| 2 nd Round in Mayoral Elec | | | 0.776* (0.309) | | 0.389 (0.339) |
| Local EU Grants | | | | -0.0000472 (0.0000918) | -0.0000277 (0.0000828) |
| Constant | -4.769*** (0.241) | -12.57*** (2.569) | -8.567*** (0.903) | -7.321*** (1.898) | -20.23*** (3.911) |
| Observations | 2477 | 2421 | 2473 | 2477 | 2417 |

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Appendix B. Regional Fixed Effects Models

Table 3. Multinomial Logistic Regression Coefficients

| | Everything | Regional Fixed Effects |
|---------------------------------------|---------------------------|---------------------------|
| Zone Discussed | | |
| PiS Mayor | 0.0708 (0.482) | 0.101 (0.495) |
| Voivodeship Implemented | 0.0801 (0.414) | |
| Powiat Implemented | 1.564*** (0.406) | 1.677*** (0.432) |
| Religiosity | 0.000905 (0.0309) | -0.0206 (0.0348) |
| Population (Logged) | 3.177*** (0.625) | 3.293*** (0.674) |
| Unemployment Rate | -20.62 (13.96) | -12.70 (16.00) |
| % Over 60 | -0.902 (5.032) | -2.618 (5.512) |
| % Council with Higher Ed | 2.149 (1.160) | 2.400* (1.221) |
| National Election PiS Vote Share | 0.0195 (0.0188) | 0.0185 (0.0217) |
| Incumbent Mayor | 0.0151 (0.327) | -0.0262 (0.338) |
| 2 nd Round in Mayoral Elec | -0.0436 (0.336) | -0.0853 (0.345) |
| Local EU Grants | -0.0000314 (0.0000261) | -0.0000332 (0.0000277) |
| Lower Silesia | | 0 (.) |
| Kuyavia-Pomerania | | -1.748 (1.200) |
| Lublin | | -1.594 (0.964) |
| Lubusz | | -16.25 (1849.3) |
| Łódź | | -0.0405 (0.691) |
| Lesser Poland | | -0.386 (0.740) |
| Mazovia | | -0.886 (0.720) |
| Opole | | -0.0962 (0.923) |
| Subcarpathia | | -1.260 (0.894) |
| Podlaskie | | 0.409 (0.794) |
| Pomerania | | -0.596 (0.827) |
| Silesia | | -1.022 (0.715) |
| Holy Cross | | -1.744 (1.187) |
| Warmia-Masuria | | -15.61 (1284.2) |

| | | |
|---------------------------------------|---------------------------|---------------------------|
| Greater Poland | | -0.780 (0.755) |
| West Pomerania | | -1.978 (1.207) |
| Constant | -18.62*** (2.867) | -17.82*** (3.208) |
| Zone Killed | | |
| PiS Mayor | -0.197 (0.508) | -0.0537 (0.520) |
| Voivodeship Implemented | -0.376 (0.442) | |
| Powiat Implemented | 1.238** (0.408) | 1.241** (0.445) |
| Religiosity | 0.0314 (0.0265) | 0.0368 (0.0283) |
| Population (Logged) | 4.107*** (0.600) | 4.140*** (0.654) |
| Unemployment Rate | -21.49 (13.39) | -13.93 (14.86) |
| % Over 60 | 6.575 (4.756) | 3.377 (5.217) |
| % Council with Higher Ed | -0.328 (1.102) | -0.0951 (1.151) |
| National Election PiS Vote Share | 0.0169 (0.0174) | 0.0167 (0.0215) |
| Incumbent Mayor | -0.506 (0.298) | -0.534 (0.308) |
| 2 nd Round in Mayoral Elec | 0.115 (0.309) | 0.148 (0.320) |
| Local EU Grants | -0.0000499 (0.0000265) | -0.0000405 (0.0000284) |
| Lower Silesia | | 0 (.) |
| Kuyavia-Pomerania | | -16.86 (1379.5) |
| Lublin | | -0.951 (0.734) |
| Lubusz | | -16.29 (1698.4) |
| Łódź | | -1.358 (0.767) |
| Lesser Poland | | -1.722* (0.748) |
| Mazovia | | -1.376* (0.669) |
| Opole | | -1.631 (1.120) |
| Subcarpathia | | -1.489 (0.813) |
| Podlaskie | | -1.740 (1.168) |
| Pomerania | | -0.927 (0.736) |
| Silesia | | -0.749 (0.548) |
| Holy Cross | | -2.237 (1.178) |
| Warmia-Masuria | | -0.557 (0.813) |
| Greater Poland | | -1.264 (0.660) |

| | | |
|---------------------------------------|---------------------------|---------------------------|
| West Pomerania | | -16.93 (1447.0) |
| Constant | -22.89*** (2.799) | -21.55*** (3.170) |
| Zone Created | | |
| PiS Mayor | 1.405*** (0.322) | 1.340*** (0.325) |
| Voivodeship Implemented | -0.771 (0.413) | |
| Powiat Implemented | 1.468*** (0.326) | 1.164*** (0.345) |
| Religiosity | 0.0284 (0.0238) | 0.0275 (0.0250) |
| Population (Logged) | 2.388** (0.749) | 2.178** (0.798) |
| Unemployment Rate | 8.896 (9.613) | 13.99 (11.10) |
| % Over 60 | 4.990 (4.923) | 0.0723 (5.782) |
| % Council with Higher Ed | 0.219 (1.165) | 0.444 (1.184) |
| National Election PiS Vote Share | 0.0666** (0.0206) | 0.0538* (0.0250) |
| Incumbent Mayor | -0.0413 (0.325) | -0.0955 (0.328) |
| 2 nd Round in Mayoral Elec | 0.389 (0.339) | 0.296 (0.343) |
| Local EU Grants | -0.0000277 (0.0000828) | -0.0000262 (0.0000833) |
| Lower Silesia | | 0 (.) |
| Kuyavia-Pomerania | | -0.232 (1.442) |
| Lublin | | 0.494 (1.138) |
| Lubusz | | -14.32 (2287.1) |
| Łódź | | -0.545 (1.280) |
| Lesser Poland | | -0.0548 (1.181) |
| Mazovia | | -0.425 (1.162) |
| Opole | | -14.92 (2367.9) |
| Subcarpathia | | -0.986 (1.231) |
| Podlaskie | | -15.94 (1706.6) |
| Pomerania | | -14.81 (1840.7) |
| Silesia | | -0.106 (1.266) |
| Holy Cross | | -0.818 (1.325) |
| Warmia-Masuria | | -14.95 (1931.9) |
| Greater Poland | | -0.420 (1.437) |
| West Pomerania | | -14.70 (1944.7) |

| | | |
|--------------|----------------------|-------------------|
| Constant | -20.23*** (3.911) | -17.33*** (4.300) |
| Observations | 2417 | 2417 |

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Appendix C: Coding the Data

The data on the adoption of discriminatory ordinances used in the paper are drawn from the ongoing project *Atlas Nienawiści* (Atlas of Hate) organized by the Polish NGO Campaign Against Homophobia (KPH). The Atlas's team of researchers maintain a publicly accessible database of all proposals to pre-empt the expansion of LGBT rights throughout Poland at all levels of territorial self-government: municipality, council, and region. The Atlas includes data on the date, territorial level, type, and outcome of each such proposal. It records multiple possible outcomes, e.g. whether the proposal was passed, rejected, lobbied for, introduced but then removed from parliamentary agenda before being voted on, and so on. For the purposes of statistical analysis, however, a narrower coding of outcomes is necessary. Four types of outcome interest us in particular, whether the ordinance was passed; rejected or revoked; discussed but neither passed nor rejected; or never considered at all.

The following is a list of Atlas of Hate outcomes that we coded into these four categories.

- Passed (4)
- rejected or revoked, which includes the following outcomes: rejected by the Commission for Complaints, Motions, and Petitions; revoked by councilors; revoked by the governor; or motion by an inhabitant dismissed by the Commission for Complaints, Motions, and Petitions (3)
- discussed but neither passed nor rejected, which includes a broad set of outcomes: removed from the official agenda; not introduced into the official agenda; prepared/promoted/discussed by politicians [of this territorial unit]; petition; petition without formal legal status; lobbied for by Żalek / Polonia Christiana / All-Poland Youth / Ordo Iuris; lobbied for in session; discussion in session; lobbied for during a municipal financing conference (2)
- Never considered at all, i.e. no outcomes for this unit are recorded in the Atlas of Hate (1)

Another variable that we created based on the Atlas of Hate database concerns the timing of municipal-level discriminatory ordinances vis-a-vis similar ordinances at the regional and county levels. Namely, we coded municipalities as "first-movers" if discriminatory action of any kind is recorded in a given municipality before similar such action in the country or region in which it is located.