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From Gender Re-Traditionalizations to Anti-Gender Mobilizations

Care for Family in Serbia and Croatia

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This article focuses on the cases of Croatia and Serbia to demonstrate how the heteronormative model of family and the constructs of “protection of family and children”—which are central to anti-gender mobilizations—can be traced to the 1990s heteronationalist discourses of family in both countries. The authors argue that the crucial link between these two discourses is that they both increasingly problematize diverse family forms and imbue “traditional family” with special value as the structure that is “best for children” and therefore merits special legal and policy protection with a view to its restoration as society’s unquestionable cornerstone. The analysis of narrative content in parliamentary and public debates about family-related laws and policies in Serbia and Croatia between the 1990s and the 2020s is guided by the following questions: What are the continuities in the legal framework and narratives on the family in post-socialist Croatia and Serbia compared with the period of socialist Yugoslavia? Who are the actors who create narratives of return to a traditional family in post-socialist Croatia and Serbia, and how do these actors define family and care for the family? The article calls attention to how what is “old”—narratives of return to the traditional family—forms the backbone of religious-conservative oppositions to gender and sexuality rights, including the most recent wave of anti-gender mobilizations.

Keywords: *anti-gender mobilizations; narratives of return; traditional family; Serbia; Croatia*

Introduction

If one issue unites anti-gender mobilizations worldwide, it is their focus on “family.” Anti-gender mobilizations take diverse forms: from opposition to same-sex marriage to protesting abortion or the “gender ideology” of the Istanbul convention.¹ But they repeatedly discursively come back to the threat to “family” and the necessity of action to protect it.² The family to be protected, however, is solely a heterosexual,

heteronormative unit consisting of a (married) mother, father, and children—a “traditional family.” This is a “complete family” and the only “healthy” environment for the growth and development of a child. In consequence, protecting this family means protecting children. To care for “family” is to restore a traditional family and to fight against what supposedly threatens it—for example, socio-economic and demographic trends contributing to delaying parenthood or divorces, the weakening of “natural” gender roles between a man and a woman, or LGBTIQ+ rights.

In this study, we use the cases of Croatia and Serbia to demonstrate how the heteronormative model of family and the constructs of “protection of family and children”—which are central to anti-gender mobilizations in Europe and beyond³—can be traced to 1990s heteronationalist discourses of family. These discourses rose to prominence during the violent break-up of socialist Yugoslavia that was intertwined with both post-socialist transition and gender re-traditionalization amid the growing sexual and religious nationalisms (Catholic in Croatia and Orthodox in Serbia) privileging reproductive heterosexuality in both countries.⁴ The focal threats to family and children shifted between these two periods—from the declining birth rates and dying out of the nation in the 1990s⁵ to protecting future generations from things such as same-sex parents, sexualization in education, or unwilling mothers-to-be. But the crucial link between anti-gender mobilizations and heteronationalist discourses of family in both countries is rendering increasingly diverse family forms as a problem and imbuing the “traditional family” with special value as the structure that is “best for children” in this changing world. Therefore, the traditional family needs special legal and policy protection, with the ultimate goal of its restoration or return.

In our analysis, we highlight this link—the continuities in the narratives about what makes a “family” and constitutes “care for the family”—in parliamentary and public debates about family-related laws and policies in Serbia and Croatia between the 1990s and the 2020s. We specifically examine how “care for family” is linked to exclusion of both “non-traditional” heterosexual and non-heterosexual families as caretakers of children in the name of their “protection” and how these exclusions play out in family-related laws and policy. We focus on the continuities between the 1990s heteronationalist discourses and the anti-gender discourses on the family because we consider them (too easily) overlooked in analyses of current oppositions to gender and sexual equality. This is not to say that they are not considered, but they often take second place in analyses of how what is “new” about anti-gender mobilizations explains their recent successes. Therefore, our contribution calls attention to how the “old”—narratives of return to the traditional family—forms the backbone of religious-conservative oppositions to gender and sexuality rights, including the most recent wave of anti-gender mobilizations.

Theoretical Framework

The 2010s public debates on gender and sexuality were characterized by growing opposition to gender and sexuality rights.⁶ These oppositions are frequently labelled

anti-gender⁷ mobilizations to emphasize their difference from previous waves of religious-conservative oppositions to gender and sexuality rights—“new” elements include the movements’ pseudo-democratic discourse and strategies and transnational character,⁸ as well as their successes in claiming the role of neoliberalist resistance force.⁹ While anti-gender mobilizations occur worldwide, their influence in Central and Eastern Europe (CEE) has been linked to the Europeanization process.¹⁰ From-above European Union (EU) hard and soft pressures contributed to important advances in gender and sexuality rights in new and aspiring EU countries in the region, but were also accompanied by poor implementation of EU policies and legislation,¹¹ and were followed by resistance to perceived EU impositions and, later, backsliding in gender equality.¹²

Both hard and soft EU pressures have indeed improved gender and sexuality rights in both Croatia (applied for EU membership in 2003, EU member since 2013) and Serbia (applied for EU membership in 2009, EU candidate since 2012).¹³ These pressures have also played an important discursive role in mobilizing Eurosceptic opposition to gender and sexuality rights in both countries, with a caveat that Euroscepticism plays a bigger role in Serbia than in Croatia,¹⁴ although anti-gender discourses proper made an earlier appearance in Croatia (around 2012, with some anticipations in 2006) than in Serbia (around 2017).¹⁵ At the same time, we should not give the Europeanization dimension too much credit, especially as such interpretations frequently feed the narrative of backlash to gender and sexuality rights. This narrative has been rightfully criticized for reifying the problematic conceptualization of linear progress (in rights and equality) and for failing to see processes and actions that were neither countermoves nor reactions, but anticipations and strategic adaptations.¹⁶ Indeed, despite the EU’s (both positive and negative) influences, it would be oversimplistic to see anti-gender mobilizations solely as responses to recent developments in gender and sexuality rights.

In our analysis of Croatian and Serbian cases, we therefore complicate such interpretations by focusing on the continuities in the narratives of family and care for family. Such an analysis shows more clearly how—rather than just opposition or responses to any specific gender and sexuality gains—anti-gender mobilizations were also anticipatory mobilizations that built upon and repackaged the 1990s heteronationalist narratives. The latter likewise sought special protection for the “traditional family,” although the 1990s’ moral panics were built on the threat of demographic decline (of the nation),¹⁷ and the anti-gender activists used “gender ideology” for the same purpose.¹⁸ In both cases, however, the ultimate goal of protection and care for the family was a return to an imagined, idealized “natural” family that denied the lived experiences of diverse family forms in Croatian and Serbian societies.

Methodological Framework

This article focuses on normative constructs of the family observed through textual analysis of public and parliamentary debates related to the care for family and

protection of children in Croatia and Serbia between the 1990s and 2020s. Our analysis was guided by the following questions: What are the continuities in the legal framework and narratives about the family in post-socialist Croatia and Serbia compared with the period of socialist Yugoslavia? Who are the actors who create narratives of return to a traditional family in post-socialist Croatia and Serbia, and how do these actors define family (What is a family?) and care for the family (Who protects family/children and from whom?)

We focus on Serbia and Croatia as comparative cases sharing many similarities as successors of socialist Yugoslavia, but at the same time diverging in some key aspects of their post-socialist trajectories of gender re-traditionalizations in the 1990s, the Europeanization process in the 2000s, and the rise of anti-gender mobilizations. We explain these similarities and differences in detail in the next section, but for now, we must note that their differences also necessitated a different approach to analysis.

In Croatia, we focused on parliamentary discussions and controversies related to the Family Act, which we consider of great symbolic importance for what is recognized and protected as “family.” Several implemented or attempted changes to the Family Act in the 2000s and 2010s allowed us to identify (dis)continuities in the discourse on care for the family and children over several time points (2004, 2007, 2011, 2014, 2015, 2017). These are at the centre of our analysis, although, when necessary for contextualization, we also refer to other relevant policy debates. The same strategy was not possible in the Serbian case as only two time points of parliamentary debates on the Family Act could be analysed in depth, and even more importantly, in the current Serbian context of a hybrid or illiberal regime, the laws are increasingly pushed through parliament without any debate.¹⁹

Therefore, to better grasp the narratives of care for family and protection of children, we have expanded the analysis beyond the parliamentary debates in Serbia to also include public announcements by relevant actors on their official websites or through representation on a public broadcaster with the highest rating national frequency—Radio Television of Serbia (RTS)—which also serves to maintain the facade of democratic institutions and public debate while using its prime-time shows to support the actions of governing structures. All stenographic notes from the assembly sessions were obtained on the website of the Open Parliament.²⁰ As most relevant to this study, we decided to zoom in on the family narratives in four public/parliamentary debates: (1) adoption of the Law on the Prohibition of Discrimination in 2009; (2) adoption of the Family Law in 2005 (amended in 2015); (3) adoption of the Gender Equality Law in 2021; and (4) failed adoption of the Law on Registration of Same-Sex Partnerships in 2021.

Contextualization of Serbian and Croatian Cases: From Gender Re-Traditionalizations to Anti-Gender Mobilizations

Croatia and Serbia entered the 1990s bearing the legacy of the Socialist Federal Republic of Yugoslavia (socialist Yugoslavia). The Yugoslav late socialist gender

equality record—while flawed in many respects, especially regarding women’s double burden²¹—was at the same time exemplary in other dimensions, compared with other European countries, including reproductive rights, rights to divorce, and rights of cohabiting couples.²² During the two countries’ post-socialist transition to a liberal-market system, the already-existing demographic trends—declining rates of fertility, decreasing number of marriages, postponing of marriage, increasing number of divorces, and so on—were further exacerbated by political, economic, and social crises, including rising social inequalities and weakening social security.²³ When these trends are further integrated into the violent break-up of Yugoslavia triggered by the Serbian authoritarian Milošević regime and the consequent wartime devastation in Croatia, as well as the Croatian semi-authoritarian, state-building rule of Tuđman,²⁴ they also provide the context for the gender re-traditionalizations of the 1990s.

In Croatia, gender re-traditionalizations were linked to a focus on demographic renewal which erased or strategically silenced nonheterosexuality in public spaces²⁵ and normatively privileged a patriarchal model of a “new” family with the mother (as the main caregiver) and the father raising many children together (in the Catholic religion).²⁶ Although the lack of financial resources interfered with the realization of this pro-natalist traditional vision in family policies, the 1996 Program of Demographic Development, for example, links this model to authentic (*izvorne*) family values.²⁷ In this context, gender equality reforms were not a priority, especially compared with neoliberal economic and political reforms.²⁸ In Serbia, previous achievements related to attitudes towards the role of the family, its structure, and its functions in modern society were suppressed or even eliminated.²⁹ In their place, the (extended) family took over various previously institutionalized social functions. These developments contributed to the preservation of traditional families and heterosexual marriages more than would have been the case in regular conditions of societal development, and Serbian society continued to highly value (heterosexual) marriage and prioritize (heterosexual) parenthood and the importance of children for the family.³⁰

These developments were also crucially situated in the post-socialist context of strengthening ethno-national ideologies and religious nationalisms. Consolidating a patriarchal culture and maintaining the gap between binary gender categories, Croatian and Serbian nationalisms foregrounded (reproductive) heterosexuality, a (hyper)masculinity opposed to femininity serving the biological reproduction of the nation, and the rejection of homosexuality (and homosexuals) as deviant or improperly masculine.³¹ In Croatia, this discourse of sexual and religious nationalism was crucially supported by the Croatian Catholic Church, which rose in social power, as the key legitimator of Tuđman’s nationalistic and Croatian identity-building project.³² In Serbia, “the instrumental pious nationalism” of nationalist, conservative parties initially played a stronger role and was taken over by religious nationalism only after 2000, when the Serbian Orthodox Church (SPC) gained huge political influence

and tight relations with the ruling party in a relatively short period after the fall of the Milošević regime.³³ Catholic and Orthodox religious identification, respectively, sharply grew in Croatia and Serbia in the 1990s and 2000s,³⁴ and both religious institutions continued to use their great political impact to (re)affirm traditional gender roles and family structures, and—as these became more politically central in the 2000s—to oppose certain gender and sexuality rights.³⁵

In 2000, both Croatia and Serbia experienced a democratizing regime change after, respectively, the death of Tuđman and the presidential and parliamentary defeat of the Croatian Democratic Union (Hrvatska demokratska zajednica [HDZ]), and the toppling of Milošević and the coming to power of the Democratic Opposition of Serbia (Demokratska opozicija Srbije [DOS]). Subsequently, both countries turned their gaze towards EU accession. The process started earlier in Croatia which applied in 2003 and joined in 2013. Serbia is still a candidate country, having applied only in 2009, but even beforehand, the “desire for membership in the European Union was largely present in Serbian political and social life.”³⁶ In their EU quest, both Croatia and Serbia had to overhaul their legislation to ensure harmonization with EU gender equality and anti-discrimination policies.³⁷ Furthermore, the state of LGBTIQ+ rights was used to normatively assess these countries’ “progress.”³⁸

The implementation of these commitments was deeply flawed in both countries, with the gap between legislative compliance and practices of gender equality, and more performativity or “pinkwashing” than actual sexual equality or non-discrimination.³⁹ Nonetheless, these perceived pressures were seized as a pretext to intensify the feeling of threat and crisis by a “new” family. This was done most explicitly by the radical right invoking the “white plague” or “demographic crisis” arguments,⁴⁰ but it was also done—both more subtly (especially in less Eurosceptic Croatia) and more influentially (in terms of gaining access to the mainstream political arena)—by a new set of religious-conservative activists, groups, and prominent intellectuals mobilizing against gender and sexuality rights.⁴¹

In Croatia, the first anti-gender mobilizations can be traced back to opposition to sexuality education in 2006 and again in 2012/2013.⁴² The turning point occurred in the year of EU accession when a new civil initiative *In the Name of the Family* (*U ime obitelji* [UIO]), supported by the Catholic Church and right-wing politicians, successfully pushed a constitutional referendum defining marriage as a union between a woman and a man, using “protection of children” as their main platform for the protection of the “new” family.⁴³ Despite the very liberal Same-Sex Life Partnership Act coming to force the very next year, in 2014, the UIO and other affiliated anti-gender actors (including the political party *Hrast*) continued to use the protection of children and the (heterosexual, traditional) family in several other campaigns as well. These actors gained political influence disproportional to their size along the way, including a brief stint in a ruling, though short-lived, centre-right coalition, *Patriotic Coalition* (*Domoljubna koalicija*), in 2015 and 2016.⁴⁴

In Serbia, women's rights and, generally, gender equality and democratization of family structures were likewise targets of attacks by extreme-right non-governmental organizations (NGOs) and clerical campaigns in the 2000s,⁴⁵ although the rise of "Dženderizam" is located in mobilization against the education package on the prevention of sexual violence in kindergartens and schools in 2017.⁴⁶ Furthermore, while Serbia still has no law or legal provisions recognizing same-sex unions or families, homosexuality also became a target of attacks in the public in the 2000s, especially after the first attempts at Pride Parades.⁴⁷ These and further attacks, especially those forbidding LGBTIQ+ people from adopting children,⁴⁸ are further underlined with calls for the protection of children.⁴⁹ Finally, in 2020, Serbia founded the Ministry of Family Care and Demography, run by Radomir Dmitrović, a member of the right-wing Serbian Patriotic Alliance (Salvation [SPAS]), who is known for his conservative rhetoric and misogynistic and homophobic posts on Twitter. In elevating the issues of "family care" or "population" to the Ministry level, Serbia is following the examples of Poland, Bulgaria, and Slovakia, all of which have promoted "traditional family values" and conservative policies to encourage higher birth rates.

Narratives of Care for Family and Protection of Children

Case of Croatia: Zooming in on the Family Act Debates

What is a family?. The Yugoslav 1978 Marriage and Family Relations Law leaves "family" undefined to reflect the recognition that family is a changing social institution.⁵⁰ This remains so in all the subsequent Croatian Family Acts (NN 162/98, NN 116/03, NN 75/14, NN 103/15). Nonetheless, "family"—which is defined by the 1991 Croatian Constitution as "under state protection"—is shaped in a particular way by the implications of various Family Acts. Notably, cohabiting heterosexual couples are included in the family law with many rights equivalent to married couples (though not adoption until the 2014/2015 Family Act), and same-sex partners are excluded from it. Although same-sex partnership and even parenting rights are extensively recognized by the 2014 Life Partnership Act, their explicit exclusion from any of the Family Acts sends a powerful message about normative constructs of family in Croatian society. Furthermore, the examination of parliamentary debates on the Croatian Family Acts suggests that children are central to the definition of family, to the extent that the "protection of family" is frequently equated with the "protection of children." However, while politicians across the political spectrum agree that protecting children via the Family Act means protecting family, the "protection of children" category has been imbued with different meanings in different Croatian post-Yugoslav periods.

Who protects family/children and from whom?

Period I: Unchallenged heteronormative assumptions. The first Croatian Family Act—which came to effect only in 1999—preserved the main threads of the 1978 Yugoslav Law, including the definition of marriage as a union between a woman and a man, and the rights of cohabiting couples meant to safeguard their children.⁵¹ Although, in retrospect, the unchallenged heteronormativity of the 1999 Family Act and a normative preference for married couples raising children seem evident, it is only in the next period that they also become visible in parliamentary debates on the protection of family and children.

Period II: Democratizing changes and anticipation of anti-gender mobilizations. The centre-left coalition, briefly in power after Tuđman’s death, started many democratizing changes and, with a view towards EU accession, passed in 2003 the (unregistered) Same-Sex Unions Act⁵² and the first Gender Equality Act. They also passed the 2003 Family Act that continued to frame care for the family and protection of children solely within the framework of heterosexual married and cohabiting couples.⁵³ The transcripts of the 2003 parliamentary sessions are unavailable, which limits our analysis of how much some of these issues were (or were not) a point of contention. Still, the parliamentary discussions of later amendments to the 2003 Family Act—in 2004, 2007, and 2011 with the centre-right HDZ in the parliamentary majority—provide insights into the main concerns.

In these debates—prompted by the EU harmonization process that, in the same period, also led to the 2008 Anti-Discrimination and Gender Equality acts—we identified a pattern of representatives (for the most part) of the ruling HDZ and the conservative Croatian Peasant Party (Hrvatska seljačka stranka [HSS]) making an effort to establish that the family is the foundation of a healthy society, central for the nation, and a source of values—with some less or more obvious references to the family being only one type of family and these values being traditional and faith-related or Catholic values. This is the model of family that the state must act to protect, for the benefit of children and the nation, and with the help of the Catholic Church. All other family forms are seen as deviations or unwelcome consequences of the changes in family structures. This is a similar type of discourse that was in the same period shared by the Croatian clergy making known their concerns about dangers to traditional or family values stemming from, for example, Pride Parades, sexuality education, or the Anti-Discrimination Act.⁵⁴ It is also the discourse underlying the early mobilizations against sexuality education, in which the protection of children (from “homosexual propaganda” or “same-sex families”) is equated with the protection of the “new” heteronormative family.⁵⁵ Although the right-leaning MPs did not specifically invoke LGBTQ+ rights as sources of threat to the “new” family model, they suggest that there is a danger from a changing society (the latter characterized, for example, by the rising number of divorces). Therefore, it becomes necessary that “we as a Catholic country, and through the raising of the children in the

Church, work towards preserving the family as a traditional union, and that these are the values that should be nourished in this High Chamber” (I. Ahel, HDZ, parliamentary session 11 July 2007). These are the reasons that make family the key factor “in the life of every individual and for the future of the whole society” (M. Petir, HSS, parliamentary session 18 May 2011).

In assumptions about what makes a family in the parliamentary debates between 2004 and 2011, there is little place for any other type but that of the heterosexual family, regardless of the fact that at the time same-sex families were already visible in the public discourse and were part of the legislative framework (though, notably, not of the Family Act legislative framework). The only challenges to the traditional model of the family in these parliamentary debates occur very mildly, almost exclusively by representatives of the oppositional centre-left parties when talking about the need to protect children who live in different (but heterosexual!) family forms by adapting the law to the changing society—rather than attempting to push back against the changing society.

Period III: Full anti-gender mobilizations and challenged attempts at consolidation. In 2013, coinciding with the preparations to enter the EU and the IOU campaign for the marriage referendum, the ruling centre-left coalition proposed a new Family Act. The subsequent 2013 and 2014 parliamentary debates made much more visible the growing left–right divide among the MPs. This divide is encapsulated in two different perspectives on the changing world and its consequences. While both the right- and left-leaning MPs agreed that the changing world included, among other things, fewer and/or later marriages, more people living in cohabiting unions, and an increase in divorces, and that the role and responsibility of the state and legal framework were to protect children in this context, they severely disagreed on what this means. For the left-leaning MPs, the changing world is a world of different family structures, and the legal framework should be adapted to this reality to protect children. For the right-leaning MPs, the changing world creates a crisis for the (traditional) family, with the poor economic situation contributing to this further. In this context, the changing world is a danger from which children must be protected by protecting the traditional family. Both these narratives were present in the earlier period, but they were now more explicitly articulated and contrasted against each other much more forcefully.

The 2014 Family Act was successfully passed, with two important new provisions. One is the first mention of same-sex registered couples, in anticipation of the coming into effect of the 2014 Same-Sex Life Partnership Act, if only to exclude them from contracting heterosexual marriages. And the other is the widening of access to adoption to cohabiting heterosexual couples, added in a last-minute amendment. Whereas the 2014 Family Act was subsequently suspended by the Constitutional Court, these two provisions remained part of the next 2015 Family Act, still in effect today, though not unchallenged. For example, already in the initial debates of the

2014 Family Act, an MP of then-oppositional HDZ took issue with a same-sex life partnership preventing the contracting of heterosexual marriage. This complaint is part of the several constitutional objections to the 2014 Family Act, including the one by the UIO,⁵⁶ and it was also repeated by another HDZ MP in a 2015 Family Act parliamentary discussion.

Considering these growing divisions, it is perhaps unsurprising that, after its return to power in 2016, the HDZ immediately started preparations for a new Family Act whose first draft was presented for public consultation in 2017. This proposal was drafted by a working group that numbered several individuals affiliated with the UIO⁵⁷ and also one of the most recognizable academic faces of the anti-gender movement in Croatia, the legal scholar Dubravka Hrabar, who was previously instrumental in drafting all the Croatian family laws but the 2014/2015 one. In a drastic discontinuity with previous practice, the family was explicitly defined as mother, father, and children or mother with a child and father with a child if they do not live together.⁵⁸ This proposal also restricted the recently acquired cohabiting partners' access to adoption as an extraordinary measure only if in the particular interest of the child.⁵⁹ These two changes were among the main reasons for the public outcry against this proposal which led to its withdrawal from public consultation after only one day⁶⁰—although this withdrawal by the HDZ Prime Minister Plenković is likely also related to the distancing from its former anti-gender allies that the HDZ initiated after the break-up of the Patriotic Coalition in 2016.⁶¹ While, then, this attempt at legal consolidation of the heteronormative traditional family—presented as an attempt to “strengthen family” in the light of “what is happening with family and demography in Croatia”⁶²—failed, this very attempt testifies to the ongoing attempts by the anti-gender activists in Croatia to capture the state and legal framework with the purpose of returning to a traditional “natural” (i.e., heteronormative) social order, where there is little space for other equally valid family practices that have been part of the lived experiences of Croatian and Yugoslav society beforehand for much longer than many anti-gender actors, invoking the spectre of EU impositions or the threat of the changing world, care to admit.

Case of Serbia: Zooming in on the Debates on the Family, Anti-Discrimination and Gender Equality, and Registration of Same-Sex Partnerships

What is a family? The relevant normative framework related to the definition of family in Serbia also preserves continuity with the Yugoslav 1978 Marriage and Family Relations Law, including a definition of marriage as a union between a woman and a man. Heterosexual marriage has always been privileged in relation to same-sex unions, which have never been part of family laws in Serbia. Even despite some visible examples of their existence,⁶³ same-sex families are neither legally recognized nor protected. Heterosexual cohabiting unions, on the other hand, have

equivalent rights to marriage in the Serbian family legislation (following the lead of the Yugoslav legislation) to protect children of such unions. The Constitution also recognizes “family,” mother, single parent, and child as categories that enjoy special protection (Article 66). There is neither normative recognition of the family as a changing social institution nor a clear definition of a family in the legislation (not even in the Family Law adopted in 2005), except for the provisions that list persons who are considered family members in order to exercise certain rights, such as the right to inherit property. Still, even without “family” being explicitly defined in the Serbian normative framework, other categories and protections included in the 2005 Family Law, or excluded from it, clearly suggest what are the privileged family values and preferred family forms. For instance, although heterosexual cohabiting unions with children are formally equated with marital unions in Serbia, there are differences regarding property rights—partners only have the right to be supported by their respective other but not to inherit their property. Thus, the normative framework protects children of such unions, while partners are in a disadvantaged position. This also illustrates the principle of the special protection of children that underlies many of the key elements and mechanisms in laws regarding families in Serbia.

Who protects family/children and from whom?

Period I: Unchallenged heteronormative assumptions. The first Serbian Family Act, after the dissolution of the former Yugoslav republic, was adopted only in 2005⁶⁴ and preserved the main threads of the 1978 Yugoslav Law, including the definition of marriage and the rights of cohabiting couples meant to safeguard the rights and best interests of their children. Although it was adopted almost a quarter of a century after the Yugoslav law, it did not introduce significant changes that would break the continuity of the unquestionable, heteronormative assumptions of family and family relations, which became even more visible in the laws that followed. Serbian Family Law does not recognize same-sex unions, and the provisions of the Family Law on extramarital unions are not applicable to stable same-sex unions, as both extramarital unions and marriages are defined as unions between women and men, and marriages or unions between same-sex individuals are explicitly declared null and void. As a result, LGBTIQ+ people are deprived of crucial rights that normally stem from this Law.

Period II: Democratizing changes and anticipation of anti-gender mobilizations. In 2009, the first anti-discrimination law was adopted under the influence of the harmonization of laws with EU legislation (as the most important international actor in this topic area) and the from-within pressures by domestic civil society. This Law on Prohibition of Discrimination⁶⁵ brought certain democratic changes to the legal system of Serbia, but it also pointed to the strong influence of the SPC on the decision-making processes in the area.

Just one day before the scheduled debate in the national parliament, the government withdrew the proposal from the parliamentary procedure at the request of the SPC, which was supported by other traditional religious communities in Serbia.⁶⁶ They objected to Articles 18 and 21 of the Law and requested that those articles be removed. Article 18 regulated freedom of expression of religion or belief, while Article 21 prohibited discrimination based on sexual orientation and gender identity. After several days, the draft was returned to the parliamentary procedure, and four articles of the original proposal were changed. The part referring to discrimination in terms of gender identity was removed from Article 21, while the part prohibiting discrimination based on sexual orientation remained.

Although religious norms are generally not incorporated into the Serbian legal system, the political views of church leaders have an impact on some (conservative) political decisions and the processes of social reform.⁶⁷ During a 2009 parliamentary debate on the proposed bill, the president of the ruling coalition United Serbia pointed out that “I have nothing against homosexuals, but I will never vote for something that is sick” (parliamentary discussion 5 March 2009). A representative of the largest opposition party at the time, now the ruling Serbian Progressive Party, said, “The affirmation and promotion of the so-called ‘personal preferences’ under the slogan of equality and freedom is not acceptable. This will, undoubtedly, lead to a situation in which sodomy and pedophilia will be protected as personal preferences.” A representative of the Serbian Radical Party also stressed that the Law prohibiting discrimination against LGBT people would eventually open the door to legalizing paedophilia. He also pointed out that this Law was imposed upon the Government by powerful Western states and was aimed at destroying the Serbian nation. The Democratic Party of Serbia specifically argued that the Law was not acceptable as it did not have the approval of the SPC.

The discourse of Serbian parties that voted against the adoption of this Law exemplifies the existence of strong stereotypes and countertypes in Serbian politics. The stereotype that represents health and common sense is marked by Orthodox Christianity, tradition, and unalterable gender roles, while the countertype—signifying sickness—encompasses pro-European orientation, secularism, equality between man and woman, and, finally, LGBT rights. Standardization of normality and sickness indicates who has a right to (access) children and a right to care for children as a parent or a guardian and to serve their best interests, and who does not. These notions correspond to the ideal of manliness and its links with nationalism, patriotism, traditional values, and religion, continuing the tie between nation, religion, and traditional family values characteristic of 1990s Serbia.

Period III: Full anti-gender mobilizations and challenged attempts at consolidation. Despite the declared democratic orientation of the government and some positive legislation in recent years, the same obstacles regarding the drafting of legislation to prevent family-related discriminatory practices remain. For example, the

issue of legislation regarding same-sex unions was introduced only in 2021. But then in mid-March 2022, the Coalition for the Natural Family presented a petition against this law to the public.⁶⁸ This was an appeal of 212 members of the Coalition against the Law on Same-Sex Unions, the Law on Gender Equality, and the Law on Prohibition of Discrimination that stated that the Law on Same-Sex Unions was above all unnecessary and unconstitutional and that its adoption by the state would jeopardize the conduct of a pro-natalist policy. They stated that by no means should this law be enacted, claiming that it was a step towards marriage and adoption of children by LGBT people, which was considered unacceptable. SPC supported the position that the proposed bill was unacceptable, adding, “it is inadmissible to equalize same-sex unions with marriage and family (. . .) that is how marriage is discriminated against, as a Christian value protected by law.”⁶⁹ In response, another appeal soon appeared in public with the signatures of 1,628 members of the educational, scientific, cultural, and artistic community and public, who supported the struggle for the rights of LGBTQ+ people in Serbia.⁷⁰

In 28 April 2021, the proposed bill was already in the procedure for adoption, when the President of the Republic announced on May 1 that

The Constitution refers to the Family Law, which defines marriage as a legally regulated union between a man and a woman. Therefore, I will not be able to sign the Law on same-sex unions, and I will return it to the National Assembly.⁷¹

He also said that there could be a change in the article of the Constitution concerning marriage and extramarital affairs, but this did not happen as part of the constitutional changes on which Serbian citizens voted in the referendum on 16 January 2022. As previously mentioned, in recent years in Serbia, all legislation comes from the executive and in this case, by stopping the procedure through one public appearance on national television, the President of the Republic of Serbia demonstrated political control over Parliament, which should be above and beyond his political influence.

When it comes to the Law on Gender Equality,⁷² adopted in 2021, its very preparation—which formally began in 2015—provoked controversial reactions. The work on the formulation of legal provisions was accompanied by delays and conceptual wanderings, and the very name of the law was changed during this process: the first version of the law, which was withdrawn from the parliamentary procedure in early 2016, was named *Law on Equality of Women and Men*. In a parliamentary discussion in 2021, at the same session in which the amendments to the Law on Prohibition of Discrimination and the adoption of the Law on Gender Equality were discussed, the representative of the Party of Justice and Reconciliation called on members of the party not to vote for the adoption of these laws because it was a matter of (national) identity. He said that Serbia was an advanced country that opposed discrimination, and that there was “no dispute” about the fight against violence, but these laws were

a “slippery terrain”: “Spain has threatened to leave the EU if it bans bullfights—what are we going to do if they ban our ‘Balkan values’, our human and cultural identity” (parliamentary discussion 18 May 2021).

The analysis of the Serbian case highlighted the narrative of the traditional heteronormative family, which is presented in opposition to gender equality and visibility and social support for other family forms. Gender issues in this sense are understood as colliding with faith and religion, and they are always portrayed as foreign, “imported” from the EU or Western world against Serbian/Orthodox values. If the time to which the narrative of return refers can be traced, then it is certainly the time before these unpleasant, unwanted, and condemned influences, when family and family relations were some sort of a “natural thing” or, rather, the unquestionable order of things.

Conclusion

This article demonstrates how the heteronormative model of family and the constructs of “protection of family and children”—which are central to anti-gender mobilizations—can be traced to the 1990s heteronationalist discourses of family in Serbia and Croatia. Textual analysis of parliamentary and public debates about family-related laws and policies in Serbia and Croatia between the 1990s and the 2020s was guided by the following questions: What are the continuities in the legal framework and narratives about family in post-socialist Croatia and Serbia compared with the period of socialist Yugoslavia? Who are the actors who create narratives of return to a traditional family in post-socialist Croatia and Serbia, and how do these actors define family and care for the family?

Our analysis shows that the crucial link in continuity between the 1990s heteronationalist discourses and the recent anti-gender discourses on the family is based on a representation of increasingly diverse family forms as a problem. In contrast, the “traditional family” is seen as holding special value as a structure that is “best for children,” which therefore needs to be protected and restored to its previous (unthreatened) existence. These narratives of return to the traditional family form the backbone of religious-conservative opposition to gender and sexuality rights, including the most recent wave of anti-gender mobilizations.

A focus on the continuities in the narratives of family and care for the family shows more clearly how anti-gender mobilizations were also *not* opposition to actual or consolidated gender and sexual equality gains. Instead, they were anticipatory mobilizations that built upon and repackaged the 1990s heteronationalist narratives that likewise sought special protection of a “traditional family”—in the 1990s from the demographic “death” of the nation, and today from “gender ideology.” In both cases, the goal of returning to an imagined, idealized “natural” family denied the lived experiences of diverse—and equally valid—family forms that have been part


of Croatian and Serbian societies for a long time, as recognized also by Yugoslav legislation. By equating the “protection of family” with the protection of children, the “family” was deliberately reduced to only one of its forms, a heteronormative family of a married couple with children. In this framework, “care for family” excludes both “non-traditional” heterosexual and non-heterosexual families as caretakers of children in the name of their “protection.”

In the context of post-Yugoslav societies in which the socialist and continental heritage of the welfare state intertwines with the changes inspired by neoliberal ideas, conservative thought easily takes discussions about the crisis of the family and family values as an argument for prescribing a “complete family” that implies heteronormativity as the only “normal” and “healthy,” “optimal environment” for the growth and development of a child. Therefore, the narrative privileging the traditional family remains the point of conservative continuity connecting the religious nationalisms of the 1990s, favoured by the right-wing political parties both in Croatia and Serbia, to the anti-gender mobilization discourses of modern-day Croatia and Serbia. This narrative is now carried out by professionalized religious-conservative activists— who act in what Graff and Korolczuk call “opportunistic synergies”⁷³—with the right-wing political parties in their populist pursuit of political points.

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Notes

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