Non-Discrimination towards Homosexuality

The European Union's Policy and Citizens' Attitudes towards Homosexuality in 27 European Countries

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abstract: The article first describes how the principle of non-discrimination of homosexuals is anchored in EU legislation and influences concrete policies of the European Union. Against this background, the second section analyses citizens' attitudes towards homosexuality and whether there are differences among the 27 EU member states and Turkey. The descriptive findings show that there are substantial differences at the national and individual level in the degree to which citizens think of homosexuality as acceptable. A sense that homosexuality is justifiable is particularly low in recently acceded countries and is almost non-existent in Turkey. Modernization theorists have argued that economic development influences the value orientation of the citizens. Other scholars have claimed that values are strongly influenced by the religious heritage of a country. Using multilevel analysis, the study tests to what extent modernization factors and/or religious factors influence citizens' attitudes towards non-discrimination of homosexuality. According to the results of the causal analysis, modernization theory *and* cultural heritage theory contribute to explaining attitudes towards homosexuality. All the hypotheses derived from the two theories are supported by the statistical analysis

keywords: discrimination ✦ European Union ✦ homosexuality ✦ modernization ✦ religion ✦ values

Jose Barroso's term in office as president of the European Commission began with a massive conflict between a candidate for commissioner and the European Parliament. After Barroso's nomination by the governments of the member states, he and his hand-picked team of commissioners were to be confirmed by the European Parliament in autumn 2004. Italian Rocco Buttiglione was one of Barroso's selected commissioners, nominated to

International Sociology ✦ January 2010 ✦ Vol. 25(1): 5–28

SAGE (Los Angeles, London, New Delhi, Singapore and Washington DC)
DOI: 10.1177/0268580909346704

serve as vice president of the Commission and responsible for Justice, Freedom and Security. During an EU parliamentary hearing on 10 October 2004, Buttiglione – professor of philosophy, avowed Christian, member of the Pontifical Academy of Social Sciences and personal consultant to Pope John Paul II – caused a public stir and precipitated a crisis in the still unconfirmed Commission by expressing his views on homosexuality and the role of women in society. In light of his Catholic convictions, Buttiglione expressed his belief that homosexuality is a sin. In the same hearing, Buttiglione emphasized that his personal moral convictions would not prevent him from representing EU non-discrimination policies regarding homosexuals (European Parliament, 2004). Public debate, however, is generally not receptive to such sophisticated differences. The European Parliament rejected Barroso's Commission, an unprecedented occurrence in EU history.

Parliament's rejection of Buttiglione and, by extension, of the entire Barroso Commission cannot be written off as a mere power struggle between the European Commission and Parliament. Rather, the Buttiglione affair revolved around the actual content of policies that the EU represents: here, non-discrimination towards homosexuals. The EU began as an economic union, but has become active in an increasing number of other policy fields over time (Wessels, 1997). The political aim of the EU is not only to integrate the member state countries economically but also to further cultural similarities between the countries. Following neoinstitutionalist theory (Frank and Mceneaney, 1999; Meyer et al., 1997), we have elsewhere interpreted the EU as a 'value entrepreneur' which has developed definite ideas of how a European society should look. We have described in detail how the EU defines this unified European society in terms of a number of value spheres, such as religion, family and gender roles, democracy, civil society, economy and environment (Gerhards, 2007, 2008; Gerhards and Lengfeld, 2006; Gerhards et al., 2009; Hölscher, 2006). This contribution ties into our overall analysis.

The EU has also developed ideas about which forms of sexuality should be considered as legitimate. This understanding dictates that homosexual and heterosexual orientations are considered equal; discrimination against homosexuality is forbidden. In this article, we first reconstruct how the principle of non-discrimination is anchored in EU legislation and discuss the influence this has on concrete policies and decisions. Against this background, we analyse citizens' attitudes towards homosexuality in the second section of the article and whether there are differences among EU member states.[1] Citizens' acceptance and support of EU regulations is significant, especially in terms of the legitimacy of EU policies, owing to the fact that democracies are structurally dependent on the support of

their citizens (Page and Shapiro, 1983). If this support is absent, legitimacy problems may arise for the institutions themselves.[2]

The descriptive findings show that there are substantial differences at the national and individual level in the degree to which citizens think of homosexuality as acceptable. In the third section, we try to explain these differences. Modernization theorists from Karl Marx to Ronald Inglehart have argued that economic development and modernization influence the value orientation of the citizens. But others, from Max Weber to Samuel Huntington, have claimed that values are strongly influenced by the religious heritage of a country. Using multilevel analysis we test to what extent modernization factors and/or religious factors influence citizens' attitudes towards non-discrimination of homosexuality. In the last section, we discuss conclusions drawn from our analysis, paying special attention to the implications for the future development of the EU.

The European Union's Idea of Equality between Homo- and Heterosexuals

In order to reconstruct the EU concept of equal treatment between homo- and heterosexuals, we interpret treaties, directives, regulations and recommendations released by EU institutions. These sources range from the abstract (such as treaties) to concrete policies. Matteo Bonini-Baraldi (2004) has collected, summarized and published all legally binding rules concerning homo- and heterosexual issues in the EU, and we rely here heavily on his work.

1. The EU began as an economic community whose foremost goal was to institutionalize a common market for its member states. A central goal since the beginning of this project has been to create equal access to the market for all Europeans. One aspect of free access to the market includes prohibiting any sort of discrimination that would block a member citizen's ability to participate. Thus, we find the principle of equal pay for men and women in the European Community in Article 119 of the 1957 Treaties of Rome. The basis for non-discrimination continuously expanded along with the development of the EU, and more personal characteristics were included as possible grounds for discrimination. Article 13 in the 1999 Treaty of Amsterdam states that: '(1) Without prejudice to the other provisions of the Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic group, religion

or belief, disability, age or sexual orientation' (Bonini-Baraldi, 2004: 8). With Article 13, the EU's anti-discrimination principle was extended in two key ways. This was the first mention of 'sexual orientation' in terms of anti-discrimination policy. Additionally, the European Commission and the European Council were given the power to create guidelines to fight discrimination.[3]

2. Directly after the implementation of Article 13 in the Treaty of Amsterdam, the Commission developed a directive that was passed by the 2000 Council. The 'Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation' very clearly defines what is considered as discrimination (European Council, 2000). Discrimination on the basis of sexual orientation is a part of the general directive. The directive spells out a number of concrete policies that define equality between homo- and heterosexuals, which have been summarized by Matteo Bonini-Baraldi (2004). The EU anti-discrimination regulations have since been incorporated into national legislations of member states: homosexuality is no longer considered criminal in any EU member state and anti-discrimination is legally anchored in all countries.
3. The EU principle of non-discrimination towards homosexuals also applies to new member states, a natural consequence of their taking on the *acquis communautaire*. Negotiations with Romania are a good example to show the implementation of the EU's policy of equality for homosexuals in new member states. Until 1996, homosexuality was punishable by law under the Romanian Criminal Code (Human Rights Watch, 1988). A new penal code came into force in November 1996, and the first paragraph of the article was amended to read as follows: 'Sexual relations between persons of the same sex, committed in public or producing a public scandal, are punishable by a prison term between one and 5 years.' With this change, private homosexual activity was legalized, but was still considered criminal under certain circumstances. The wording 'committed in public or producing a public scandal' was added as a compromise between those who wanted keep the existing legislation and those who wanted the entire article repealed. But even in its amended form, the new article was again repealed due to pressure from various organizations. One key factor in the appeal was the pressure from the EU, which stated that all laws discriminating against homosexuality must be abrogated in order for Romania to become a full member of the EU. The Council also criticized the law as a stain on Romania's human rights record. This led to the article's repeal in June 2001, when the government adopted Emergency Ordinance 89/2001 modifying the penal code and removing the article entirely.

4. The EU has also turned equality between homosexuals and heterosexuals into a foreign policy issue. To give two examples, we look at Namibia and Egypt. On 5 April 2001 the European Parliament held an inquiry into the persecution of gays and lesbians in Namibia; Parliament addressed the issue by denouncing the 'vilification and persecution of persons for their sexuality' (European Parliament, 2001). And on 3 July 2002 Parliament held another inquiry into the arrest of 50 homosexual men in Egypt. Again, the Parliament criticized the actions of the Egyptian judicial system (European Parliament, 2002).

To summarize our findings, non-discrimination towards homosexuals was not part of the Treaties of Rome nor was it defined as an original objective of the EU. Rather, the original intent of the European Community was to establish a common market. The EU expanded its jurisdiction into other policy fields using the 'frame-bridging' strategy.[4] A free market exists only when all actors have the same opportunities to participate in the market and nobody is discriminated against; however, the question of which characteristics and attributes are grounds for discrimination remains open to interpretation. EU institutions have gradually increased the number of characteristics that might lead to discrimination, with sexual orientation now included as one of those features. The reach of EU institutions into various national policy fields has expanded with the inclusion of each new protected group under the EU's non-discrimination policies. Compared to other international and supranational institutions the EU is in a unique position: because its 'script' and policies are embedded in EU legislation, and because this legislation supersedes the national legislation of member states, it can force them to comply with the script.

Attitudes of EU Citizens towards Homosexuality

To what extent do EU citizens in various member states support the idea of non-discrimination of homosexuals and the EU policy of equal treatment for homo- and heterosexuals? We analyse the value orientations of citizens through a secondary analysis of the 2000 European Values Survey (EVS).[5] The national samples each contain results from at least 1000 interviews, which were conducted face-to-face with respondents over the age of 18 and constitute a representative sample for each country. The EVS contains a question which allows us to operationalize citizens' attitudes towards non-discrimination of homosexuals, at least approximately. The question is formulated as follows: 'Please, tell me whether homosexuality can always be justified, never be justified or something in between.' Interviewees were asked to answer this question using a 10-point scale ranging from 'never' (1) to 'always' (10). Figure 1 depicts the mean values

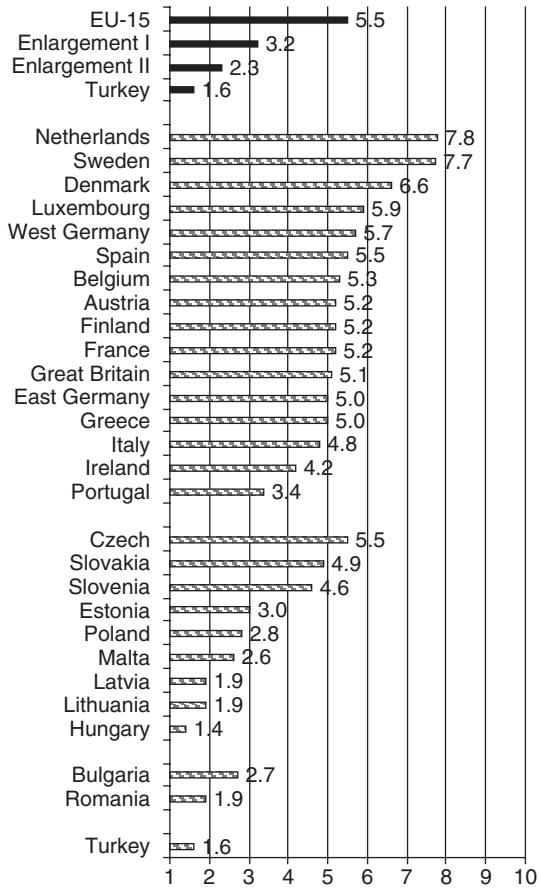

Figure 1 *Attitudes towards Non-Discrimination of Homosexuals: 'Homosexuality is Never (1) / Always (10) Justified' (mean values)*

for each country. We also differentiate between four groups of countries: old EU member states (EU-15), member states that have acceded since 1 May 2004 (Enlargement I), the two states that became members of the EU in 2007 (Enlargement II) and Turkey, a candidate country of the EU.

Figure 1 shows that at the aggregate level, there is no clear majority who thinks homosexuality to be justified. The level of rejection by group, however, varies substantially. Whereas the mean value in the old EU member states lies around the centre of the scale, justification of homosexuality in new member states is very low and is almost entirely absent in Turkey, with a mean value of 1.6 as measured on the 10-point scale. There are clear differences within the country groups at the national level

as well. Support for homosexuals in the northern, Protestant countries Sweden, Denmark and the Netherlands is rather high; in the Catholic countries Ireland, Italy and Portugal, support is much lower. The Czech Republic, Slovakia and Slovenia are the only new member states that come close to the mean values in the EU-15. In all other countries, especially in Turkey, nearly all citizens are of the opinion that homosexuality is unjustifiable. Even in the old EU member states, support for the EU notion of non-discrimination towards homosexuals is not very high.

Unfortunately, the indicator we have used does not precisely measure attitudes towards the EU's idea of non-discrimination. Individuals can think that homosexuality is not justifiable without implying that homosexuals should not be protected by non-discriminatory policies. A question from the Eurobarometer No. 66 (conducted in 2006) gives us an opportunity to test the validity of our indicator. People were asked whether they think 'homosexual marriages should be allowed throughout Europe'. This question is much more policy oriented than is the question analysed in Figure 1. The results reported in Figure 2 are taken from the Report of the European Commission (European Commission, 2007).

The order of countries supporting the idea that 'homosexual marriages should be allowed throughout Europe', shown in Figure 2, is very similar to the ordering in Figure 1. The support for non-discrimination towards homosexuals in Sweden, Denmark and the Netherlands is highest, whereas support in Romania is very low (the survey was not conducted in Turkey). The pattern remains similar to Figure 1 between these two extremes as well. Spearman's rank correlation coefficient between the two indicators is very high (.94; $p < .001$). It therefore can be assumed that the EVS data provide a reliable indicator with which to measure the idea of non-discrimination towards homosexuals.

There is also a second argument which strengthens the case for interpreting the variable 'homosexuality can be justified' as a proxy measurement of discrimination attitudes. Respondents in the EVS survey were asked whether they would be opposed to having various minority groups as neighbours from a given list. One of the minority groups interviewees could mention were homosexuals. Opposing to having homosexuals as neighbours can be interpreted as a personal-level discrimination attitude. The results of a separate analysis show that the order of countries whose citizens did not mind having homosexuals as neighbours is quite similar to the ordering in Figure 1. Again, support for non-discrimination towards homosexuals in Sweden, Denmark and Netherlands is highest, whereas support in Turkey is very low. Spearman's rank correlation coefficient between the two indicators on the country level is .86 ($p < .001$). The correlation coefficient between the two variables 'homosexuality cannot be justified' and 'opposing to have homosexuals as neighbours' on the

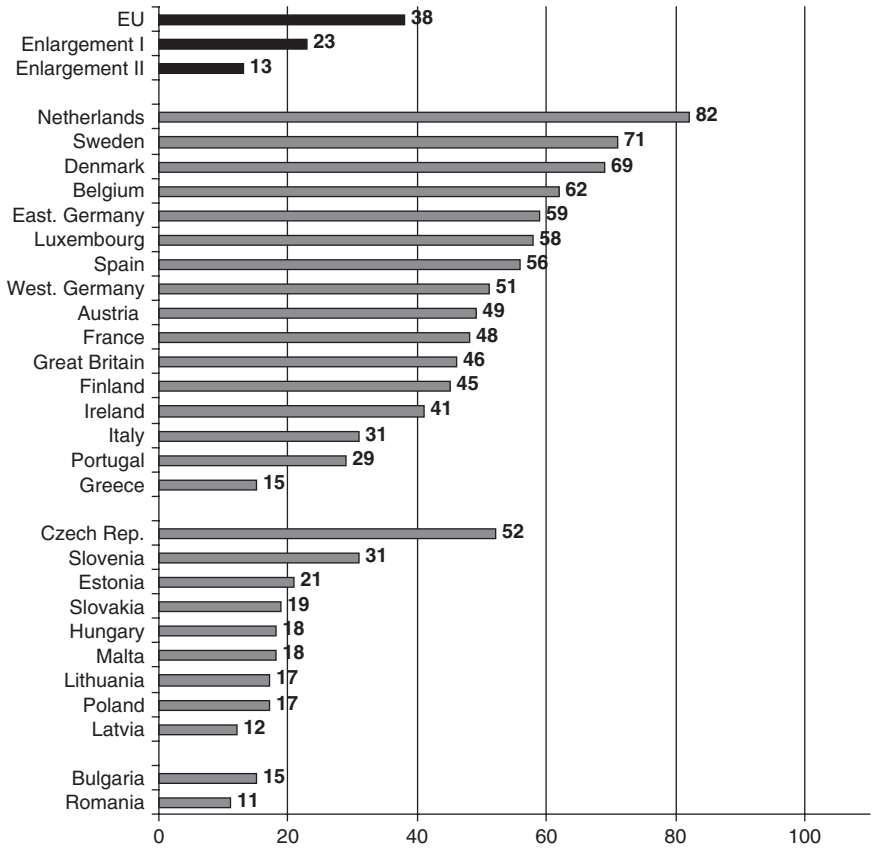

Figure 2 *Percentage of People Saying that 'Homosexual Marriages Should be Allowed Throughout Europe'*

individual level is .47 ($p < .001$). Although the indicator we have used in Figure 1 and which is the central dependent variable in the following section is not an ideal measurement of discrimination attitudes towards homosexuals, one can argue that it is sufficient as a proxy variable.

Explaining Attitudes of Non-Discrimination towards Homosexuals

The descriptive results in the last section showed that there are substantial differences between countries and individuals regarding attitudes towards homosexuals. How can these differences be explained? For sociologists,

countries in and of themselves do not constitute relevant analytical categories; rather, one must break countries down into social variables by investigating what lies below the surface of these countries (Przeworski and Teune, 1970).

Two major theories have tried to explain citizens' value orientations. Modernization theorists from Karl Marx to Daniel Bell have argued that economic modernization influences the values people hold. Other scholars like Max Weber and nowadays Samuel Huntington have argued that values are strongly influenced by the religious heritage of a country. In this section, we first discuss these two different theories and how they might explain citizens' attitudes towards non-discrimination of homosexuality. Using a multilevel regression analysis, we then empirically test the two theories by proving whether the variables derived from these theories have the expected effect.

Modernization

The member states of the EU differ in terms of their degree of modernization. The degree of societal modernization is expressed by multiple factors, such as economic welfare and educational levels.

Economic Welfare Karl Marx was one of the first to assume a causal relationship between economic living conditions and people's values, and most modernization theories are based on this central assumption. It would exceed the scope of this analysis to reconstruct modernization theory with all its facets, critiques and revisions (see Berger, 1996; Knoebl, 2003 for overviews). We are uncertain even today as to which factors have contributed to modernization and how to determine the causal relations between them. The result of the modernization process is a one-time historical growth in the economy and in the prosperity of citizens (Maddison, 1995: 21). Regardless of how one explains this growth and developing societal prosperity, there exists substantial concurrence among theorists that modernized societies can be described – not explained – by a set of characteristics that together form a syndrome (Bell, 1973; Norris, 2002: 20ff.).

As economic prosperity increases through modernization, a change in citizens' value systems also occurs. According to Ronald Inglehart and his collaborators (Inglehart, 1971, 1997; Inglehart and Norris, 2003; Inglehart and Welzel, 2003, 2004; Welzel, 2002), a shift from materialist to post-materialist values, or self-expression values, takes place (Inglehart has more recently used the latter term) when chances to satisfy material needs increase. Materialist values include the following: satisfying economic living conditions, security, national identity and the exclusion of outsiders. Post-materialist or self-expression values, in contrast, are characterized by

the desire for self-fulfilment, an emphasis on freedom, participation and the tolerance of diversity. 'Rising resources mean that there's enough to go around. Newcomers can be accommodated. Foreigners seem much less threatening; . . . instead different cultures come to be seen as interesting and stimulating' (Inglehart, 2006: 26). Ronald Inglehart interprets discrimination against homosexuals as one type of social exclusion. He shows that existential security tends to make all out-groups, including homosexuals, more acceptable. The societies in our analysis differ in terms of their economic modernization and social prosperity, and according to Inglehart's interpretation, we expect interviewees from economically less developed countries to express less support for non-discrimination towards homosexuals than that expressed by respondents from countries with more modernized economies (Esmer, 2002). We use the Human Development Index (HDI) for the year 2000 to measure the degree of a country's economic modernization (Human Development Report Office, 2000). Each year, the United Nations Development Programme releases the HDI for almost every country in the world. The HDI is made up of the real GDP per capita, educational levels and the average life expectancy.[6]

The data set also contains a way to directly measure materialistic and post-materialistic value orientations, owing to the fact that the survey contains all the items with which to construct the so-called Inglehart index. In addition to the HDI macro-variable, we also used the materialism/post-materialism index as an individual variable.[7] We start from the assumption that the level of modernization of a country will influence the amount of people who hold post-materialistic values. We also want to test whether post-materialists are more likely to support the idea that homosexuality is justifiable than are materialists, independent of the level of modernization of a country.

Education Finally, the level of education of a country and of individuals is often interpreted as an indicator for the level of modernization. Education might increase both possibilities for self-reflection and the likelihood of acquiring a liberal worldview. Inglehart describes the effect associated with higher levels of education as 'cognitive mobilization', in which education increases the likelihood that traditional concepts will be questioned and possibly rejected, rather than being automatically accepted (Dalton, 1984; Inglehart, 1990). This questioning of tradition also relates to what is considered as a legitimate sexual identity. We assume that more educated interviewees are more likely to have positive attitudes towards homosexuality. Research on attitudes towards homosexuality has indeed frequently shown that less educated people are more negative towards homosexuality than are more educated people (Loftus, 2001). We operationalize education using the highest level of schooling completed by the

interviewee, measured by an eight-point scale ranging from 'inadequately completed elementary education' up to 'university with degree/higher education – upper-level tertiary certificate'.

Religion

Max Weber argued in his comparative religious studies that it is not primarily the socioeconomic development that influences citizens' value orientations, but rather that the religious heritage of a country plays a more important role (Inglehart and Baker, 2000). Samuel P. Huntington makes a similar argument in his controversial work, *The Clash of Civilizations* (1996). We assume that membership in one of the main religious denominations in the EU (Muslim, Catholic, Lutheran-Protestant, Orthodox Christian or no religious affiliation) will influence attitudes towards non-discrimination of homosexuals. The various denominations have developed different interpretations of and positions towards homosexuality. We assume that these institutional interpretations influence the attitudes of their members. The more homosexuality is rejected and interpreted as deviant behaviour by a particular denomination, the more the members of that denomination will reject homosexuality.

Catholics The Catholic Church has repeatedly emphasized its opposition to homosexuality. The 'Congregation for the Doctrine of the Faith' clearly reiterated this position in its most recent remarks on this topic, the 'Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons' (Vatican, 2003). The authors of this text were Archbishop Angelo Amato and Cardinal Joseph Ratzinger, who is now the Pope of the Catholic Church. We quote from that paper: 'There are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family. Marriage is holy, while homosexual acts go against the natural moral law. Homosexual acts close the sexual act to the gift of life. They do not proceed from genuine affective and sexual complementarities. Under no circumstances can they be approved. Sacred scripture condemns homosexual acts "as a serious depravity". . . (cf. Rom 1:24–27; 1 Cor 6:10; 1 Tim 1:10). This judgment of scripture does not of course permit us to conclude that all those who suffer from this anomaly are personally responsible for it, but it does attest to the fact that homosexual acts are intrinsically disordered.'

The Catholic Church has used the concept of heterosexual marriage as the reference point from which to define homosexuality as amoral and as a sin. Marriage is not considered to be just any relationship between human beings, but is interpreted as a relationship established by the Creator with its own set of rules. Marriage exists solely between a man and a woman,

in that 'they mutually perfect each other, in order to cooperate with God in the procreation and upbringing of new human lives' (Vatican, 2003).

Orthodox Although each existing Orthodox Church is independently administered, they all share a common understanding of homosexuality (Hopko, 1987). The traditional Orthodox understanding of the Old and New Testament scriptures is expressed in the Church's liturgical worship. The liturgical worship makes clear that the Orthodox Church considers homosexual orientation as a disorder and a disease and homosexual acts as sinful and destructive. Again, the importance of marriage and the family serve as the reference point from which to define homosexuality as sinful. Orthodox Christian teachings on marriage and sexuality dictate that marriage consists of the conjugal union between a man and a woman, and that an authentic marriage is blessed by God as a sacrament of the Church. The union between a man and a woman in the Sacrament of marriage reflects the union between Christ and his Church. Such a holy union between persons of the same sex is neither blessed nor sanctioned by scripture nor holy tradition.

Muslims The Koran holds the ultimate authority in the Muslim faith. In the story of Lot, which is referred to in five passages in the Koran, homosexuality plays a central role. The most important sentence from which to conclude that the Koran forbids same-sex relations among men reads as follows: 'How can you lust for males, of all creatures in the world, and leave those whom God has created for you as your mates. You are really going beyond all limits' (Duran, 1993: 182). A secondary source in Islam is the Hadîth, a collection of the teachings of the Prophet, passed down orally after Muhammad's death (Mohr, 2003: 63; Robinson, 2002). There is an array of passages in the Hadîth related to homosexuality, for example: 'If you see people do as Lot's tribe did [i.e. commit homosexuality], kill both the one who does and the one who lets it be done to him' (Duran, 1993: 182).[8] The Prophet also addressed the subject of homosexuality in his last speech to the community, known as the 'Farewell Sermon'. This speech contains the following statement: 'Whoever has intercourse with a woman and penetrates her rectum, or with a man, or with a boy, will appear on the Last Day stinking worse than a corpse; people will find him unbearable until he enters hellfire, and God will cancel all his good deeds' (Duran, 1993: 182).

The reason for rejecting homosexuality in Islam is the same as in Christianity; namely, the purpose of sexuality is understood to be procreation. Homosexuality contradicts this purpose and is condemned as a misuse of the will of God (Al-Fatiha Foundation, 2003; Duran, 1993: 182). In most Islamic countries, homosexuality is harshly punished. Owing to the

fact that Turkey is a secular republic, homosexuality is not illegal. But despite this legal protection, public expressions or displays of homosexuality remain largely taboo in the general public; in Turkish military law, homosexuality is regarded as a mental illness, and homosexuals are thereby banned from military service.

Lutheran-Protestants The national Lutheran-Protestant churches within the EU are more or less independent units, which makes it difficult to speak of *the* Lutheran-Protestant church's stance on homosexuality. We base our analysis on the Evangelical Church in Germany, whose position on homosexuality is similar to that of other European Lutheran-Protestant churches.[9] The Evangelical Church in Germany (EKD) gave its position on homosexuality in a statement issued in 1996. The first part summarizes two explicit statements in the Bible regarding homosexuality that make clear that homosexuality is unacceptable. In the second part, however, the authors emphasize that there is a higher-ranking, central commandment in the Bible: the commandment to love one another. 'A relationship must be established between the commandment to love, the epitome of the holy will of God, and the question of how to ethically and responsibly address homosexual cohabitation. Because the commandment to love is unconditional and all-encompassing, homosexual cohabitation cannot be considered an exception to that rule. This means that the commandment, expressed as the holy will of God, also holds true for the homosexual way of life' (EKD, 1996: 2.3; own translation). The Protestant Church therefore judges homosexual relationships as it does every other interpersonal relationship, namely by whether the relationship is characterized by love for God and for others. With this interpretation of the Bible, the contemporary Protestant Church diverges from the Catholic and the Orthodox churches, insofar as the level of acceptance for homosexuality in the Protestant Church is significantly higher.

To sum up our hypotheses, different religious denominations have developed varying interpretations of and positions on homosexuality. We assume that these institutional interpretations influence the attitudes of their members. The more homosexuality is interpreted as deviant behaviour and rejected by a particular denomination, the more the members of that denomination will reject homosexuality themselves. Based on our interpretation of the four denominations, we expect support for homosexuality by religious orientation to go as follows: people with no religious affiliation will show higher levels of support towards homosexuality than will members of religious communities; Protestants will show moderate levels of support, and Muslims, Orthodox Christians and Catholics will show the least support.

We also assume that the degree of integration into a particular religious institution, as measured by church attendance, influences beliefs on homosexuality (Herek, 1987, 2000; Layman and Green, 2005; Pickel, 2001; Schulte and Battle, 2004; Tygart, 2000). All of the denominations in our analysis have legitimized discrimination towards homosexuals to varying degrees at some point in time and continue to do so to varying extents. We assume that the degree of integration – regardless of the particular denomination – will influence attitudes towards homosexuality in the following direction: the less a person is integrated into the daily practices of his or her religious institution, the less he or she is exposed to the official institutional doctrine and would therefore be more likely to support the principle of non-discrimination. Integration into church is measured by the number of times the respondent attends to religious services.

In addition to the two groups of variables derived from modernization theory on the one hand and cultural theories on the other, we included two control variables in our analysis. Past studies have shown that women are more tolerant towards homosexuality than men (Herek, 2002; Langfeldt et al., 1999; Loftus, 2001; Tygart, 2000). The literature explains this difference in the following way (Irvine, 1995): Because the term homosexuality is generally associated with homosexual males, heterosexual men are especially prone to distancing themselves. We also took the age of the respondent into account as a final variable in our analysis. Other studies have shown that younger interviewees express higher levels of support for non-discrimination towards homosexuals than older interviewees do (Ester et al., 1994; Langfeldt et al., 1999). The influence of age on attitudes towards homosexuals is normally interpreted as a cohort effect rather than a life-cycle effect (Hellevik, 2002). According to Inglehart, this is the case because elder generations grew up under conditions of material need, whereas younger generations have grown up in economically more secure societies. We follow this interpretation, although our data do not allow us to test whether the impact of age can be interpreted as a cohort or as a period effect.

Testing the Hypotheses

The empirical analyses concern variables at the country level and at the individual level. Multilevel regression analysis allows us to investigate effects at different levels of analysis at the same time (Hans, 2006; Snijders and Bosker, 1999). The dependent variable – the question 'homosexuality can never/always be justified' as depicted in Figure 1 – is measured at the individual level. The independent variables are measured at the individual and the country level. The Appendix gives a brief description of the variables used in our analysis. The multilevel analysis is performed in eight steps; the difference in likelihood between the models indicates whether the fit of the model increases when a new variable is added to the model. As the

R^2 value (Bryk and Raudenbush, 1992) in Table 1 shows, the explanation of attitudes towards homosexuality turns out satisfactorily; together, the independent variables explain 30.2 percent of the variance.

First, a model containing no explanatory variables (a random intercept only model) is estimated, which defines a baseline for comparing the other seven models.[10] Models 2–8 contain (among other variables) the two control variables. The results show that the respondent's gender and age have the expected impact on attitudes towards homosexuality. Women are more tolerant than are men, and younger people more often say that homosexuality is justifiable than do the elderly.[11]

In Models 2–5 we incorporate the three independent variables derived from modernization theory. First, Model 2 adds the only context variable, the Human Development Index into the analysis.[12] Our hypothesis is supported by the data: the more modernized a country, the more likely it becomes that a respondent says that homosexuality is justifiable. Hence, the modernization of a country is a good predictor of citizens' attitudes towards homosexuality. Model 3 includes the level of education and Model 4 adds in the post-materialistic orientation of the respondent in the form of two individual-level measurements of the level of modernization. Both variables have an influence on citizens' attitudes towards homosexuality and go in the expected direction. More educated and more post-materialistically oriented people are more likely to say that homosexuality is justifiable than are the less educated and the materialistically oriented. The influence of the HDI variable is hardly reduced by the inclusion of education and post-materialism, which indicates that the three measurements of modernization have an independent impact on attitudes towards homosexuality.

Models 5–7 incorporate the two variables derived from cultural heritage theory. Model 5 first adds the respondent's religious affiliation. As assumed, people with any religious affiliation exhibit less tolerance towards homosexuality than do people with no religious affiliation; also in line with our hypotheses is the fact that Orthodox Christians, Catholics and especially Muslims are much more ready to say that homosexuality is not justifiable than are Protestants. Model 6 includes, among the two control variables, the level of integration into the religious denomination as measured by the level of attendance at religious services. Again our hypothesis is confirmed. The more integrated into a religious institution a person is, the more likely he or she says that homosexuality is not justifiable. Model 7 incorporates the respondent's religious affiliation and the level of integration into the religious institution at the same time. The results show that each of them has an independent effect on the dependent variable, but that the impact of the different religious denominations is partly reduced by the level of integration into a particular religious institution. A comparison between the explained variance in Models 5 and 6 indicates that the

Table 1 *Multilevel Analysis of Attitudes towards Homosexuality*

	Random intercept	Modernization			Religion and religiosity			Full model
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
Age		–0.05***	–0.04***	–0.04***	–0.05***	–0.04***	–0.04***	–0.04***
Sex		0.59***	0.61***	0.65***	0.63***	0.67***	0.68***	0.73***
HDI		27.14***	27.41***	26.12***				22.26***
Education			0.25***	0.22***				0.21***
Postmaterialism index				0.38***				0.36***
Catholic					–0.77***		–0.35***	–0.23***
Protestant					–0.58***		–0.26**	–0.18*
Muslim					–2.95***		–2.60***	–2.09***
Orthodox					–0.82***		–0.52***	–0.39**
Church attendance						–0.19***	–0.16***	–0.16***
Constant	4.29***	4.42***	4.41***	4.43***	4.28***	4.29***	4.29***	4.40***
N – Persons	27964	27964	27964	27964	27964	27964	27964	27964
N – Countries	27	27	27	27	27	27	27	27
Log-likelihood (LL)	–58150	–57074	–56723	–56534	–56911	–56853	–56774	–56264
Variance – constant	3.47	1.01	0.98	0.93	3.01	3.19	2.82	0.96
Variance – residual	8.74	7.98	7.74	7.62	7.86	7.82	7.77	7.44
R^2 level 1[a]	–	8.8 %	11.5 %	12.9 %	10.1 %	10.6 %	11.2 %	14.9 %
R^2 level 2[b]	–	70.9 %	71.9 %	73.2 %	13.1 %	8.0 %	18.6 %	72.4 %
Total R^2 [c]	20.1 %	26.1 %	27.9 %	28.9 %	26.9 %	27.2 %	27.6 %	30.2 %

Unstandardized regression coefficients are reported. Intraclass correlation ρ = .28.

[a] R^2 level 1 = $(\text{Var(res)}_{\text{RIO-Model}} - \text{Var(res)}_{\text{Full Model}})/\text{Var(res)}_{\text{RIO-Model}}$ (Bryk and Raudenbush, 1992).

[b] R^2 level 2 = $(\text{Var(con)}_{\text{RIO}} - \text{Var(con)}_{\text{Full Model}})/\text{Var(con)}_{\text{RIO-Model}}$ (Bryk and Raudenbush, 1992).

[c] Total R^2 = Maddala maxium likelihood $R^2 = 1\text{-exp}((-2(\text{LL}_{\text{Empty Model}} - \text{LL}_{\text{Full Model}})/n))$.

*$p < .05$; **$p < .01$; ***$p < .001$.

impact of the level of integration into religious institutions is slightly higher than the explained variance that stems from the respondent's religious affiliation.[13] This is an interesting finding, in that it contradicts Huntington's thesis that different religious worldviews dominantly influence the attitudes of their members. Our analysis shows that the particular religious denomination to which someone belongs is less important than the degree of integration into that denomination.

Finally, Model 8 incorporates the variables derived from modernization theory and from cultural heritage theory together. Two results are worth mentioning. First, all of our hypotheses are supported by the full model; this means that modernization theory *and* cultural heritage theory contribute to explaining attitudes towards homosexuality. Second, comparing Model 7 with Model 8 shows that the impact of cultural variables on attitudes towards homosexuality is partly reduced when modernization variables are incorporated. One may conclude that the low levels of support for the notion that homosexuality is justifiable, especially in Turkey, has less to do with the religious denomination to which that country's citizenry belongs; rather, this orientation is due in part to the degree of modernization and to the strength of integration in religious institutions.

Conclusion

The original intention of the European Community was to establish a unified European market, but a free market exists only when all actors have equal opportunities to participate and nobody is discriminated against. The question of which characteristics and attributes are grounds for discrimination is, however, open to interpretation. Using European law and EU policies, we first described how EU institutions have expanded the number of characteristics that may be grounds for discrimination, with sexual orientation being one of these features. Equality between hetero- and homosexuals was first introduced with the 1999 Treaty of Amsterdam and is an essential part of the 2000 Charter of Fundamental Rights of the European Union. With a non-discrimination directive, the European Council specified the legal basis for equality between hetero- and homosexuals.

By analysing data from the EVS, we found that the majority of European citizens do not support the idea of non-discrimination towards homosexuals. A sense that homosexuality is justifiable is particularly low in recently acceded country groups, and is almost non-existent in Turkey. Clear differences within the country groups exist on the national level as well. Support for non-discrimination towards homosexuals in countries like Sweden, Denmark and the Netherlands is rather high, whereas support in Ireland, Italy and Portugal is rather low. The Czech Republic, Slovakia and Slovenia are the only new member states who come close to the mean

values in the EU-15. The degree to which citizens accept EU regulations is significant in terms of the legitimacy of its policies. Democracies are structurally dependent on the support of their citizens, and a mismatch between an elite project and public opinion can lead to legitimacy problems for EU institutions, as demonstrated by the French and Dutch rejection of the EU Constitution and the Irish rejection of the Treaty of Lisbon.

Modernization theorists have argued that economic development influences the value orientation of the citizens, whereas cultural theorists have claimed that values are strongly influenced by the religious heritage of a country. According to the results of our causal analysis modernization theory *and* cultural heritage theory contribute to explaining attitudes towards homosexuality. All the hypotheses derived from the two theories are supported by the statistical analysis; overall, we can explain attitudes towards homosexuality quite well.[14]

In that modernization has a strong effect on citizens' attitudes, one may conclude that support for non-discrimination towards homosexuals will increase if new EU member states go through a period of modernization similar to that of the old member states. EU membership may even accelerate modernization, as was the case for Greece, Portugal, Spain and Ireland (Bornschier et al., 2004; Delhey, 2003). These countries were significantly less modernized at the time of their accession, and membership has proven to be conducive to modernization. Spain is a good illustration of the correlation between modernization and changes in citizens' values. Elsewhere (Gerhards, 2007) we have analysed how Spanish attitudes towards homosexuality have changed in the last 20 years; the percentage of respondents who view homosexuality as justifiable has steadily increased. Whereas in 1981, 52.6 percent of Spaniards answered that homosexuality was not justifiable, this number decreased to 16.7 percent in 2000. Within 20 years, the acceptance rate for homosexuality in Spain fundamentally changed. Although we cannot statistically prove whether this change in attitudes is due to modernization in Spain, it seems plausible to draw that conclusion; Spain's cultural heritage, the second import variable that can explain attitudes towards homosexuality, remained constant during that time period.

The Spanish government introduced a legislative draft allowing homosexual marriages in 2004 despite protests by the Catholic Church. Parliament has since approved this law, and same-sex marriages now have the same rights and responsibilities as heterosexual ones do. Such legislation would not have been possible without a change in citizens' values. This change was precipitated by modernization in Spain, which was induced by EU membership. If the accession countries and Turkey undergo similar economic modernizations, one might speculate that such value changes may also occur there.

Appendix: *Description of Variables*

Variable	Range	Description	Data source
Attitudes towards homosexuality	1–10	'Homosexuality can never/always be justified': 1 = never, …, 10 = always.	EVS 1999/2000
Mater./post-material. index	1–4	Four-item ranking scale; *Operationalization*: 1 = materialist, 2 = materialist/post-materialist, 3 = post-materialist/materialist, 4 = post-materialist.	EVS 1999/2000
Education	1–8	Highest level of education: 1 = inadequately completed 2 = completed (compulsory) elementary education, 3 = (compulsory) elementary education and basic vocational qualification, 4 = secondary, intermediate vocational qualification, 5 = secondary, intermediate general qualification, 6 = full secondary, maturity level certificate, 7 = higher education – lower-level tertiary certificate, 8 = higher education – upper-level tertiary certificate.	EVS 1999/2000
Catholic, Protestant, Muslim, Orthodox	0–1	Dummy variables composed of religious denomination, with the reference category: respondent does not belong to a religious denomination. *Operationalization*: 0 = no, 1 = yes.	EVS 1999/2000
Church attendance		'Apart from weddings, funerals, and christenings, about how often do you attend religious services these days?': 1 = more than once a week, 2 = once a week, 3 = once a month, 4 = Christmas/ Easter, 5 = other specific holy days, 6 = once a year, 7 = less often, 8 = never, practically never. *Operationalization*: recoded.	EVS 1999/2000
Human Development Index	0.742–0.941	Standard modernization measure (HDI report 2002)	http://hdr. undp. org/en/media/ complete.pdf
Age	16–102	Year of birth	EVS 1999/2000
Sex	0–1	Sex of respondent *Operationalization*: recoded: 0 = male, 1 = female.	EVS 1999/2000

Notes

1. The empirical basis used to reconstruct citizens' value orientations is a secondary analysis of the European Values Study (EVS), a representative survey conducted in EU member states and candidate countries.
2. One example of this legitimacy deficit was the May 2005 French and Dutch rejection of the European Constitution; the elite project of giving Europe a new constitution failed after citizens of two member states refused to support the idea.
3. Article III-21 of the Charter of Fundamental Rights of the European Union also prohibits discrimination on the basis of sexual orientation and serves as firm legal anchor for equality between homosexuals and heterosexuals in the EU (European Community, 2000).
4. The concept of 'framing-bridging' was developed by David Snow in the context of social movement research (Snow et al., 1986).
5. Useful information regarding the EVS can be found at www.europeanvalues.nl. See also the work by Halman (2001) and Arts and Halman (2004). The EVS data set is available at the Central Archive for Empirical Social Research in Cologne under the number 3811.
6. In addition to the HDI, the GDP at purchasing power parity (PPP) per capita is an alternative way to measure the degree of economic modernization. We used both indicators in our analysis; they lead exactly to the same results.
7. The Inglehart index was formed from the answers to the following items: 'There is a lot of talk these days about what the aims of this country should be for the next ten years. Which of the things would you say is most/next most important: (1) Maintaining order in the nation, (2) Giving people more say in government decisions, (3) Fighting rising prices, (4) Protecting freedom of speech.'
8. Some scholars think that this applies to lesbians as well, whereas others think that lesbians should be punished less (Duran, 1993: 182).
9. The Evangelical Lutheran Churches in Scandinavia are also members of the Lutheran World Federation and adopt a similarly liberal position on homosexuality, viewing it as moral. In 2006 the (Lutheran) Church of Sweden allowed blessings of same-sex unions and permitted gay clergy.
10. In order to compute the Maddala R^2 for both levels combined, an empty model without random slopes was estimated as well (Maddala, 1986).
11. The study by Bettina Langfeldt et al. (1999) showed similar findings.
12. In a separate analysis we incorporated other country-level variables into the model like, for example, religious affiliation at the aggregate level. As these variables did not improve the overall explained variance, detailed results are not reported here.
13. In addition, we have calculated a separate linear regression, with standardized regression coefficients, and the three religious groups and church attendance as the independent variables. It turned out that church attendance has the strongest impact on attitudes towards homosexuality.
14. We are aware of the fact that in classifying the countries and individuals with broad categories like modernization and cultural heritage we have not done justice to the particular historical developments of individual countries. Historical social scientists stress the importance of historical, path-dependent

developments of individual countries. We agree with this critique, but believe that both methodologies are compatible. Systematic analyses such as ours can develop a rough sketch of the differences between countries and cultures but cannot replace a historical approach complete with micro-analyses of particular conditions. This study does not take developmental, historical paths of individual societies into account. Consequently, the explanatory power of our findings is limited.

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