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QUING

Quality in Gender+ Equality Policies

Integrated Project

Priority 7 – Citizens and Governance in a knowledge based Society
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Authors: Roman Kuhar

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The research project

This paper is based on the material, collected for the European Quing project (Quality in Gender+ Equality Policies, www.quing.eu), which is funded within the Sixth Framework Programme of the European Commission (2006-2010) and looks into framing of the gender+ equality policy debates in all EU member states, the two candidate countries Turkey and Croatia, and the EU.

The project explores various dimensions of policy problems, using the Critical Frame Analysis approach (Verloo, 2005). Methodologically Critical Frame Analysis offers critical reflection over ways in which certain policy problems are defined and constructed and which solutions are proposed in the framing of the problems themselves in the specific political sites. For that reason the Quing project looks into four types of documents in four topics: general gender equality issues, domestic violence, non-employment and intimate citizenship. The four types of documents include laws, governmental reports or action plans, parliamentary debates and civil society texts. The analysis of policy problems takes a look at how the problem is defined (the diagnosis), what solutions are offered (the prognosis), where the problem and its solution are located (for example in the realms of polity, intimacy, economy etc.), who causes the problem (active actor, responsible actor) and who is affected by it (passive actor, target group), what is the cause of the problem (causality), which ways should be employed to solve the identified problems (mechanisms), what are the underlying norms of the text, whose voice is heard in framing the issue at stake, what references are used in the text etc. The coding of the texts selected for the critical frame analysis produced the so called "super-texts". These are coded versions of the original texts, including variety of different "markers". Through the combination of different markers (such as "active actor", "passive actor", "underlying norm", "location", "causality", etc.) the frame is constructed. The time span of the analysis is 1995-2007. The general rule was to include the latest documents possible.[1]

In this paper an analysis of the frames, identified in one of the sub-issues within the intimate citizenship issue – that of sexual orientation discrimination and same-sex partnership – is presented.[2] The paper has two sections: in the first part of the paper general overview of frames identified on the European level for the same-sex partnership policy debates are presented. The frames were further codified into "index values" for each frame, which represent the frequency of the occurrence of each frame in the policy texts analyzed combined with its strength (major, significant, minor, marginal etc. frames). The grouping of countries is conducted on the basis of mean index values of frames and through hierarchical cluster

[1] See more on the methodology used in Quing in: Dombos, Tamas et al. 2008. Critical Frame Analysis: A Comparative Methodology for the QUING Project, paper presented at the ECPR First European Conference on Politics and Gender at Queen's University Belfast, Northern Ireland (January, 21-23, 2009).

[2] The coding of intimate citizenship texts and the critical frame analysis for the countries, included into Quing project, were conducted by Karin Tertinegg (Austria), Saskia Martens (Belgium), Elena Stoykova (Bulgaria), Manina Kakepaki (Cyprus and Greece), Ingrid Röder (Czech Republic), Maria Carbin (Denmark), Martin Jaigma (Estonia), Ana Fernández de Vega de Miguel (EU), Hannele Harjunen (Finland), Julie Jarty (France), Doris Urbanek (Germany), Tamas Dombos (Hungary), Jo Armstrong (Ireland), Elena Del Giorgio (Italy), Aivita Putnina (Latvia), Lithuania (Vilana Pilinkaite-Sotirović), Renee Wagener (Luxembourg), Femke Vanderwall (Malta), Sophie Lauwers (Netherlands), Magdalena Dabrowska (Poland), Portugal (Alba Alonso), Raluca Maria Popa (Romania), Slovakia (Jasminka Dedić), Maxime Forest (Spain), Elin Kvist (Sweden), Gülbanu Altunok (Turkey), UK (Sophia Strid), and Roman Kuhar (Slovenia and Croatia). Quing Intranet software was used for the collection of frames for this paper.

analysis. The second part of the paper focuses on one particular frame – the Europeanization frame – and attempts to present how and where this frame occurs in same-sex partnership related texts and what is the content of this frame.

Out of all the four issues analyzed in Quing project intimate citizenship issues proved to be the most de-gendered issue of all, particularly this holds true for same-sex partnership sub-issue. Even when gendered terms are used in policy texts – such as gays and lesbians – the terminology is often meant in a degendered way (gays and lesbians belonging to a unified group of same-sex oriented individuals). How is same-sex partnership sub-issue therefore related to gender equality, the key concept of the Quing project? In this particular sub-issue gender figures as a background "personal circumstance", which emerges in intersection with sexuality. One of the core problems, addressed in same-sex partnership policy texts – the definition of who can get married or whose partnership can be legally recognized and rewarded as socially desirable and acceptable union – is not directly or primarily related to the issue of sexual orientation but rather to the issue of gender. The initial state of the problem is in the fact that legislation recognizes only two people of different genders to be legally allowed to get married. Although this is implicitly related also to one's sexual orientation, is it the definition of gender (the opposition of genders) which lays at the core of the problem. Gender equality is understood here in intersection with sexuality (sexual orientation) – gender equality will be achieved – in legal terms – when matrimony legislation will become de-gendered. In other words: when gender will become a »non-issue«. De-gendering the matrimony union laws is therefore the way to gender+ equality.

Introduction to the sub-issue of intimate citizenship

Marshall's discussion on citizenship rights in "Citizenship and social class" (1994 [1950]) framed the deliberations on the concept of citizenship in the postwar period. In his understanding citizenship is "a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed." (Marshall, 1994 [1950]: 17). Marshall claims that there is no universal principle on the basis of which each community imparts citizenship rights to its members. The amount and the content of citizenship rights are determined by each political entity, which constructs the image of an "ideal citizen" to whom citizenship rights are granted.

In his historical account on citizenship rights Marshall defines three general bundles of rights, which were granted to citizens in different periods of time. Civil rights were imparted in 18th century, followed by political rights in 19th century and social rights in 20th century.

One of the key criticisms of Marshall's historical account on citizenship rights is an assessment that Marshall considered only class differences among members of the political community, overlooking all other important grounds, on the basis of which citizenship rights can be granted or denied: gender, ethnicity, sexual orientation etc. The feminist critic showed that Marshall's historical scheme is true for men, while women were granted rights in a different order. In several communities, for example, women were first granted social rights (as their primary role was considered to be the role of a mother) and only later political rights etc. The very concept of citizenship is therefore gendered. One of the reasons for that, outlined by Yuval-Davis (1997), is that public realm was differentiated from private realm in such a way that men were constructed as "active and public" members of the community,

while women were forced into privacy. Walby (1994) shows that in the West there was a time gap of several decades between the institutionalization of political rights for men and women.

The general feminist criticism "commits" the same mistake reproached already to Marshall. "Men" and "women" are taken as unified categories. Historical account of citizenship rights should not only pay attention to gender, but at least also to race and sexual orientation and its intersections. The concept of citizenship is not only gendered, but it is also "sexualized" and defined by race.[3] Although the concept of citizenship is based on universality, an anticipation of a "normal citizen" is nevertheless (implicitly) inscribed into it. In the context of this paper it is important to note that it is not simply any man that is inscribed into the western concept of citizenship – at the core of this concept is a *heterosexual* (white) man. Richardson (2000:75) claims that the link between citizenship and the institutionalization of heterosexuality and men's privileges is clear especially in those circumstances, when the link between heterosexuality, the status of citizenship and the national identity is understood to be endangered.[4] It means that historical genesis of citizenship rights for non-heterosexual men and women is different compared to heterosexual men and women.

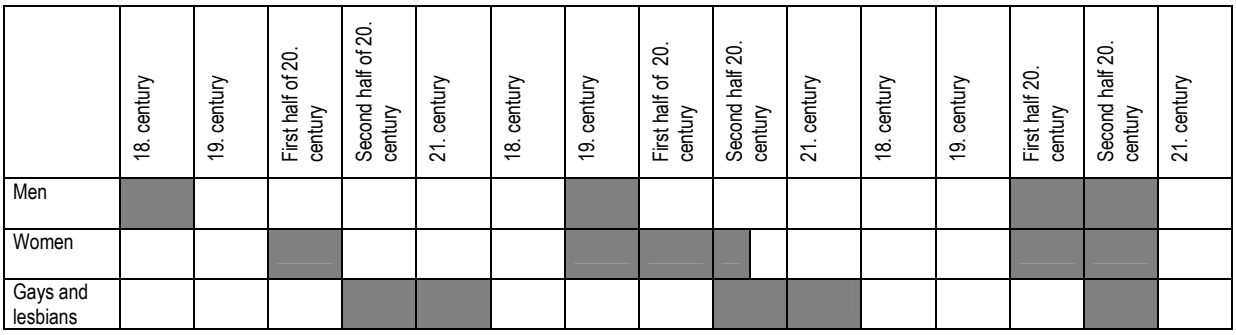
Gays and lesbians were granted social rights – understood primarily as the right to a certain level of a decent everyday life – in the seventies through de-medicalization, "de-psychiatricalization" and also de-criminalization of homosexuality.[5] Civil rights – including registered partnership rights or marriage rights – are being granted to gays and lesbians since the end of the 20th century. The process is still in progress. The political rights – meaning being able to actively participate in a political community as a non-heterosexual person – are rarely acknowledged. Here a broader understanding of citizenship is needed: not only as a status with rights and obligations, but also as praxis, enabling active participation in a political entity. In most of the countries in the West homosexual orientation is still being an obstacle to open political participation in the community as an openly homosexual citizen. However there are already several such examples (the mayors of Berlin Klaus Wowereit and Paris Betrand Delanoe, Dutch politician Pim Fortuyn etc.). Gays and lesbians – as homosexual citizens – were therefore granted the political rights at the break of the century (see picture 1).

	Civil rights	Political rights	Social rights

[3] Other identity positions – such as those defined or constructed by disability, religion, ethnicity, partnership status and so forth should also be considered. Due to the focus of our debate, only sexual orientation is considered here.

[4] Such a link became very obvious in the Slovenian parliamentary debate on same-sex partnership, when the argument against equal rights for same-sex partners was based on the following argumentation logic: the ideal Slovenian citizen is a heterosexual person, which is able to conceive a family and by doing so contribute to the continuation of the Slovenian nation. As such the heterosexual person is not endangering the national identity. Because of that he is entitled to "special rights", deriving form matrimony union and heterosexual family. This is of course not the only such example. In the beginning of the nineties Croatian president Tudžman claimed that from the humanistic point of view homosexuality should be recognized in Croatia, but at the same time homosexuality in Croatia should be made as much invisible as possible (cf. Vuletić, 2002). Similarly Mugabe, the president of Zimbabwe, determined that homosexuality is "un-African", Romanian Minister of Justice claimed that homosexuality is not Romanian, when there were attempts to decriminalize homosexuality in Romania and so forth. Homosexuality is often constructed as presenting a threat to the nation. On the basis of such interpretations, the discrimination of gays and lesbians is justified.

[5] In 1973 American Psychiatric Association removed homosexuality from its list of illnesses. On the symbolic level homosexuality was de-medicalized, although World Health Organization kept homosexuality on its list of illnesses until the early nineties.



Picture 1 – Updated Marshall's scheme of citizenship rights

On the basis of such criticism new concepts of citizenship are being constructed. "New" types of citizenship – such as cultural citizenship, feminist citizenship, ecological citizenship, intimate citizenship etc. – do not represent fourth, fifth, sixth etc. pillars of citizenship rights. New citizenships broaden the three bundles of rights, identified by Marshall, and point at new or overlooked issues and problems.

Issues and questions related to intimate citizenship – a concept defined by Ken Plummer as a "new set of claims around the body, the relationship and sexuality" (1996:47) – have (re)emerged on political agenda of the European countries in the past fifteen years. The most resounded debates in this context were (and remain) related to the legal regulations of same-sex partnership, but there are also other issues involved such as sexuality, reproductive capacities, (new) living arrangements, (new) families, ethics of care, questions about identities, its representations and similar. All these agendas are informed by the fact that certain groups within a political community, though having the formal status of citizenship, can still be subjected to inequality and exclusion, based on unjust distribution not only of economic but also of symbolic, social, political, and cultural rights. The "intimate citizenship claims" therefore do not only envisage "new morals", establishing themselves through the tensions with traditional values, but also presents a frame for the new politics of intimacy.

Critical frame analysis of sexual orientation discrimination and same-sex partnership policies

The three main political discourses, which have defined gay and lesbian politics of the past decades in Western Europe and North America, are: efforts for increased visibility, establishment of equal rights and struggle for full citizenship (Klesse, 2004). Since the end of the eighties one of the main objectives, which illustrates all these political discourses, has been the establishment of legislation, which would grant legal recognition to same-sex partnerships and consequently legally regulate same-sex families. Different legal forms of registered and unregistered partnerships, cohabitation, civil unions and even de facto marriages were adopted in Europe by the following countries[6]: Netherlands (1979, 1998, 2001), Sweden (1988, 1994, 2009), Denmark (1989), Norway (1993, 2008), Island (1996), Hungary (1996, 2009), France (1999), Belgium (2000, 2003), Germany (2000), Finland (2001), Portugal (2001), Austria (2003), Croatia (2003), Luxembourg (2004), Great Britain (2004), Switzerland (2004), Spain (2005), Czech republic (2005) and Slovenia (2005).

[6] The number in brackets represents the year of adoption of legislation. If there are several numbers, they represent the sequence of adoption and amendments. For contents of individual acts see: http://www.ilga-europe.org/europe/issues/marriage_and_partnership/same_sex_marriage_and_partnership_country_by_country

In most of these countries the adopted legislation established special legal institution for same-sex couples – such as registered partnership – while the rights and obligations, ascribed to same-sex couples, vary from one country to another. Currently there are five exceptions in Europe: Netherlands, Spain, Norway, Sweden and Belgium. In these countries there is generally no differentiation between rights and obligations ascribed to heterosexual or homosexual married couples.[7] In all other countries the existing legislation, which regulates same-sex partnerships, is still discriminatory for it legally puts gay and lesbian couples on a different, an inferior footing compared to heterosexual couples. There can be substantial differences between the legal institutions of registered same-sex partnership and matrimony union, as it can be seen from the Croatian *Same-sex partnership Act;* same-sex couples are granted only 2 out of 27 rights, which heterosexual couples gain by being married. Here a very revealing statement by Henning Bech (1992) comes into mind. Bech commented the adoption of the *Registered partnerships Act* in Denmark in 1989 by claiming that the act established and strengthened the status of homosexuals as the second class citizens because the right to adoption and church wedding was excluded from said act.

Although in Denmark the abovementioned act was later amended – therefore the original act could be interpreted as the first step towards greater equality – the fact remains that the majority of these laws actually preserve the status of homosexuals as the second class citizens. Furthermore it seems that certain parts of the mainstream gay and lesbian movements are satisfied with this for in the struggle to achieve at least some rights they often overlook the discriminatory nature of the proposed legislation, or after the legislation is adopted, they believe that the work is done (Kuhar, 2006).

The frames

In total 38 different frames were found within the four types of texts (laws, governmental plans, parliamentary debates and civil-society texts), dealing with the legal recognition of same-sex partnership, anti-discrimination policies in regard to sexual orientation, legal arrangements of same-sex families and adoption by same-sex couples in 29 European countries. All 38 frames were measured by the number of its occurrences in the texts analyzed and by the strength of the frame, defined by each country researcher.[8] The frequency of the occurrences and the strength of the frame was combined together in order to produce "index value" for each frame in each country. Frames for diagnosis and frames for prognosis were computed separately, but the index values were then analyzed in SPSS together for prognosis and diagnosis through hierarchical cluster analysis.

Index values of the identified 38 frames show that there are 10 strongest frames (index > 1). These are most important frames in same-sex partnership sub-issue according to the frequency of its occurrence in policy documents in Europe as well as according to its strength (Table 1).

Name of the frame	Diagnosis index	Prognosis index	Frame index

[7] Great Britain could be listed among these countries as well as the rights and obligations of married heterosexual partners are equal to rights and obligations of registered same-sex unions. However Great Britain has established separate legal institute – not marriage – for same-sex couples. Furthermore in the legislation of the listed countries there are still a few minor differences between the homosexual and heterosexual marriage. See http://www.ilga-europe.org/m3/partnership%20rights%20Europe.htm

[8] Those frames which were defined by the national researcher as the major frames were ascribed number 3, significant frames number 2 and minor or marginal frames number 1. Index value of the frame was computed by summing together the frequency number and the strength number.

Equal rights for same-sex partnerships	5,03	6,79	5,91
Quality of legislature	3,97	2,17	3,07
Non-discrimination	2,97	2,38	2,7
Classic marriage	2,24	2,97	2,6
Follow social reality	2,93	1,79	2,36
Transformative equality of GLBT	2,17	1,34	1,76
Wellbeing of children	1,69	1,76	1,72
Europeanization	1,62	1,72	1,67
Children need classic parents	1,62	1,38	1,30
Children for all	1,21	1,38	1,30

Table 1 – The strongest frames in same-sex partnership policies across Europe

The ten strongest frames have several common denominators. The first group of frames (equal rights for same-sex partnerships, non-discrimination) is defined through the discourse of human rights, its protection or its infringement.

The second group relates to the issues, connected to children (children need classic parents, wellbeing of children, children for all). There is a key inconsistency in this group of frames: while one framing overcomes heteronormative interpretation of child's upbringing, the second framing opposes it and states that children are better off when placed in the context of traditional heterosexual family. In its core the child-related group of frames is about human rights as well. The inconsistency lays in the juxtaposing of child's rights and the right to have children.

The third group of frames, which importantly defines same-sex partnership sub-issue of intimate citizenship policies in Europe, is related to the state of the legislature, its consistency to address social reality as the question of public opinion about the legislative changes (quality of legislature, follow social reality, Europeanization). Unlike the first two groups of frames, here human rights issues are in the background. The focus is primarily on legislative issues either through following examples from other EU countries or through rejection of legislative proposals due to non-supporting public opinion.

The last, fourth group of frames, deal with more or less ideological issues. This is to say that through these frames (classic marriage, transformative equality of GLBT) different interpretations of social reality as it is or should be are suggested. This ranges from conservative interpretations which aim to keep traditional family and gender relations intact to queer alternatives, which aim at deconstructing the taken-for-granted social reality and looks for ways beyond classical binary oppositions, starting with gender (men-women). The "transformative frame", as it was defined in the process of coding, better fits into the first group of frames as it deals with human rights. However as it also envisages a "new social reality" I have put it under the forth group of frames.

The above categorization of twelve most important frames into 4 groups is of course artificial and inconsequent in the sense that all four denominators – rights, children, legislature, ideology – are to a certain extend incorporated in all the frames.

Here is a brief explanation of each frame as it was used during the coding process:

(1) Rights-defined frames

The most often occurring frame is that of **equal rights for same-sex couples**. At the core of this frame are attempts to establish a separate institution for gay and lesbian couples – such as registered partnership. In this context a strategic framing of political debate is implicitly occurring: an alternative and separate institution is suggested in order to move the focus of the political debate away from the traditional marriage and family, which are often said to be endangered by the "new intimate citizenship" claims. The frame of equal rights is therefore presented as non-threatening to traditional institutions. One of the supporting frames on equal rights is the **non-discrimination frame**, which places same-sex partnership issues in the context of (non)-discrimination. While this is less dominant framing at the level of EU member state, the non-discrimination framing of this issue is the dominant framing at the level of EU. Same-sex partnerships – similarly as other intimate citizenship issues, related to marriage and partnerships – are namely seen as outside of the competences of European Union.

Major frames	Less dominant	Minor frames
-Non-discrimination of LGBT individuals	-Quality of legislature - Europeanization	-Transformative equality of LGBT people - Equal rights for same-sex couples

Table 2 – EU frames

The "equal rights" discourse at the level of member states is shifted to the "non-discrimination" discourse at the level of EU (especially through the EU non-discrimination attempts in its workplace related directives). The non-discrimination frame does not address same-sex partners as such, but rather focuses on LGBT individuals. At the core of this frame is sexual orientation as one of the grounds on which discrimination should be prohibited.

(2) Children-defined frames

Second bundle of identified major frames shifts focus from gays and lesbians and the human rights discourse to children and their wellbeing. The **well-being of children** frame focuses on such organization and recognition of intimate relations which would assure the wellbeing of children. The core of the "wellbeing of children" frame is not in the rights of the partners, but rather children's wellbeing which should be at the center of policies. In a way this frame is also dealing with rights – rather than partner's rights children's rights are taken into consideration and placed in the center.

Two versions of this frame are present in the same-sex partnership related policies: traditional sub-frame (**"children need classic parents"**) claims that a child needs two parents of opposite sex for an ultimate development, while progressive sub-frame ("new families are good for children") focuses on non-traditional parenting, which is interpreted as a parenting that can also assure the wellbeing of children. However the progressive sub-frame does not occur among major framing of same-sex partnership issues in Europe. The second major frame, related to children, is closer to the first group of frames, based in rights. **"Children for**

all" frame claims that everyone should have the right to become a parent, which also includes gays and lesbians. The state therefore should not violate this right (and should guarantee it through the adoption of appropriate legislature).

A general conclusion, deducted from the identified frames, is that besides the framing of the same-sex partnership policies in the context of equal rights, the framing, which places children's rights and their wellbeing at the core of these policies, is becoming more and more dominant in Europe. However here – as shown below – a clear distinction between different groups of countries is seen. The shift towards placing children at the core of same-sex partnership framing is typical primarily for the group of least homonegative countries.

(3) Legislation-related frames

At the core of all these frames is the need for legal change and consequently recognition of same-sex partnership or, vice versa, the opposition to such change.

"Follow social reality" and **"quality of legislature"** frames are in accordance with the major frame of equal rights. At the core of the follow social reality frame is an assessment that social reality of intimate relations has changed, making the valid legislature outdated. The legislature therefore insufficiently or not at all addresses new social realities of intimacy in late modernity. The change of the legislation is suggested. Similarly the "quality of legislature" frame points at the problematic legislature. However the cause of the legislature, which is interpreted as not being of high quality, is not attributed to new social realities, but rather to previous policy makers.

The **social debate** frame is positioned around the claim that governmental intentions to change the legislature (usually in a progressive way) are not in accordance with the sentiments of the society. Governmental initiatives are understood as lacking political and social consensus. The **Europeanization** frame, which is a "character frame", which means that it usually occurs in combination with other frames, figures on both sides: on one hand it is used as a pressure frame, meaning that examples from EU countries or EU documents are used as a pressure for legal change on national level. On the other hand it can also be used as an anti-frame, meaning that Europeanization of a certain proposed piece of legislature is defined as incongruent with national culture or traditions.

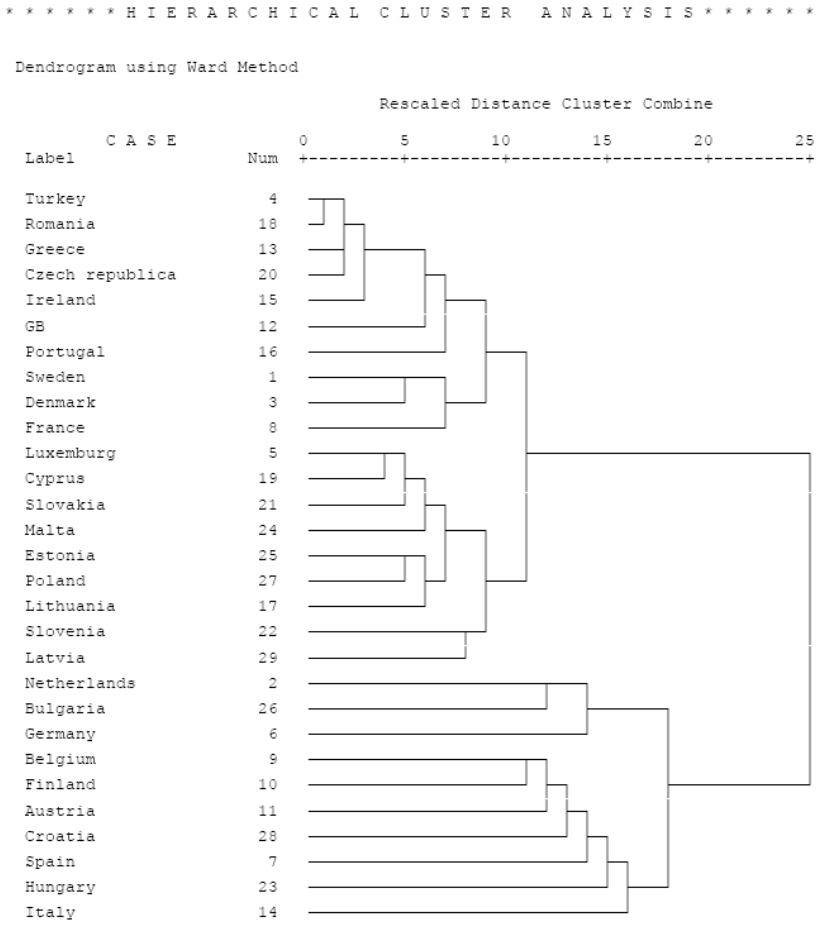
(4) Ideology frames

At the core of these frames is a suggestion how social life should be organized – either as kept intact or undergoing major changes.

At the core of the **"classic marriage"** frame progressive legislative proposals are seen as breaking with the traditional understanding of marriage. Within such framing, marriage is understood as an institution, created for a man and a woman. Similar reasoning is present also in the "homosexuality as deviance" frame, except that this frame also explicitly constitutes homosexuality as an unacceptable practice. Just the opposite is suggested by the **"transformative equality of GLBT"** frame, where homosexuality is understood as a legitimate, natural form of human sexuality. Hence, homosexuals should legally and socially be put on the same footing as heterosexuals.

Hierarchical cluster analysis

On the basis of index values for 38 identified frames in same-sex partnership sub-issue two groups of countries can be distinguished. The first group comprise of Cyprus, Czech Republic, Denmark, Estonia, France, Great Britain, Greece, Ireland, Latvia, Lithuania, Luxemburg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, and Turkey. The second group comprise of Austria, Belgium, Bulgaria, Croatia, Finland, Germany, Hungary, Italy, Netherlands, and Spain.



Picture 2 – Hierarchical cluster analysis on the basis of index frames

The tables below present mean values of index frames for each identified frame, on the basis of which hierarchical cluster analysis was computed. The left side of the table is organized by the mean values of group 1, the right side of the table is organized by the mean values of group 2 (see table 3).

Name of the frame	Mean (Gr. 1)	Mean (Gr. 2)	Name of the frame	Mean (Gr. 1)	Mean (Gr. 2)
Quality of legislature	3,42	5,00	Equal rights for same-sex	3,05	8,80
Equal rights for same-sex	3,05	8,80	Follow social reality	1,58	5,50
Non-discrimination	2,37	4,10	Quality of legislature	3,42	5,00
Europeanization	1,74	1,40	Non-discrimination	2,37	4,10
Follow social reality	1,58	5,50	Classic marriage	1,37	3,90
Wellbeing of children	1,53	2,00	Transformative equality of	1,47	3,50

			GLBT		
Transformative equality of GLBT	1,47	3,50	Children need classic parents	0,79	3,20
Classic marriage	1,37	3,90	Children for all	0,42	2,70
Protect equality and freedom	1,00	0,80	Wellbeing of children	1,53	2,00
Children need classic parents	0,79	3,20	Homosexuality as deviance	0,74	1,80
Homosexuality as deviance	0,74	1,80	Social debate	0,47	1,70
Social debate	0,47	1,70	Europeanization	1,74	1,40
Conflict of rights	0,42	0,50	New families are good for children	0,21	1,30
Children for all	0,42	2,70	Demographic crisis	0,21	1,10
Partnership as resource	0,21	0,40	Protect equality and freedom	1,00	0,80
Demographic crisis	0,21	1,10	General anti-discrimination	0,00	0,80
New families are good for children	0,21	1,30	Authonomy of intimate relations	0,00	0,70
Economic developement	0,16	0,00	Bad governance/institution	0,00	0,60
Reproductive health	0,16	0,40	Conflict of rights	0,42	0,50
International obligation	0,11	0,00	Lack/increase knowledge	0,00	0,50
Strict equal treatment	0,00	0,00	Misuse for profit	0,00	0,50
Crime and justice	0,00	0,00	Partnership as resource	0,21	0,40
Family friendly environment	0,00	0,00	Reproductive health	0,16	0,40
Gender and power	0,00	0,00	Increase ethnic integration	0,00	0,40
Worker's protection	0,00	0,00	Structural inequality	0,00	0,40
Culturalization/external	0,00	0,20	Informed choice	0,00	0,40
Power in partnership	0,00	0,20	Culturalization/external	0,00	0,20
Transformation of parenthood	0,00	0,20	Power in partnership	0,00	0,20
Protect through prohibit	0,00	0,20	Transformation of parenthood	0,00	0,20
Degendered human rights	0,00	0,20	Protect through prohibit	0,00	0,20
Increase ethnic integration	0,00	0,40	Degendered human rights	0,00	0,20
Structural inequality	0,00	0,40	Economic development	0,16	0,00
Informed choice	0,00	0,40	International obligation	0,11	0,00
Lack/increase knowledge	0,00	0,50	Strict equal treatment	0,00	0,00
Misuse for profit	0,00	0,50	Crime and justice	0,00	0,00
Bad governance/institution	0,00	0,60	Family friendly environment	0,00	0,00
Authonomy of intimate relations	0,00	0,70	Gender and power	0,00	0,00
General anti-discrimination	0,00	0,80	Worker's protection	0,00	0,00

Table 3 – Index value of the frames for each identified frame

The mean values show that the key differentiation between the two groups of countries lays more or less in the strength of the mean index value of the frames rather than in the frames themselves. In other words the counties' debates on same-sex partnership in Europe are not primarily differentiated by the context of the frames – it seems that similar groups of the frames occurs throughout the countries analyzed – but rather by the number of its occurrences and its strengths. What also differentiates the first group of countries when compared to the second group of countries – as shown in the table below – is that the first group is characterized by lesser frames or by more frame-unified debate on same-sex partnership issues compared to countries from the second group.

Strength	Group 1	Group 2	EU level
MAJOR			
	Quality of legislature	Equal rights for same-sex	Non-discrimination of LGBT individuals
	Equal rights for	Follow social reality	

	same-sex		
		Quality of legislature	
		Non-discrimination of LGBT individuals	
		Classic marriage	
		Transformative equality of GLBT	
		Children need classic parents	
LESS DOMINANT			
	Non-discrimination	Children for all	Quality of legislature
		Wellbeing of children	Europeanization
MINOR			
	Europeanization	Homosexuality as deviance	Transformative equality of LGBT people
	Follow social reality	Social debate	Equal rights for same-sex couples
	Wellbeing of children	Europeanization	
	Transformative equality of GLBT	New families are good for children	
	Classic marriage	Demographic crisis	
	Protect equality and freedom		
MARGINAL			
	[remaining frames]	[remaining frames]	

Table 4 - Major, less dominant and minor frames,
identified in the same-sex partnership policies across the countries in Europe[9]

The distribution of the frames according to the scale of homonegativity

As the hierarchical cluster analysis proved to be limited – the clustering in two groups could be partly contributed to the sampling process – I have used the scale of homonegativity (Štulhofer, Rimac, 2009) to determine 4 groups of European countries and to look at how the level of homonegativity can be or cannot be related to the framing of same-sex partnership policies in selected countries. The scale of homonegativity proved to be efficient in explaining similarities and differences across Europe.[10]

[9] The strength was defined as follows: marginal frames have less than 1 mean index values, minor frames have between 1 and 1,99 mean index values, less dominant frames have between 2 and 2,99 mean index values, strong frames have more than 3 mean index value.

[10] See: Kuhar, Roman. 2009. The politics of intimacy in Europe: Comparative frame analysis of intimate citizenship issues, paper presented at the ECPR First European Conference on Politics and Gender at Queen's University Belfast, Northern Ireland (January, 21-23, 2009).

Four groups of countries were designed on the basis of country's "level of homonegativity"[11]: the first group represents the least homonegative countries (Sweden, The Netherlands, and Denmark), the second group represents moderately homonegative countries, divided into two additional groups: Western old EU countries (Luxemburg, Germany, Spain, France, Belgium, Finland, Austria, United Kingdom, Greece, Italy, Ireland, and Portugal) and Eastern new EU countries (Czech Republic, Hungary, Slovakia and Slovenia), and the forth groups is represented by the most homonegative European countries (Malta, Estonia, Bulgaria, Poland, Croatia, Cyprus, Latvia, Lithuania, Romania, Turkey).

The tables below presents mean index values of frames for each group of countries (see tables 5 and 6).

Least homonegative countries				**Moderately homonegative countries WEST**			
	Diag.	Prog.	**Total**		Diag.	Prog.	**Total**
Wellbeing of children	7,67	4,33	**6,00**	Equal rights for same-sex	6,75	10,67	**8,71**
Equal rights for same-sex	6,00	3,67	**4,83**	Quality of legislature	5,92	2,92	**4,42**
Transformative equality of GLBT	2,67	5,00	**3,83**	Classic marriage	2,92	4,08	**3,50**
Children need classic parents	3,00	4,00	**3,50**	Non-discrimination	3,42	2,83	**3,12**
Children for all	2,67	3,00	**2,83**	Follow social reality	3,50	1,75	**2,62**
Follow social reality	2,67	0,00	**2,67**	Children for all	2,25	2,58	**2,41**
Protect equality and freedom	1,67	1,67	**1,67**	Wellbeing of children	1,92	2,83	**2,37**
Classic marriage	1,00	2,33	**1,66**	Children need classic parents	3,17	1,50	**2,33**
Quality of legislature	1,67	1,00	**1,34**	Transformative equality of GLBT	2,17	0,67	**1,42**
New families are good for children	0,00	2,67	**1,33**	Europeanization	1,33	0,67	**1,00**
Lack/increase knowledge	0,67	1,00	**0,83**	New families are good for children	0,83	0,75	**0,79**
Culturalization/external	0,67	0,67	**0,67**	Social debate	0,92	0,58	**0,75**
Social debate	1,00	0,00	**0,50**	Homosexuality as deviance	1,00	0,50	**0,75**
Conflict of rights	0,00	1,00	**0,50**	Economic developement	0,00	1,42	**0,71**
Europeanization	0,00	0,67	**0,33**	Authonomy of intimate relations	0,58	0,83	**0,71**
Power in partnership	0,00	0,67	**0,33**	Demographic crisis	0,58	0,25	**0,41**
Increase ethnic integration	0,00	0,67	**0,33**	Structural inequality	0,33	0,33	**0,33**
Non-discrimination	0,00	0,00	**0,00**	Misuse for profit	0,42	0,17	**0,30**
Homosexuality as deviance	0,00	0,00	**0,00**	Conflict of rights	0,25	0,33	**0,29**
Partnership as resource	0,00	0,00	**0,00**	International obligation	0,17	0,42	**0,29**
Demographic crisis	0,00	0,00	**0,00**	Reproductive health	0,25	0,25	**0,25**

[11] Štulhofer and Rimac (2009) analyzed macro-determinants of negative attitudes towards homosexuality in 31 European countries, using the results on social distance towards homosexuality and on justification of homosexuality from the European Value Survey 1999/2000. The analysis showed that there are three general clusters of countries on the scale of homonegativity. The first cluster, which represents the least homonegative countries, includes Sweden, The Netherlands, Iceland and Denmark. The second cluster consists of old EU countries (Luxemburg, Germany, Spain, France, Belgium, Finland, Austria, United Kingdom, Greece, Italy, Ireland, and Portugal) and three new member states (Czech Republic, Slovakia and Slovenia). The latter two – Slovakia and Slovenia – border with the third cluster of countries, which represents the most homonegative countries in Europe (Malta, Estonia, Bulgaria, Poland, Croatia, Latvia, Russia, Belarus, Ukraine, Lithuania, and Romania). Three countries, included in the Quing project, were not part of the European Value Survey: Hungary, Cyprus and Turkey. On the basis of issue history Hungary was placed within moderately homonegative new EU countries, while Cyprus and Turkey were placed within most homonegative European countries.

Economic developement	0,00	0,00	**0,00**	Transformation of parenthood	0,17	0,17	**0,17**
Reproductive health	0,00	0,00	**0,00**	Protect through prohibit	0,17	0,17	**0,17**
International obligation	0,00	0,00	**0,00**	Protect equality and freedom	0,33	0,00	**0,16**
Strict equal treatment	0,00	0,00	**0,00**	Partnership as resource	0,33	0,00	**0,16**
Crime and justice	0,00	0,00	**0,00**	Bad governance/institution	0,25	0,00	**0,13**
Family friendly environment	0,00	0,00	**0,00**	Lack/increase knowledge	0,00	0,25	**0,12**
Gender and power	0,00	0,00	**0,00**	Strict equal treatment	0,00	0,25	**0,12**
Worker's protection	0,00	0,00	**0,00**	Family friendly environment	0,00	0,25	**0,12**
Transformation of parenthood	0,00	0,00	**0,00**	Crime and justice	0,00	0,17	**0,09**
Protect through prohibit	0,00	0,00	**0,00**	Culturalization/external	0,00	0,00	**0,00**
Degendered human rights	0,00	0,00	**0,00**	Power in partnership	0,00	0,00	**0,00**
Structural inequality	0,00	0,00	**0,00**	Increase ethnic integration	0,00	0,00	**0,00**
Informed choice	0,00	0,00	**0,00**	Gender and power	0,00	0,00	**0,00**
Misuse for profit	0,00	0,00	**0,00**	Worker's protection	0,00	0,00	**0,00**
Bad governance/institution	0,00	0,00	**0,00**	Degendered human rights	0,00	0,00	**0,00**
Authonomy of intimate relations	0,00	0,00	**0,00**	Informed choice	0,00	0,00	**0,00**
General anti-discrimination	0,00	0,00	**0,00**	General anti-discrimination	0,00	0,00	**0,00**

Table 5 – Mean index values of frames for least and western moderately homonegative countries in Europe

Moderately homonegative countries EAST				**Most homonegative countries**			
	Diag.	Prog.	**Total**		Diag.	Prog.	**Total**
Equal rights for same-sex	6,50	6,75	**6,63**	Europeanization	2,20	3,40	**2,80**
Follow social reality	7,00	6,00	**6,50**	Equal rights for same-sex	2,10	3,10	**2,60**
Classic marriage	5,75	4,75	**5,25**	Non-discrimination	2,10	2,30	**2,20**
Non-discrimination	6,00	3,00	**4,50**	Protect equality and freedom	1,30	1,90	**1,60**
Quality of legislature	4,50	3,50	**4,00**	Quality of legislature	2,10	1,10	**1,60**
Transformative equality of GLBT	2,50	1,25	**1,88**	Transformative equality of GLBT	1,90	1,10	**1,50**
Social debate	2,00	1,75	**1,88**	Homosexuality as deviance	0,90	1,30	**1,10**
Europeanization	2,25	1,50	**1,88**	Classic marriage	0,40	1,10	**0,75**
Homosexuality as deviance	2,75	0,75	**1,75**	Partnership as resource	0,40	1,10	**0,75**
Protect equality and freedom	1,25	1,25	**1,25**	Follow social reality	0,70	0,70	**0,70**
New families are good for children	1,25	1,25	**1,25**	Conflict of rights	0,80	0,60	**0,70**
Demographic crisis	1,50	0,75	**1,13**	Children need classic parents	0,00	0,80	**0,40**
Authonomy of intimate relations	0,00	1,25	**0,63**	Informed choice	0,40	0,40	**0,40**
Power in partnership	0,50	0,50	**0,50**	General anti-discrimination	0,80	0,00	**0,40**
Wellbeing of children	0,75	0,00	**0,38**	Lack/increase knowledge	0,30	0,40	**0,35**

Economic developement	0,75	0,00	**0,38**	Social debate	0,40	0,30	**0,35**
Gender and power	0,00	0,75	**0,38**	New families are good for children	0,20	0,30	**0,25**
Worker's protection	0,00	0,75	**0,38**	Wellbeing of children	0,00	0,40	**0,20**
Children need classic parents	0,00	0,50	**0,25**	Reproductive health	0,40	0,40	**0,20**
Conflict of rights	0,50	0,00	**0,25**	Family friendly environment	0,00	0,40	**0,20**
Children for all	0,00	0,00	**0,00**	Worker's protection	0,00	0,40	**0,20**
Lack/increase knowledge	0,00	0,00	**0,00**	Bad governance/institution	0,30	0,00	**0,15**
Culturalization/external	0,00	0,00	**0,00**	Increase ethnic integration	0,00	0,20	**0,10**
Increase ethnic integration	0,00	0,00	**0,00**	Demographic crisis	0,20	0,00	**0,10**
Partnership as resource	0,00	0,00	**0,00**	Degendered human rights	0,20	0,00	**0,10**
Reproductive health	0,00	0,00	**0,00**	Children for all	0,00	0,00	**0,00**
International obligation	0,00	0,00	**0,00**	Culturalization/external	0,00	0,00	**0,00**
Strict equal treatment	0,00	0,00	**0,00**	Power in partnership	0,00	0,00	**0,00**
Crime and justice	0,00	0,00	**0,00**	Economic developement	0,00	0,00	**0,00**
Family friendly environment	0,00	0,00	**0,00**	International obligation	0,00	0,00	**0,00**
Transformation of parenthood	0,00	0,00	**0,00**	Strict equal treatment	0,00	0,00	**0,00**
Protect through prohibit	0,00	0,00	**0,00**	Crime and justice	0,00	0,00	**0,00**
Degendered human rights	0,00	0,00	**0,00**	Gender and power	0,00	0,00	**0,00**
Structural inequality	0,00	0,00	**0,00**	Transformation of parenthood	0,00	0,00	**0,00**
Informed choice	0,00	0,00	**0,00**	Protect through prohibit	0,00	0,00	**0,00**
Misuse for profit	0,00	0,00	**0,00**	Structural inequality	0,00	0,00	**0,00**
Bad governance/institution	0,00	0,00	**0,00**	Misuse for profit	0,00	0,00	**0,00**
General anti-discrimination	0,00	0,00	**0,00**	Authonomy of intimate relations	0,00	0,00	**0,00**

Table 6 – Mean index values of frames for Eastern moderately and most homonegative countries in Europe

Discussion

The computed strengths of the index frames identified for each group of countries present the development of the main political discourses, which have defined gay and lesbian politics of the past decades in Europe. The distribution of frames also show the process of "cross-loading" (Howell, 2004) of agendas functions in European Union in the context of intimate citizenship issues (particularly in the context of same-sex partnership), where binding EU directives are weak or missing. The least homonegative countries seems to be the one setting the agenda. Their agenda is then slowly downloaded to the remaining European countries through different support channels: while in the context of moderately and most homonegative countries the main channel for downloading progressive agenda seem to be the human rights frame, the supporting discourses differ: in moderately homonegative countries the supporting discourse deals with the questions of the quality of legislature and the issues of following social reality, while the most homonegative countries use the frame of "Europeanization" to support the human rights discourse on same-sex partnership.

Different frames, identified in the four groups of countries, can be to a certain extend attached to the scale of homonegativity. Although the level of homonegativity should not be understood as a sole indicator of the frames, emerging in the gay and lesbian policies in

certain groups of countries, it seems that the level of homonegativity holds a certain explanation power for the understanding of the combinations of frames emerging in analyzed policy debates. Furthermore the identified frames in all four groups of countries can be (at least partly) explained by the cultural, historical and religious background of these countries. As Štulhofer and Rimac explain the differences between the countries in the level of homonegativity reflect on one hand the tradition of sexual permissiveness (highest in Nordic countries and the Netherlands) and on the other "differential religious emphasis on sexuality issues, especially same-sex marriage. In contrast to a more subdued approach exercised by the Protestant Church, the Roman Catholic Church pursues a vigorous and high-profile battle against the legalization of nonheterosexual marriage." (Štulhofer and Rimac, 2009: 6). However Eastern Ortodox countries are even higher in homonegativity than Roman Catholic. Štulhofer and Rimac link this to the demise of state-socialism, where, as Borowik (2006, quoted in Štulhofer and Rimac, 2009) explains, revived Orthodoxy became an important essence of the re-building of personal and collective identity.

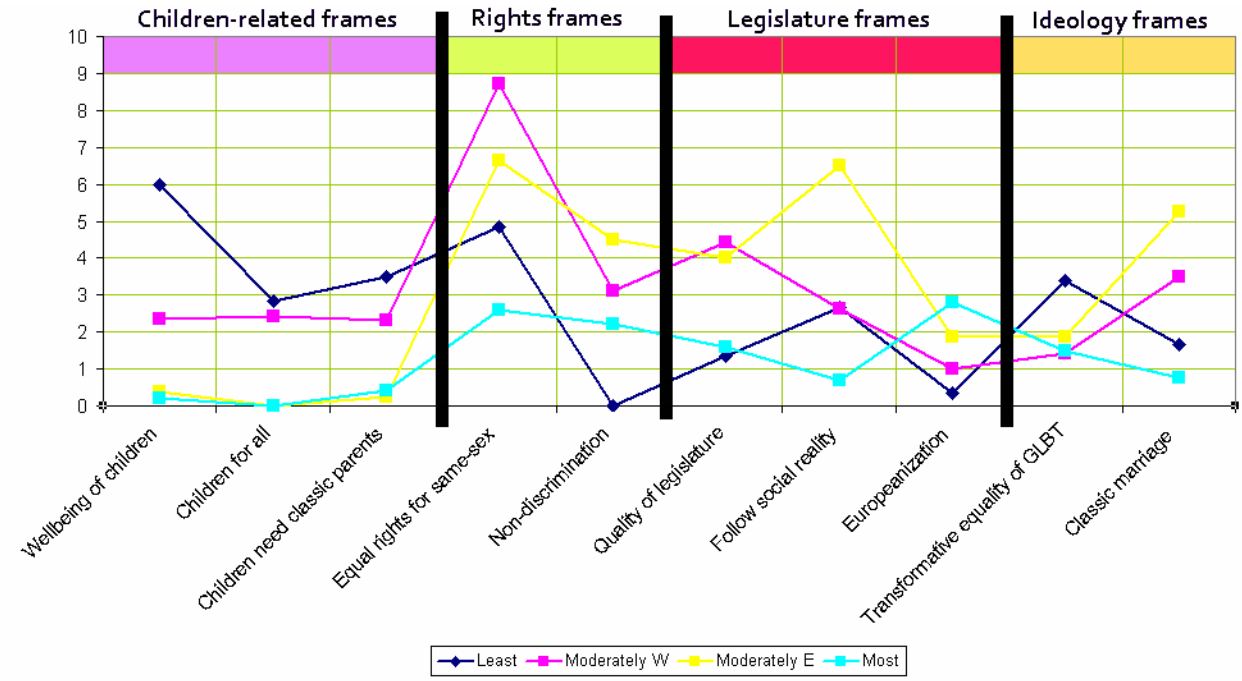
In the least homonegative countries the issue of same-sex partnership is now framed through debates on wellbeing of children. While traditionally those who were opposing gay marriages used this frame to agitate against either adoption of same-sex registered partnership or – more consistently – opposing gay adoptions, the frame of wellbeing of children is now overtaken by those who are framing the debate in such a way that gay and lesbian couples should be awarded the right to adoption or the right to become parents. Here we can trace an important de-gendering effect in the interpretation of family life, the position of the child within this institution and also in the relation between partners. The wellbeing of children frame shifts focus from gendered images of female and male roles in the family and focuses primarily on the quality of care work related to upbringing of children. The media images of "involved fathers" (which are not supported by the statistic, but rather functions on the level of ideology and value system (Švab, 2006)) is congruent with the shift indicated by the child-related frames in same-sex partnership debates in Europe. Although it is too early to asses that the classical framing of same-sex partnership debate as equal rights debate is now in the background of the GLBT-related policies, this is definitely the trend, which can be traced from the critical frame analysis of policy documents in Europe. In the least homonegative countries the equal rights frame, while still important, holds the least strength when this frame is compared to its strength in the remaining three groups of countries.

Similar developments in framing the same-sex partnership policies can be seen also in the western moderately homonegative group of countries. Here framing same-sex partnership debate in the context of children-related frames (children for all, wellbeing of children …) became an important framing of the debate, although it doesn't come through as strong as in the least homonegative group of countries. However it can be seen that such framing is much stronger when compared to the strength of these frames in Eastern moderately homonegative countries.

The most outstanding framing in the most homonegative groups of countries is that of Europeanization. Here Europeanization frame comes across in its strongest manifestation when compared to the strength of this frame in the remaining three groups. In fact the more the countries are homonegative, the strongest the frame on Europeanization is.

In order to make the picture even clearer I have selected the strongest frames in each group of countries (frames with index value more than 2)[12]. The following frames occur as the strongest frames in same-sex partnership sub-issue across Europe: wellbeing of children, children for all, children need classic parents, equal rights for same-sex partners, non-discrimination, quality of legislature, follow social reality, Europeanization, transformative equality of GLBT, and classic marriage.

The selected ten strongest frames among all the countries, divided into four groups – children-related frames, rights-related frames, legislature-related frames and ideology-related frames – are presented in the picture below (see picture 3).



Picture 3 – The strongest frames in the four groups of countries divided by the scale of homonegativity

The picture clearly shows the differences between the selected four groups of countries. Although generally speaking the same-sex partnership issues are mostly framed as human rights and equality issues, there are important differences especially between the least homonegative countries and the rest: in these countries the issues related to children are in the front of policy texts on same-sex partnership sub-issue of intimate citizenship as the legalization of same-sex partnership is already more or less in place. In other words: the "next battle ground" is related to children in same-sex families and legal recognition of such families. Interestingly enough non-discrimination – still an important frame in other three groups of countries – is not present at all. It seems that other groups of countries have to rely on non-discrimination framing, supported through EU labor anti-discrimination directive, in order to push forward the legal recognition of same-sex partnership. In most homonegative countries the identified frames hold the least strength in literally all ten most important frames, except from one: Europeanization frame. This shows that either the debate on same-

[12] These are the same ten frames identified as the strongest when looking at the mean index value of frames for all countries together (index value > 1).

sex partnership is not at all present in these countries (or is very weak). Where it emerges, Europeanization frames seem to be the "justification frame". The topic is brought to the agenda due to the examples emerging in other EU countries.

The Europeanization frame is further discussed in the remaining of this text. We will explore how the frame emerges in same-sex partnership sub-issue of intimate citizenship and especially what is the content of this frame.

Europeanization

It seems that there are as many definitions of the concept of Europeanization as there are texts about it. Several synthetic discussions on Europeanization (Howell, 2004, Olsen, 2002, Börzel, 1999) point out that each author comes up with specific definition of Europeanization, more or less fitting only the very text it refers to. As such Europeanization became a kind of an omni-inclusive concept. Hence some suggested (or least considered) its abolition as its definition and meaning is so uncertain that there is no point in bothering with it (Olsen, 2002, Kassim, 2000, Radaelli, 2000). However, as Olsen points out, "different conceptions of Europeanization complement, rather than exclude each other" (Olsen, 2002:2). Some authors also express reservations regarding the explanatory power of Europeanization, as it is, according to Radaelli (2000), hard to distinguish between direct European effects from broader trans-national and global effects and sources of change.

In most general terms Europeanization is understood as "the process of downloading European Union (EU) regulations and institutional structures to the domestic level" (Howell, 2004:1). We can call this a top-down definition, which has been criticized many times for being too one dimensional. Extended versions of this definition include the opposite trend, which is the up-loading of regulations (the so called bottom up definition) as well as conceptualizations, which include the use of terms such as transferring, sharing and fit/misfit.

The top-down part of the Europeanization is conceptualized in different ways. Ladrech (1994:70) talks about "the process of reorienting" through which European "political and economic dynamics" becomes part of the national policy-making. Similarly Buller and Gamble (2002:17) defines it as a process where European governance transforms "aspects of domestic politics." According to Radaelli (2000) the downloading process can emerge in any of the four downloading techniques: accommodation (the downloaded content easily accommodate with the national structures), transformation (the downloaded content changes national structures), inertia (there is not political will for the content to be downloaded), or retrenchment (the content to be downloaded strengthens opposition to EU).

Howell (2004:3) includes top-down and bottom-up processes in his definition of Europeanization. According to Howell Europeanization is "an interactive process" which includes 'projection' and 'reception' as two opposite although not necessarily mutually excluding processes. In fact Howell differentiates, in terms of situations, between three elements of Europeanization; besides the downloading and uploading processes, the third option is suggested: cross-loading or policy transfer. The latter can emerge in either of two ways: vertical policy transfer or horizontal policy transfer. While vertical policy transfer emerges through European integration processes, the horizontal policy transfer includes "learning from", which does not necessarily require EU involvement (Howell: 2004: 5).

Howell believes that Europeanization as a concept should be understood as threefold concept, where "interwoven relationship is at work" (p. 10-11). While Howell differentiate between uploading, downloading and cross-loading, Olsen (2002) conceptualizes Europeanization through discussion on what, how and why is changing. We present his answers to the three questions in a table, showing the complexity and the broad range of issues the term Europeanization may represent.

Olsen suggests that there are five possible uses of Europeanization, when we take a look at it through the lenses of "*what* is changing." For each of the five possibilities Olsen proposes one or two processes (although there are more) that correspond to the question on "*how* it is changing", although these processes are not exclusively linked to one change process, but rather are mixed and emerge within different types of what-processes. Olsen does not explore in details *why* various processes of change are useful. However he points out that "major change in the relations among key institutions is likely to both reflect and affect power relations" (Olsen, 2002:5).

What	How	Why
(1) External territorial boundaries	(1) Changes in territorial reach (2) Enlargement	[changes reflect and affect power relations.]
(2) Development of institutions of governance at the European level	(1) Purposeful decision-making	
(3) Penetration of national and sub-national systems of governance	(1) Experiential learning (2) Competitive selection	
(4) Exporting forms of political organizations and governance beyond EU territory	(1) Diffusion	
(5) Political project aiming at unified and politically stronger Europe	(1) Institutional mutual adaptation	

Table 7 – Olsen's uses of Europeanization

For our discussion, the third way of *"doing Europeanization"* is the key format. Here Europeanization is used as an argument or explanation for the changes in national governance, legislation and similar. For our purposes Olsen's table needs to be extended to additional question of what is the exact content of "Europeanization" as an argument in doing Europeanization. According to Olsen (2002) the institutional change, related to the process of Europeanization, is connected not only to changes in political organization, but also to changes in "structures of meaning and people's minds". In the context of this article, the latter is of huge importance, as same-sex partnership regulations still cause a lot of public irritations, protests and re-evaluations, re-interpretations or re-strengthening of people's believe systems. However in this text we are not interested in how people's minds and believe systems are being challenged and possibly changed, but rather what is the content of this change within the same-sex partnership debate. In other words: what is the substance of the frame called Europeanization.

Olsen (2002:11) suggests two basic frames for analyzing Europeanization as adoptive process: (1) experiential learning is connected to experiences with and interpretations of

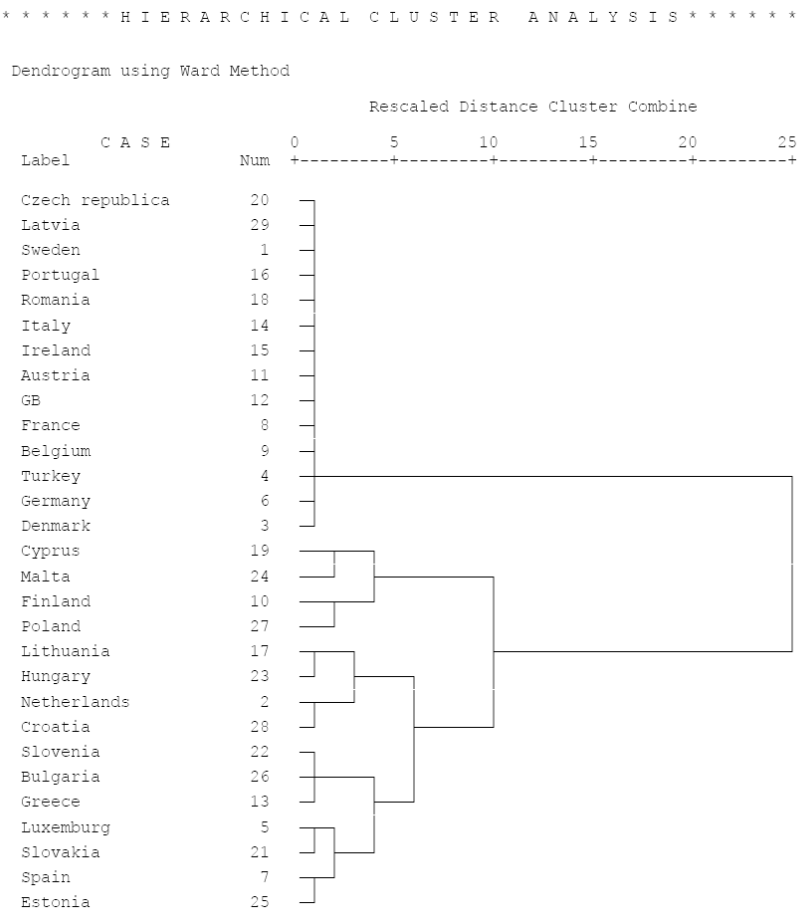
alternative forms of governance, while (2) competitive selection is close to Darwin's idea of the natural selection: only the most efficient institutions survive.

Those forms of governance/institutions, which are seen as successful, are more likely to be repeated and transposed. However one should not underplay local specifics, including – especially in the context of our topic - the believe system with its cultural, religious and other backgrounds, as well as stereotypes and prejudices. While Dyson (2000) points out that European values can be to a certain degree internalized on national level, effecting believe systems, discourses and identities, Olsen explains that "adaptation reflects variations in European pressure as well as domestic motivations and abilities to adapt. European signals are interpreted and modified through domestic traditions, institutions, identities and resources in ways that limit the degree of convergence and homogenization" (Olsen, 2002:14-15).

The working definition of Europeanization, used during the identification of frames in all analyzed texts, combined all three processes, identified by Howell: downloading, uploading and cross-loading. Europeanization frame was explained as "a claim that the regulation of intimate relationships should be similar in all of Europe. In EU documents this appears in the form of the claim that divergence of legislation in Member States is problematic and that the EU should set up standards and the Member States should comply with those." This part of the definition refers to uploading process, followed by downloading in member states. "In national documents this frame appears either as a reference to EU requirements and the need to comply with them, or a reference to trends in European countries that serves as a kind of normative aim" (Dombos, Jaigma, Kuhar, 2008). The second part of definition refers to downloading process (connected primarily to anti-discrimination parts of directives) as well as cross-loading process (the trend as a normative aim).

Europeanization frame in same-sex partnership sub-issue

Using the index values of the Europeanization frame (combined together for prognosis and diagnosis) the hierarchical cluster analysis showed that four groups of countries can be identified in Europe on the basis of the strength of use of Europeanization frame in its same-sex partnership related policy documents.



Picture 4 – Hierarchical cluster analysis of the Europeanization frame

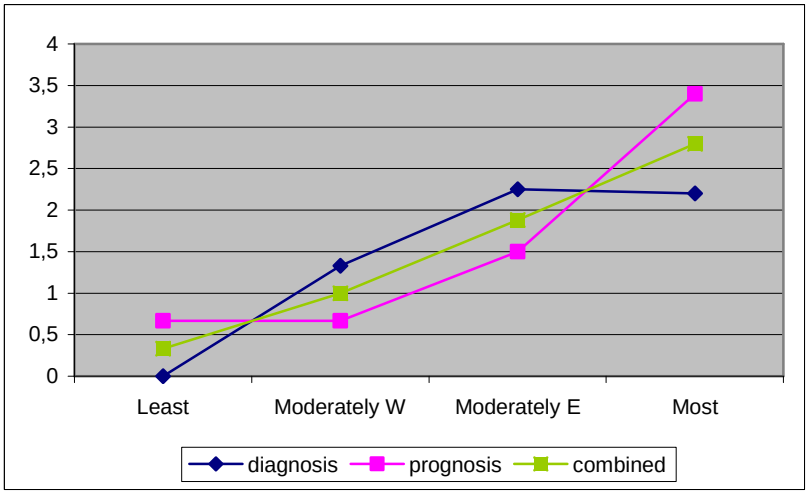
The first group represents those countries where Europeanization frame does not occur at all in same-sex partnership sub-issue of intimate citizenship. Such countries emerge in all four groups, identified by the level of its homonegativity, but primarily in the least homonegative countries and in western moderately homonegative countries. Among the least homonegative countries Sweden and Denmark belong to group 1, among western moderately homonegative countries Austria, Belgium, France, Great Britain, Germany, Ireland, Italy and Portugal belong to the first group, Eastern moderately homonegative countries are represented by Czech Republic, while Latvia, Romania and Turkey represent the most homonegative countries in which Europeanization frame does not occur at all.

It seems that there are two different reasons putting these diverse countries into one group: on one hand there are countries where same-sex partnership debate is progressed to the extent that references to "Europeanization" are not needed in the sense of supporting frame for these policies. In other words – most of these countries are actually the ones setting the agenda and therefore represent the "content" of the Europeanization frame. On the other hand there are

countries, belonging primarily to the most homonegative countries in Europe, where debate on same-sex partnership has not started yet or is not yet reflected in the policy documents.

The remaining three groups of countries[13] differ by the strength of the index Europeanization frame identified in policy documents. With two exceptions – Netherlands and Finland[14] – these are the countries which are lagging behind policy developments in same-sex partnership issues in western and Nordic countries. Here Europeanization frame is used either as a supporting frame for introduction of policy and legal solutions from western and Nordic countries or as an anti-argumentation frame, which states that the policy of the county in question should not – for various reasons – follow the developments in western or Nordic countries.

When merging index values of the frames according to the scale of homonegativity, the general picture in the use of Europeanization frame in Europe becomes clearer (see picture 5).



Picture 5 – The strength of the Europeanization frame according to the scale of homonegativity

Discussion

Article 9 of the EU Charter of the Fundamental Rights states: "The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights." The issues such as marriage and partnership have been understood to be part of the national legal competence and hence outside the powers of European Union. Additionally, this article does not impose any regulations in regard to same-sex partnership. The explanatory text of the Charter states that article 9 "neither prohibits nor imposes the granting of the status of marriage to unions between people of the same-sex."

[13] The second group (weak strength of the Europeanization frame) is comprised of Croatia, Hungary, Lithuania, Netherlands, the third group (moderately strong Europeanization frames) is comprised of Bulgaria, Estonia, Greece, Luxemburg, Slovakia, Slovenia and Spain, the fourth group (the strongest Europeanization frame) is comprised of Cyprus, Finland, Malta and Poland.

[14] In the Dutch case the Europeanization frame is used during the parliamentary debate, showing that EU does not require homosexual marriages and for that reason marriage should not be opened up for same-sex couples also in the Netherlands, while in Finland it is used to back-up the proposed legislation with references to European parliament decisions etc.

While EU policies are primarily oriented towards public issues, the EU commitment to promote social inclusion, more and more loosens the boundaries of the liberal division between public and private. Although primarily oriented towards "public issues", EU regulations are now penetrating also private issues as the two are inseparably connected. Where there are no explicit competences "strategic framing is used to link issues to fields where such competences exist." (Dombos et. al, 2009: 35) In other words, due to the lack of explicit EU competences in regard to organization of one's private life, the non-heterosexual issues are framed through the non-discrimination context, primarily related to labor market, but more and more penetrating also into other areas. In the context of non-discrimination and equal rights EU is explicitly addressing sexual orientation and prohibits discrimination based in it. Such "strategic detouring", used primarily by civil society actors, but also actors in parliamentary debates, represents an important part of the Europeanization frame. Furthermore due to the legally biding requirements EU put the topic of sexual orientation discrimination and consequently of same-sex partnership on agenda. Such is the case of Malta (cf. van der Val, 2009). As Forest and Lopez (2009: 60) point out in many EU countries "Europeanization appears as one of the major incentives for abolishing discriminatory provisions and implementing antidiscrimination action plans."

In those countries where the Europeanization frame emerges, it is typically located in civil society texts and parliamentary debates. As it is a character frame, it also occurs in combination with other intimate citizenship frames. These combinations do not differ throughout countries in Europe: most often Europeanization frame is combined with "equal rights" frame, the "quality of legislature" frame and also in combination with "discrimination" frame. The latter is obvious as the same-sex partnership issues are, as already mentioned, primarily framed as discrimination issues at the level of the European Union policies.

Despite the fact that EU commitment to promote social inclusion, which loosens the boundaries set in the Article 9 of the EU *Charter of the Fundamental Rights* as more and more social inclusion measures and policies implicitly address parenting and partnership, EU still has no legally bounding document which would impose the adoption of same-sex partnership legislation in the member states. Nevertheless, the Europeanization frame functions as kind of a "pressure" frame for EU member states to organize intimate citizenship policies in accordance with EU standards and trends. In the context of same-sex partnership policies the core of the Europeanization frame lays in the usage of exemplary EU states (especially in parliamentary debates). The role model states – such as The Netherlands or Spain in the context of same-sex partnerships – represent the type of organization of intimate citizenship issues a certain country should follow (or shouldn't follow).

As picture 5 clearly shows the strength of the Europeanization frame increases proportionally with the strength of homonegativity in the group of countries in questions. Same-sex partnership issues are therefore framed as an Europeanization issue among the countries with the highest level of homonegativity and vice versa. Further more in most homonegative countries the use of Europeanization frame in the prognosis part of the policy texts stand out: the "solution" of the problem is seen to be in either following the EU trends and examples or in interpretation of these trends as not fitting the national policies. It has to be noted as well that among the most homonegative countries there is a majority of countries which have recently joined European Union. There recent policy documents, analyzed in Quing, are therefore full of references to EU standards, requirements, directives etc. due to the

harmonization process. In other words: the Europeanization frame stands out among the most homonegative countries also due to the accession process.

Looking specifically at the Europeanization frame, it is worth noting that the least homonegative groups of countries do not use this frame at all. It seems that the most progressive countries in relation to same-sex partnership have outgrown the EU "non-discrimination" requirements and set new standards, which other EU member states should comply with. In Howell's terms these countries have set-up better standards without the downloading process (which was not possible due to the non-existence of directives on same-sex partnership) and became the source of cross-loading for other EU countries and possibly uploading for the EU as such (possibly in a sense of introduction of legally binding anti-discrimination policies). The policies, adopted by the least homonegative countries on their national level, are therefore *the real content* of the Europeanization frame, which can be used in both ways: either as something to be followed or, as an anti-frame, as something to be rejected. In Bulgaria, for example, the intimate citizenship issues are "dominated by demographic crisis frame" which means that policy documents "refer rather to nationalism and heteronormativity (traditional values) than to international influences" (Stoykova, 2009: 23). In the context of intimate citizenship this is the case in many countries, where Europeanization frame figures as a division between conservative powers and liberal progressive powers. In Poland, for example, governmental documents present EU regulations of intimate citizenship issues as "negative, as a thread for national values, Christianity and morality" (Dobrowska, 2009: 2). The fact that EU has no legally binding requirements in the area of same-sex partnership is also used as an "excuse for non-adoption of legislation" (Frank, 2009: 28) or for criticizing the European model, claiming that one "should not follow the EU example at any cost" (Kuhar, 2009: 40). Interestingly enough similar interpretation occurred in Dutch parliamentary debate, where a conservative party "refers to European conventions (Council of Europe), which do not recognize or ask for recognition of same-sex marriage, using this as an argument against allowing such marriages" (Lauwers, 2009:49).

Furthermore besides "exemplary EU states", which serve "as guiding principle in relation to the proposed legislation" (Pantelidou-Maloutas et al., 2009: 27), various EU documents and recommendations are used to back up the strength of framing the argument in "Europeanization terms". Sometimes the EU is mentioned as such, as a kind of a unified progressed liberal entity or ideal the courtiers should strife for. In Austria, for example, "international obligations are rarely directly referred to […] It is more common to use wording such as 'European context' and 'many EU and other countries.'" (Tertinegg, 2009: 27) In this sense the usage of the Europeanization frame in its effects functions as a kind of "strategic framing", which Carol Bacchi (2008) defines as "conscious and intentional selection of language and concepts to influence political debate and decision-making". EU – either as an entity or as a context, trend etc. – is compared to the national state of the arts in order to show the "lagging behind" or the possible reward, if certain intimate citizenship policies are adopted. In Croatia, for example, Europeanization frames is sometimes used as a "reference for the support of change of legislation which would at end bring Croatia closer to EU." (Frank, 2009: 28) Similarly Romanian documents on intimate citizenship use Europeanization frame (mostly through references to European instruments, recommendations etc.) in relation to "European accession as a goal" (Popa, 2009: 31).

The Europeanization frame is also informed by ruminations on how progressive the country is. In Luxemburg, for example, the use of Europeanization frame shows that "the concern is not really about equality or the power of system, but about being or not a modern democracy"

(Wagener, 2009: 23). Similarly in parliamentary debate in Ireland there was a "reference to the way in which Ireland is a 'little behind' other countries in its lack of recognition of same-sex partnership." (Armstrong et al., 2009: 34) Similar trends emerge also in the least homonegative countries, except that there the normative ideal or role model examples are not taken from EU, but rather Nordic countries. As Harjunen points out for Finland: "Finland and Finnish debate […] tend to rely more often on the other Nordic countries as a normative example concerning both legislation and policies than European Union, which is from the Nordic point of view in respect to some fields of policy-making lagging behind or not addressing the same issues at the time they are relevant" (Harjunen, 2009: 36).

Conclusion

Howell, differentiating between vertical and horizontal policy transfers, writes that horizontal policy transfer "may never include Europeanization". It means that policies are not transferred through downloading process. However, when such transfer takes place from one country to another, "this fashion may become the norm throughout the EU and are consequently macro or micro up-loaded into the EU domain" (Howell, 2004:6). The critical frame analysis of policy documents in intimate citizenship issue shows that the latter is taking place in the context of same-sex partnership legislation. The policies, regulating these issues, are not downloaded from EU, as EU binding competences are very weak in this field. Rather such policies are transmitted from one country to another and backed up with "strategic detouring" of Europeanization frames in the sense that anti-discrimination requirements are used both for putting the issue of same-sex partnership on agenda and as a context in which most of the EU countries address it. Furthermore the downloading process, which refers to anti-discrimination directives, came in place also by the process of up-loading national standard to EU level (for example the "Nordic norms").

While the vertical transmission is informed primarily though non-discrimination and human rights discourse, the horizontal transfer occur in a context of role model countries (which corresponds with Olsen's concept of experiential learning), self-perceptions on how progressive one country is (country to country comparison, corresponding to Olsen's competitive selection), expectations for improvement of country's position during the accession process and similar.

The transmission, however, has specific "policy noises", which accommodate policies to national settings. These usually result in limited recognition of rights and duties for same-sex couples, already causing infringements of other EU values – such as the right to free movement. While it can be claimed that horizontal policy transfer has already affected EU policies in a fashion of a micro up-load (for example in anti-discrimination context), a strong macro up-load from countries such as Spain, the Netherlands, Belgium, Norway and Sweden in needed in the context of policies of non-heterosexual intimacy in Europe.

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