

# Croatia, the EU, and the marriage referendum: The symbolic case of LGBT rights

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## Abstract

In recent years, Lesbian, Gay, Bisexual and Transgender (LGBT) issues have become a symbolic case in international politics as well as in European Politics. In Central and Eastern Europe (CEE), for example, the issue, after EU accession, promotion or blocking LGBT rights served as a proxy for pro- and anti-EU politics, respectively. In this paper, we look at recent development with regards to LGBT rights in Croatia and analyse the extent to which the issue has become a proxy for EU attitudes, as in CEE countries. On 1 December 2013, Croatia voted in a referendum to introduce the definition of marriage as a union between a man and a woman into the constitution. As this referendum occurred only months after Croatia became the 28<sup>th</sup> EU member state and in an environment of growing scepticism and disappointment with the EU, we ask the question whether this anti-LGBT referendum was a symbol for anti-EU feelings or whether it is a results of domestic developments.

In the first part of the paper we describe how the referendum came to be. We look at the role of the EU accession process and how it created the window of opportunity allowing this referendum to occur. In a second part of the paper, we analyse the results of the referendum. Using quantitative data at the municipality level, we study the relation between the vote results and the feeling towards the EU. To do so, we relate the referendum results with information from the referendum on EU accession (January 2012), data on the European Parliament elections (April 2013). Our findings support the hypothesis that the marriage referendum to some extent served as a proxy for EU attitudes of the population: we found that municipalities that showed higher levels of EU support were more likely to vote against the anti-LGBT referendum. These differences were correlated with a number of underlying socio-demographic differences, showing that both LGBT and support for the EU remain complex and divisive issues in Croatia.

## Introduction

On 1 December 2013, only five months after becoming the European Union's (EU) 28<sup>th</sup> member state, Croatia voted to amend the constitutional definition of marriage as a union between a man and a woman. The referendum was the final stage of the campaign of the citizens' initiative *U Ime Obitelji* (In the Name of the Family). After the Croatian government announced it would start drafting a same-sex partnership bill (spring 2013), *U Ime Obitelji* started collecting signatures to request a referendum on the definition of marriage. Although Croatia already defined marriage as a heterosexual union in the Law on Family (2009), *U Ime Obitelji* wanted to introduce this definition into the constitution to guarantee the legal protection of children, marriage, and the family, and to prevent the equalisation of same-sex unions and marriage (*U Ime Obitelji*, 2013a). Although same-sex marriage was not on the political agenda in Croatia, supporters of the citizens' initiative were concerned that "the legalization of gay marriage in other European Union countries like France, Spain and the Netherlands would be foisted upon Croatia" (Bilefsky, 2013).

This link between the EU and LGBT rights is neither something new nor surprising. During the accession process the EU pressured Croatia to improve its record on the protection of LGBT people, especially in the field of discrimination (Sloopmaeckers & Touquet, 2013). Furthermore,

local LGBT activists used the EU accession process and EU pressure to strengthen their advocacy work (Slootmaeckers, 2014; Slootmaeckers & Touquet, 2013), and politicians instrumentalised relevant issues by asserting the ‘Europeanness’ of LGBT rights (Vuletić, 2013). Regarding the referendum, some analysts have suggested that *U Ime Obitelji* was able to tap into growing disappointment of the Croatian people in the European Union, which many blamed for the nation’s economic recession (Bilefsky, 2013).

This last suggestion is of interest in this paper, as it speaks to more general debates on LGBT politics and its symbolism in the field of international and European politics. Nation states are increasingly defined by their gay-friendliness or homophobia. In order to understand the “complexities of how ‘acceptance’ and ‘tolerance’ for gay and lesbian subjects have become a barometer by which the right to and capacity for national sovereignty is evaluated” (Puar, 2013, p. 336), Jasbir Puar (2007; see also 2013) developed the conceptual framework of homonationalism. Homonationalism should be understood as a “a facet of modernity and a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-states, a constitutive and fundamental reorientation of the relationship between the state, capitalism, and sexuality” (Puar, 2013, p. 337). Puar, furthermore, argued that there is no way of opting out on homonationalism; like modernity, it can only be resisted or re-signified. And indeed, whilst the EU increasingly uses LGBT rights as a symbol for what it means to be European – LGBT rights are considered to be a litmus test for adherence to the European values –, others, like Putin-led Russia, try to show an alternative value system by emphasizing so-called traditional beliefs and prohibiting LGBT propaganda. Resistance to this growing European homonationalism also occurs within the boundaries of the EU, as recent developments in the Central and Eastern European (CEE) member states clearly show.

Although the CEE EU member states passed several laws regulating LGBT rights (mostly in the field of anti-discrimination) during the period leading up to accession (Ames, 2004; Kochenov, 2006; 2007; Langenkamp, 2003), LGBT issues became salient after these countries became members of the EU (O’Dwyer, 2010; 2012; O’Dwyer & Schwartz, 2010; Slootmaeckers & Touquet, 2013). However, these issues did not enter the political agenda, not because political elites were convinced of the necessity of these rules, but rather due to international (EU) pressure (Andreescu, 2011; Davydova, 2012; Roseneil & Stoilova, 2011). Whereas the pressure for equal LGBT rights is a litmus test for modernity and Europeanness for those supporting the civilizing mission of the EU (Graff, 2006; Johnson, 2012), it fuels the anger against the EU as a suppressor for those who view it as a threat to the nation and local culture (Renkin, 2009). For example in Latvia, it is said that the pressure for equal rights for LGBT persons is a direct attack of the so-called international gay lobby on the future of the nation (Mole, 2011). In the case of Poland, the (Kaczyński) government at one point stated that it needed to prevent the ‘aggressive promotion of homosexuality’ because it felt that “although Poland may have joined the EU, they will have none of the ‘loose’ attitudes toward sex” (Graff, 2006, p. 436). Although these are only a couple of examples, it has become clear that LGBT issue in CEE have settled themselves on the schism of pro- and anti-EU politics (Mole, 2011).

Building on this observation and the suggestion that *U Ime Obitelji* tapped into growing popular disenchantment with the EU, we analyse in this paper the extent to which the Croatian marriage referendum is symbol for anti-EU politics, and whether the referendum indeed tapped into Croatians’ Euroscepticism. We analyse the link between the marriage referendum and attitudes on the EU at the communal level, here defined as cities and municipalities, since we lack individual level data. For our analyses, we have compiled a dataset that combines the results from the EU accession referendum (22 January 2012), the marriage referendum, and the 2013 European Parliament Elections. We also added socio-demographic characteristics of the cities and municipalities using data from the 2011 census data.

In the remainder of the paper, we present a background on the marriage referendum and describe how it came to be. Next we discuss our dataset and the used variables to measure attitudes towards the EU at the community level. In the next section we present the results of our analyses and discuss the extent to which attitudes towards the EU can help to explain the outcome of the marriage referendum.

## The Marriage Referendum

The events leading up to the 2013 constitutional referendum on the definition of marriage represent an intersection of *rights for long-term same-sex partnerships* and changes in *regulations governing referendums*, in the context of EU integration and eventual accession.

### Same-sex rights in Croatia before the 2013 referendum

Although not recognised as the state religion, the Catholic Church in Croatia is highly influential. According to the 2011 census, approximately 85% of the population self-identified as Catholic, compared with less than 4% identifying themselves as atheist or non-religious, which has led to the predominance of religiously conservative parties governing Croatia during much of its post-Yugoslav history. After a decade ruled by the socially conservative, nationalist HDZ (Hrvatska Demokratska Zajednica, Croatian Democratic Union), a coalition headed by the centre-left SDP (Socialdemokratska Partija Hrvatske, Social-democratic party of Croatia) took power in the January 2000 elections, with support from parties including the conservative HSS (Hrvatska Seljacka Stranka, Croatian Peasants Party). Towards the end of its four-year term, the SDP-led government ratified the 2003 Law on Same-Sex Unions. Although the SDP and other left-leaning parties wanted to extend rights similar to heterosexual couples, the law was ultimately a compromise amongst the coalition partners. On the one hand, same-sex partnerships that had lasted more than three years were given certain rights that were the same as their heterosexual counterparts, such as state recognition of shared assets (Agence France-Presse, 2013). On the other hand, the rights were quite limited, and did not include, for example, the right for adoption by same-sex couples (RT, 2013).

Against a backdrop of widespread disillusionment from the electorate, HDZ rebranded itself from an isolationist, nationalist political party into a centre-right party supportive of the EU integration process. They won the most seats in the 2003 parliamentary election and led the incoming coalition. HDZ again won the most seats in the 2007 election, though its majority was decreased. During this period, Croatia underwent a stop-start process of candidacy for the EU, and the governing coalition did little to extend rights for same-sex couples. Weakened by political scandals, particularly connected with former Prime Minister Ivo Sanader, and a stagnant economy in the wake of the global financial crisis, the SDP again came into power in 2011 as part of a centre-left governing coalition.

The new governing coalition promised to extend the rights of same-sex couples (Stuart, 2014). Zoran Milanovic, the incoming Prime Minister, stated that it was necessary to allow the legal registration of same-sex couples, though the measures would probably be a separate law and not a revision of the Law on Family (Barilar & Turčin, 2012). Behind the scenes, the government began consultations with high-profile LGBTQ civil society organisations about the issue. In August 2013, the Minister for Public Administration, Arsen Bauk, said that the proposed legislation would not use the term 'marriage', but rather 'life partnership'. The provisions would include registration of same-sex couples in same way as heterosexual couples (without the label 'marriage'), but would exclude adoption where neither partner is a biological parent (Barilar & Turčin, 2013).

### Direct democracy in Croatia before the 2013 referendum

In the original 1990 post-independence constitution, referendums could be called by the House of Representatives for any issues related to its areas of competence; or by the President as proposed by the Government on amendment of the Constitution.<sup>1</sup> There are three important additional features to the referendum requirements. First, association or alliances with other

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<sup>1</sup> Constitution of the Republic of Croatia (1990), art. 86. For an English translation, see: [http://www.servat.unibe.ch/icl/hr01000\\_.html](http://www.servat.unibe.ch/icl/hr01000_.html)

states (which would eventually apply to accession of the EU) must be agreed by two thirds of the members of Parliament and confirmed by a referendum.<sup>2</sup> Second, a referendum question is approved by a majority of those who vote, and requires a quorum of a majority of eligible voters. Finally, results of the referendum are legally binding. When the aforementioned SDP-led coalition entered government after the 2000 election, it undertook a process of constitutional reform, which transformed Croatia from a semi-presidential to a parliamentary political system. Significantly, the revised constitution allowed for citizens to petition for a referendum, and a clause was added such that the President is required to call a referendum on a relevant issue 'when so demanded by ten per cent of all voters in the Republic of Croatia'.<sup>3</sup>

As things stood, there was a constitutional requirement for a referendum if Croatia were to join the European Union (or any other alliance), whose legally binding approval required a majority vote with at least half of the electorate participating. However, '[i]t was obvious to a vast majority of Croatian politicians and constitutional scholars that the approval quorum for the referendum on state alliances was too high a barrier and that it could present the strongest obstacle in the process of accession of Croatia to the EU' (Podolnjak, 2014). For this reason, the quorum requirement for majority turnout was removed from the constitution in 2010, and reiterated in the clause on association. The concerns regarding the turnout requirement in the previous version of the constitution were well-founded: the Croatian EU referendum in January 2012 passed with a two-thirds majority, but with less than 44% turnout.<sup>4</sup>

### The 2013 Croatian constitutional referendum on the definition of marriage

It is at this juncture that the legal provisions for same-sex partnerships and direct democracy intersect. Although the constitutional amendments removing the quorum allowed the process towards EU accession to continue, it 'indirectly facilitated' the passage of the December 2013 referendum (Croatia Week, 2013; Orsolich Dalessio, 2014). In other words, '[s]ince the threshold for determining a question of significant constitutional importance was set so low, it did not make sense to keep a higher requirement for other, garden-variety types of referenda [sic]' (Orsolich Dalessio, 2014).

Given these relaxed requirements for a referendum, the civic initiative *U ime obitelji* ('In the Name of the Family'), led by Željka Markić and with the support of the Catholic Church, collected around 700,000 signatures over a two-week period in support of a referendum with the following question: 'Do you support introduction of a provision into the Constitution of the Republic of Croatia to the effect that marriage is a living union of a woman and a man?' (Zenit, 2013). The number of signatures passed the ten per cent threshold, necessitating a referendum that would lead to a legally binding result if approved. It was the first Croatian referendum that was held at the request of citizens.

The petition for the referendum presented a number of awkward legal questions, including: amendment of the Constitution outside parliamentary decision-making (contra section IX in the Constitution); the legality of parliamentarians voting against the constitutionally defined petition for referendum; and whether the constitutionally defined mechanism for a referendum can be used on issues which may be discriminatory to a group of citizens, contravening constitutional protections of fundamental freedoms (Podolnjak, 2014). In November 2013, the month before the referendum was held, the Constitutional Court delivered an opinion that there was no legal impediment for the referendum to proceed. However, the Court also said that a positive result in the referendum should not be detrimental to future developments in rights for

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<sup>2</sup> Constitution of the Republic of Croatia (1990), art. 135.

<sup>3</sup> Constitution of the Republic of Croatia (2000), art. 86. For an English translation, see: [http://www.servat.unibe.ch/icl/hr00000\\_.html](http://www.servat.unibe.ch/icl/hr00000_.html)

<sup>4</sup> The official results can be found here: [http://www.izbori.hr/2012Referendum/rezultati/r\\_00\\_0000\\_000.html](http://www.izbori.hr/2012Referendum/rezultati/r_00_0000_000.html)

same-sex partnerships in accordance with the fact that '[r]espect for and legal protection of each person's private and family life, dignity, reputation shall be guaranteed'.<sup>5</sup>

A joint statement by legal scholars from the University of Zagreb expressed the opinion that blocking the referendum would have dire consequences for the democratic legitimacy of the country and that approval must be legally binding (as per the Constitution): 'Refusal of the Croatian Parliament to call a referendum, even if the initiative has fulfilled all necessary formal and legal requirements, would constitute a denial of the very essence of citizen initiated referendum and could have immeasurable repercussions on the constitutional stability of the country. Any decision of the citizens in a constitutional referendum would be, in the nature of things, a decision of a constitutional nature, and would be binding on all state authorities. It would represent a change in the Constitution, coming into force upon a confirmation that a referendum was held in accordance with the Constitution' (translated and quoted in Podolnjak, 2014).<sup>6</sup>

The campaign in the months before the referendum divided the country. The Prime Minister and President Ivo Josipovic, along with left-leaning parties in Croatia urged the electorate to vote against the question in the referendum. Meanwhile, the leader of the opposition, Tomislav Karamarko, his HDZ colleagues, and other parties from the right said that they supported the constitutional definition of marriage (Beta, 2013).

The referendum was also supported by religious organisations, and representatives of the Catholic Church, Orthodox Church, and Islam. The campaign was framed in terms of democratic will and universal values related to marriage and family. Željka Markić framed their position as follows: 'it is precisely with an opportunity for the citizens to express their view on such an important aspect of the society as marriage, in a most democratic of all procedures – a referendum – that justice will be confirmed as the very basis of permanent piece in the Croatian society' (U Ime Obitelji, 2013b). Cardinal Bozanic, Head of the Catholic Church in Croatia, said that elected officials have the duty to represent their citizens, so officials who had come out against the referendum were, ironically, unfairly discriminating against a group of its citizens. Moreover, the referendum would allow citizens to see that their democratic opinion is respected and yields results (Hina, 2014).

On the other side, the opposition was strongly supported by a number of academicians, human rights organisations and LGBTQ groups. The campaign was framed in terms of minority protection and as a dangerous move away from 'European' ideals. President Josipovic said that 'A nation is judged by its attitude toward minorities' (Associated Press, 2013). One political analyst, Jaroslav Pecnik, noted that the referendum showed that Croatia was not 'mature enough' to be in Europe and that it indicated a fascist turn (Kartus, 2013). The major daily newspaper *Jutarnji list* made an editorial decision to oppose the referendum, since it was discriminatory, and would donate banner advertisement space for organisations opposing the vote (Radić, 2013).

The full consequences of an affirmative result for the referendum and for the fate of other minority groups was foreshadowed by the anti-Cyrillic protests in the eastern city of Vukovar. In April 2013, large protests were organised in the central square in Zagreb against a government plan to put signs in Cyrillic in Vukovar. In September of the same year, the government proceeded with its plans, but Croat protestors in the city tore down the signs (Ilic, 2013). Two weeks after the marriage referendum, The Committee for the Defence of Croatian Vukovar, made up of veterans of the battles in Vukovar during the Croatian Homeland War, delivered a petition with 680,000 signatures to the Croatian Parliament for a referendum that would raise the threshold from one third to one half of the population to secure minority language rights (Ivanovic, 2013). In other words, to be eligible for 'minority' rights, it would be necessary to be a local majority (Horvat, 2013). If such a referendum were to pass, there would be a ban on the use of Cyrillic signs in Vukovar. Despite the promises of the Prime Minister that a 'referendum

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<sup>5</sup> Constitution of the Republic of Croatia (2010), art. 35. This is briefly summarised in Orsolio Dalessio (2014). The Constitutional Court opinion can be found here (in Croatian):

<sup>6</sup> The full statement (in Croatian) can be found here: <http://www.pravo.unizg.hr/?@=6fkw>

which would limit minority rights in Croatia is no longer possible' (Milanović, 2014), the Government confirmed in July 2014 that the requirement to trigger a referendum had been fulfilled (Ivanovic, 2014), though this has been challenged via the Constitutional Court, which declared the question unconstitutional in August 2014 (Milekic, 2014).

This linkage between citizens' initiatives using the referendum to curb same-sex rights could be used to curb ethnic and other minority group rights had already been recognised during the campaign against the marriage referendum. For example, Vesna Pusic, the Deputy Prime Minister, warned that the referendum was being used as an instrument of discrimination against a minority, and that it would be used in the future against other minorities whether by race, ethnicity, political affiliation, or gender. She added that everyone is a member of some minority group at some point in their lives (Hina, 2013). Despite the organised opposition by the Croatian Government and a number of civil society actors, the referendum passed with a majority of 66%, with a turnout of less than 38%.<sup>7</sup>

There are a number of reasons that explain the voting patterns in the referendum, some of which are summarised here, drawing on the claims by Croatian commentators in the wake of the result. First, one columnist in *Jutarnji list* reduced the results to a referendum on satisfaction with the current Croatian Government, stating: 'This vote is not about marriage or the definition of marriage, this is a referendum against the current government' (quoted in EurActiv, 2013).

Second, although Serbian Orthodox leaders joined the Catholic Church in supporting the referendum, the minority rights framing by those against the referendum may have found some resonance with the Serb minority in Croatia, especially after the aforementioned 'anti-Cyrillic' protests and petition for referendum. The tiny village of Negoslavci, near Vukovar, had a vote of 75% against the referendum, which earned it the title of Croatia's 'most tolerant place' by *Jutarnji list*. It has under 1200 inhabitants, who are overwhelmingly Serb. A commentary written after the referendum surmised that the citizens of the village linked the question in the referendum to the ongoing anti-Cyrillic campaign. (Patković, 2013).<sup>8</sup>

The importance of socio-economic woes in the wake of the global economic downturn is connected to a third explanation, which links attitudes towards the EU and economic conditions. As mentioned in the introduction, some analysts believed that advocates for the referendum were able to harness voters' disillusionment with the EU, which they link to the economic downturn in Croatia.

Fourth and most importantly to this study, the EU is also connected with 'creeping secularism' in the country, or as a campaigner for the referendum stated: 'There is a feeling that gay marriage and adoption by gays was on the agenda, and this vote was an attempt to show that there is strong opposition to this' (Bilefsky, 2013). In other words, support for the EU project is connected with support for 'European,' 'secular' forms of same-sex rights.

Possible reasons for the voting patterns during the 2013 constitutional referendum will be explored in detail in the sections below.

## Data and analyses

### Data

Our examination of the relationship between attitudes towards the European Union and voting in the constitutional referendum of 2013 used cities and municipalities (*gradovi i općine*) as the units of analysis, of which there are 128 of the former and 428 of the latter. This coincides with the LAU 2 of the Nomenclature of Territorial Units for Statistics (NUTS) used by the EU. We use

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<sup>7</sup> For the official results, see: [http://www.izbori.hr/2013Referendum/rezult/r\\_00\\_0000\\_000.html](http://www.izbori.hr/2013Referendum/rezult/r_00_0000_000.html)

<sup>8</sup> However, the piece also conceded that the result could be due to an anomaly based on the 3% turnout, which is amongst the lowest in Croatia. Villagers are far more concerned with their precarious socio-economic status, not questions about same-sex rights.

data disaggregated at this level, since electoral and demographic data for Croatia are both readily available online at the LAU 2 level. We required detailed referendum and electoral results at the city / municipal level, merged with the appropriate demographic controls.

We obtained electoral data from detailed results available on the State Electoral Commission of the Republic of Croatia<sup>9</sup>, and the demographic data from the Croatian Bureau of Statistics.<sup>10</sup> Results for three recent polls were included in the analysis: the Croatian Marriage Referendum (December 2013); the Croatian EU referendum (January 2012); and the first Croatian European Parliament election (April 2013). Since we want to establish factors explaining the level of support for the marriage referendum, we excluded the 2014 European election and the 2011 parliamentary election, since the former occurred after the marriage referendum, and the latter occurred long before the referendum and with different constituency boundaries.<sup>11</sup>

The electoral data were scraped from HTML pages of municipal-level results available on the Croatian Electoral Commission website.<sup>12</sup> In addition to the referendum data, we also wanted to gauge the right-left ideological tendencies of municipalities and cities using data from the 2013 European Parliament elections. To do this, we consulted the 2010 Chapel Hill Expert Survey (CHES; Bakker et al., 2012) for the ideological position and support for European integration amongst Croatian political parties included in the survey. Although the survey is from 2010, we only used it for a broad picture of the orientation of political parties, so it was sufficient for our purposes. There are ten political parties included in CHES 2010.<sup>13</sup>

The main right-leaning party in Croatia is HDZ, and the main left-leaning party is SDP. Interestingly, both parties had almost identical mean scores in levels of support for European integration. As a proxy for the average ideological orientation of a municipality, we used the difference of the vote-shares (in percentages) in the 2013 European election between HDZ and SDP, with a positive figure representing higher levels of electoral support for the mainstream nationalist HDZ.<sup>14</sup>

Using 2011 Croatian census data at the city/municipality level,<sup>15</sup> we included controls for: gender; age; education; and religiosity. These control variables were selected based on previous research on individuals' attitudes towards homosexuality (see e.g. Slootmaeckers & Lievens, 2014). Based on the suggestions that the referendum tapped into economic grievances and on minority issues in general, we add additional controls for unemployment and ethnicity. Gender was expressed as a percentage of females in the locale. Age is categorised in five-year intervals in the census data, with the oldest category being 95 years of age and above. To estimate the mean age, we took the interval midpoint for individuals aged 15 years or older (e.g. 22.5 for the category 20-24 years of age) and multiplied this number by the frequency in the respective category. For the category 95 years of age and above, we used 97.5 years as the estimated midpoint. We calculated the percentage of those aged 15 years or older who completed 'higher education', including non-university college courses, professional studies, university studies, Masters degrees, and doctorates as a measure for average education in a municipality. To gauge the mean religiosity within a municipality, we used the percentage of census respondents who said that they were not religious or atheists. Unemployment is measured as the percentage of unemployed people aged 15 or older. This percentage excludes economically inactive people, e.g. students and retired people. Finally, we included the percentage of census respondents

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<sup>9</sup> See: <http://www.izbori.hr/>

<sup>10</sup> See: <http://www.dzs.hr/>

<sup>11</sup> The two referendums and European Parliament election take Croatia as a single constituency, whilst parliamentary elections are run in ten different Croatian constituencies, one constituency for Diaspora, and one constituency for national minorities.

<sup>12</sup> For example, the 2013 marriage referendum results for Split can be found here: [http://www.izbori.hr/2013Referendum/rezult/r\\_17\\_4090\\_000.html](http://www.izbori.hr/2013Referendum/rezult/r_17_4090_000.html)

<sup>13</sup> The 2010 CHES dataset can be found here: [http://chesdata.eu/2010/2010\\_CHES\\_dataset\\_means.csv](http://chesdata.eu/2010/2010_CHES_dataset_means.csv)

<sup>14</sup> We also use the relative vote-share between SDP and HDZ as a proxy for government support, since the former are the main ruling party and the latter are the main opposition party.

<sup>15</sup> Data available from: [http://www.dzs.hr/default\\_e.htm](http://www.dzs.hr/default_e.htm)

within a municipality who said that they were Serbs, since they are the largest national minority in Croatia (with 4.36% of the population).

The descriptive statistics for all variables are summarised in Table 1.

**Table 1: Descriptive statistics**

	Mean	Standard deviation	Median	Min-max
<b>Electoral Data</b>				
Yes votes marriage ref.	74,31	15.058	77.05	25.00 – 98.13
Turnout marriage ref.	32.70	8.938	32.47	3.03 – 73.20
No votes EU ref.	34.68	8.337	34.16	15.57 – 63.24
Turnout EU ref.	44.45	8.992	45.62	6.18 – 82.32
Difference in vote share HDZ – SDP	6.96	24.523	4.97	-83.71 – 77.44
<b>Control Variables</b>				
% Non-religious	2.20	2.581	1.23	0.00 – 16.66
% Higher educated	8.83	5.037	7.26	0.88 – 29.56
Average age	51.06	2.459	50.67	45.87 – 66.85
% Unemployed	8.04	2.814	7.728	0.26 – 17.59
% Serbs	5.64	14.402	0.910	0.00 – 97.19
% Female	50.75	1.198	50.77	45.26 – 54.00

## Analysis

We conduct a path analysis in order to analyse the extent to which the outcome of the marriage referendum can be explained by attitudes towards the EU. We chose this technique over regular multivariate regression for two reasons: the structure of our data; and the complexity of our causal model. As our dataset is compiled by combining census data and electoral data from three different events, the variables in our model are temporally sequenced. There is no feedback between events; earlier events can have an effect on latter effects, but not the other way around. A dynamic path model allows the explicit modelling of such a data structure. The temporal sequence of the variables, furthermore, supports the causality assumptions of path analysis (Tacq, 1997). A second reason why we prefer path analysis to regular multivariate regression analysis is the complex causal structure of our variables. Path analysis allows for modelling and testing intermediate causal links, and for detecting spurious relationships. While multivariate regression can indeed control for variables, reducing the problem of spuriousness and intermediate effects, the temporal sequence of our variables suggests that explicitly modelling these indirect paths is warranted.

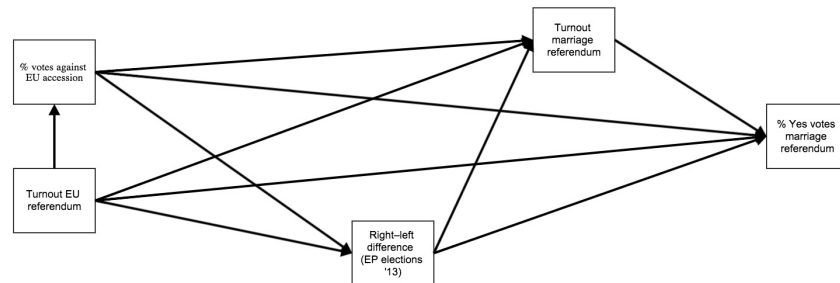
Although path coefficients are standardised regression coefficients, we prefer a structural equation modelling (SEM) approach to the multiple regression approach. While the results obtained by both estimation techniques are very similar, the latter only tests the goodness of fit for each individual regression; the full model cannot be tested. Structural equation modelling, on the other hand, has several goodness-of-fit measures that allow evaluating the full model. The SEM approach has an additional advantage, since it allows for estimating and testing indirect and total effects of all variables on the dependent variable.

To estimate the model, we make use of the *Lavaan* (v0.5-16) R package (Rosseel, 2012). We estimated our final model by starting with a model of the electoral data (see Figure 1), where we control for all variables for the socio-demographic variables of the census data. To improve the goodness of fit of this initial model, we deleted non-significant paths from the model stepwise (backwards modelling), whilst keeping an eye on the modification indices in order to ensure that we did not wrongly omit some of the non-significant paths. To test the indirect effects, we follow the recommendation to use bootstrapped standard errors (see e.g. Bollen & Stine, 1990; Preacher & Hayes, 2008). Bootstrapping standard errors has the additional advantage of



overcoming potential violation of the normality assumption of the sampling distribution of the estimates of proportion-based variables (Moore & McCabe, 2005).

Figure 1: Starting model for SEM analyses (control variables omitted).



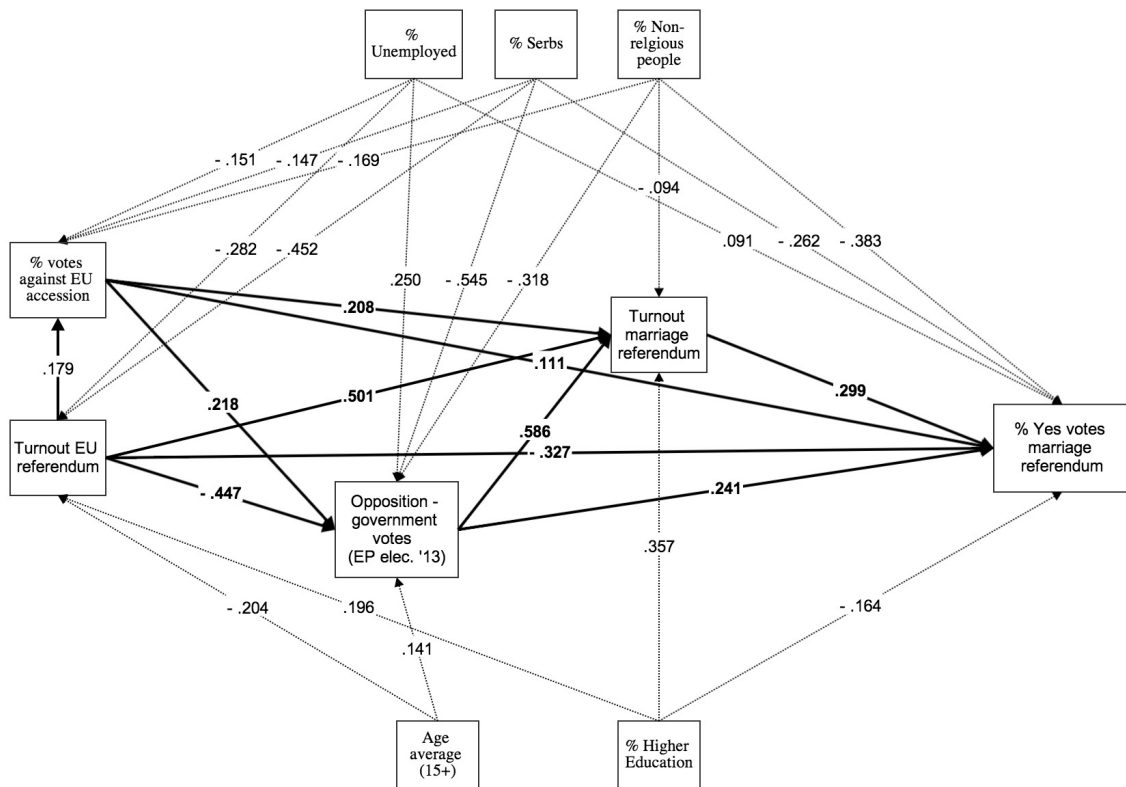
## Results

Figure 2 presents the final model of our analyses with the standardised path coefficients for all statistically significant paths. Looking at the model, it becomes immediately clear that we did not find any effect for the gender balance of the community on any of our endogenous variables. While gender is often cited as one of the main explanations of individuals' behaviour, we believe that the lack of a gender effect in this study is due to our unit of analysis. By studying the aggregate level, we believe the individual differences between men and women are cancelled out by a gender composition of the community. This is because the gender balance appears to be quite equal: the proportion of women in a municipality is on average 50.75% (stand. dev. = 1.198) and ranges from 45.26% to 54.00% (see Table 1).

Although the outcome of the marriage referendum is the main variable of interest, we will discuss the results of our analysis step-by-step, from left to right. We start with explaining the turnout for the EU referendum and work our way through the path model all the way to the outcome of the marriage referendum, i.e. the proportion of 'yes' votes.

The turnout for the EU referendum in January 2012 in municipalities is well explained by taking into account the socio-demographic characteristics of the community ( $R^2 = .505$ ; see Table 2). We find that in municipalities with a lower age average, a higher percentage of higher educated people, less unemployed people, and a lower proportion of Serbs the turnout for the EU referendum tends to be higher. When it comes to the percentage of Eurosceptic votes (votes against EU accession), we find negative effects on the proportion of unemployed people, Serbs, and non-religious people. Communities with less unemployed people, less Serbs and less non-religious people were more likely to have voted against EU accession. In addition to these socio-demographic effects, we find that the percentage of 'no' votes tend to be higher in municipalities with a higher turnout for the EU referendum. Potential explanations for the socio-demographic effects are that communities with more unemployed people expect more economic benefits from EU accession, that communities with a higher proportion of Serbian minorities see the potential benefits of the EU and its minority protection principles, and that municipalities with less non-religious people are more inclined to follow the negative view of the Croatian Catholic Church on the EU. These results, however, do not necessarily reflect the relation between these characteristics and votes against EU accession at the individual level. This difference between individual level and aggregate level effects is clearly illustrated by the effects of education and age on Euroscepticism. While older and lesser educated people tend to say no to EU accession at the individual level (Stulhofer, 2006; Tverdova & Anderson, 2004), we do not find such an effect on the aggregate level.

**Figure 2: Final Path model with standardised path coefficients, with bold lines representing effects of main interested and dotted lines for control effects.**



**Goodness of fit:  $\chi^2 = 2527.981$  (Df = 35;  $p < .001$ ); CFI = .997; TLI = .987; RMSEA = .042 (90% confidence interval: .005 - .072); SRMR = .014**

Turning to the vote difference between the main opposition party (HDZ) and main government party (SDP) during the European Parliament elections, we find that communities that had a higher turnout for the EU referendum were more likely to vote in favour of the current government party. This finding combined with the positive relation between the proportion of votes against EU accession and the votes in favour for the opposition supports Anderson's (1998) notion that when citizens have little knowledge or experience with the EU, they use the national context as a proxy for the EU. Anderson's (1998) 'support for government' hypothesis can be applied in the Croatian case. Babarović, Čilić Burušićm, and Burušić (2011) found that support for the then HDZ-led government was positively linked to attitudes towards EU accession. Although the authors urged for a cautious interpretation of their results, our finding that communities that tended to vote against EU accession are more inclined to vote for the opposition party (HDZ; as of 2011 the government is SDP-led), suggests that the 'support for government' hypothesis is credible within the Croatian context. The negative relationship between turnout for the EU referendum and opposition votes, furthermore, corroborates this notion, for the turnout variable, which in the model controls for Euroscepticism, can be interpreted as a proxy for a positive attitude towards the EU. The vote difference between the opposition and government party is further explained by the average age, as well as the proportion of Serbs, unemployed people and non-religious people in a municipality, with the opposition party receiving more votes in those communities with, on average, an older population, more unemployed people, a smaller proportion of Serbs, and less non-religious people.

The turnout for the marriage referendum in 2013 is positively related to the turnout for the EU referendum. This effect can easily be understood as a path dependency, if communities had a

higher turnout in previous referenda, it is to be expected the turnout will be high in future referenda. The marriage referendum turnout also tends to be higher in those municipalities with a higher percentage of people with higher education and a lower proportion of religious people. While the effect of religion is easy to explain (the Croatian Catholic Church strongly opposes same-sex marriage and the civilians' initiative had strong ties with the Church in Croatia), the effect of higher education is less obvious. One explanation could be that higher educated people were more aware of the consequences of the referendum, and where therefore more likely to go and vote. One has to be very cautious, though, when interpreting the effect in those terms, as we cannot be certain that this individualistic effect also operates at the aggregate level. Another, more aggregate level, explanation would be that higher educated people tend to live in places where there is a higher turnout, like in urban areas, i.e. there is a possibility that the relationship between the proportion of educated people and the marriage referendum turnout is spurious. We, however, lack the data to test these interpretations. Additionally, we find that municipalities with a higher percentage against EU accession and with more votes for the oppositional party generally have a higher turnout for the marriage referendum. From this, we can conclude that more Eurosceptic municipalities tend to have a higher turnout for the referendum. One has to be cautious when interpreting the effect of the votes for the opposition party, though. Although we have earlier said that the votes for the opposition party can indeed be seen as a proxy for Euroscepticism, the effect of this variable on other variables might follow other causes, for it can also point to the different between a vote for a more right-wing versus a more left-wing party, or between a conservative and progressive party. So, while we do find an effect for the opposition vote on the turnout of the marriage referendum, the causes of this effect remain unclear.

**Table 2: Results (unstandardised and standardised [in parentheses] coefficients) of the path analysis.**

	EU Referendum turnout	Votes against EU accession	Right Left divide (EP elections)	Marriage referendum Turnout	Yes votes marriage referendum		
					Direct effects	Indirect effects	Total effects
Age (average of adults [15+])	-.686*** (-.204)		1.284*** (.141)		.687*** (.123)	.687*** (.123)	
% Higher educated people	.349*** (.196)			.631*** (.357)	-.485*** (-.164)	.133 (.045)	-.352*** (-.119)
% Unemployed people	-.901*** (-.282)	-.447*** (-.151)	2.169*** (.250)		.483*** (.091)	.814*** (.153)	1.297*** (.245)
% Serbs	-.282*** (-.452)	-.085** (-.147)	-.922*** (-.545)		-.272*** (-.262)	-.128*** (-.123)	-.399*** (-.385)
% Non-religious people		-.548*** (-.169)	-3.008*** (-.3118)	-.323* (-.094)	-2.217*** (-.383)	-1.189*** (-.205)	-3.406*** (-.589)
EU Referendum turnout ('12)		.166** (.179)	-1.212*** (-.447)	.497*** (.501)	-.543*** (-.327)	.018 (.011)	-.525*** (-.316)
Votes against EU accession ('12)			.638*** (.218)	.223*** (.208)	.199*** (.111)	.274*** (.153)	.476*** (.265)
Right Left divide (EP elections '13)				.214*** (.586)	.148*** (.241)	.107*** (.175)	.255*** (.417)
Marriage referendum Turnout ('13)					.501*** (.299)	/	.501*** (.299)
R <sup>2</sup>	.505	.143	.466	.677		.846	

\* p < .5; \*\* p < .01; \*\*\* p < .001; significant levels are based on bootstrapped standard errors (1000 draws). Goodness of fit: Chi<sup>2</sup> = 2527.981 (Df = 35; p < 001); CFI = .997; TLI = .987; RMSEA = .042 (90% confidence interval: .005 - .072); SRMR = .014

Finally, the outcome of the marriage referendum is very well explained by our model (R<sup>2</sup>= .804; see Table 2). As the percentage of 'yes' votes for the marriage referendum is the variable of main interest, we decomposed the effects of all variables into direct and indirect effects (see Table 2).

If we look at the effects of the socio-demographic variables on the proportion of 'yes' votes, we first find that there is no direct effect of the average age of a municipality. So while age is a strong predictor for homophobia at the individual level, we do not find such an effect (at least not directly) at the aggregate level. This, however, does not mean that there is no effect at all of the average age on the referendum result, for age has a positive indirect effect ( $b = .681$ ;  $\beta .148$ ) on the proportion of yes votes via the 'EU turnout' and the difference between shares of the main opposition and government party in the European Parliament elections. For the other socio-demographic variables, we find a rather large and strong effect of the percentage of non-religious people (both directly and indirectly). We also find negative effect of the proportion of Serbs on the outcome of the marriage referendum. While both direct and indirect effects of this variable are rather moderate (with unstandardised and standardised coefficient roughly around .150 and .170 respectively), the total effect of the proportion of Serbs is rather strong; it is the second strongest predictor of the socio-demographic variables, after the proportion of non-religious people in a community. While the effect of the proportion of unemployed people is positive, with the indirect path being the strongest component, the effect of education is negative and does not have an indirect path. Although the model includes two different indirect paths in which education can affect the marriage referendum outcome (via the EU referendum turnout and the marriage referendum turnout), both paths cancel each other out. The first indirect path adds up to be a negative indirect effect, while the second path, via the marriage referendum turnout is positive. However, when we combine both paths and test their significance, we find that they cancel each other out. Although the total indirect effect remains positive, it is not significant, and therefore should not be taken into account when interpreting the effect of education. Taking all of these effects together, we thus find that the proportion of votes in favour of the constitutional definition of marriage tends to be higher in those municipalities with a higher average age, more unemployed people, and a smaller proportion of higher education people, Serbians, and non-religious people. Turning to the variables of main interest, we find confirmation for the idea that the marriage referendum played in on Eurosceptic feelings, at least at the aggregate level. First, we find a rather strong negative effect of the EU referendum turnout on the outcome of the marriage referendum. In municipalities with a higher EU turnout, which here can be interpreted as a proxy for pro-EU attitudes, the proportion of votes in favour of the constitutional definition of marriage tends to be lower. Our interpretation of the EU referendum turnout and 'yes' votes for the marriage referendum as a link between pro-EU attitudes and the marriage referendum is further supported by our finding that the indirect effect of the EU turnout via its Eurosceptic paths (via votes against EU accession) is not significant (i.e. the effect of these paths is cancelled out by the other indirect paths). We, furthermore, find a positive, both indirect and direct, effect of Eurosceptic votes in the EU referendum on the outcome of the marriage referendum. In municipalities with a higher proportion of votes against EU accession the proportion of yes votes in the marriage referendum tends to be higher. The fact that we find a significant direct effect already supports the hypothesis that the marriage referendum tapped into disenchantment with the EU. This is further supported by the indirect effect via the difference in vote share of the main opposition and government parties, which as we have shown above can be interpreted as a proxy for Euroscepticism. However, one has to be cautious when interpreting the effects of the difference in vote share of the opposition and government parties, as this variable also reflects the difference between more right-wing, conservative, and more left-wing progressive parties, especially when not included in a path including a Eurosceptic measure. Therefore, we are inclined to interpret the positive direct and indirect effects of the difference in vote share as a consequence of this conservative-progressive dimension. Our final variable, the turnout for the marriage referendum, is positively related to the outcome of the referendum. Communities that saw a higher turnout in the marriage referendum were more likely to have a higher proportion of votes in favour of the constitutional definition of marriage.

In sum, our model is very successful in explaining the outcome of the marriage referendum at the municipality level. We find three main dimensions that influenced the proportion of yes votes in a community: religious, minority, and EU dimensions. We found that in communities where there are proportionally less non-religious people, i.e. more religious communities, the support for the constitutional definition of marriage was higher in general. This result is not surprising given the origin of the civilians' initiative and the support it gained from the Church. Secondly, we find that the tactic of the *protiv* [against] campaign to make the referendum about minority rights, rather than just LGBT rights, found resonance, since our results show that in community with a larger proportion of the Serbian minority the support for the marriage referendum was generally lower. Finally, our analyses support the claim of some analysis that the referendum was able to tap into the growing disenchantment with the EU. We find that support for the EU (measured here as turnout for the EU referendum) and scepticism towards the EU (measured as votes against EU accession) are respectably negatively and positively related to the proportion of 'yes' votes in the marriage referendum. These effects become stronger when we take into account the difference in votes for the opposition and government parties, which as part of the EU related paths can be interpreted as a proxy for disenchantment with the EU.

## Conclusion

On the first of December 2013 the Croatian public voted to introduce a heterosexual definition of marriage in the constitution. While 65% of the voters were in favour of introducing such a definition the degree of support varies across the 556 cities and municipalities Croatia. In this paper we aimed at explaining this variation in voting behaviour at the city/municipality level. While commentators in the aftermath of the referendum had several explanations at hand, although all sounding very plausible, none of them have been tested against the available data. Starting from these claims and observations and by the notion that LGBT rights have increasingly become a symbol in international and European politics, this paper explored to what extent this referendum was a symbol for anti-EU politics and other political grievances present in Croatian society.

Indeed, we were able to discern four different, yet related, dimensions in our analyses that explain the levels of support for the marriage referendum. The first two dimensions are not a surprise given the campaign leading up to the referendum. Both the religious character of the citizens' initiative and its support from the Church, and the efforts of the *protiv* campaign to frame the referendum in terms of minority rights (and not just about LGBT) are reflected in the results of the referendum. We found that less religious and more ethnically diverse, i.e. a larger Serbian minority, communities showed less support for the introduction of a constitutional definition of marriage. The two other main dimensions support the notion that LGBT rights have increasingly become a symbolic political issue, as we found strong effects for both the EU and domestic government measures. Both support for and disenchantment with the EU are related to the outcome of the marriage referendum, as well as previous anti-government voting behaviour. In municipalities/cities that had a larger turnout and less anti-EU votes in the 2012 referendum and where the governmental parties did better than the oppositional parties in the 2013 EP elections showed less support for the marriage referendum. These results clearly indicate that the marriage referendum was not just about limiting the rights of LGBT people in Croatia, but rather, it was an important test case for constitutionally protected citizen mobilisation, which the *U ime obitelji* campaigners achieved by connecting traditionalism with political and economic disaffection aimed at the Croatian establishment and the EU. Furthermore, the most recent referendum initiative of *U Ime Obitelji* (2014) to call for changes in the election laws suggest that the marriage referendum was used to put direct democracy on the map as a political tool in Croatia. This view is echoed by the opinion of the constitutional court before the referendum that stated that it could not stop the poll from proceeding (since the requirement for

a referendum by petition had been fulfilled), but crucially, that an affirmative result in the referendum would not limit the plans to extend the rights for LGBT couples. Indeed, a couple of months after the constitutional definition of marriage was introduced, the Croatian parliament adopted a new piece of legislation opening up registered partnership (*Životno Partnerstvo* [Life Partnership]) for same-sex couples. Although *U Ime Obitelji* tried to use the referendum results to block this new law, the law passed by an overwhelming majority (89 for; 16 against) in parliament. Despite the fact that *HDZ*, the main right-wing party, showed some support for the 2013 referendum, a majority of its parliamentary members voted in favour of the life partnership bill. Thus, it is clear that while the consequences of the marriage referendum on LGBT rights in Croatia were more *symbolic* than *substantive*, the ramifications for citizen-led modes of democratic practice in Croatia are far more significant.

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