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The Italian public debate on same-sex civil unions and gay and lesbian parenting

1. Introduction

Over the past decades, significant positive changes have happened in terms of civil rights and public recognition of same-sex couples and their children in European countries. However, sexual orientations outside the heterosexual order are still seen as a social problem, especially where the legacy of Catholicism is significant (Santos, 2013). In France and Spain, for example, the Catholic Church and lay groups fuelled by the Church hierarchies persist in lobbying and campaigning against same-sex marriage and any gender equality policies (Digoix et al., 2016). In Greece and Portugal, the Church has succeeded in blocking progressive initiatives and often in determining political decisions on issues related to sexualities (De Michele, 2010; Santos, 2013). In Italy, after years of strong opposition by centre-right parties and the Catholic Church, the law that recognizes same-sex civil unions was passed only in 2016 (Legge 20 maggio 2016, n.76 - henceforth L.76/2016). The L.76/2016 extends to same-sex couples most of the rights of married heterosexual couples, such as the right to receive survivor's pension and to inherit each others' assets. A duty of fidelity between same-sex partners was dropped during the discussion because, according to the opponents, it would have made civil unions too similar to traditional marriage. Moreover, the right to adopt the partners' biological children was so controversial that it had to be deleted in order for the law to pass.

The deadlock on same-sex civil unions and the ostracism of lesbian and gay parenting demonstrates the persisting power in Italy of heteronormativity (Kitzinger, 2005; Warner, 1991) that reifies the uniqueness of heterosexual relationships and parenthood.

This article investigates the public debate that took place in Italy while the law on same-sex civil unions was under discussion in parliament. Specifically, through a critical discourse analysis (Fairclough 2001, 2003) of the speeches of Italian stakeholders who took part in the debate on the legislative proposal, the study addresses the following research questions: what are the strategies currently used by the hegemonic heteronormative power to oppose the recognition of same-sex couples and their children in Italy? Does the public debate on same-sex civil unions reinforce heterosexual exclusive access to family and, if so, how?

The paper draws upon Foucault's (1970, 1978) notion of sexuality as a discourse embedded in social and cultural processes that constructed the paradigm of one dominant sexuality and peripheral 'others'.¹ According to Foucault (1978), sexuality is not a natural reality, but the result of historically and culturally situated discursive practices, which establish what people are and what they can do. By operating in everyday social practices, modern regimes of power/knowledge produced the distinction between normal and abnormal, thus involving forms of social control and constraint (Fraser, 1981). Since heteronormative practices and assumptions are manifested in diverse ways according to the social, cultural and historical context in which they occur (Ryan-Flood, 2005), we analyse the historical antecedents of the emergence in the Italian context of a regime of truth on sexuality. By framing the analysis of the empirical material in the broader context, this article sheds light on the heteronormative premises that created the conditions of acceptance of non-heterosexual relationships and informed the public debate on same-sex civil unions. This approach, which comprises the methodological contribution of this paper, also represents the precondition to denaturalize traditional notions of sexuality. Our findings show that although same-sex couples have gained political visibility and Italy has

partially filled the legislative gap on this matter, new discursive strategies reinforce the primacy of heterosexuality. By analysing the arguments opposed to the recognition of same-sex couples and their children, this paper contributes to the advancement of understanding of the general politics and regimes of truth that reproduce heteronormativity in the contemporary Italian context.

The article is organized as follows. Firstly, we analyse the historical and cultural processes that led to the hegemony of the heteronormative view on sexuality and family relationships in Italy. Secondly, in the empirical section, we analyse the speeches of the stakeholders who took part in the debate on same-sex civil unions, focusing on the discursive strategies that reinforce the view of family grounded on heterosexual relations and exclude lesbian and gay couples from parenthood. Finally, we shed light on how current heteronormative discourses are intertwined with historical, social and political conditions, and we discuss their effect in preventing same-sex unions and same-sex parenting recognition. As the analysis shows, the late approval was the result of numerous compromises among opposed ideological positions: if on one side the law represents progress for the equality of lesbian and gay couples, on the other side it has itself contributed to reinforcing the opposition between heterosexual marriage and same-sex union and to denying lesbian and gay parents and their children the legal protection they need.

2. Constructing heteronormativity in Italy

Whereas over the last decades progressive normalization and new regulations for same-sex couples have happened in all Western countries (Roseneil et al., 2013; Seidman, 2002;

Weeks, 2007), Italy recognized same-sex civil unions only in 2016. This deferment may be understood as a strategy of Italian institutions—lay and religious—to maintain silent ‘peripheral sexualities’ (Foucault, 1978), keeping them away from the discourses on affection and procreation, and harmless to the heteronormative view of the family.

A distinctive Italian feature for affirming the heteronormative order has been the legislative silence imposed by institutions on deviations from the ‘normal’ sexuality. Traces of this silence can be noted, for example, over successive Italian penal codes, which, since 1889, made no reference to homosexual acts. The decision was inspired by the principle that the law should avoid any intrusion into moral issues (Camera dei Deputati, 1887: 213–214) and that ‘the filthy vice [homosexuality] is fortunately not common in Italy’ (Manzini, 1936: 218), as the fascist Minister of Justice Alfredo Rocco stated. According to Dall’Orto (1988), in Italy there existed and continues to exist a ‘repressive tolerance’ of homosexuality, which is based on the impunity of same-sex activities (in advance of most European countries) on condition that homosexuals stay invisible, at the margins of the society, so as not to challenge the heterosexual order. The Mediterranean paradigm of homosexuality (Dall’Orto, 1990) has provided the foundation for the intelligibility of same-sex acts through the same conceptual framework as that used for heterosexuality (distinction between the passive role and the active counterpart), thus protecting conventional categories of normal sexuality (Dall’Orto, 1988, 1990; Plummer, 1975).

While the State renounced bringing sexuality under the control of its laws, through agreements with the Vatican, such as the Lateran Treaty (Legge 27 maggio 1929 n. 810) and the Agreement of Villa Madama (Legge 25 marzo 1985 n.121), it delegated to the Catholic Church the authority on morality and the ethical education of the country.

The Catholic doctrine has not traditionally considered the homosexual inclination in itself a

sin, but a tendency ordered towards an intrinsic moral evil (Sacred Congregation for the Doctrine of the Faith, 1986) proclaiming that the path to salvation for men and women who have deep-seated homosexual tendencies is that of chastity (Holy See, 1993: article n.2359).

In Italy, the same epistemeⁱⁱ (Foucault, 1970) has informed both the civil domain and the religious: a clear demarcation has been defined between what is private and intimate and what belongs to the public and social realm. Homosexuality is acceptable, tolerated or forgiven, as long as it remains silent, without questioning the heterosexual order, and avoids turning an unnatural and sinful inclination into a scandalous act that may subvert public morality.

During the twentieth century, in response to the challenges of modernity, such as the recognition of same-sex unions and parenting (Bertone and Franchi, 2014), Vatican theology has reformulated the “homosexual problem” and reaffirmed its reliance on a natural order of gender and sexuality, as opposed to a social order unburdened by any transcendent authority (God, Nature, Tradition...) (Fassin, 2010). As a result, homosexual tendencies have since been banned along with homosexual actsⁱⁱⁱ.

The influence of religious disapprobation of homosexuality maintains considerable influence upon lawmaking (Johnson and Vanderbeck, 2014) and the “Italian case” (Garelli, 2007) is generally recognized as peculiar for the power of the Catholic Church in determining decisions of political leaders with regard to family life and sexualities (Bernini, 2008; Garelli, 2007; Grigolo and Jörgens, 2010; Santos, 2013). Even the collapse of the “Democrazia Cristiana”, the Christian Democratic Party that played a dominant role in Italy until the early 1990s, did not diminish the influence of the Vatican over politics: in the impossibility of indicating a single party to be voted, the Church warned the catholic

electors and politicians across the parliamentary spectrum against decisions that could undermine the family founded upon marriage (Bernini, 2008). And as a result, controversial issues regarding the family have been postponed or censored, and same-sex couples and gay and lesbian parenting have never become a priority.

The binary heterosexual/homosexual remains a central dyadic division in Western societies (Sedgwick, 1990), and while heterosexuals have natural access to family, lesbian and gay individuals are considered non-procreative and are alienated from kinship (Weston, 1991). Heterosexuality is hypostatized and becomes the foundation of kinship in itself, which is conceived as 'always already heterosexual' (Butler, 2002: 34). The primacy given by science and common sense to blood bonds (Schneider, 1984) further excludes lesbian and gay individuals from procreation and family relationships. Heterosexual physical procreation is seen as the basis of the perpetuation of society, whilst the non-reproductive feature of lesbian and gay relationships is depicted as an attack on 'the family' and on society in a broader sense (Weston, 1991). Asking for the recognition of civil rights, homosexual couples are emerging from their invisibility and are revealing the 'naturalness trick' that constructed heterosexuality as the only form of sexuality and the very foundation of kinship. Analysing the Italian public debate on the recognition of same-sex civil unions, this paper shows some discursive strategies used by the heteronormative power for resisting requests for recognition of same-sex couples and their children and maintaining sexual minorities' silence, far from the realm of affection, procreation and family life.

3. The debate on same-sex civil unions

In Italy, many people still disapprove of non-heterosexual families and only a small proportion of the population believes that lesbian and gay couples should have the same legal rights as heterosexual couples (ISTAT, 2012). Italian politics, for its part, has discriminated against same-sex couples and their children by delaying the discussion of their rights for about 30 years. The debate on these issues started at the end of the eighties when the socialist parliamentarian Agata Alma Cappiello first presented a bill (Camera dei Deputati, 1988). The discussion of this proposal was, however, never scheduled. In the nineties, the debate intensified, partly because of calls from the European Parliament to member states to guarantee recognition of the rights of same-sex couples.^{iv} However, none of the numerous draft laws has been included in the parliamentary agenda. A legislative proposal that seemed to lead to a solution was presented in 2007 during Prime Minister Romano Prodi's centre-left government (Senato della Repubblica, 2007). However, the political parties informed by Catholic thought that were part of the big governmental coalition forcefully opposed to the law. The public debate, in which the Catholic Church also participated to a great extent, went on for the duration of the Prodi government, which fell within approximately two years of taking office without passing the law.

Public discussion on same-sex unions and gay and lesbian parenting has grown considerably over the past two years because of the bill (Senato della Repubblica, 2015) introduced in the Italian parliament. After assuming the role of Prime Minister in 2014, the secretary of the Democratic party Matteo Renzi announced his intention to open debate on this issue. The government was sustained by a large coalition comprising the Democratic Party (centre-left) and other parties of the centre and the centre-right grounded in the Christian Democratic tradition; among them, the main one was the New Centre-Right, led by Angelino Alfano, who was the vice-Prime Minister and Ministry of the Interior.

Differences between the ideological backgrounds of the government parties were immediately evident and civil rights for same-sex couples were among the most difficult problems to solve in the government programme: on one side, most of the Democratic Party supported the proposal, while on the other side, the centre-right government forces, together with a Catholic minority of the Democratic Party, took a stance against the bill, mainly due to the measures regarding parenthood. The law proposal n. 2081 (Senato della Repubblica, 2015), known as Cirinnà bill, after the name of the legislation's main sponsor, the Senator of the Democratic Party Monica Cirinnà, established a certain degree of equivalence between civil unions and marriage, with the extension of the rights and duties of married couples to civil unions. The most contested part concerned the possibility for a partner in a same-sex couple to adopt the biological children of the other partner (art.5). The strong opposition from Catholics, lay and religious, in addition to the tensions between the two main ruling parties, caused many arrests to the parliamentary process of the bill. When even the possibility of passing the law through the support of some minority parties failed, the solution, sponsored primarily by the Catholic component of the Democratic Party, was to drop the article 5, concerning the so-called stepchild adoption. Moreover, article 3, concerning the obligation of mutual fidelity, and art. 6 concerning the timing for the termination of a registered partnership, were deleted from the law in order to eliminate what were considered excessive similarities with traditional marriage. Once the final agreement was reached, the civil unions bill was passed in a vote of confidence^v in the Senate on 25 February 2016 by 173 votes to 71, with no abstentions. Not all the members of the governing parties took part in the vote and the approval was made possible by the support of a group of senators coming from different opposition parties, thus revealing the weakness of the Government on this issue. On 11 May 2016, the law was approved with

the confidence vote (372 votes to 51 with 99 abstentions) in the Chamber of Deputies where a larger left-leaning majority resided; the Italian President finally signed the bill into law on 20 May 2016.

The L.76/2016, consisting of a single article and 69 paragraphs, provides that partners live together and grant each other moral and material assistance (par.11). Unless partners decide diversely, marital property regime for all the purchases is applied (par.13). Moreover, partners in a civil union have the same rights and duties as married couples in terms of inheritance (par.21), survivor's pension (par.17), access rights in the event of incarceration (par. 38), and of health issues, such as admission to hospital, decision about medical treatments and organ donation (par. 39-41). Finally, they are entitled to remain in the deceased cohabitant's property for up to 5 years (par.42), they can take over lease agreements (par.44) and they are assimilated to married couples in allocation of public housing (par.45).

3.1 Introduction to the case study

This paper analyses the public debate on same-sex unions and gay and lesbian parenting constructed in Italy during the period June 2014 to May 2016 while the Italian parliament was discussing the regulation of the rights of same-sex couples and their children. Empirical material examined here is composed of texts containing the speeches of Italian stakeholders, such as politicians, key figures of the Catholic Church or members of civic organizations. Moreover, we included in the analysis official pronouncements from Italian institutions (e.g. courts, governmental bodies) that contributed to the construction of the discourse on same-sex unions and gay and lesbian parenting.

For the selection of the texts, we accessed the digital archives of the main Italian newspapers and, using as keywords for the search ‘civil unions’ and ‘Cirinnà bill’, we selected those news items whose subject was the opinions of stakeholders on same-sex unions and gay and lesbian parenting, or the pronouncement of an Italian institution on these issues. After selecting the news items, we took into account only those texts for which a video/audio recording or an official document (e.g. the transcript of a parliamentary discussion or the judgment of a court) was available online. The selected texts were transcribed verbatim and the transcripts examined for emerging themes. The analysis of the texts was based on the assumptions of critical discourse analysis (Fairclough, 2001, 2003), with the purpose of revealing which discourses and social practices contributed to the maintenance of the social order, thus sustaining the subjugation and discrimination of same-sex couples and their children in the Italian context. Therefore, the analysis explores how heteronormativity as the order of discourse informed the debate on the regulation of the rights of same-sex couples and their children. Moreover, the analysis focuses on the contradictions or paradoxes within the dominant order so as to highlight possibilities for change.

3.1 The natural order of things

The legal discussion on same-sex civil unions has led to a deep cleavage within Italian society, with the ‘natural order’ being one of the main issues under debate. Even State institutions have engaged in serious conflict over what is admissible on the basis of rules considered natural and universal, as was the case when some Italian mayors took the initiative, while the Senate was still discussing the Cirinnà bill, of creating civil union registries in order to transcribe same-sex marriages celebrated abroad. After fierce dispute

on the constitutional admissibility of same-sex couples, the Italian Council of State^{vi} ordered the removal of the transcribed documents. The judgment stated:

It is easy to identify the sexual diversities between partners as the first condition of validity and effectiveness of marriage [...], as it is consistent with the concept of marriage deriving from the age-old legal and cultural tradition of the institution of marriage, as well as from the way in which the natural order is constantly interpreted and translated into the positive law as legitimizing the only marital union between a man and a woman (Consiglio di Stato, 2015).

The judgment is based on the presumption of isomorphism between the phenomenological level (the way in which marriage has traditionally been organized) and the representational level (what is considered natural and, therefore, legitimate). The Council of State's decree reflects this isomorphism and, at the same time, it upholds it, considering marriage between a man and a woman as a natural fact, not subject to social and anthropological change. The legal and cultural tradition per se is considered a reason for accepting what is 'naturally given' as unchangeable and, therefore, the necessary ductility of the constitutional principles is denied (Rodotà, 2016).

Assumptions on what constitutes the natural order have important implications as regards gender. By suppressing their natural similarities (Rubin, 1975), Western societies construct men and women as naturally and unequivocally defined categories of being (Garfinkel, 1967) and allocate specific and distinct roles to each spouse (Connell, 2009). Gender configurations in lesbian and gay families are often regarded as abnormal because they

challenge expectations about standard heterosexual roles, such as the caring/nurturing mother and the providing father (Hicks, 2013).

In view of this, Senator Carlo Giovanardi, a key figure of the New Centre-Right, interviewed during the Family Day demonstration (20 June 2015)—which was organized by the Italian forum of Catholic associations for defending the traditional family—explained his opposition to the recognition of same-sex civil unions:

there are males and females, dads and moms. Then, if there is a child who has the misfortune [of being raised by a gay couple]—a few dozen cases in Italy—[...], when the mothers of the other children come to pick them up [at school], and they have a special relationship with their moms—like all of us, right?—how do you explain to that child that he hasn't a mother?^{vii}

The gender order of society (Connell, 2009) constructs as natural the differences between men and women, and the idea that their thinking, emotions and capacities are inherently opposed. The social arrangement based on sex category is the only legitimate one and the process of 'doing gender' (West and Zimmerman, 1987) is neglected; therefore men and women are identified according to an enduring internal disposition. Although the roles of mother and father have changed over time, the heteronormative conception of the family still defines parenthood along the heterosexual gender binary (Lorber, 1994). Senator Giovanardi's speech reflects the prevalent ideal of motherhood of the intensive mother (Hays, 1996), who has natural and instinctive caring capacities and establishes a special relationship with the child. The notion of a primary sexual difference that constitutes the core of psychic life leads to condemnation of non-heterosexual unions, assisted

reproductive techniques and any form of parenting outside the nuclear heterosexual family as damaging to the child, a threat to culture and destructive of the human (Butler, 2004). Lesbian and gay parents are a threat to the symbolic order of the family, as they challenge the ideology of gender, motherhood and family, which together are considered the basis of the stability of society (Romans, 1992).

The parliamentary debate also covered the promiscuity of same-sex couples due to the possibility of extending the obligation of mutual fidelity to same-sex civil unions. The obligation for spouses to be faithful to one another, established in article 143 of the Italian civil code, occupies a prominent position in the monogamous marriage doctrine (Ruscello, 2011). Although it should not refer only to abstention from extra-marital relations but also to the spouses' commitment not to betray their mutual trust (Ruscello, 2011), the obligation of mutual fidelity is commonly interpreted as a bond of exclusive sexuality, an indispensable condition for creating a stable context for the nurturing of the offspring (Gambino, 2015). The article 3 of the Cirinnà bill (Senato della Repubblica, 2015) extended this duty to same-sex civil unions, but the New Centre-Right, together with some other Catholic members of the parliament, forced its removal before approving the law.

The absence from the law of this obligation may represent an opportunity for same-sex unions to get rid of the patriarchal legacy that co-opts non-heterosexuals and aligns their 'equality' with a narrow, formal access to a few conservatizing institutions (Duggan, 2003). However, it should not be overlooked that the removal of mutual fidelity also established a clear distinction between heterosexual couples and non-heterosexual ones, so that the latter, institutionalized as inherently unstable and promiscuous, are considered incompatible with parenthood. Therefore, the law reproduces the supposedly monogamous heterosexual couple as the only form of socially adequate intimate partnership (Butler,

2004), whereas homosexuality is linked to discourses of moral deviation, perversion, promiscuity and sexual excess (Foucault, 1978).

The irreducible difference between heterosexual marriage and same-sex couples has been further laid down by the law in its definition of civil union: while the text was still being examined preliminarily by the Senate, Senator of the Democratic Party Emma Fattorini, echoing her party's Catholic members, tabled an amendment^{viii} to the first article of the bill (Senato della Repubblica, 2015) for defining same-sex civil unions as 'specific social formations'. The reason for this proposal was to diversify to a greater extent same-sex couples from the family set out in the Italian Constitution as 'a natural society founded on marriage', thus avoiding any unconstitutionality of the law. A misinterpretation of the statutory constraints may have been behind this issue because, although heterosexuality was likely taken for granted at the time of drafting the Constitution in 1947, the expression 'natural society' was referred to as a 'grandfathering clause', informed by the Catholic doctrine, according to which the family is defined as a natural society because it comes before the State temporally and in terms of importance. Therefore, the purpose was to prevent the State from intervening, as stated by Pope Leo XIII in 1891, in the sanctuary of the family (Ginsborg, 2013). The distinction between family as a 'natural society' and a 'specific social formation' resulted in a semantic trick that hides the reaffirmation of discrimination (Rodotà, 2015).

Consistencies can be noted between the terms of the parliamentary discussion and the official discourse of the Catholic Church, whose speeches have repeatedly occurred while the Italian Parliament was debating the law. On 22 January 2016, just a month before the approval of the bill by the Senate, it was Pope Francis, Jorge Mario Bergoglio, who

reiterated the importance of distinguishing between heterosexual unions and those between non-heterosexuals for the sake of humanity.

The Church has indicated to the world that, among other things, there can be no confusion between the family desired by God and any other kind of union [...] The family, founded upon an indissoluble, unitive and procreative marriage, belongs to the ‘dream’ of God and that of the Church, for the salvation of humanity.^{ix}

The heteronormative paradigm, considered natural and universal, is elevated to the role of element guaranteeing the future of the human species. Same-sex attraction is a core element in the representation of homosexuality, and lesbians and gays are perceived as selfish, self-centred and, therefore, non-procreative (Weston, 1991). Granting legal recognition to same-sex couples is thought to undermine the institution of heterosexual marriage, since it could accelerate the separation between sex and reproduction, although there is no evidence that giving rights to same-sex couples has any impact on heterosexual marriage (Badgett, 2004): ‘reproduction rationalizes nothing about sex’ (Warner, 1991: 9).

3.2 Blood is thicker than water

The debate on the Cirinnà bill (Senato della Repubblica, 2015) evoked cultural and anthropological beliefs that are essential to the Western notion of kinship. Among the issues that have been addressed, those concerning biological connections between parents and children have occupied a special place. This emerges from the arguments against stepchild adoption based on the offspring’s right to know who had a role in the conception

and/or in the gestation. Centre-right parties unanimously opposed the measure and even the Democratic Party was split into antithetical positions, with a number of parliamentary members disapproving the articles concerning parenthood. The alternative proposal introducing reinforced foster care—a sort of pre-adoptive fostering—was then presented so as to better guarantee children's rights, as explained by Senator Rosa Maria Di Giorgi (Democratic Party) during the Senate debate of 4 March 2016:

I do believe that a consistent and safe mode could be a reinforced foster. Parenting is recognized in both the partners; in case of the death of the natural parent, the children may be adopted and at 18 they can ask to be adopted. [Reinforced foster care would represent] a linear way to ensure that the child does not confuse parents' roles and to distinguish the parental functions from the generative ones [...]. No theft of functions. Only the clarity and the respect of children's rights, who have, in fact, the right to the love of two people who care for them, but also to know exactly that there is someone who has generated them and for various reasons (the biological parent will explain them) he/she is in the position of not being able to take care of them.^x

Gay and lesbian parenting highlights the possibility of a discontinuity between procreation and parenting, which commonly overlap in the nuclear heterosexual family (Fruggeri, 2005), because who participates in the procreation does not necessarily play a role in the child-rearing and, conversely, who plays a parental role may not contribute to the biological generation. Senator Di Giorgi's discourse assumes that biology is an indelible,

pre-cultural substrate, so it has a value in itself regardless of whether or not who participated in the procreation takes care of the child. That is why only in the event of the death of the ‘natural’ parent (the ‘true’ one), or when the child comes of age, may the social parent be legitimized by the State. According to the common cultural code, the blood relationship is not merely a symbol, but a ‘yardstick for determining who counts as a “real” relative’ (Weston, 1991: 34–35). This is the reason for claiming the right to know who participated in one’s generation and to distinguish, in fact, the biological parent from the non-biological one. Therefore, the opposition to stepchild adoption was not due only to prejudice against same-sex couples or gay and lesbian parenting, but to the reduction of kinship to an organic and natural fact, and as such, immune to critical thinking and the transformative political processes. Opposition to the legitimacy of gay and lesbian parenting reveals the fear of subverting the limits imposed by the nature to the human species.

This is also clearly expressed in the words of the Interior Minister Angelino Alfano when, on 25 February 2016, he commented on the success achieved by the Government in the vote of confidence on the Cirinnà bill. Minister Alfano, emphasizing the occasion of deleting stepchild adoption from the law, affirmed:

On civil unions, wisdom has won [...] It was a nice gift for Italy to have prevented two people of the same sex—in which nature prevents it—having the chance to have a child. We prevented an anthropological revolution against nature.^{xi}

Deviations from the heterosexual family are considered dangerous for the so-called natural and cultural laws that are supposed to preside over human intelligibility (Butler, 2002).

It has been recurrent in the religious discourse to warn against the risk of an anthropological revolution caused by lesbian and gay parenting. For a very long time, the Church has invoked the “fear of the queer child” (Rosky, 2013) for opposing the recognition of lesbian and gay parenting and promoting child-rearing by both a mother and a father. In the simplest version, this fear is the claim that the exposure to homosexuality would turn children into homosexuals, but over time it has been reformulated including the fears that exposing children to homosexuality will make them more likely to be indoctrinated into queerness, to deviate from traditional gender roles, or to perceive that queerness is acceptable due to the recognition of equal rights to LGBT people (Rosky, 2013). As Hicks (2005) highlights, Christian opposition to gay and lesbian parenting is based on the epistemological premise that gender and sexuality are direct outcomes of parents’ sexual orientation and that they can be easily measured and determined, but this occurs within a normative moral framework which sees homosexuality as an absolutely deficient object.

Differences between old and new kinship patterns emerge and technologies downplay the importance of blood by showing alternative ways to establish family ties in which choice becomes central (Weston, 1991). Assisted reproductive techniques reveal that the connection between biology and kinship is not essential (Hayden, 1995): it is the border between nature and culture itself that cannot be taken for granted (McKinnon, 2015) and kinship can no longer be regarded as given and unchangeable, since it may be shaped by human engagement (Carsten, 2004). Discourses on lesbian and gay parenting become the place where other political fears are reflected: fears about the technology, the demographic

policies, the nation's unity and the transmissibility of culture. As it had already happened in other countries, the condition for the recognition of gay and lesbian couples is their exclusion from parenthood, denying them access to adoption or reproductive technologies (Brandão and Machado, 2012). France and Portugal, for example, approved same-sex couples' adoption years later than the law on civil unions. In Greece, the approval of same sex civil partnership in December 2015 was one of the first measures of the Government led by Syriza, a long time supporter party of equality for LGBTI people; however, days before the election, the party's leader Alexis Tsipras stated that adoption by same-sex couples was a "difficult subject" and that it would not be included in their policy programme if elected (Ilga-Europe, 2016).

In the Italian public debate on the law proposal, stepchild adoption has frequently been associated with surrogacy, which is illegal in Italy. 'Womb for rent', 'immoral', 'abominable', 'aberrant', 'inhuman', 'contrary to human dignity', a 'practice of exploitation of the human body' and 'insertion of the market within kinship' are some of the expressions most frequently used to define surrogacy by politicians, ordinary people and celebrities with the aim of opposing what is 'natural'—considered moral in itself—to 'unnatural' practices^{xii} The connection between stepchild adoption and surrogacy is based on the belief that allowing a gay man to adopt the biological child of the partner would encourage the use of surrogacy, because two men have no other means to procreate. Thus, stepchild adoption would represent a sort of entrapment.

Despite having been widely used abroad for a long time, mostly by heterosexual couples, surrogacy has emerged at the heart of the debate because of the spectrum of homosexual parenting that has been identified as the symbol of technologies exceeding the limitations imposed by nature on human beings. The moral superiority of nature over technology is

the result of a naturalistic fallacy that assumes that what is natural is inherently good. The natural order takes the form of necessity, perfection and immutability, coinciding, according to the notion of natural law, with morality. These conclusions are fallacious because ‘there is no logical basis for the claim that moral positions (what ought to be) follow from descriptions of nature (what is)’ (Cole et al., 2012: 48). Ethics has changed over time in relation to technological developments and their role in the modern world. In fact, since a technique is the universal condition to achieve any purpose, it is no longer a means, but is the first objective to reach in order to be able to pursue all other purposes that, in the absence of the technical device, would remain dreams (Severino, 1998; Galimberti, 2009: 216).

Technique—or technology—has therefore become the true subject of the story and humanity is its servant, because, unlike in other animals, it is not codified by instinct and it has had to make up for that ‘biological shortage’ throughout history: the birth of humanity is located at the time when the first anthropoid raised a stick to take a fruit (Galimberti, 2009). Claiming that what is natural is preferable to what is technical has the effect only of favouring certain relationships and stigmatizing others, justifying discriminatory policies against sexual minorities (Cole et al., 2012). Italian regulation on assisted reproductive technologies (Legge 20 maggio 2004) restricted fertility treatments to ‘stable heterosexual couples’, thus producing a new form of ‘othering’ through the definition of which categories of parents are acceptable and which are not (Parolin and Perrotta, 2012).

4. Concluding discussion

Since the beginning of the twentieth century, same-sex couples and their children have progressively gained rights and public recognition in European countries. However, same-

sex sexual orientations are still seen as a social problem and progressive initiatives related to intimacy and sexualities are difficult to realize, especially in those contexts where the heritage of Catholicism is stronger (Santos, 2013). In Italy, too long a delay occurred before the parliamentary debate on same-sex civil unions happened.

Objections to the law were raised both from opposition parties and members of the government majority, from whatever part of the political spectrum; moreover, outside parliament, leading figures of the Catholic Church took part in the debate in defence of the 'traditional family'. Finally, while the law proposal was under discussion, even institutions of the state handed down sentences that contributed to the construction of the discourse on same-sex couples and their children.

The intense political and social controversies have resulted in a parliamentary vote that represents a compromise between opposite ideological demands and if on one side the approved law recognizes to same-sex couples similar rights as heterosexual married couples have, including mutual financial and moral support, as well as inheritance and pension rights, on the other side it has reinforced the distinction between heterosexual couples and non-heterosexual ones, drawing a veil of silence over lesbian and gay parenting.

This paper has analysed the assumptions and the practices that opposed the law and prevented the granting of adoption and reproductive rights to lesbian and gay couples. The political delay in recognizing same-sex civil unions, and the themes that emerged during the debate, may be understood as traces of a process embedded in a historical, social and cultural context that in Italy has vetoed the expression of non-conventional sexualities. The analysis of the historical antecedents revealed the common strategies used by the Italian state and the Catholic Church to force homosexuality to stay inactive so as to obtain

impunity or forgiveness. The Italian institutions chose not to introduce references to homosexuality into the law, neither providing penalty nor recognizing rights, whereas the Church required that people did not act upon the sinful inclination. The agreements between the civil institution and the religious—the latter wielding the moral authority in the country—succeeded in avoiding explicit oppressive mechanisms, thus making power invisible. In so doing, the heterosexual order appeared obvious and alternative sexualities were denied.

The newly approved Italian law (L.76/2016) suggests that the zeitgeist is changing in Italy, and moral discourses on sexuality and kinship are undergoing transformation. In contrast to the condition that denied the existence of homosexuality, same-sex couples and their children have gained a place in the political debate and some rights have been recognized. A process of ‘homonormalization’ (Roseneil et al., 2013) is underway in Italy; but if on one side the heteronormative legal and political order is changing, on the other side powerful ideas maintain a clear distinction between same-sex couples and heterosexual couples, with the former only partially admitted to the symbolic order of family, and lesbian and gay parenting still considered taboo.

The discussion of same-sex couples’ rights and parenting has broken the silence on homosexuality and contravened the policy of inactivity to which non-heterosexual orientations were bound. The spectrum of unnatural sexualities can no longer make homosexuality invisible, and the heteronormative power needs to enlist new strategies to dispute the legitimacy of lesbian and gay couples and to maintain heterosexuality’s exclusive link to parenthood. The study has shown that the discourse of ‘nature’, along with the irreducible differences between heterosexual marriage and same-sex couples, emerged as the leitmotifs for perpetuating the heteronormative view of family and

excluding lesbians and gays from kinship. In the speeches of the stakeholders who took part in the debate on the law, heterosexuality is considered essential for parenting because of the natural order. Opposition to the approval of stepchild adoption was based on the primacy of blood, meant as the embodiment of the natural law. Thus, gay and lesbian parents who do not have biological connections to the children are not considered 'real parents', even if they participate, as well as the biological parent, in child rearing. At the same time, under the primacy of nature, the biological connection is in itself the reason for considering the sperm donor or the woman who gestates the child as the 'real parent'.

The newly approved law on same-sex civil unions effectively confirms the idea that there is a superior model of family and other forms of relationship can be assimilated into it in some extent; but in many respects, they are still excluded from the heteronormative symbolic code of the 'real family'.

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- ⁱ 'Sexuality of children, mad men and women, criminals and the sexuality of those who did not like the opposite sex' (Foucault, 1978: 38).
- ⁱⁱ The episteme is the a priori history that 'defines the conditions of possibility of all knowledge, whether expressed in a theory or silently invested in a practice' (Foucault, 1970: 168).
- ⁱⁱⁱ The Congregation for Catholic Education (2005) excluded from ordained ministry "those who present deep-seated homosexual tendencies or support the so-called <<gay culture>>".
- ^{iv} See, for example, the European Parliament Resolution of 8 February 1994 on equal rights for gays and lesbians that suggests the possibility of same-sex couples being parents, adopting and bringing up children.
- ^v The motion of confidence is the request by which the government asks to the parliament to approve without changes a proposal considered fundamental for its political action. It is commonly used to accelerate the legislative process and to avoid the obstruction of the opposition.
- ^{vi} The Italian Council of State is a legal and administrative consultative body that ensures the legality of the public administration act.
- ^{vii} Video interview available at: <http://www.ilfattoquotidiano.it/2015/06/20/family-day-cattolici-a-roma-contro-le-unioni-gay-scalfarotto-evento-inaccettabile/1798167/> (accessed 2 February 2016).
- ^{viii} Emendamento 2.09.2015 n°1.10000, 2/5. Available at: <http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Emendc&leg=17&id=938023&idoggetto=930558> (accessed 6 April 2016).
- ^{ix} Address of His Holiness Pope Francis to the officials of the tribunal of the Roman rota for the inauguration of the judicial year, 22 January 2016. Text available at: http://w2.vatican.va/content/francesco/en/speeches/2016/january/documents/papa-francesco_20160122_anno-giudiziario-rota-romana.html (accessed 21 March 2016).
- ^x Senate of the Italian Republic, XVII Legislature, Stenographic report of the session n. 572 of 4 February 2016. Text available at: <http://www.senato.it/service/PDF/PDFServer/BGT/964397.pdf> (accessed 16 March 2016).
- ^{xi} Video interview available at: http://www.adnkronos.com/2016/02/25/unioni-civili-alfano-esulta-abbiamo-impedito-una-rivoluzione-contro-natura_HORHKxbzgzynxA2JimDFFL.html (accessed 17 March 2016).
- ^{xii} Intervention of the deputy Michela Marzano at the Chamber of Deputies on 18 April 2016. Video available at: <http://webtv.camera.it/archivio?legislatura=17&seduta=608&intervento=425707> (accessed 22 June 2016)