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UNIVERSITÀ DEGLI STUDI DI TORINO

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Ozzano L.

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# **Last but not Least: How Italy Finally Legalised Same-Sex Unions**

## **Abstract**

LGBT issues and marriage equality have been for a long time a taboo in predominantly Catholic Italy, although since the 2000s they had been a subject of public debate. This might partly explain why in 2016 the country was the last western European state to approve a law legalising same-sex partnerships, although the literature has also focused on the influence of the Catholic church on the Italian political system, and on the morality politics mode of the Italian public discussion. This paper will take into account this most recent wave of discussion, specifically revolving around the Cirinnà bill approved by the Italian parliament in 2016, trying to analyse the main phases of the debate, the actors involved and their choice of frames and arguments. The paper aims at understanding the changes taking place – in terms of actors behaviour and frames – throughout the different phases of the debate on the Cirinnà bill, as well as in comparison with the previous waves of debates on LGBT rights in the 2000s and 2010s. The concluding remarks will argue that the final approval of the law was made possible by a mix of different factors: particularly, a change in the actors' perception, with a wider recognition of LGBT+ rights as human rights, even among the opponents to the law; a less significant involvement of the Catholic church, which also implied a change in frames choice; and the ultimate will of the Renzi cabinet to pass the law, whose approval had become increasingly crucial for the government's image.

**Keywords:** same-sex unions, LGBT+ rights, Italy, political debate, press

## ***Introduction***

In spring 2016, with the approval of the Cirinnà bill, Italy became the last western European country to give a legal status to same-sex partnerships. The country had represented for some years an exception in a continent where most parliaments had approved laws legalising same-sex civil unions, and in some cases outright marriage and adoption for same-sex couples (Kollman, 2007; Paternotte & Kollman, 2013; Waaldijk, 2003; Wintemute & Andenæs, 2001). LGBT+ rights had been a topic of public discussion in Italy throughout the 2000s and the early 2010s, after decades in which the issue had been regarded as a taboo (Rossi Barilli, 1999; Pini, 2010; Scappucci, 2001; Moscati, 2010). This Italian peculiarity was variously explained: either as a consequence of a ‘morality politics’ (Engeli, Green-Pedersen, & Larsen, 2012, p. 3) mode of public discussion structured around the formation of two highly competitive opposing coalitions ‘formed around religious beliefs and partisanship’ (Holzhacker, 2012, p. 25); or as a consequence of local factors (particularly, international norms legitimacy and religious practices) reducing the influence of Europeanisation processes: particularly, as an effect of the influence of the Catholic Church on most Italian political actors, both right-wing and left-wing (Moscati, 2010). According to Knill and Preidel (2015), this influence was facilitated by the peculiar Italian political opportunity structure, granting the Catholic Church a privileged access to the political arena, and the possibility to develop an effective strategy of opposition against the recognition of same-sex unions. The Church’s influence, however, seemed to be weakening in the latter phases of the debate, which had also witnessed the emergence of new critical voices on LGBT+ issues within the Church itself (Ozzano & Giorgi, 2016; Ozzano, 2015, 2016).

As for the specific debate on the Cirinnà bill, it has been the subject of some contributions on academic journals. Most of them, however (see for example Winkler, 2017; Saporiti, 2017) have a legal focus. To the knowledge of the author of this paper, the only contribution analysing the debate from a social sciences point of view is the one by Lasio and Serri (2017), who highlight the

ongoing centrality of the ‘natural order’ argument in the Italian debate on same-sex unions and marriages. As shown below, this paper contradicts this argument, by showing a clear shift from frames based on natural law to frames based on rights, even among many of the Catholic and right-wing opponents of the Cirinnà bill. The paper will moreover show the crucial role played by the political opportunity structure for the approval of this bill after many unsuccessful attempts: particularly in relation to the Renzi government’s efforts to finalize the law, and to a less assertive role played by the Catholic Church in opposing the path of the bill.

## **Methodology**

This paper will deal with the Italian discussion on LGBT+ rights specifically revolving around the Cirinnà bill, from October 2014 (when the Renzi cabinet confirmed its intention to submit a bill on same-sex unions to the parliament), to February 2016 (when the final version of the bill was approved by the Senate).<sup>1</sup> This analysis – structured in different phases which will follow the steps of the debate – will be focused on the evolution in the positions of specific actors and the frames adopted, as well as the broader evolution of the dynamics of the debate, in terms of range of actors involved, predominant frames and main sub-issues discussed.

The research has been carried out by analysing 623 newspaper articles, published in four of the main Italian newspapers, chosen according to both their political stance and their position on the Cirinnà bill: *La Repubblica* (centre-left, favourable to the law), *Il Manifesto* (leftist, favourable to the law), *Il Giornale* (centre-right, opposing the law), and *L’Avvenire* (Catholic, the official newspaper of the Italian bishops conference, opposing the law). The initial articles database included all the articles published from June 2014 to February 2016 on the online version of the four newspapers which explicitly mentioned the bill: this selection was then further refined by discarding all the articles which did not include clearly developed frames.

The research used a text-driven coding scheme to understand the specific meanings attributed to the issues and to reconstruct the frames adopted on same-sex unions in the Italian debate. Specifically, this work focuses on the frames adopted in relation to the LGBT+ rights and same-sex unions by the main actors; but, also on the relations between actors and frames (Cefaï 2007) and between events and frames activation (particularly taking into account the processes of framing and counter-framing, and the problematisation of the issues) (Bacchi 2012; Colebatch 2006).

The next paragraphs will show the results of the empirical analysis, starting from a description of the phases of the debate, the actors involved, their interplay and the arguments and frames they proposed. This part will be followed by an analysis of the main frames proposed by the actors, their interplay and their different versions; and the positions of the main actors involved and their coalitional dynamics. Finally, the concluding remarks will provide some reflections on the circumstances of and the reasons for the approval of the Cirinnà bill and how they relate to the existing literature on LGBT+ rights and marriage equality in Italy and Europe.

## ***The debate***

### **June 2014-May 2015: The Bill is Drafted**

After the formation of a new government led by Matteo Renzi (Partito Democratico, PD) in 2014, the issue of same-sex unions – which had been the subject of several waves of lively debate in the 2000s and early 2010s – came back to the fore, with the presentation of several draft bills. This development was the effect of many factors: the new Prime Minister's intention to promote a law on the subject; the emergence of several legal cases involving Italian citizens requesting the recognition of same-sex marriages celebrated abroad; the unceasing activity of the LGBT+ organisations; and also the decision of several left and centre-left (but also, for example in Verona,

<sup>2</sup> right-wing) majors to create unofficial registers of same-sex unions (carrying mainly a symbolic value) (Giorgi, 2018; Marinai, 2016). In mid-2014 MP Monica Cirinnà (PD) was charged <sup>3</sup> with the task to draft a unified bill text integrating the different proposals, which – in the intention of the government – should be crafted after the German model of registered partnership, and include stepchild adoption.

In this phase, the centre-left mainly framed the issue in terms of rights and modernity (defining the law as a timely fixing of an unfair discrimination towards LGBT+ people, and as a way to keep the pace with the rest of the developed world) and there was a limited discussion, since even the centre-right leader Berlusconi (previously supporting the ‘traditional family’) now seemed to endorse the German model of registered partnership. <sup>4</sup> A limited discussion revolved around the opportunity to include in the law heterosexual couples: an issue disputed within the LGBT+ community itself, with some activists supporting this idea, and others rejecting it. <sup>5</sup>

The reactions against the bill were stronger in the civil society than in the political system. Particularly, a social phenomenon known as *sentinelle in piedi* (standing sentinels) became part of the discussion. Inspired by the French group *Manif pour tous*, these groups (scattered in many Italian cities) showed their disagreement towards the recognition of LGBT+ rights and the so-called ‘gender ideology’ <sup>6</sup> by silently standing and reading books in Italian cities’ main squares. Although officially apolitical, *the sentinelle* included many conservative Catholics and right-wing activists affiliated to groups such as Forza Nuova. <sup>7</sup>

When, in March 2015, Cirinnà delivered to the parliament a revised text of her draft bill (which became the basis for the subsequent parliamentary discussion) the debate between those who supported and those who opposed the law became more lively. The main bone of contention was not the legalisation of same-sex partnerships *per se* (which, at least in principle, was approved by most political forces) but the opportunity to include in the draft the legalisation of adoption for same-sex couples. The draft indeed granted the possibility of stepchild adoption to same-sex

partners: a clause which was supported by PD, Sinistra Ecologia e Libertà (SEL) and the Movimento Cinquestelle (M5S) (the latter two not part of the government) and opposed by the centre-right coalition and by Nuovo Centro Destra (NCD) (this latter part of the majority). The fact that the law was supported by an alternative majority created some strain, exacerbated by the concerns of some PD Catholic representatives.<sup>8</sup> The Catholic Church's reaction was also quite negative: the Conference of the Italian Bishops' (CEI) Secretary General, Mons. Nunzio Galantino, released indeed an elaborated statement on the issue, which argued that that it was necessary 'to work to prevent the progress of the bill', on the following grounds: 1) The proposal implied 'a dutiful recognition of rights' (a novelty, if compared to the Church's position until the 2000s). 2) However, this latter had not to imply a mistake between 'realities which are historically, culturally and anthropologically different' (i.e.: the 'traditional family' and same-sex partnerships). 3) and which might further involve a discrimination towards 'traditional families' (which, in the prelate's words, might be forced 'to apologize for existing'). 4) The 'families and the people' had to be listened to, to prevent the risk that lobbies (i.e.: the LGBT+ movement) might impose their will.<sup>9</sup>

After two months of quiescence, the debate was revived by the results of the Irish referendum on same-sex marriage, approved with almost 2/3 of the votes, which were surprisingly well received by most Italian political actors, in comparison to the previous reactions to the approvals of same-sex marriage bills in France and Spain (Ozzano and Giorgi 2016; Ozzano 2015). Even the right-wing Lega Nord (LN) leader Matteo Salvini signalled a limited openness to the recognition of LGBT+ rights, while resolutely defending the peculiarity of marriage between man and woman.<sup>10</sup> This kind of distinction was adopted, with some nuances, also by many centre-right and Catholic actors. The left, the centre-left and the Radicals, as well as LGBT+ organisations such as Arcigay, commented the results as a victory for civilisation and a timely compliance with Europe's trends in terms of rights. The Catholic Church, on the other hand, seemed surprised by the results: in the



following days, while the top hierarchies (such as Card. Bagnasco) reiterated their opposition to same-sex unions, dissenting voices were also heard: not only among the ‘progressive’ clergy (father Enzo Bianchi),<sup>13</sup> but also among the conservatives (the president of the conservative Communion and Liberation movement, father Julian Carron).<sup>14</sup>

## **June-August 2015: The Discussion Escalates**

The following month of June was crucial for the development of the discussion. At the grassroots level, there was a nationalisation of the mobilisation, with the organisation of both LGBT+ pride rallies in Rome and other Italian cities, and a Family Day event organized in Rome by Catholic pro-family activists. The broader mobilisation around the so-called ‘gender ideology’ (see note 6) also went on, in relation to specific local cases: for example, left-wing actors and LGBT+ activists mocked the mayor of Venice, who had banned dozen of children books from the libraries of his city’s schools because of their alleged ‘pro-gender’ bias.<sup>16</sup>

In the political discussion, however, two other sub-issues were the main bones of contention:

- 1) the request to clearly differentiate the institution of same-sex unions from heterosexual marriages;
- 2) the opposition against any kind of adoption for same-sex couples.

The revised draft of the Cirinnà bill tried to strike a balance between the requests of some LGBT+ activists and organisations (demanding the outright legalisation of same-sex marriage, as in other European countries)<sup>17</sup> and the Catholics’ concerns, by defining same-sex unions as ‘social groups’ (*formazioni sociali*) regulated by art. 2 of the Constitution (while marriage is addressed by art. 29 as the basis of ‘the family as a natural society’);<sup>18</sup> and by excluding adoption from the text, except in cases of stepchild adoption of the natural son of one of the two partners. Many Catholics – including NCD members and other pieces of the government coalition – were however not

satisfied with these solutions. This was also the position of the Church: according to Card. Bagnasco, stepchild adoption had to be opposed because it might open the way to surrogate maternity.<sup>20</sup>

The government started therefore to look for an alternative parliamentary majority to approve the law – since both M5S and SEL still looked strongly supportive of the bill – rather than further watering down the draft (which would mean disappointing the PD's left wing and most LGBT+ activists).<sup>21</sup> The centre-right opposition, however, declared that the approval of the Cirinnà law thanks to an alternative majority would imply a no confidence vote for the Renzi cabinet.

## **September-October 2015: The Courts Enter the Fray**

More dimensions (in terms of issues, frames, and scale of the debate) were introduced in the discussion by a sentence of the European Court of Human Rights (*Oliari and Others v. Italy*),<sup>22</sup> which ruled against Italy for its refusal to recognize the right to marriage for three homosexual couples. The left and centre-left newspapers and actors saluted positively the ECHR ruling, highlighting the need to approve soon a law regulating the issue, and also granting voice to the comments of LGBT+ activists. On the other hand, the Catholic and conservative ones tried to demonstrate that the Court was not really asking Italy to legalize gay marriage; they also questioned the legitimacy of the sentence on grounds of democracy, since the ECHR was a non elected supra-national body.<sup>23</sup>

As the discussion went on, it became clear that the government was quite reluctant to have the law approved thanks to votes from opposition parties. On the other hand, Catholic centrists included in the majority (such as Giovanardi and Sacconi) were adamant in their opposition to the approval of the text put on the parliamentary floor, and frequently intervened in the debate. A mantra often repeated by the opponents to the law was, again, the risk to encourage surrogacy (usually referred

to as '*utero in affitto*' – rented uterus): however, in this phase of the discussion, this concern was usually not associated to a specific frame, since those uttering it mostly did not declare whether they opposed surrogacy as a violation of women's rights or children's rights, out of their respect for traditional family, or because of other concerns. The centre-right, on the other hand, was considerably less involved in the debate, with mixed positions: Forza Italia's leader Berlusconi was reported – according to a party colleague – as a supporter of same-sex unions, and even stepchild adoption.<sup>24</sup> The LN, although explicitly opposing the law, mostly refrained from being involved in the national debate. However, at the local level, many regions and municipalities ruled by the party lively signified their opposition to the approval of the law and the so-called 'gender ideology' through billboards and the organisation of events.<sup>25</sup>

## **December 2015-January 2016: Women's Rights and Stepchild Adoption**

At the end of 2015, another significant sub-frame – respect for women's rights – massively entered the debate. Previously, the rights frame was mostly declined in terms of defence of LGBT+ rights or children rights, while the reference to surrogacy (*utero in affitto*) was usually a mantra adopted by the opponents to the law without much elaboration. Now, however, conservative Catholics seemed engaged in a new effort to connect their opposition to the Cirinnà draft bill to concerns about the exploitation of women's bodies. The *Avvenire* newspaper published thus, since November 2015, a series of interviews to women mainly not belonging to the Catholic area: such as the feminists Sylviane Agacinski and Luisa Muraro, the Jewish Philosopher Rivka Weinberg, and the leftist singer Fiorella Mannoia. All the interviewees agreed on the condemnation of surrogacy, especially when it was carried out in poor countries, as an unacceptable exploitation of women's body (a message which was graphically highlighted by the newspaper through images such as the naked belly of a pregnant woman with a barcode).<sup>28</sup> The choice of interviewees not belonging to the Catholic area was probably to be interpreted as an

attempt to add universality to the newspaper's message, by showing that the opposition to surrogacy was not simply a 'Catholic issue', but was shared by wide sectors of non-Catholic and secular women (a strategy already adopted by Catholic forces in previous phases of the debate). The left-wing newspapers supporting the law responded to such statements with much rarer interventions, mainly arguing that surrogacy is not specifically tied to same-sex couples; and that a line must be drawn between exploitative and voluntary 'ethical' surrogacy.<sup>29</sup> The point of this discussion became clearer in early December, when Catholic MPs started more resolutely to make pressures on the government in order to drop from the bill any reference to adoption for same-sex couples, including stepchild adoption, precisely on the ground that it might favor surrogacy practices.

In early January, the discussion took thus a new turn, with the start of a technical debate about if and how to regulate adoption for same-sex couples. Many proposals – including for example solutions such as the *affido rafforzato* and the *affidamento pre-adoptivo* (two kinds of entrust not implying outright adoption)<sup>30</sup> – were put on the floor of the parliament, but no agreement could be found between the leftist and the Catholic wings of the government coalition. A lot of discussions were raised in particular by a document signed by 37 Catholic MPs belonging to the PD, who demanded stepchild adoption to be cancelled from the draft bill, to be replaced by the *affido rafforzato*. In the meantime, an LGBT+ website, gay.it, published a list of the PD senators who had allegedly decided not to vote the version of the bill which included stepchild adoption: an initiative which raised outraged reactions from throughout the political field, with many denouncing it as the publication of a 'proscription list'.<sup>31</sup>

In the meantime, part of the Catholic associational world became engaged in the organisation of a new huge family day rally in the attempt to obstruct the course of the law, as had already happened in 2007 (Ozzano & Giorgi, 2016; Ozzano, 2015). The CEI, however, turned a cold shoulder on this initiative, while on the other hand high-level members of the Church, such as Mons.

Galantino, reiterated their criticism towards the law on grounds of opportunity, reminding legislators of the economic problems of the Italian families,<sup>32</sup> and defining the legalisation of same-sex partnerships ‘a headlong rush disguised as a civil conquest’. The prelate, however, also acknowledged as ‘a fact’ the rights of homosexual citizens, and the need for the state ‘to answer such demands’.<sup>33</sup> The CEI President Bagnasco also reiterated the ‘economic’ argument, and the idea that the insistence on the Cirinnà bill was a detour from the ‘real problems’ of the country.<sup>34</sup> Church representatives and Catholic newspapers also increasingly adopted legal arguments, arguing that same-sex unions and/or stepchild adoption were unconstitutional: which prompted the intervention of jurists from both sides of the debate.<sup>35</sup> The legal discussion focused in particular on a sentence of the Constitutional Court (No. 138/2010), which specifically stated that marriage was between man and woman.<sup>36</sup>

The debate about stepchild adoption also acted as a wedge issue in both centre-left and centre-right parties: while the PD was deeply divided between pro-LGBT+ and Catholic positions, FI (whose pro-Catholic MPs, such as Quagliariello and Sacconi, had mainly moved to centrist parties in the previous years) also saw the reemergence of pro-liberal stances which had been mostly silenced throughout the 2000s, with a lively debate within the party. As a consequence, the FI leadership – although opposing the draft bill – recognized the freedom of conscience of the party’s MPs, and Berlusconi himself voiced his support for civil unions, although confirming his party’s specific opposition to the Cirinnà bill.<sup>37</sup>

After the deadline for the presentation of amendments to the draft, it was the LN that emerged as the most vocal opponent to the law, with about 5000 of the total 6000 amendments submitted to the parliament, evidently with the aim to slow down the pace of the parliamentary debate.<sup>38</sup>

## January-February 2016: A Historic Achievement or a Pyrrhic Victory?

At this point, when the bill started to be discussed in parliament, the supporters of the law had to choose between trying to pass the bill as it was (with the danger to jeopardise the life of the cabinet itself), or to amend it (with the risk to lose the leftists' votes). The peak of the discussion was reached in the last week of January 2016, with the mobilisation of both the LGBT+ community and the supporters of the law (on 23 January),<sup>42</sup> and the Catholic associations and the other opponents (on 30 January). While the former chose a scattered mobilisation, with simultaneous rallies in dozens of Italian cities, the latter aimed at organising a single massive rally in Rome: as already happened with the 2007 family day, which had been crucial in stopping the legislation on civil unions then proposed by the centre-left government. As already mentioned, unlike in 2007, the Vatican abstained from officially sanctioning the event (although the CEI's president Bagnasco labelled it as 'commendable' and 'necessary', and other high-level prelates such as Mons. Ruini and Mons. Scola personally expressed their support). The Catholic associational world was also divided by the event, which was mainly supported by hard-core conservative and traditionalist Catholic organisations such as *Sentinelle in piedi* and *Generazione Famiglia* (the Italian branch of the French *Manif pour tous*): among the main Catholic groups and movements, only the Neocatechumenals explicitly endorsed it, while most groups, although in some cases commending the event, did not mandate their members to participate.<sup>43</sup> A strong support – which was however officially rejected by the organisation of the event – came also from extreme right groups, such as *Forza Nuova* and *Casapound*, while the LN-led Region Lombardy administration expressed their support by turning on the lights of the Lombardy region palace, in order to form the words 'Family Day' (which raised a chorus of criticisms). Only a handful of politicians – mainly right-wing – participated.

The debate fuelled by the event, with also many opinion leaders and show-business representatives participating in the discussion, made indeed more difficult the path of the draft bill in the Senate.

Particularly, centre-left Catholics (and also high-level representatives of the Vatican hierarchies such as Card. Bagnasco) not only reiterated their criticism of the stepchild adoption clause, but also their demand for a secret ballot on the bill (on the grounds of freedom of conscience). The approval of the law was no longer granted, both because of the dwindling support within the ranks of the government coalition, and because of the uncertainty about the vote of the M5S representatives: on 17 February, this party indeed announced a vote against the law, officially because the majority had tried to cut away most amendment by proposing a ‘super-amendment’ to the law.

The government decided thus to opt for the confidence vote procedure. To appease the demands of the Catholic wing of his coalition, however, the majority decided to delete from the bill any reference to adoption for same-sex couples, as well as other provisions of the law which appeared ‘too similar’ to marriage, such as the partners’ fidelity obligation. This new version of the bill was eventually approved by the Senate on 25 February, saluted with enthusiasm by many, but also seen as a pyrrhic victory by many LGBT+ organisations and activists (some of which even engaged in protest rallies on the day of the vote), because of the many parts of the law which had been cut.<sup>44</sup> For this reason, also some centre-left senators who had traditionally been in favour of marriage equality, such as sen. Manconi, decided not to vote for the law, while others, such as the SEL senators, did so as a protest against the adoption of the confidence vote procedure.<sup>45</sup> As a whole, the votes basically aligned with the majority/minority fault line (with the Catholic centrists within the majority voting in favour, and the centre-right, M5S and SEL voting against it), and the law was approved with 173 votes out of 322.

The approval by the Senate represented the turning point for the discussion on the bill, since in the Chamber of Deputies the government enjoyed a much larger majority: which, however, did not prevent the government from adopting another time the confidence vote procedure (mainly to avoid possible changes to the text of the bill, which would have made necessary another Senate

vote). The Chamber of the Deputies approved thus the bill on 13 May, and the law entered into effect on 5 June.<sup>46</sup>

## ***Analysis of the Debate***

### **The Frames**

The main frames proposed by the actors involved in the debate are the following, ordered according to their frequency:

1)           Rights. This is the most widespread frame, also because it was proposed, in different versions, both by supporters and opponents of the law. First, many LGBT+ rights organisations, as well as the political left and part of the centre-left (but also, much more cautiously, a few centre-right politicians and members of the clergy) framed same-sex unions as a right of homosexual people, and their legalisation as the fixing of an unfair discrimination. On the other hand, because of the role played in the debate by the sub-issue of stepchild adoption, many opponents of the law (but also those, in the centre-left majority, who wanted the issue to be dropped from the bill) argued that the inclusion of some kind of adoption in the bill would be an infringement of children's rights. Finally, and particularly in the latter stages of the debate, arguments related to women's rights were also raised by the opponents to the law, in relation to the moral and economic implications of surrogacy.

2)           Tradition vs. modernity. This frame was adopted on the one hand by many supporters of the bill, arguing that the approval of the law would bring Italy back amid the community of contemporary western nations, which had mostly already approved the legalisation of same-sex couples. In their view, the law represented a necessary step on the path towards modernity. On the other hand, the opponents to the law often framed their position in terms of respects of Italian and



western Christian traditions, in relation to marriage between man and woman and preservation of the traditional family as the cornerstone of society.

3)           The people vs the lobby. Quite frequently, those opposing the bill also framed their stances in terms of people's will, since the majority of the Italian people, being at least nominally Catholic, would allegedly oppose the legalisation of same-sex partnerships. Moreover, they thought that the legalisation of same-sex partnerships would prove divisive, and it would worsen the Italian social and political climate. The opponents of the law often also denounced an alleged 'gender conspiracy' (see note 6), aiming at subverting Italian society by jeopardising one of its most cherished institutions, the family, through the idea that gender is not a biological fact, but a social construction. This also paved the way for considerations about impositions from non-elected supranational bodies, such as the European institutions, which allegedly contradicted the will of the Italian people. Another sub-version of this frame, often adopted by members of the clergy, relied on the argument that LGBT+ rights were not a priority for Italian people in times of economic and social crisis.

4)           The law. This frame, less common but nonetheless relevant, was frequently used by opponents of same-sex unions, particularly in the centrist Catholic field, to frame the opposition to the Cirinnà bill in more 'neutral' terms than adopting rights and identity arguments. It was argued that the legalisation of same-sex partnership was against Italy's constitution, which mentions the 'natural family' as formed by a man and a woman. Supporters of the law contradicted this interpretation of the Italian constitution, and also cited the deliberations and sentences of supranational bodies such as the ECHR and the European Parliament.

5)           Secularism vs. religion. This frame was sometimes adopted, especially by centre-left and left-wing actors and by LGBT+ activists, but far less frequently than the other frames. This was probably a consequence of the position of the Vatican on the issue, which was more cautious than it had been in the 2000s, raising fewer reactions. On the other hand, calls to secularism

became a little more frequent in the latter phases of the discussion, after the organisation of the Family day rally in Rome and the CEI representatives' interventions about the technicalities of the law and the vote procedures in parliament.

## **Actors' Behavior, Coalitions and Frames Activation**

Looking at the evolution of the debate, we clearly see many differences between its early and latter stages. Particularly, there is a striking dissonance between the behaviour of many actors in the early stages (when the debate was largely theoretical) and in the latter ones (when the discussion revolved around the contents of the bill in parliament). In the early stages, most political actors seemed not much willing to get involved in the issue, and most of them – even some right-wing and Catholic political actors – mostly paid lip service to the cause of the recognition of LGBT+ rights, at least as individual rights. This marked a significant difference from the debates of 2005-7, when most conservative and Catholic actors opposed LGBT+ rights also in principle.

On the other hand, with the parliamentary discussion approaching, conservative political actors started opposing the law more resolutely, although still mostly through politically correct means. They did not question the recognition of LGBT+ rights, but put emphasis on the defence of traditional marriage (with the activation of the identity frame) and the rights of minors in relation to adoption rights for same-sex partners (with the activation of the rights frame, which previously had been adopted mostly by the supporters of the law, in terms of LGBT+ rights). This position had a double strategic value: on the one hand, it permitted to oppose the law without necessarily being labelled as homophobic; on the other, it aimed to water down the law with the ultimate aim to block it, as it had already happened ten years before. In the latter stages of the debate, finally, Catholics opposing the bill used the rights frame in relation to surrogacy and women's exploitation as a wedge issue against the supporters of the law.

The political coalitions supporting and opposing the bill accordingly evolved from the earlier to the latter stages of the debate. In the early phases the positions on the issue not always mirrored the parliamentary majority/minority divide: for example, NCD, although part of the majority, opposed the legalisation of same-sex partnerships; while the M5S and SEL, although opposing the government, were favourable. Moreover, the debate also provided a way for single MPs to stand out and have a higher visibility: this is the case, for example, of both PD Catholics opposing the law, and FI legislators with liberal stances. Such unevenness mostly levelled in the latter stages of the debate, with both political parties and individual legislators aligning with ‘official’ coalitional and party fault lines, with the exception of just a few hardliners. Particularly, in terms of parties, the M5S and SEL MPs eventually voted against the law (in many cases by not participating to the vote, which however, according to the Senate bylaws, counts as a negative vote), and NCD in its favour, while only a handful of MPs voted against their party’s position.<sup>47</sup>

On the other hand, as a companion to the political debate, the sources analysed in this paper reveal a vibrant and lively discussion at the civil society level. This grassroots mobilisation, of both Catholic and right-wing groups opposing the law, and LGBT+ and leftist groups supporting it, was relevant throughout the course of the debate, but it became more structured from the intermediate phases of the discussion (with a culmination in the rallies held by both sides in the weeks preceding the approval of the law by the Senate).

As for the role of the Catholic Church, it often looked internally divided and at times (for example after the Irish referendum) quite confused. Although many prominent cardinals and CEI representatives spoke against the bill, and commended Family Day events, the Vatican mostly refrained from directly intervening in the debate with means other than moral suasion (and, even in this field, the voice of the Pope was rarely heard). This is also shown by the fact that in the documents analysed there are no reports of direct lobbying activities on politicians, as had happened in 2005-7; and by the absence of the Vatican’s official endorsement of the Family Day

event aiming at blocking the law. As shown above, the frames adopted by the representatives of the Church were also different from the past: no longer based mainly on the ideas of natural law and common good, but more frequently on opportunity, law, and the economy.

The role of the courts in this debate also must not be underestimated, especially in relation to the ECHR sentence on the Oliari case (which activated a new version of ‘the people vs the lobby’ frame aimed against the alleged secularist and pro-LGBT+ bias of the European institutions). The same, in the opposite direction, can be said of the sentence of the Italian Council of State against the municipal registers of same-sex unions. It is notable the fact that in both cases the sentence was not accepted by the militants of the losing side as the ruling of a *super partes* body, but it was regarded by many as the influence of a politicised and partisan actor.

The role of the media not simply as an arena, but also as actors in their own right must also be considered: this is the case, particularly, of the Catholic attacks against stepchild adoption on the grounds of women’s rights. On the other hand, in this wave of the debate a clear change in the bias against LGBT+ organisations in the voices selection was clearly observable. In the 2000s, LGBT+ activists (except those elected as MPs) were rarely mentioned by the newspapers, and even in those cases mostly to comment on politicians’ statements. In the discussion reviewed here, on the other hand, LGBT+ organisations and activists were mentioned more frequently, and in many cases they had the opportunity to speak their own point of view.

Finally, experts of various kinds (jurists, medical doctors, psychologists, sociologists, theologians, etc.) were frequently cited by both sides of the debate to ground their arguments in favour or against the law or specific parts of it (e.g. stepchild adoption).

## ***Concluding remarks***

As a whole, one of the most striking features of the discussion on the Cirinnà draft bill probably was the broad acceptance of the idea of LGBT+ rights as human rights that, at least at some basic level, seemed to be shared now by most actors involved in the debate. Even conservative political actors, as well as the main representatives of the Vatican hierarchies, while opposing the law, and not rarely criticising what they deemed as a wrong anthropological view of gender and sexuality, very often also acknowledged the fact that homosexual people's basic rights must be recognized. This was very rarely true in the previous waves of discussion on this issue, during the campaign for the 2013 elections, and especially during and immediately after the 2006 election, when opponents of same-sex unions, and especially some LN representatives, very often openly displayed not only their opposition to the idea of LGBT+ rights, but also a deliberate politically incorrect language (Ozzano 2016).

Moreover, while in the former stages of debate the media mostly neglected LGBT+ activists when they were not also representatives of a political party, in this latter stage the situation sensibly changed, with LGBT+ activists and common people receiving more media attention, not only in terms of coverage, but also in terms of possibility to speak their own minds rather than simply commenting the political debate, as in the 2000s. As shown above, however, the Catholic civil society opposing the law was also very lively, managing to be very visible in many phases of the discussion. However, in comparison to the 2000s, it looked more polarised, with mainly right-wing and conservative Catholics involved in rallies and other public events, and not always officially supported by the hierarchies and the moderate and progressive Catholic groups and movements.

These shifts can contribute to explain why it was finally possible to approve a law on this issue in Italy after so many unsuccessful attempts, and why opponents of the law did not focus on the idea

of same-sex civil unions *per se*, but rather on specific points and technicalities of the Cirinnà draft bill.

However, this is only part of the picture. The many obstacles faced by the draft bill on its way to the approval by the parliament, indeed, show a quite different image than the one provided by official statements. It is true that, as mentioned above, the wide support to the idea of recognition of some basic LGBT+ rights might have translated into a broad coalition in favour of the approval of a law. However, the evolution of the discussion on the issue clearly shows that many right-wing and centre-right politicians and members of the clergy were actually only paying lip service to the cause of LGBT+ rights, without really intending to approve the legalisation of same-sex unions. Moreover, many centrist Catholics, even within the government coalition, although accepting the idea of the approval of a law, were clearly determined to promote a version of it as watered down as possible, in the hope to block it eventually, as already happened in 2006-7. Finally, it must be highlighted that in the end, when the Senate had to vote on the bill, party and coalition allegiances largely obscured ethical concerns, with Catholic centre-left legislators mostly voting for the law, and M5S and SEL (traditionally favourable to the legalisation of same-sex partnerships) voting against it or abstaining from the vote. In this context, the cabinet's determination to pass the bill – which had gradually become more and more crucial for the government, and for Renzi's image of a leader able to modernize Italy and to achieve major results at the policy level – probably proved the key factor for the final approval of the law.

In term of frames, as already emerged from previous research (Ozzano and Giorgi 2016), the two meta-frames of rights and identity were predominant. The former, particularly, was declined in several different ways by both supporters and opponents of the law. The frame related to private versus public interest was also frequently adopted by different kinds of actors (frequently revolving around the idea of the so-called 'gender conspiracy' proposed by the Vatican and by many conservative Catholics), while frames such as religion vs. secularism were strikingly rare.

This evolution might signal the fact that the debate on the recognition of LGBT+ rights, which in the past often appeared as a clash between different identities, is increasingly becoming a confrontation between different basic sets of rights (and also different conceptions of rights), centred on the discussion on which subjects' rights (LGBT+ people, women, or children) deserve more consideration. In turn, this also involves a growing role of experts (medical doctors, psychologists, but also jurists) to define what can be regarded as an infringement of a category's rights.

As mentioned above, the findings of this research contradict the findings of other works on the debate on the Cirinnà bill (Lasio and Serri 2017), according to which a continuity in the dominance of the 'natural order' argument can be detected in the different phases of the Italian debate on LGBT+ rights. Although this might be a consequence of different methodologies of analysis, further research on the subject is surely needed.

On the other hand, the findings of the research are consistent with those planks of the broader literature on the struggle for the recognition of LGBT+ rights in Europe, which highlight the relevance of the cultural evolution, towards the idea that 'that the relationship rights of gays and lesbians are human rights' (Kollman 2007). While this development (clearly shown by the frames choices of many actors) was crucial in bringing to the fore the issue in the Italian public debate and in facilitating the progress of the bill, the circumstances of its approval also show the relevance of the peculiar Italian political opportunity structure, and particularly the role it traditionally granted to the Catholic Church in political affairs (Knill and Preidel 2015; Moscati 2010). The fact that the Church was less resolute and cohesive in opposing the approval of the bill, and the ultimate will of the majority to approve the law (which had become a crucial achievement for the image of modernisers of the country they sought) proved thus the real game changers which made possible the final approval of the bill.

## **Endnotes**

<sup>1</sup> The final phase of the discussion, leading to the vote in the Chamber of Deputies, is not analyzed here, since the vote in Senate was regarded by most actors as the real litmus test for the bill, while the approval by the Chamber (where the government enjoyed a wide majority) was almost taken for granted.

<sup>2</sup> *Il Giornale*, 25 March 2015

<sup>3</sup> This task was however unofficial, since formally the bill was not supported in parliament by the Renzi cabinet.

<sup>4</sup> *Il Manifesto*, 24 October 2014.

<sup>5</sup> *Repubblica*, 16 October 2016. In the end, the bill approved by the parliament included indeed a second section dealing with heterosexual partnerships, regulated separately from same-sex unions. However, this paper will not deal with the subject.

<sup>6</sup> According to a number of Catholic clerics and activists, this is an ideology allegedly imposed by LGBT+ lobbies and/or the EU institutions in the fields of civil rights and education, with the aim to mainstream the idea that gender is not given, but it is a cultural construction (which would imply the freedom for each individual to choose their own identity, notwithstanding their biological sex) (Garbagnoli and Prearo 2017; Kuhar and Paternotte 2017); Prearo 2017).

<sup>7</sup> *L'Espresso*, 9 October 2014; Prearo 2017.

<sup>8</sup> *Repubblica*, 27 March 2015.

<sup>9</sup> *Giornale*, 27 March 2015; *Repubblica*, 27 March 2015.

<sup>10</sup> *Repubblica* and *Giornale*, 23 May 2015.

<sup>11</sup> *Giornale*, 24 May 2015; *Repubblica*, 25 May 2015.

<sup>12</sup> *Repubblica* and *Manifesto*, 27 May 2015.

<sup>13</sup> *Giornale*, 22 September 2015.

<sup>14</sup> *Giornale*, 16 September 2015.

<sup>15</sup> See for example *Repubblica*, 22 June 2016.

<sup>16</sup> *Repubblica*, 25 June and 1st October 2015.

<sup>17</sup> See for example *Manifesto*, 22 July 2015 and 1<sup>st</sup> September 2015.



<sup>18</sup> [https://www.senato.it/documenti/repository/istituzione/costituzione\\_inglese.pdf](https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf)

<sup>19</sup> *Avvenire*, 24 August 2015.

<sup>20</sup> See for example *Giornale*, 23 August 2015; and *Avvenire*, 14 July 2015.

<sup>21</sup> *Repubblica*, 31 August 2015; *Manifesto*, 1st September 2015.; *Repubblica*, 1st September 2015.

<sup>22</sup> [http://hudoc.echr.coe.int/eng?i=001-156265&sa=X&ved=0CDUQ9QEwD2oVChMIwICr1bn2xgIVI75yCh186Qh-#{%22itemid%22:\[%22001-156265%22\]}](http://hudoc.echr.coe.int/eng?i=001-156265&sa=X&ved=0CDUQ9QEwD2oVChMIwICr1bn2xgIVI75yCh186Qh-#{%22itemid%22:[%22001-156265%22]}) (accessed on 21 July 2016).

<sup>23</sup> *Repubblica*, *Manifesto*, *Giornale* and *Avvenire*, 22 July 2016; *Avvenire*, 24 July 2016.

<sup>24</sup> *Giornale*, 13 October 2015.

<sup>25</sup> *Repubblica*, 3 January, 19 September and 1st October 2015.

<sup>26</sup> *Avvenire*, 20 October 2015.

<sup>27</sup> *Avvenire*, *Giornale* and *Repubblica*, 27 October 2015; *Avvenire* and *Manifesto*, 28 October 2015.

<sup>28</sup> *Avvenire*, 29 October and 4, 5, 8, 11, 13, 19, 26 November 2015.

<sup>29</sup> *Manifesto*, 5 November 2015.

<sup>30</sup> See for example *Repubblica*, 10 January 2016.

<sup>31</sup> *Repubblica* and *Giornale*, 15 January.

<sup>32</sup> *Avvenire*, 11 January 2016.

<sup>33</sup> *Avvenire* and *Giornale*, 13 January 2016.

<sup>34</sup> *Repubblica*, 17 January 2016.

<sup>35</sup> See for example *Avvenire* and *Manifesto*, 13 January 2016; and *Repubblica*, 12 January 2016.

<sup>36</sup> *Repubblica*, 19 January 2016.

<sup>37</sup> *Giornale* and *Repubblica*, 13 January 2016.

<sup>38</sup> *Repubblica*, 22 January 2016; *Manifesto*, 23 January 2016.

<sup>39</sup> *Repubblica*, 6 February 2016.

<sup>40</sup> See for example *Repubblica*, 28 January 2016, and *Manifesto*, 2 February 2016.

<sup>41</sup> *Manifesto*, 12 Febbraio 2016.

<sup>42</sup> 23 January also represents the peak in terms of newspaper articles included in the research's database, with 36 items.

<sup>43</sup> Avvenire, Giornale, and Repubblica, 30 January 2016. See also (Garbagnoli 2017).

<sup>44</sup> Repubblica, Manifesto and Giornale, 25 February 2016.

<sup>45</sup> Repubblica and Manifesto, 26 February 2016.

<sup>46</sup> In this case, the share of votes in favour of the law was slightly larger, with SEL voting for the law, as well as several MPs from the centre-right opposition. The law was approved by the Chamber with 372 votes out of 629. Repubblica, 25 February 2016; <https://parlamento17.openpolis.it/votazione/camera/ddl-unioni-civili-pdl-3634-voto-finale/30904>.

<sup>47</sup> <https://parlamento17.openpolis.it/votazione/senato/ddl-unioni-civili-fiducia-fiducia-cirinn%C3%A0/28530>

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