

**“Primacy of Blood:” The Role of the Family in the Italian Queer Liberation  
Movement Through the Lens of Marx on the Functions of Religion and Family in  
Society**

Noel Ullom, Barnard College

Supervised by Dr. Andrew Anastasi

September 2024



**BARNARD**

### ***Abstract***

This paper explores the relationship between Italian law, the Roman Catholic Church, and the rights of same-sex couples, conducting the analysis through a Marxist lens. It examines the historical and ongoing influence of the Church in Italian politics, particularly regarding moral and social issues like LGBTQ+ rights, marriage, and family structures. Drawing from Karl Marx's "On the Jewish Question" and *The Communist Manifesto*, the paper argues that the Church's interference in political issues hinders political emancipation for queer individuals. By focusing on landmark court cases, EU law's impact on Italian legislation, and the rise of conservative political figures like Giorgia Meloni, the paper demonstrates how queer families in Italy challenge both the Catholic Church's patriarchal ideals and the traditional nuclear family model. It also highlights how the struggle for LGBTQ+ rights is an ongoing movement that has achieved fragile victories, particularly as same-sex couples continue to face legal obstacles in parenting, reproduction, and familial recognition. Through Marx's critique of the family as a tool of capitalist reproduction, the paper also asserts that queer families in Italy represent a radical redefinition of family structures, emphasizing sentimental over biological bonds, and thus pushing the boundaries of both Italian law and cultural norms.

### ***Introduction***

Despite the laws of most European Parliament's members and the countries that surround Italy, Italy has historically lagged behind in terms of rights for queer individuals and families. Same-sex couples in Italy do not have the right to legally recognized marriage, while also facing various legal obstacles in having children and growing their families. Despite these persisting

challenges, the queer liberation movement in Italy has found success in other legal and cultural matters since its first public demonstration outside an International Sexological Conference in Sanremo in 1972.<sup>1</sup> This landmark movement has since evolved to include groups such as FUORI!, the first openly gay political organization in Italy; Arcigay, Italy's largest and most influential queer organization; Rainbow Families, an organization of queer parents and aspiring parents; and many more.<sup>2</sup> The work of these groups, alongside the extended political power of the judicial courts due to legal voids in EU family law, has led to tremendous legal victories for the LGBTQ+ community in terms of residency, cohabitation, and civil union laws that will be further discussed in this paper.

However, most especially in the face of the rise of Prime Minister Giorgia Meloni, the leader of the Fratelli d'Italia party, the potential impermanence of these laws remains a threat. As Italian professor Lorenzo Bernini writes in his work *The Sexual/Political*, "we must consider recent and therefore fragile achievements, without confusing them with a definitive and unchanging reconfiguration of reality."<sup>3</sup> With this in mind and by pulling from the history of Italian law, the influence of the Roman Catholic Church, personal experiences of same-sex couples, and analyzing the relationship between religion, family, and politics through the lens of Karl Marx's "On the Jewish Question" and *The Communist Manifesto*, this essay places legal and cultural reform in conversation with one another and discusses its relevance to Marx's political theory. By doing so, Marx's writing reveals the many ways in which the Catholic Church's influence in Italian policymaking presents a dangerous threat to political emancipation

---

<sup>1</sup> Bernini, Lorenzo. 2024. *The Sexual/Political: Freud with Marx, Fanon, Foucault*. Translated by Matthew Zundel. Routledge.

<sup>2</sup> Lasio, Diego & Serri, Francesco (2017). "The Italian Public Debate on Same-Sex Civil Unions and Gay and Lesbian Parenting." *Sexualities*, 22(4). <https://doi.org/10.1177/1363460717713386>

<sup>3</sup> Bernini. *The Sexual/Political: Freud with Marx, Fanon, Foucault*.

for queer individuals as the religious reaches into the secular, along with how same-sex parenting challenges the traditional and patriarchal nuclear family structure to prioritize sentimental over biological relations.

### ***Relationship Between the Church and Policymaking Regarding the Queer Community in Italy***

The Roman Catholic Church plays a continuously authoritative role in Italian politics, most especially in legislation surrounding moral and social issues including but not limited to marriage, divorce, contraception, abortion, and LGBTQ+ rights. The Church asserts a deeply conservative stance on these issues, such as opposing the Italian law legalizing divorce in 1970, opposing the legalization of abortion in 1978, and opposing the law granting the right to civil unions to same-sex couples in 2016 among others.<sup>4</sup> Despite the disproportionality between its political power and its popular support, the lack of a strong national identity and the fragmented politics in Italy enables the Roman Catholic Church to exert its extensive influence in both the political and cultural spheres. The Church also reinstated its influence after the Second World War, when its power risked diminishment in the face of a new global cultural landscape, by asserting its authority over ethical issues. Today, conservative politicians continue to form allyships with the Church to forge greater power in support of the nationalistic ideals of the patriarchal family and other Catholic values.<sup>5</sup>

However, while it regained this political influence after the Second World War, the Church's direct power in Italian politics and policymaking has weakened overtime due to the domestic influence of European Union law. As one of the EU's founding countries that signed

---

<sup>4</sup> Bernini, S. (2010), "Family Politics, the Catholic Church and the Transformation of Family Life in the Second Republic," in A. Mammone and G. Veltri (eds), *Italy Today: The Sick Man of Europe* (London and New York: Routledge).

<sup>5</sup> Anaya, Lauren A. "Policymaking in the Italian Courts: The 'Affermazione Civile' Project and the Struggle over Recognition of Rights for Same-sex Couples in Italy." *Anthropological Journal of European Cultures*, (2014). Accessed June 13, 2024.

the Treaty of Rome in 1957, Italy played a major role in establishing this union that sought to promote economic growth, prevent future conflict, and establish a common European identity between its members.<sup>6</sup> One of the EU's most significant and consequential legal acts in terms of fostering this common continental identity was the passage of the EU Freedom of Movement Directive. Alongside ensuring freedom of movement between borders for citizens of member countries, the Directive states that “[f]amily members of EU citizens, either EU citizens or nationals of a non-EU country, have the right to accompany or join EU citizens.”<sup>7</sup> This crucial legal act opened doors for Italian courts to freely interpret the term “family members,” especially as it applied to same-sex couples.

In February 2012, a landmark case decided by the First Instance Court in Reggio Emilia recognised the right for a non-EU and same-sex spouse to reunify and reside in Italy. The court ruled in favor of the Uruguayan citizen and his Italian husband, granting the Uruguayan man the right to a residential permit in Italy. In doing so, the Court did not recognize his status as “spouse,” but indeed recognized his status as a “family member,” serving as a significant example of domestic courts prioritizing EU law over Italian law which did not yet permit civil unions for same-sex couples.<sup>8</sup> As a result, the court also placed secular EU law over the demands of the Church, which claimed that such recognition of cohabitation rights for queer individuals foreshadowed the end of the traditional “family.”

The next month, the Supreme Court of Italy decided that a same-sex couple that has gotten married abroad cannot be recognized as a married couple in Italy, but has the right to “a

---

<sup>6</sup> Bindi, Federiga. "Italy and the European Union." *Oxford Research Encyclopedia*, (2020). <https://doi.org/10.1093/acrefore/9780190228637.013.184>.

<sup>7</sup> "Free Movement and Residence." *European Commission*. [https://doi.org/https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/eu-citizenship-and-democracy/free-movement-and-residence\\_en](https://doi.org/https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/eu-citizenship-and-democracy/free-movement-and-residence_en). Accessed July 28, 2024.

<sup>8</sup> Anaya. "Policymaking in the Italian Courts: The 'Affermazione Civile' Project and the Struggle over Recognition of Rights for Same-sex Couples in Italy." *Anthropological Journal of European Cultures*.

family life” and to “be treated the same as couples married by law.” This decision also relied on the EU provisions of free movement for citizens and families, providing another example of courts using this international law to work around Italy’s domestic laws.<sup>9</sup> Due to the courts’ tendency to refer to EU law when making decisions, the judicial branch of Italy’s government gained greater power in terms of politics and legislation. The lack of textual clarity and necessity to interpret the relationship between EU and domestic law left a gap for Italian courts to fill with certain examples and sources they chose to cite in their decision, deciding for themselves the future of this relationship in regards to rights for same-sex couples.

### ***Marx on the Relationship Between Religion and Politics***

In his famous work titled “On the Jewish Question” published in 1843, Marx addresses Bruno Bauer’s essay focusing on the movement for the political emancipation of the Jewish population in Germany. By dissecting Bauer’s arguments regarding the impossibility of their political emancipation without the abolition of religion entirely, Marx asserts his own perspective on this relationship and his disagreement with many of the essay’s points. Most significantly, Marx argues that political and human emancipation are two separate concepts, one existing in the political sphere and the other in civil society, respectively. The abolition or existence of religion, therefore, would be an example of an issue related to human emancipation and not political. He goes on to write that “[t]he decomposition of man into Jew and citizen, Protestant and citizen, religious man and citizen... is political emancipation itself, the political mode of emancipation.”<sup>10</sup> In this way, Marx asserts that the political rights granted to an individual as a

---

<sup>9</sup> Wojcik, Mark E. "Sexual Orientation and Gender Identity Under International Law." *Proceedings of the Annual Meeting (American Society of International Law)*, (2016). Accessed June 13, 2024.

<sup>10</sup> Marx, Karl. "On the Jewish Question." *The Marx-Engels Reader*, (1978). Accessed June 11, 2024.

citizen can and ought to be separated from their identity as a religious individual, which concerns their life in civil society as compared to their political life.

In examining the current struggle for the rights of same-sex couples in Italy through this lens, Marx offers a strong critique of the Church's influence in Italian politics. By highlighting the distinction between a citizen's religious identity and political identity, Marx lays the foundation for his claim that political rights should only be addressed as secular issues. As the Church exerts its political and cultural influence and supports opposition against further rights for Italian same-sex couples, the Church presents an explicit example of a religious institution asserting ideological and traditional values in the political sphere that in truth benefit its broader political interests, such as the prioritization of Catholic values in the social sphere, and economic interests the church historically benefited from including reproduction of labor, clear-cut inheritance of property, etc. As a result, Marx reveals the dangerous consequences of the Church overreaching into the political sphere, as the secular and political emancipation of same-sex couples remain hindered for the benefit of an institution that relies upon this stifling of freedom to maintain its own power.

### ***Challenges for Same-Sex Families in the Face of Italian Law***

Same-sex couples seeking to grow their families and raise children in Italy encounter many legal obstacles, most especially the domestic laws that restrict or fail to address access to reproductive healthcare and birth registration. These legal challenges persist primarily due to the concepts of the "natural family" and "primacy of blood" that are heavily supported and defended by the Roman Catholic Church. These tropes emphasize the importance of blood-relation between relatives, and equate the idea of a "natural" relative with biological kinship.<sup>11</sup> One

---

<sup>11</sup> Mieli, Mario. 2018. *Towards a Gay Communism*. Translated by David Fernbach, and Evan C. Williams. Pluto

example of these ideas' prevailing political influence is the revision of the initial bill that eventually became the Cirinnà law in 2016. This law as it was passed granted same-sex couples many rights, including but not limited to the right to enter into a civil union, formalize their relationship as "De Facto Partners," and benefit from the same social security and inheritance rights as married couples.<sup>12</sup> However, the original bill also included the right for a non-biologically related parent to gain parental status through adoption, which was removed in the face of strong opposition. Alongside pushback from conservative advocacy organizations, Cardinal Angelo Bagnasco, president of the CEI, pressured Catholics to support this opposition. As a result, this right was removed before the law's passage.<sup>13</sup>

Alongside this failure for parenting rights, the law that regulates assisted reproduction in Italy does not grant access to ART (assisted reproductive technology) to same-sex couples. Instead, law 40/2004 only grants this access to married couples and those in long-term heterosexual relationships. However, the law also prohibited freezing and conducting research on embryos, which directly contradicted law 194/78 granting access to abortion during the first ninety days of pregnancy, and resulted in an inconsistency that allowed a legislator to deem law 40 unconstitutional in 2014. Despite this, no law has since replaced or addressed the issue, and law 40 is still enforced.<sup>14</sup>

In the face of these extensive legal obstacles, many same-sex couples are forced to consult with medical services abroad. These travels, commonly to Spain, Belgium, or Denmark

---

Press.

<sup>12</sup> Anaya. "Policymaking in the Italian Courts: The 'Affermazione Civile' Project and the Struggle over Recognition of Rights for Same-sex Couples in Italy." *Anthropological Journal of European Cultures*.

<sup>13</sup> Bernini, S. (2010), "Family Politics, the Catholic Church and the Transformation of Family Life in the Second Republic," in A. Mammone and G. Veltri (eds), *Italy Today: The Sick Man of Europe* (London and New York: Routledge).

<sup>14</sup> Anaya. "Policymaking in the Italian Courts: The 'Affermazione Civile' Project and the Struggle over Recognition of Rights for Same-sex Couples in Italy." *Anthropological Journal of European Cultures*.

depending on the type of service they require, place various burdensome costs upon the couple. These costs include but are not limited to transportation, hotel, last minute medical exams, and insemination. To make matters even more complicated, ART's low success rate frequently requires couples to undergo multiple courses of treatment and thus to make multiple trips. Italian couples' greater need for services abroad also cause certain clinics to raise their prices specifically for Italian patients. As one lesbian mother in an interview by the European project *Families and Societies* explains, she remembers "being exploited by clinics abroad, that in a market-driven logic [clinics] can charge a higher price to Italian patients."<sup>15</sup> This especially harms working and middle class couples that struggle to afford recurring and last minute travels, let alone the cost of the medical procedures. Some couples, however, have combatted this barrier by utilizing social networks such as Facebook to connect with potential donors. In this way, couples can join Facebook groups with this common interest and get to know each other virtually before agreeing to a donation in exchange for a price that is significantly lower than medical procedures abroad.<sup>16</sup>

Alongside cost-related concerns, same-sex families must also negotiate the relationship between their child and the parent who either donated or gave birth but is not a partner in the couple. In another interview with a lesbian mother, she explained why she decided to keep her donor anonymous, explaining, "I don't know if [the donor] will one day feel remorse... he might want to find his children and arrive in Italy, do a DNA test... and you have to recognize his fatherhood rights." This possibility inevitably haunts many lesbian mothers who live under the Italian law that prioritizes the idea of "primacy of blood" in granting parental rights. However,

---

<sup>15</sup> Franchi, Marina, and Giulia Selmi. "Becoming Lesbian Mothers in Contemporary Italy: The Challenge of Social and Legal Constraints." *Verlag Barbara Budrich*, (2020). Accessed June 13, 2024.

<sup>16</sup> Hargreaves, Katarina (2006). "Constructing families and kinship through donor insemination." *Sociology of Health & Illness*, 28(3). <https://doi.org/10.1111/j.1467-9566.2006.00492.x>

on the other hand, some mothers have also decided to accept donations from a friend, a man they know and trust who may share a sentimental relationship with the child. In this way, the lesbian couple can feel confident that the biological father will share a meaningful bond with the child, but not one that conflicts with their own parenting. This is one of various ways in which same-sex parents are building new forms of familial and social networks, ones that stray away from the traditional nuclear family.<sup>17</sup>

However, the current Italian prime minister who came to power in 2022, Giorgia Meloni, and the Fratelli d'Italia party she leads have been fighting to restrict parental rights for same-sex couples even further. While in recent years some same-sex couples have found success in registering for birth certificates with local councils who issued records without the parents' genders, the Interior Ministry under Meloni issued a diktat to city hall in Milan in March 2023 that required the end of this practice. While the European Parliament voted to condemn the Interior Ministry's edict, the measure and its legal consequences still remain intact. At the same time, the party's views on surrogacy remain just as conservative. While speaking in March 2023, Fratelli d'Italia spokesman Federico Mollicone stated that "[s]urrogate motherhood is a crime worse than pedophilia - here we're dealing with people who want to choose a kid like a paint color for their house." In alignment with this deeply alarming stance and in defense of their shared value of the "natural family," Meloni submitted an amendment to a law that would extend a ban on surrogacy within the country to Italians seeking this service abroad. However, this amendment has not yet been approved.<sup>18</sup>

---

<sup>17</sup> Franchi, Marina, and Giulia Selmi. "Becoming Lesbian Mothers in Contemporary Italy: The Challenge of Social and Legal Constraints." *Verlag Barbara Budrich*.

<sup>18</sup> Broder, David. "Giorgia Meloni's Government Declares War on Same-Sex Parents." *The Nation*, April 12, 2023. <https://www.thenation.com/article/world/giorgia-melonis-government-declares-war-on-same-sex-parents/>.

### ***Marx and Engels on the Traditional Family Structure as an Oppressive Hierarchy***

In one of their most famous works, *The Communist Manifesto* published in 1848, Marx and Friedrich Engels expressed their criticisms regarding the capitalist economies that existed in various European countries, including Italy. One facet of society that had been popularized under this economy, they argue, is the traditional nuclear structure of the family. “On what foundation is the present family, the bourgeois family, based?” They write. “On capital, on private gain.” More specifically, they criticize how the family has morphed into a microcosm of corporate capitalism, where the patriarch of the family maintains the power and “sees in his wife a mere instrument of production.” In doing so, Marx and Engels set the basis for their argument that the family will “vanish” once capitalism too vanishes and once power has been redistributed, as there will no longer be a need for this oppressive family structure.<sup>19</sup>

Marx and Engels’ arguments regarding the family in this work have become outdated in various ways, but also maintain one truth that carries into Italy today: families, especially same-sex parents, continue to face various challenges that threaten their freedom to grow and exist under the capitalist market. As mentioned above, this oppression does not stem from within the family as would in the familial structure Marx and Engels describe, but instead frequently relates to these parents’ ability to first give birth to their children and the medical services they seek. As clinics abroad continue to raise prices for Italian same-sex couples due to these couples’ lack of options, these couples continue to face major inequalities in terms of access to the healthcare from which Italian heterosexual couples and same-sex couples abroad benefit at a lower cost. In this way, the international capitalist market becomes a regulator over the formation

---

<sup>19</sup> Marx, Karl, and Friedrich Engels. 2002. *The Communist Manifesto*. Penguin Group.

of new families, allowing private medical businesses to determine the deciding factor between prospective parents to whom they grant access and who they turn away.

Marx and Engels' point that the family will "vanish" once they are liberated from the hold of capitalism and patriarchy has also proved outdated, but the point remains true that families have in some way reformed as the Italian economy and politics evolved overtime. The Italian family has adapted to this shift and taken on a greater diversity of forms, not relying on the fall of capitalism to reform its structure. Under the prevailing capitalist economy but in the face of centuries of legal, societal, and cultural change, largely in part due to its continuous role in globalization and relationship in the European Union, the Italian family has become less and less patriarchal. This shift has also emerged due to Italian women's growing independence in relationships with the legalization of divorce in 1970 and the reform of family law to grant equality in decision-making, parental authority, and property rights between partners in 1975.<sup>20</sup>

Alongside the families that grow from heterosexual relationships, the families that grow from same-sex partnerships offer a strong example of how the Italian family has evolved overtime. With the choice of some same-sex couples to keep a steady relationship between their donor and their child, these families push the boundaries of what defines a family. Rather than sharing strictly biological connections, the adopted parents and donor in these cases share a sentimental connection with the child. Most especially for the adopted parents, this sentimental connection translates into a maternal or paternal one despite the lack of blood relations. This familial bond defies the declarations of the Catholic Church that surrogacy signals the end of the natural "family," and it offers instead an example of how the Italian family has reformed to include structures that simultaneously break away from patriarchal power dynamics, challenge heterosexual norms, and successfully raise the next generation.

---

<sup>20</sup> Mieli, Mario. 2018. *Towards a Gay Communism*.

### *Conclusion*

While many legal advances for same-sex couples have come to fruition in Italian legislation, most especially laws granting further rights in civil unions, same-sex couples continue to struggle from a lack of marriage and parenting rights. This paper has demonstrated how the influence of the Roman Catholic Church in Italian policymaking, especially in issues of marriage, family, and LGBTQ+ rights, continues to threaten and hinder the expansion of queer rights. Through the lens of Marx's critique of the roles of religion and family in politics, it has become clear that the Church's intervention in the political sphere continues to impede the progression of political emancipation for same-sex couples, also relating to broader concerns about the preservation of capitalist and patriarchal structures. However, despite these obstacles, same-sex parents in Italy create new forms of familial structures that challenge both the Church's traditional ideals and the limitations of Italian law.

Same-sex couples are continuing to redefine the concept of family by prioritizing emotional and sentimental bonds over biological ones, a significant shift from the nuclear family model that has its origins in capitalist and patriarchal systems. The victories shared by queer advocacy groups, politicians, and judicial courts in securing legal protections for same-sex couples mark a significant example of resistance and cultural change throughout Italy. While the rise of conservative political figures such as Meloni presents a serious threat to this change, the continued influence of European Union law and strategic use of domestic courts offers avenues for ongoing progress. Ultimately, the struggle for rights for same-sex families in Italy reflects larger societal shifts as well, challenging both the power of institutional religion and capitalism in the process of redefining family.

## Works Cited

- Anaya, Lauren A. "Policymaking in the Italian Courts: The 'Affermazione Civile' Project and the Struggle over Recognition of Rights for Same-sex Couples in Italy." *Anthropological Journal of European Cultures*, (2014). Accessed June 13, 2024.
- Bernini, Lorenzo. 2024. *The Sexual/Political: Freud with Marx, Fanon, Foucault*. Translated by Matthew Zundel. Routledge.
- Bernini, S. (2010), "Family Politics, the Catholic Church and the Transformation of Family Life in the Second Republic," in A. Mammone and G. Veltri (eds), *Italy Today: The Sick Man of Europe* (London and New York: Routledge).
- Bindi, Federiga. "Italy and the European Union." *Oxford Research Encyclopedia*, (2020).  
<https://doi.org/10.1093/acrefore/9780190228637.013.184>.
- Bodei, R., *We, the Divided: Ethos, Politics and Culture in Post-war Italy, 1913-2006*, (2006). (New York: Agincourt).
- Brinkschröder, Michael, and Diane Xuereb. "APPEAL TO POPE BENEDICT XVI: LGBT CHRISTIANS ASK FOR DEFENSE OF HUMAN RIGHTS." *CrossCurrents*, (2011). Accessed June 13, 2024.
- Broder, David. "Giorgia Meloni's Government Declares War on Same-Sex Parents." *The Nation*, April 12, 2023. <https://www.thenation.com/article/world/giorgia-melonis-government-declares-war-on-same-sex-parents/>.
- Farina, Marco. "Same-Sex Adoptions: The Italian Case." *The Italian Law Journal*, 3(1) (2017).
- Franchi, Marina, and Giulia Selmi. "Becoming Lesbian Mothers in Contemporary Italy: The Challenge of Social and Legal Constraints." *Verlag Barbara Budrich*, (2020). Accessed June 13, 2024.

- "Free Movement and Residence." European Commission. [https://doi.org/https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/eu-citizenship-and-democracy/free-movement-and-residence\\_en](https://doi.org/https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/eu-citizenship-and-democracy/free-movement-and-residence_en). Accessed July 28, 2024.
- Hargreaves, Katarina (2006). "Constructing families and kinship through donor insemination." *Sociology of Health & Illness*, 28(3). <https://doi.org/10.1111/j.1467-9566.2006.00492.x>
- "Italy: Same-Sex Civil Unions Made Possible After Vote." Human Rights Watch. May 11, 2016. <https://doi.org/https://www.hrw.org/news/2016/05/11/italy-same-sex-civil-unions-made-possible-after-vote>.
- Lasio, Diego & Serri, Francesco (2017). "The Italian Public Debate on Same-Sex Civil Unions and Gay and Lesbian Parenting." *Sexualities*, 22(4). <https://doi.org/10.1177/1363460717713386>
- Marx, Karl, and Friedrich Engels. 2002. *The Communist Manifesto*. Penguin Group.
- Marx, Karl. "On the Jewish Question." *The Marx-Engels Reader*, (1978). Accessed June 11, 2024.
- Mieli, Mario. 2018. *Towards a Gay Communism*. Translated by David Fernbach, and Evan C. Williams. Pluto Press.
- Wojcik, Mark E. "Sexual Orientation and Gender Identity Under International Law." *Proceedings of the Annual Meeting (American Society of International Law)*, (2016). Accessed June 13, 2024.