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**“Equal Dignity”: Comparing the Campaigns to Legalize Same-Sex Marriage and
their Outcomes in Italy and the United States**

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I. Abstract

The issue of marriage equality has encouraged many queer groups to mobilize over the past half-century. Two states where this trend has clearly been illustrated are Italy and the United States of America. While the United States has a widely studied history of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) rights movements, the presence of such political activity in Italy has been less known on the world stage. With this in mind, this thesis studies how similar efforts to pass same-sex marriage legislation resulted in different outcomes, which are measured by whether same-sex marriage has been codified on the national level, such as in the United States, whereas Italy only recognizes same-sex civil unions as of December 2018. The main variables of this project are religious actors, such as the Roman Catholic Church in Italy and the Christian Right in the U.S., and governmental, institutional actors, such as the European Union and the legislature in Italy and the federal government's legislative and judicial branches in the United States. Furthermore, this thesis examines both the Roman Catholic Church, as well as its papal politics, and the European Union as main policymakers in Italy, and the role of the so-called "religious right" and the Supreme Court of the United States in similar capacities in the U.S. case. This project synthesizes these findings to draw larger generalizations about what these outcomes mean for marriage equality, policymaking and LGBTQ rights on the global stage.

II. Acknowledgements

I have a great deal of gratitude for several people who have guided me through the process of writing this thesis, as well as throughout my four years at Fordham. While this is not an exhaustive list by any stretch of the imagination, I would like to take this opportunity to highlight a few individuals who played an integral part in helping craft this project and shaping the way I have engaged with the topics my research question seeks to address.

First, my thesis advisor Dr. Zein Murib, who I have enjoyed being a student of since their transition to Fordham during my sophomore year. I thank them for helping bring the field of queer politics and the conversations surrounding rights and identity to my personal lexicon. When thinking about my topic, Dr. Murib was the first faculty member I shared my idea with, and I am so thankful for their generous feedback in helping it all come together. Finally, I thank them for challenging me to write, rewrite, and assemble a tight, essential project.

I met Dr. Christina Greer during my first week at Fordham, and I was delighted when she agreed to be my academic advisor for my Political Science Major. Since then, Dr. Greer has been a constant academic presence throughout my four years at Fordham. I am grateful for her mentorship, for challenging me to think about “what is going on in the world?” and for the opportunities she has given me both in and outside of the classroom. I also thank her for introducing me to *The Miseducation of Lauryn Hill*, one of my many soundtracks while working on this project.

My “Professore”, Dr. Joseph Perricone, has been another warm and generous presence throughout my time at Fordham. During my first semester, Professore asked me to join his summer course in Rome, and it was an experience I will never forget. My summer there, in fact, is one of the reasons this research topic has been so important to me. Professore has not only allowed me to explore Italian culture and greatly improve my Italian proficiency, but has been a kind mentor, often giving me advice over espresso during office hours. Grazie mille, Prof!

My thesis instructor, Professor Claire Panetta, has been such a champion of this project throughout the process for which I have the utmost gratitude and respect. Prof. Panetta’s course structure, regular feedback and digestible directives made the writing process for this thesis all the more accessible and less daunting. I also thank my International Studies advisor, Dr. Sarah Lockhart, and the program director, Dr. Thomas De Luca, for their support and guidance.

On a personal note, I thank my family, both related through blood and through friendship, including the ones God has brought to me at Fordham (you know who you are). I thank my champions— my brother Kris, my Nannie, my dog Tiffany, my father Ken and my mother Kerry— for supporting me as I have grown into my queerness and for their love in all its forms.

Finally, I would like to acknowledge all of the queer folk and those who have stood alongside them in aiming to achieve global marriage equality. Without them, this project would have (literally) not existed. The efforts to recognize queer folks’ personhood and secure these rights have been successful due to the intersectional coalition-building of passionate advocates whom I have enjoyed learning about over the past few years. I dedicate this project to them.

III. Introduction

Over the past half-century, the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community has emerged a formidable and essential global actor, advocating for the codifying of human rights, anti-discrimination, and same-sex marriage laws. Perhaps the issue that has been the most mainstream in regard to queer folk, particularly gays and lesbians, in the lexicon of the present-day world order is the question of marriage equality. This has become a more complicated issue in the past 25 years as legislation, court decisions and public opinion have all weighed in on if same-sex marriage ought to be legal and, if so, how these laws should be implemented. Of the states which have been directly affected by these conversations, Italy and the United States have both had a complicated relationship with marriage equality. Despite being rather similar Western, democratic, constitutional republics, one must wonder: why did same-sex marriage efforts in Italy and the U.S. have different outcomes? I hypothesize that efforts to legalize same-sex marriage in Italy and the United States have had different outcomes due to the relationship each state has with religious communities and the various governmental institutions gay and lesbian individuals engage with to secure their rights. This project will thoroughly explore the role of the Roman Catholic Church and the European Union (EU) as main national policymakers in Italy, and the role of the so-called “religious right” and the Supreme Court of the United States (SCOTUS) in a similar national capacity in the U.S. case.

While the case selection will be explained in the “Methods” section, this thesis takes two compatible democratic states and compares them through the lens of religious and governmental actors. Religious actors were of particular interest because of the way religion, in the generalized, abstract, sense, can characterize a state and its viewpoints on key social issues, including those related to the LGBTQ community. The case for examining religion may seem to

be clearer in the Italian case, as the city of Rome houses Vatican City (or the Holy See)— the capital of the Roman Catholic Church. However, upon further research, it became clear that faith-based groups, particularly the so-called “religious right”, also had a clear influence on U.S. policymaking in regard to LGBTQ rights claims. This project does not wish to draw an equivalency between Catholicism in Italy and the pluralism of American Christianity, but rather examine and compare their individual effects on the outcomes of same-sex marriage legislation.

Likewise, the argument for the influence of governmental actors also differs between case studies. Studying governmental actors was a clear imperative factor when starting this comparative project, by the virtue that these were the vehicles in which LGBTQ folk could engage with in their rights claims. Looking at Italy, the state’s policies were determined not only by an internally housed legislature but were also dictated by precedent set by the courts of the European Union, of which Italy is a member. The Italian case will highlight the influence of the EU, and its trickle-down effects on Italian domestic policies related to marriage equality. The United States has had a similar convoluted legislative process, first beginning with banning same-sex marriage nationally in the 1990s, and then using the judicial system to litigate the constitutional questions which stemmed from this legislation. Thus, the project will briefly assess the U.S. Congress’s ability (and subsequent inability) to determine the legality of same-sex marriage on a federal level, before exploring how the Supreme Court of the United States more effectively, and ultimately more definitively, legalized same-sex marriage in all 50 states.

The title of this thesis, “Equal Dignity”, comes from a phrase (now-retired) U.S. Supreme Court Justice Anthony Kennedy used in his majority opinion in *United States v. Windsor*. The case ruled the Defense of Marriage Act, a federal ban on same-sex marriages which allowed states to institute their own individual bans, to be unconstitutional. The phrase used in Kennedy’s

opinion is used in this context: “The history of DOMA’s enactment and its own text demonstrate that interference with the equal dignity of same-sex marriages, a dignity conferred by the States in the exercise of their sovereign power, was more than an incidental effect of the federal statute.”¹ This phrase was repeated in Kennedy’s decision during *Obergefell v. Hodges*, which closed by writing, “They ask for equal dignity in the eyes of the law.”² This phrase aptly captures the goals those participating in the gay and lesbian liberation movement, and the LGBTQ community in its entirety, have sought over the last half-century since the riots at the Stonewall Inn— a recognition of their individuality, personhood, and right to life, liberty and the pursuit of happiness as outlined in the Declaration of Independence.

The topic this thesis contends with is incredibly relevant in this moment the current world order finds itself in, where institutions such as the EU, the U.S. Congress and the Supreme Court are effectively under attack by emerging populist political actors who seek to degrade them. The timely nature of these case studies, as one state legalized same-sex marriage nationally relatively recently, and one state has more recently recognized nationwide same-sex civil unions, makes this project essential to understanding how rights claims operate in the present moment, and inferring how these venues will evolve and continue to shape policy in the coming decades.

This project seeks to address the gap in literature comparing the outcomes of the campaigns to legalize same-sex marriage between Italy and the United States. This thesis will serve as a roadmap for how to draw equivalencies between the case studies, outlining the ways in which religious and governmental institutions operate within their country’s policymaking as well as its enforcement. Through synthesizing the ways in which rights claims by gays and lesbians have been addressed, it is my hope to join the conversation among scholars examining

¹ “United States v. Windsor.” 2013. Supreme Court of the United States. 21. Web.

² “Obergefell v. Hodges.” 2015. Supreme Court of the United States. 28. Web.

the outcomes of queer folk engaging in the political and public spheres, and hopefully illuminate trends which can be applied to the greater global climate.

IV. Methods

Case Selection

Before introducing the collected scholarship in the literature review, it ought to be noted that the case studies chosen for this project were not done so arbitrarily. To best gauge the varying outcomes for same-sex marriage legislation efforts, it was important to choose one state in which same-sex marriage was codified *nationally*, and one in which it was not (at least at the time this research was conducted). As mentioned above, a discrepancy remains between the way gay rights has been studied in the United States, where it has a more visible history, and in Italy, where it does not. This project seeks to address this existing gap in literature and rights language found in both states through synthesizing the shared attributes between these case studies.

During the summer of 2016, I spent six weeks in Trastevere, a neighborhood in Rome a short walk from Vatican City. I also spent some time in Naples and Orvieto, a modest Italian town located in Umbria (next to Tuscany). My past experiences in Italy as a gay, Catholic, American man around the time of great global changes (i.e. Brexit, the election of U.S. President Donald Trump) heightened my interest in comparing gay and lesbian political and cultural situations in the two countries I had lived in. It is my hope my positionality will make the findings of this project more digestible and accessible to compare and synthesize.

Parameters

While the modern gay liberation movement (as it is known today) has a nearly 50 year-history, consequential same-sex marriage legislation entered the mainstream global political sphere rather recently. To better focus on the *outcomes* of these efforts rather than revisit the

efforts in their entirety, this project will look at key outcomes through judicial and legislative actors over the last 25 years. This places the Defense of Marriage Act of 1996, which established a federal definition of marriage in the U.S. as a union between a male and a female, towards the beginning of this time span. These parameters will outline the outcomes between the two case studies while using the events prior to 1993 as a necessary historical background to better understand the way gay rights have been constructed in either state.

Limitations

While there is ample scholarship or information on marriage equality in the United States, the Italian case has presented several challenges to conducting and synthesizing research. The language barrier, with many sources concerning Italian governmental and legal proceedings in a language other than English, has restricted the number of sources readily available to this project. Thankfully, key Italian sources and scholarship have been published in English, making this comparative data accessible for a non-Italian speaking audience. Moreover, the research could have benefited from more primary sources, such as interviews with Italian and U.S. religious or governmental officials. Their potential perspectives would have brought unique analysis opportunities, but logistical challenges prevented these from coming to fruition. However, “papers of records” such as *The New York Times* and *The Washington Post* as well as the scholarship included a reasonable amount of first-hand perspectives embedded in the literature, though not as directly available as an interview could have been.

Operationalizing Equality

The issue of same-sex marriage, often referred to as “gay marriage” or “marriage equality”, have been brought up in several different contexts and venues. In noting this, it was important for a project of this scale to establish clear criteria to answer the methodological

question of what constitutes marriage equality efforts as having a “successful” outcome. First, same-sex marriage licenses would have to be legal on a national level, not just by region or by one of the 50 United States. Second, these licenses would have to be accessible and free from discrimination on any basis— race, gender identity, class, ability, employment status, property-owning status, etc. Lastly, and perhaps most crucially, these outcomes must permit same-sex couples to be allowed to participate in the institution called “marriage” or “getting married”. This criterion is particularly highlighted in cases such as Italy which favor the terms “civil partnership”, “civil union”, or being “domestic partners”. While this may seem arbitrary to the study of marriage equality, the difference between these terms normalizes the disparities between heterosexual and queer couples. This effectively bars them from equally participating in the institution of marriage despite being granted all the same benefits as their straight counterparts.

Additionally, while the terms “LGBTQ community”, “queer folk” and “homosexual” will be used interchangeably to refer to gays and lesbians, I acknowledge the passage of marriage equality does not equally serve all identities inferred or represented when using the former two terms. I do not aim to conflate these terms to infer gays and lesbians are monolithic political or social groups to their broader LGBTQ peers, but rather to use inclusive language to illuminate the queer coalitions which mobilized to deliver policy solutions. When referring solely and explicitly to gays and lesbians, I will differentiate from these broader terms and refer to them on a more individual basis.

V. Literature Review

The following paragraphs will detail the scholarship I have reviewed in conducting this project, highlighting past work in this field while also illustrating the necessity of my research question. These pieces— most of them pulled from peer-reviewed academic journals— articulate

how the conversations surrounding marriage equality, and its benefactors, have differed amongst the two states at hand, while also turning to global actors for further comparative analysis. Due to the longer and more publicized history of LGBTQ activism in the United States than in Italy, it ought to be noted that the scholarship regarding gays and lesbians has reflected this difference in kind. Keeping this in mind, this project collects sources that will bridge the gap between each case study's scholarship, while building upon the ideas of religion, governmental institutions and LGBTQ representation to strengthen my argument.

Queer Theoretical Perspective

To complement the case studies which I am about to introduce, the questions surrounding why rights claims are so integral to global LGBTQ politics is one worth answering. The following authors can give a more abstract perspective as to the inner workings of the gay and lesbian liberation movement before examining the practical applications of the scholarship.

The writings of Paisley Currah have been greatly insightful to the study of marriage equality, particularly how it operates in the larger pedagogy of queer politics and rights. Speaking on the U.S. case, Currah highlights queer legal theorist Lisa Bower, who refers to these rights claims as a "politics of official recognition". This translates to trying to accommodate and fit the "otherness" of being gay or lesbian into an already well-established societal hierarchy. Currah continues, stating that rights claims by gays and lesbians must be constructed in a way to appeal to jurors who "are arbitrators of equal protection within the American political system."³ Currah adds later on this is likely why the transgender, gender non-conforming and intersex community have not yet been able to make strides in the larger discourse surrounding civil rights, as it is viewed today, due to the restrictive and rigid identity categories set by precedent in

³ Currah, Paisley. 2001. "Queer Theory, Lesbian and Gay Rights, and Transsexual Marriages." *Sexual Identities, Queer Politics*. Ed. Mark Blasius. Princeton University Press. 180.

the “Anglo-American liberalism” they aim to break free of.⁴ This theoretical framework need not be applied to every aspect of this thesis, but Currah’s writings do provide a valuable perspective as to why these rights are sought and why these claims may fail. Though Currah is writing on the U.S. case alone, these perspectives are transferable to the incentives and desires of gay and lesbian Italians as well.

Taking on a more comparative perspective, Rosalind Pollack Petchesky outlines the very idea this thesis wrestles with— the category of rights reserved for members of the LGBTQ community. Petchesky seeks to outline what indeed “sexual rights” ought to mean, in an effort to illustrate how this concept can be applied universally. Petchesky writes: “It may be that ‘sexual rights’ has become *both* a progressive wedge, opening up new space in the human rights lexicon for acknowledgement of diverse sexualities and their legitimate need for expression; *and* a kind of code that, like ‘reproductive rights,’ means different things to different speakers, depending on their power position, sexual orientation, gender, nationality, and so on.”⁵ Petchesky’s quote builds upon Currah’s earlier point, and a question I will seek to address in the conversation of marriage equality: should these rights be contained to a set, separate category?

Case Study 1: Italy

First turning to the Italian case, significant scholarship has been produced regarding the relationship between the state and the Roman Catholic Church. Hichy et al. (published before the U.S. ruling which federally legalized same-sex marriage) explores the relationship between the Italian secular state, the Catholic Church, and gay Catholics in Italy. It brings into conversation same-sex marriage and adoption in other states and how that is influencing the identity politics in

⁴ Currah 2001. 182.

⁵ Petchesky, Rosalind Pollack. 2001. “Sexual Rights: Inventing a Concept, Mapping an International Practice.” *Sexual Identities, Queer Politics*. Ed. Mark Blasius. Princeton University Press. 119.

Italy. The authors write, “In this study we found that both variables affected attitudes toward gay rights; to be more precise, we found the effect of religiosity to be more powerful than that of political orientation in predicting attitudes toward same-sex marriage, whereas these two variables had almost the same strength in predicting attitudes toward adoption by gays and lesbians.”⁶ Thus, the authors found that the surveyed Italian Catholics wished for same-sex marriage to remain illegal as they wanted the law to reflect their religious ideology— illustrating the need to examine religious factors in regards to policymaking. This piece not only provides a basis for examining the factors of religious and governmental institutions, but also grounds for a parsimonious comparative analysis regarding the legalization of same-sex marriage.⁷

The Catholic doctrine in regard to homosexuality has been well documented throughout history, particularly as the Church has remained steadfast in their opposition to same-sex marriage even as the Western climate towards the subject has shifted significantly in recent years. This region-wide shift towards marriage equality has been studied and celebrated by scholars and policymakers alike, but Nardi points out the Italian case. The author highlights the disparity between how LGBTQ social movements have been documented in the U.S. and Europe, and how gay culture has been instituted in Italy. The author writes, “In Italy, the availability of national gay newspapers, magazines (*Babilonia*), and Internet sites (www.gayitalia.com); bars and saunas; archives and political organizations contributes to the institutionalization of a gay movement and ident providing important historical context and a

⁶ Hichy, Zira, Mina Halim Helmy Gerges, Silvia Platania, and Giuseppe Santisi. 2015. “The Role of Secularism of State on the Relationship Between Catholic Identity, Political Orientation, and Gay Rights Issues.” *Journal of Homosexuality* 62 (10): 1359–73.

⁷ Hichy et. al. 2015. 1368.

cautionary tale on how to address these differences in the future.”⁸ Nardi also provides important context as to legal and social changes happening in Europe, with a particular lens on Italian politics and culture, which can be compared to the changes occurring under the U.S. Clinton Administration at the time of its writing. Finally, Nardi provides insight as to the state of marriage legality scholarship regarding these two cases during a time where these rights were not codified nor advocated for in the mainstream discourse. Nardi illustrates that while marriage equality was certainly an issue at the time, it was nowhere near the legal and political imperative it is largely considered to be today.⁹

On a more micro-level, Pacilli’s piece about the attitudes towards same-sex parenting in adoption is a valuable asset as to how one ought to view political institutions with the backdrop of Italian culture. While adoption is not the focus of my project, this relatively recent scholarship introduces a framework to explore the ways institutions, the attitudes of differing communities and political bi-polarity serve to influence legislative attitudes— and outcomes— towards same-sex partnerships in Italy. Pacilli highlights the internalized homophobia experienced by many gays and lesbians in Italy as a result of conservative politics in the region as well as the aforementioned external factors such as close proximity to the Catholic Church. The author writes, “It is conceivable, then, that some gay men prevent themselves from even desiring children to the extent that they have internalized prejudicial attitudes suggesting that gay men are inadequate or perhaps even dangerous when it comes to parenting. In a sample drawn from 121 regions of the United States, Riskind and Patterson (2010) showed, for instance, that childless gay men were less likely than their heterosexual peers to express parenting intentions, but

⁸ Nardi, Peter M. "The globalization of the gay & lesbian socio-political movement: Some observations about Europe with a focus on Italy." 1998. *Sociological Perspectives* 41, no. 3. 583.

⁹ Nardi 1998. Web.

childless lesbians were just as likely as their heterosexual peers to express parenting intentions.”¹⁰ This piece does not directly illustrate the factors in the outcomes for marriage equality, but rather can help flesh out the cultural and sociological aspects of the identities of queer folk in Italy in the modern era. This, in turn, can provide somewhat of a road map to why there continue to be different outcomes amongst the case studies.¹¹

More specific to the lens of my research question, Baiocco’s piece details gays and lesbians’ desire to assimilate and marry. Written in 2014, this complements Pacilli’s study with a clear analysis of how these ideas surrounding marriage equality in the Italian, queer community have shifted, and perhaps dictated the different outcomes between states. The author finds, “Previous research in this field (Baiocco et al., 2010; Lingiardi et al., 2012; Pacilli et al., 2011) demonstrated that heterosexism is firmly rooted in Italian society and institutions. By denying same-sex couples the right to marry legally, the Italian State perpetuates the stigma historically attached to homosexuality, and this stigma has negative consequences regarding the relationship status or desire to marry of lesbians and gay men.”¹² Thus, this piece illustrates the way the state itself constricts the rights of queer folk, illuminating the cultural implications of the absence of same-sex marriage legislation.

Building upon the cultural aspects of LGBTQ identities in Italy, De Stefano discusses the disparities amongst Italian gays and lesbians by region, rather than painting them all with a broad brush. As will be illustrated in the American case, different regions and communities have

¹⁰ Pacilli, Maria Giuseppina, Alessandro Taurino, John T. Jost, and Jojanneke van der Toorn. 2011. "System justification, right-wing conservatism, and internalized homophobia: Gay and lesbian attitudes toward same-sex parenting in Italy." *Sex Roles* 65, no. 7-8. 580.

¹¹ Pacilli et. al. 2011. 580.

¹² Baiocco, Roberto, Michele Argalia, and Fiorenzo Laghi. January 2014. “The Desire to Marry and Attitudes Toward Same-Sex Family Legalization in a Sample of Italian Lesbians and Gay Men.” *Journal of Family Issues* 35, no. 2. 181–200.

varying and often conflicting relationships with diverging social issues and identities. For example, De Stefano argues, “Italy has undergone far-reaching economic and social modernization since the end of World War II. But the old pre-industrial and largely agrarian culture rooted in family, traditional sex/gender roles, and religion still remains potent in the south, and it influences to a considerable degree the expression of same-sex sexuality. One reason why many southern Italian gays and lesbians find it difficult to adopt a "gay lifestyle" is the cultural expectation that unmarried adults should live with their parents.” This builds upon the concept of “la famiglia”, the Italian phrase for “the family”, which is an integral part of the social fabric of the state, which I will introduce in the case study sections.¹³ While I only sought to compare the successes and failures of marriage equality at the federal or national level in this project, De Stefano’s piece, in addressing these disparities between rural and more industrial areas, provides an avenue to compare these on a more focused level in future studies.¹⁴

Case Study 2: The United States

Transitioning to the American scholarship, it was important for me to find scholarship which effectively synthesized the decades-long history of LGBTQ activism and politics in the U.S. Continuing the discourse as to how rights have been provided, or restrained, to queer folk in the U.S. comes the piece by Canaday. Though arguably dated as it centers on the 1944 G.I. Bill, this introduced me to how institutions serve to make rights, and how the coupling of identities is used to exclude folks from participating in those spaces. Canaday cites the military a dominant force and provider of services and opportunity in the U.S., and further explores how the terms “gay” and “homosexual” have been used in conversations to limit civil rights. This is similar to

¹³ De Stefano, George. 2002. "Gay Life in Southern Italy." *The Gay & Lesbian Review Worldwide*. 40. ProQuest. Web.

¹⁴ De Stefano 2002.

the way legislation was codified to limit opportunities for African-American soldiers returning from war. Though this project does not explore the language of same-sex marriage legislation in the way Canaday dissects the G.I. Bill, the historical context provided here is essential to understanding the marriage equality issue and the early struggles for LGBTQ rights in their entirety.¹⁵

Brandzel's piece may be outdated for the current U.S. political moment, but it does allow probing into how institutions, as well as the U.S. Constitution— a supposedly malleable and “living document”— have served to disallow same-sex marriage on a federal scale. Brandzel challenges the ways same-sex marriage has been conceptualized by the general American public, arguing, “... the same-sex-marriage debate is one of the primary sites on which anxieties over America's citizenry and sexual, gender, and racial boundaries play out. Thus the proper context for this debate is not only gay rights but the history of marriage law and U.S. citizenship.”¹⁶ While the marriage equality has since been resolved by the Supreme Court, Brandzel's perspective is valuable as she argues these rights claims do not occur in a vacuum, but rather interact with intersecting factors. In the context of this project, this argument could be seen as having justified the study of religious and governmental factors on the outcomes of marriage equality campaigns.¹⁷

Moving away from rights discourse, Sherkat's piece identifies the religious and political factors which correlate to one's support for (or opposition to) same-sex marriage. This data is significant as it traces Americans' attitudes towards marriage equality from the Reagan years up

¹⁵ Canaday, Margot. 2003. "Building a straight state: Sexuality and social citizenship under the 1944 GI Bill." *The Journal of American History* 90, no. 3. 935-957.

¹⁶ Brandzel, Amy. 2005. "Queering citizenship? Same-sex marriage and the state." *GLQ: A Journal of Lesbian and Gay Studies*, 11(2), 171-204.

¹⁷ Brandzel 2005. 172.

to the year of Barack Obama's election, when same-sex marriage was viewed as a key social issue on the national stage. This data, which falls within my 25-year time span which I am analyzing, found, "In 1988, under twelve percent of Americans supported granting same-sex couples the right to marry, while in 2008 more than 39% of respondents supported the right to marry."¹⁸ This piece also illustrates how religious landscape interacts with this data, serving as an obstacle to legalizing same-sex marriage. This intersection of identity politics, religious institutions and policy is integral to seeing why my thesis is so consequential and is further valuable due to its applicability to the moment my project seeks to illuminate.¹⁹

Fetner further examines the role of the Christian "religious right" and its obstruction of marriage equality legislation in the decades up to the 2015 Supreme Court decision. Prior to this decision, which ruled such bans (even on state levels) to be unconstitutional, conservative activists in these organizations lobbied with other branches on government, particularly executive and legislative politicians within the Republican Party, to make sure same-sex marriage would not pass in the U.S. Congress and become legal nationally. Despite these efforts, Fetner notes, "The religious right, with its vast resources and political power, has turned a spotlight onto lesbian and gay rights issues, helping the lesbian and gay movement get its message to a wide public audience."²⁰ Fetner contends with how the religious right shaped U.S. policymaking and facilitated LGBTQ group mobilization as a result, thus showing the positive and negative consequences of religious factors on the outcomes of marriage equality

Contributions to New Research

¹⁸ Sherkat, D. E., Powell-Williams, M., Maddox, G., & De Vries, K. M. (2011). "Religion, politics, and support for same-sex marriage in the United States, 1988–2008." *Social Science Research*, 40(1), 167-180.

¹⁹ Sherkat 2011.

²⁰ Fetner, Tina. 2008. *How The Religious Right Shaped Lesbian and Gay Activism*. The University of Minnesota Press. Xxii.

While the scholarship I have collected is extensive and very comprehensive, the discrepancies as to why campaigns to legalize same-sex marriage have had different outcomes in Italy and the United States. It is my hope the below case studies and analysis will serve as a roadmap for how to draw parallels between the states, and will allow this project to join the conversation furthered by the aforementioned scholars examining the outcomes of queer folk engaging in the political and public spheres, the responses by religious and governmental institutions, and hopefully illuminate trends which can be applied to the greater global climate.

VI. Case Study 1: Italy

Historical Background

While Italy nationally recognized same-sex civil unions in 2016, the state continues to be viewed as “one of the worst countries in Western Europe in terms of gay rights.”²¹ In the following section, I will outline a brief history of the modern Italian state’s complicated relationship with homosexuality before delving into how religion and governmental institutions have shaped the policy outcomes relating to marriage equality.

The so-called “gay and lesbian movement”, as it is known in Italy today, does not predate the establishment of the European Union in the late twentieth century. The creation of a “European identity” conflated the politics and practices of states such as Italy, France, Germany and the United Kingdom (among others) to create one, cohesive, regional coalition. Thus, the policies of modern Italy today differ significantly from those during the postwar period and throughout the Cold War. It ought to be noted that Italy is unique in that it did not codify a ban on sodomy or other homosexual behaviors unlike a lot of its Western counterparts— namely the British and the American governments. Conversely, protections for gays and lesbians from

²¹ “Italy one of the worst countries in Western Europe for gay rights: report” *TheLocal.it*. 17 May 2017. Web.

discrimination, violence, or harassment did not exist, either. This effectively excluded the personhood and rights of queer folk from the Italian legal code. Nardi writes, “In fact, tolerance of homosexuality was not very high: in a survey conducted in the early 1980s, 63 percent of respondents in Italy agreed that homosexuality can never be justified, compared with 65 percent in the U.S., 56 percent in Spain, 47 percent in France, 34 percent in Denmark, and 22 percent in the Netherlands.”²²

The irony of Italian society’s resistance against homosexuality dates back to the days of Ancient Rome through the Renaissance. As a society with a millennia-long history of homosexual behavior, one would expect modern society to reflect those identities and that culture. Nonetheless, the subject of homoeroticism in art, language and culture—three of Italy’s biggest and longest-running exports, as well as homosexual subcultures over the centuries of Italian society, continues to be a topic heavily debated amongst scholars. For the purposes of this project, I will be refraining from introducing those viewpoints to focus on the historical significance of modern Italy and its subsequent policy implications.²³

The so-called gay and lesbian movement in Italy began in the early 1970s, when these groups began to form, produce materials and advocate in public for their rights. Protests became a regular occurrence, and leaders and scholars alike were beginning to reconcile the “liberation of homosexuality” with the current political and societal trends in the postwar era. The early gay and lesbian movement in Italy was further complemented by changes occurring outside of queer spaces and circles—particularly in relation to the law. To better codify gender equality (a point acknowledged by the state following the Second World War), Italy legalized divorce in 1970, legalized work parity between women and men in 1977, and legalized abortion in 1978—only

²² Nardi 1998. 576.

²³ Nardi 1998. 578.

five years since it was federally legalized in the United States. These developments seemed to favor real social change in Italy, and individuals involved in the gay and lesbian movement grew more motivated to seek their own rights.²⁴

However, the political and cultural climate in Italy, particularly in regard to queer folk, did not build upon the groundwork established by these modern feminist victories. Unlike the United States, the gay and lesbian movement was not further magnified by a large push in identity politics nor the emerging AIDS crisis. Unlike many other Western states, Italian society is rooted in “la famiglia”, or “the family”, which dictates social status, expectations and cultural practices. While Italian (and Catholic) families have become synonymous with the repression of homosexuality and the elevation of a communal culture in modern media, these structures do have real consequences for the implementation of these policies and discourse around gayness at large. In the following subsections, I will build upon this historical background to illustrate the current status of marriage equality in Italy, and how the Catholic Church and the Italian state have dictated these outcomes.²⁵

Role of the Roman Catholic Church

Unlike other religious and faith organizations, which often times veil their political viewpoints or allegiances, the Roman Catholic Church is a blatantly political actor, regularly weighing in on current social issues permeating the global consciousness. Whether it is abortion, homosexuality, or the global refugee crisis, the Pope, the head of the Church and its mouthpiece, consistently contributes to the ongoing discourse as to how the international community ought to proceed. The issue of marriage equality, particularly in Italy is no different.

²⁴ Ibid., 579.

²⁵ Ibid., 581.

Catechism, the teaching of the Church's principles, calls for church leaders and community members to accept "homosexuals" with open arms, without judgment, and with respect. This stems from the belief that God creates everyone with the intention of welcoming them into the Church, receiving the sacraments, and accepting Jesus as their Lord and Savior. Conversely, human sexuality is to be viewed as created in God's image only when referring to the union between a male and a female, as they are the vessel to biologically reproduce further followers of Christ. Sexual desire is viewed as a means by which the marital bond can be formed. Thus, homosexuality is viewed as divergent from that narrative. The guidelines adapted for bishops and church leaders in the United States (an English-language equivalency to those proposed by the Vatican) state, "Any sexual act that takes place outside the bond of marriage does not fulfill the proper ends of human sexuality. Such an act is not directed toward the expression of marital love with an openness to new life. It is disordered in that it is not in accord with this twofold end and is thus morally wrong."²⁶ To summarize, the Catholic Doctrine permits gays and lesbians to be members of the Church, so long as they abstain from sexual activity, marriage, or relationships which otherwise trivialize their definition of marriage, an institution they view as one of the Seven Sacraments.

Italy houses Vatican City, a separate nation-state located within the city of Rome. Vatican City is home to the Pope, a religious figure who is selected to be the global face and leader of the Church. The past two Popes, Pope John Paul II (who enforced the guidelines mentioned above) and Pope Benedict XVI, were strict in their obedience to the Catholic Church's doctrine on homosexuality. This had great policy implications for the Italian state, such as in 2007, when Catholic bishops successfully lobbied to prevent a civil partnerships law from

²⁶ "Ministry to Persons with a Homosexual Inclination: Guidelines for Pastoral Care." 2006. *United States Conference of Catholic Bishops*. p. 3. Web.

being passed. Gay Catholics in Italy continued to be ignored and rejected by the Church community in any meaningful way, normalizing homosexuality as the last true taboo in Italian society and culture (abortion and divorce, however, have been legal for decades).²⁷

In 2013, however, Benedict XVI retired and a new pope, Francis, was appointed to the post. Pope Francis has been celebrated as someone who outwardly calls for kindness and acceptance of gays and lesbians in the Church. That said, he has been careful not to make any changes to catechism at large, especially in regard to marriage equality. Gays and lesbians in Italy have taken note of this, leading many to call this cultural and attitudinal shift “l’effetto Francesco”, or “the Francis effect”.²⁸ *The Washington Post* chronicles Francis’s change of heart as follows: “Francis — who as cardinal of Buenos Aires vociferously opposed same-sex marriage — shocked many last July by asking: ‘If someone is gay and he searches for the Lord and has good will, who am I to judge?’”²⁹

The Francis effect has also trickled down to other communities throughout Italy as well, including a Florence-based parish which permitted the first public prayer service held by gay Catholics in a church in 2014. That same year, Jesuit priests (the order to which Francis belongs) sought out gay Catholics for a special prayer service. The Diocese of Padua has since sought to reestablish its relationship with gay Catholic and eliminate the prejudice which often accompanies the homosexual and church relationship.³⁰

These symbolic gestures aside, Francis’s Church has not yet publicly supported same-sex marriage in any substantive way. Of course, the Church has been facing opposition on other

²⁷ Faiola, Anthony. 2014. “In Italy, gay Catholics feel the ‘Francis effect’”. *The Washington Post*. Web.

²⁸ Faiola 2014. Web.

²⁹ Ibid.

³⁰ Ibid.

ends, particularly in regard to sexual misconduct allegations within the organization. While this is a separate issue, Pope Francis's resistance to allow openly gay folk into the seminary as a preventative measure to combat abuse in the church is antithetical to the aims of a so-called "Francis effect". The dangerous false equivalency between sexual minorities and sexual violence illustrates how archaic the Church's policymaking arm really is, and why Italy's progressive wings have been clipped. CNN has correctly outlined (from a global perspective, not exclusive to Italy): "The Pope's approach has been criticized by both the right and the left. Conservatives say that accompanying gay men and women should include a correction of their lifestyle; progressives say Francis' accompaniment should include a change in doctrine." Francis's accompaniment of gays and lesbians may be well-intentioned, but the Church nor its Italian constituency remain stagnant in their efforts to codify meaningful, explicit, same-sex marriage laws.³¹

Governmental Institutions and Rights Claims

This section will primarily focus on the ways in which the Italian state has engaged with rights claims through the legislature, as well as the Courts, in relation to the question of marriage equality. The consequential role of the European Union, as briefly introduced above, will also be highlighted.

As noted above, Italy does not recognize same-sex marriage as of 2018. This is a contrast to fellow states in the European Union, which was established near the end of the Cold War. As a member of the EU, Italy is subject to judicial and legislative oversight by the organization, which effectively operates as a governmental institution in and of itself. With that said, the European Union has managed to circumvent the Catholic Church's bureaucratic red tape and affect real

³¹ Gallagher, Delia. 2015. "What does the Pope really think about homosexuality?" *CNN.com*. Web.

change in Italy regarding gay rights. Unlike the Catholic Church, the EU wields real, binding power in determining policy standards and the outcomes of those policies for these members. Thus, they were able to act independently of the Catholic Church in weighing in on this issue, though the Church remains a key actor as illustrated above.

In the case of *Oliari and Others v. Italy*, two complaints were filed by three gay couples whose requests to marry were denied by Italian authorities. As established above, the law permitted a marriage only between a male and female. In July 2015, the European Court of Human Rights (ECHR) ruled in favor of the couples, saying Italy were violating the agreed-upon human rights statutes set in place by the organization. The ECHR noted that while same-sex couples were not guaranteed a right to marry, Italy was required to provide a reasonable alternative such as same-sex civil unions.³²

Due in large part to the EU mandate, Italy legalized same-sex civil unions by passing a bill through the legislature in May 2016. However, it ought to be noted that “marriage” was absent from the legislation, and this does not grant gay couples the right to wed. *The New York Times* adds, “It will not allow someone in a same-sex civil union to legally adopt his or her partner’s biological child. A so-called stepchild adoption provision was opposed by center-right parties and by the church and was ultimately dropped from the legislation.”³³ Thus, while the legislation is a remarkable change for Italy, it still falls short from the outcome sought by the communities and activists who have been lodging rights claims for decades.

Case Study Summary

³² Papademetriou, Theresa. 2015. “European Court of Human Rights: Decision on Gay Marriage in Italy”. *Library of Congress*. Web.

³³ Povoledo, Elisabetta. 2016. “Italy Approves Same-Sex Unions.” *The New York Times*. Web.

The gay and lesbian liberation in Italy has been successful given the obstacles they have faced by both religious and domestic political actors. Despite the centuries-old Roman Catholic Church teachings condemning homosexuality and same-sex partnerships, the issue of marriage equality has gained traction over the years, particularly due to the publicity and success enjoyed by LGBTQ groups in fellow European Union states. The political efficacy of the Catholic Church, particularly operationalized through the Pope's ability to affect (or stifle) policy changes, has been countered by Italy's membership to the EU, which mandated that Italy recognize same-sex partnerships in some form. Thus, Italy compromised: legalizing same-sex unions with all the benefits of marriage, while refraining from bestowing that title on such unions to appease its religiously conservative electorate. I would argue that while this does not permit a successful outcome for marriage equality, this legislation at least acknowledges the need to treat same-sex couples with the same respect and grant them some semblance of equal rights and privileges to their heterosexual counterparts.

VII. Case Study 2: The United States

Historical Background

Whereas Italian homosexuality was part of the cultural traditions of the Ancient Romans and was well-known by their European neighbors, the United States did not have a publicly visible gay and lesbian community until following the Second World War. It was during the early 1950s that Joseph McCarthy, a United States Senator, began persecuting minority communities in an effort to limit the spread of communism to the mainland United States. 1950 also saw the creation of the "Kinsey scale", which created a scientific spectrum in which homosexual behavior could (allegedly) be quantified. This allowed for gays and lesbians to organize as a political and cultural minority, with the establishment of the Mattachine Society in

1950, for gay men, and the Daughters of Bilitis in 1952, for lesbians. It ought to be noted these groups acted autonomously at first, before building a stronger, inclusive coalition.³⁴

Parallel to the influence of the Italian feminist movement of the 1970s, the American Civil Rights Movement of the late 1950s and 1960s provided queer folk with the blueprint they needed to wage a movement of their own. The riots at the Stonewall Inn in New York City on June 28, 1969, is widely considered an important turning point in the global conversation surrounding gay rights. While it was not the first demonstration on U.S. soil (see: history of queer anarchism), it was the first one which received a wide range of news coverage and has since become a muse for queer politics scholars. The appropriation of the Stonewall Riots by white, gay men long ignored the contributions made by drag queens, women, bisexuals, trans folk and people of color, who only recently have been illuminated as consequential actors during these events. This led to another schism between gays and lesbians which complemented the feminist movement permeating U.S. culture during the 1970s.³⁵

While anti-gay sentiments are typically associated with Christianity and an adherence to religious principles, this was not always the case. Christian voters were encouraged by early “religious right” leaders Jerry Falwell and James Dobson to become more active and participatory in U.S. politics. However, as Joseph Mello writes, “Many Americans thought of religion as a deeply personal matter that should be kept separate from the political realm and found the cavalier way with which [early anti-gay activist Anita] Bryant openly mixed religion and politics somewhat distasteful.”³⁶ In fact, the concern to lobby against same-sex marriage was

³⁴ Morris, B. 2016. “History of Lesbian, Gay, Bisexual and Transgender Social Movements.” *APA.org*. Web.

³⁵ Morris. 2016. Web.

³⁶ Mello, Joseph. 2016. “The Courts, the Ballot Box, & Gay Rights.” University Press of Kansas. 26. Print.

negligible in comparison to the efforts to weigh in on more controversial social issues at the time, such as abortion and school prayer. It ought to be noted most religious organizations did not adopt a firm, explicit position against homosexuality until the 1980s.³⁷

Gay rights became all the more significant during the AIDS crisis of the 1980s, where coalitions between gay men and women were rebuilt on the premise of requesting medical funding, compassion and care for the afflicted queer folk. Large demonstrations, including marches on Washington, D.C., were viewed as an important step for the U.S. gay and lesbian movement, with global actors as their audience. This renewed interest in LGBTQ politics and advocacy led to descriptive representatives and high-profile celebrities, most notably actress and comedian Ellen DeGeneres, to publicly “out” themselves as queer to focus their power on causes they cared about. While the process of “coming out” has served to create a hierarchy in the gay community, particularly in the United States, its role in establishing a culture where legal equality and cultural equality were demanded and expected remains significant.³⁸

Role of the Religious Right

The United States’ supposed commitment to freedom of religion is as old as the state itself (see: “In God We Trust” on bank notes, “under God” in the Pledge of Allegiance, etc.). However, no religious population has had more policymaking influence and electoral power than American Christians, particularly the Evangelical and “religious right” voters. When the issue of same-sex marriage first came to national attention, folks on both ends of the political spectrum showed restraint. Especially in the early 1990s, certain Gays and lesbians viewed the fight for marriage equality to be assimilationist at best, and heterosexist and patriarchal at worst. The Evangelicals, however, viewed same-sex marriage as a cultural symbol for what conservatives

³⁷ Mello 2016. 26.

³⁸ Morris. 2016. Web.

ought to not want. Tina Fetner writes, “From this perspective, to allow two men to marry would be to trample upon a holy gift. The idea of two women or two men marrying each other evoked such passion among conservative, evangelical Christians that the religious right considered this to be an issue worth pursuing.”³⁹ This was the moment the religious right waged war against marriage equality.

The most significant success for the religious right was the passage of the Defense of Marriage Act (DOMA) in the House and Senate and signed into law by (Democratic) President Bill Clinton in 1996. The law defined marriage through a traditional lens, between a man and a woman, and allowed states to not recognize same-sex marriages from other states. By 2004, thirty-nine states would codify similar laws, at times changing their state constitutions, to bar same-sex marriages, and in some cases, same-sex civil partnerships. The influence of the religious right and the polarization of this issue at the turn of the century made “gay marriage” a hot topic in presidential politics, too, with nearly all 1996 Republican presidential candidates pledging to defend the sanctity of marriage (i.e. not allowing same-sex marriages). By most accounts, the religious right was seen as the clear victor in what became a personal and cultural legal battle.⁴⁰

What Evangelical voters and their Republican political allies did not anticipate, however, was the ferocious and persistent mobilization of LGBTQ Americans to legalize same-sex marriage. Queer folk took some inspiration from the religious right playbook and began launching court battles to dispute discrimination on the basis of sex, gender identity and sexual orientation. The most significant development in these early years was the Massachusetts Supreme Judicial Court decision to legalize same-sex marriage statewide in 2003. This began to

³⁹ Fetner 2008. 111.

⁴⁰ Fetner 2008. 112.

erode the religious right's confidence in their efforts, and they sought to ratify a constitutional amendment preventing same-sex marriages outright. This served as a precursor for the continued legal disputes yet to come.⁴¹

Governmental Institutions and Rights Claims

Using the backdrop of DOMA, this section will explore how two of the branches of government—the legislature and the judiciary—dictated the conversation as to how same-sex marriage laws ought to be implemented, if at all, and the ways in which the U.S. Supreme Court filled the policymaking void left by decades of an ineffective Congress.

While laws federally limiting the definition of marriage were successfully lobbied for and passed by Congress, laws recognizing marriage equality from the legislative branch denotes a null finding. Thus, this legislation required other political institutions and avenues of where LGBTQ folk could bring about rights claims. As with the aforementioned Massachusetts case, gay and lesbian advocacy organizations centered on another actor: the courts.⁴²

The most significant venue for LGBTQ rights claims on the federal level has been the Supreme Court of the United States. As with other social issues such as voting rights, Black citizenship and civil rights, and abortion, the Supreme Court (SCOTUS) served as a litigator for gay rights, including the marriage question. This dates back to the 1972 *Baker v. Nelson*, when the Minnesota Supreme Court's unanimous was appealed to the SCOTUS, who declined to hear the case as marriage equality was not an issue they felt was substantial enough at the time. Mello notes, "... this ruling had little impact on the gay and lesbian community at the time. This is because in the 1970s most gays and lesbians saw marriage as a distinctly heterosexual institution

⁴¹ Fetner 2008. 114.

⁴² Fetner 2008. 114.

replete with sexual and gender norms they had no interest in perpetuating.”⁴³ The Court gave the LGBTQ its first clear federal victories in 2003 with its decision in *Lawrence v. Texas*. The Court ruled that laws banning sodomy violated one’s right to privacy and was used as a precedent for the aforementioned decision which legalized same-sex marriage in Massachusetts.

The campaigns to legalize same-sex marriage neared their end in 2013, when the Supreme Court heard the case *United States v. Windsor*. The Court ruled that the Defense of Marriage Act was indeed unconstitutional. According to Justice Kennedy, “The liberty protected by the Fifth Amendment’s Due Process Clause contains within it the prohibition against denying to any person the equal protection of the laws.”⁴⁴ Thus, DOMA, and the federal ban on same-sex marriage it codified into law, were struck down.

Two years later, when deciding the case *Obergefell v. Hodges*, the Supreme Court ruled that DOMA and related court decisions were unconstitutional under the Equal Protections clause of the 14th Amendment. In response to the criticism he expected to receive from those claim a ban on same-sex marriage was constitution under the clause protecting religious freedom, Justice Kennedy wrote, “The Constitution, however, does not permit the State to bar same-sex couples from marriage on the same terms as accorded to couples of the opposite sex.”⁴⁵ This decision effectively legalized same-sex marriage in all 50 states, a ruling which has been upheld at the time of writing this project. This marks the most comprehensive legal victory by the LGBTQ community in the United States to date, as the most mainstream issue facing queer folk has been (at least in the legal sense) resolved.⁴⁶

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⁴³ Mello 2016. 44.

⁴⁴ “United States v. Windsor”. 26 June 2013. The Supreme Court of the United States. Web.

⁴⁵ “Obergefell v. Hodges.” 2015. The Supreme Court of the United States. 27. Web.

⁴⁶ “Obergefell v. Hodges.” 2015. Web.

Over the past 50 years, the legislative priorities and the group mobilization strategies for the LGBTQ community and its opponents have shifted greatly. Particularly over the past 25 years, with the passage of DOMA and the legal battles which trickled-up to the U.S. Supreme Court, marriage equality was not just another item on the so-called “gay agenda”, it *was* the gay agenda. Group mobilization and the gains made by gay and lesbians were further facilitated as a response to the growing anti-gay political agenda which consumed the American religious right. While the religious right did enjoy a great of efficacy and political power, the victories they claimed were relatively quickly overturned by the Supreme Court, as the majority of the Court believed these bans to be unconstitutional. This, in turn, led to a successful outcome for marriage equality campaigns in the United States.

VIII. Analysis & Discussion

The following section will illustrate how the above exploration of the case studies relate back to my initial hypothesis— that the differing roles of religion and governmental institutions dictated different outcomes in the efforts to legalize same-sex marriage in Italy and the United States. I will engage in a comparative analysis of both of these variables, as demonstrated in the case studies section, and seek to outline the global implications of the findings of this project.

General Findings

From the outset, the Italian and American cases appeared to differ greatly. Though both states were democratic and had fine track records in respect to the relative presence of civil and human rights, the glaring difference was that one country (after some time) welcomed same-sex marriage legislation, whereas the other one failed to do so. However, the framing of this project allowed the similarities between the case studies to be illuminated, namely, the impact religious communities and organizations can have on policy, and the different external actors who can

facilitate rights discourse outside of legislative bodies (i.e. the European Union and the Supreme Court). A stunning commonality between these two case studies is the vicious opposition gays and lesbians have faced at the hands of the religious organizations and their political factions— i.e. the Catholic Church and the American Religious Right— the state permitted to exist. Based on the above case studies, it is clear these organizations served as obstacles to marriage equality efforts and prolonged the settlement of these rights for decades. Between the two, I would argue the religious right in the U.S. had a better group mobilization which contributed to them acting as a more effective roadblock for this legislation. Despite being a much younger organization than the Church, they effectively facilitated dialogue between lawmakers, citizens, and even the LGBTQ community they sought to strip of their rights in a way the singular, absolute leadership style of the Pope has not been particularly conducive to facilitating in the same way.

Moreover, I would argue that the governmental institutions at play were acting *in response* to the actions of these organizations, rather than creating the terms of the debate themselves. This interaction between interest groups and governments is likely to be applicable in the cases of other social issues, as political institutions in these states are designed with the expectation they will be met with democratic pluralism and discourse. Thus, in quantifying which set of actors was more effective in shaping the outcomes of the campaigns to legalize same-sex marriage, I would argue that religious institutions were more so, furthered by the fact that they successfully obstructed these efforts for a substantial amount of time, before the governmental institutions were able to settle these rights claims.

The “differing governmental institutions gay and lesbian individuals will engage with to secure their rights” variable highlighted in the thesis statement is intentionally vague, as it accommodates the various actors at play in the Italian and U.S. examples. There is no equivalent

of the European Union in the case of the U.S., as the only body which carries the weight of judicial review is the Supreme Court. Would the United States have responded kindly to being mandated to legalize same-sex marriage? I would argue no, as the nature of the United States' position on the world stage allows it to play the role in dictating the policies of its fellow countries, rather than welcoming feedback and oversight the way Italy has agreed to. Likewise, the legislature played a large role in legalizing same-sex partnerships (civil unions) in Italy, whereas post-DOMA conversations about rights on a national level failed to gain significant traction in either chamber of Congress in the United States.

In comparing the governmental actors in terms of their ability to affect change, while noting these actors are vastly different and may not be able to be subject for an appropriate comparison, the U.S. federal legislative and judicial branches on both banned same-sex marriage and mandated states to allow these marriages to take place, respectively, within a 20 year period. The Italian case, as noted throughout this project, has not had as long of a history of intervening in the issue of marriage equality and LGBTQ politics in its entirety. Thus, the Italian government has not been as effective in determining the outcomes of these efforts.

I would argue that the presence of same-sex civil unions, rather than marriages, being legal in Italy in no way equates to a null finding because this legislation was a result of group mobilization and governmental action. It also provides all the same benefits and privileges heterosexual married couples are entitled to. However, the data presented in the Italian case on the national level (the EU ruling mandating the eventual same-sex partnerships law), compared to that of the U.S. on the national level (with DOMA and multiple SCOTUS rulings, eventually mandating same-sex marriages be permitted nationwide) illustrates its comparative ineffectiveness in engaging in the same-sex marriage legal question.

Based on the findings outlined in the case studies above, the extent to which this project's hypothesis—that Italy and the U.S. saw varying success in recognizing same-sex marriages due to the presence of religious and governmental actors—was proven correct depended largely on the particular factors which were explored. While the relationships each state has enjoyed with religious communities and institutional actors has undoubtedly influenced policy outcomes in the realm of marriage equality, they have done so to varying extents. In terms of religious actors, groups across both case studies have been exceptionally politically active over the past decades, blatantly challenging efforts advocating for same-sex marriage being passed in their respective countries. While the equivalency between the Roman Catholic Church and the American religious right can be drawn, it ought to be noted that the Catholic Church continues to obstruct the recognition of same-sex marriage in Italy, whereas the religious right has effectively been outmaneuvered by bureaucratic institutions, particularly the U.S. Supreme Court. Similarly, both Italian and U.S. governmental institutions have also been instrumental, despite the way in which they engage with the public has varied between case studies. For example, the U.S. Congress is a body directly elected by the American public (which vets and confirms federal judges who rule on social matters such as this), whereas the European Union is an international organization which provides some oversight as to the domestic politics of its members. Thus, the argument that these actors played a role in dictating these policy outcomes does hold true, albeit to varying degrees between case studies and the two variables explored. This conclusion illustrates both the fortitude of the data outlined in this project and how these questions can continue to be addressed within future research surrounding marriage equality, LGBTQ rights, and queer politics.

Relationship to Existing Scholarship

As shown in the literature review, this project fills a void in existing scholarship, as it takes a deep dive into the status of gay rights and marriage equality in Italy and the U.S. The roles of religious and governmental actors have, of course, been the subject of past scholarship, but the necessity of this project and its conclusions lies in the time period in which this data was collected. While the decision to legalize same-sex marriage in the United States in 2015 may seem dated already, it is important to note that this court decision will have taken place only three and a half years ago come the time of this project's publication. The scholarship since 2015 comparing these two particular cases through the lens I have put forth has been either scant or non-existent. This project fills a clear need for the post-marriage equality moment the U.S. is in, while also providing a roadmap to illuminate a successful path for the Italian case going forward.

Global Applications

The aforementioned findings are not only significant to the study of Italian and American politics but are also applicable to the field of comparative politics as a whole. In a global political moment where civil liberties such as marriage equality have been largely codified by influential world actors. States such as France, Germany, Canada, Ireland, South Africa, and Spain have all nationally recognized marriage equality, making the exploration of states where it is not yet legal (i.e. Italy) all the more relevant.⁴⁷

It ought to be noted that some of the religious and governmental actors at work in the case studies explored in this thesis are not exclusive to the Italian or American cases. The Catholic Church's political and cultural reach is housed in other countries, so the findings relating to the Italian case can, and should, be generalized in context. Likewise, future studies focusing on the judicial arm of the European Union should consider their influence in regard to

⁴⁷ Masci, David et. al. 2017. "Gay Marriage Around the World." *Pew Research Center*. Web.

Italy's domestic partnership policies. While this thesis does not account for the E.U.'s influence at large, one could infer that this organization has facilitated certain policy outcomes (i.e. marriage equality) which may not have been present otherwise. In regard to the U.S. case, the presence of same-sex marriages and an increasingly visible gay rights movement on the world stage has been of consequence. Future scholars ought to compare the way these rights claims are engaged with in other states given the American example, particularly as the marriage equality question continues to permeate the consciousness of the international community.

IX. Conclusion

Recommendations for Future Scholarship

My primary recommendations are birthed out of the limitations this study faced and new fields of interest which were illuminated as a result of the aforementioned findings. While this study was based off existing English-language scholarship, articles, and other sources, I would implore future research to include sources written in the Italian language for an Italian audience. This would better gauge how the debate surrounding marriage equality is being engaged with in different Italian social groups, in comparison to the West as a whole.

To that point, the input of primary sources such as interviews with members of the Italian government, liaisons with the Holy See or other Church leaders could be beneficial to further explore the relationship between the Church and the state. This would likely warrant a scholar with a more commanding or comfortable proficiency with the Italian language. Conversely, further research could also benefit from primary sources beyond attributed quotes from "papers of record" such as *The New York Times* and *The Washington Post*. The issue of marriage equality intersects with the fields of judicial politics, queer politics, and congressional politics. That said,

further research could benefit from collaboration between scholars from each of these fields to reach more generalizable and comprehensive conclusions.

As highlighted in the limitations section above, the existing gap in scholarship could be addressed with a collection of well-conducted and topic-focused interviews. These could either be of Italian or American government officials, representatives from the Catholic Church or the Holy See, or members of the Christian Right. These perspectives could be valuable and ought to be sought out in an effort to better trace gay rights efforts with legislative or judicial outcomes.

Lastly, in the years since marriage equality was ruled constitutional in the United States, the global political landscape has shifted greatly. The election of U.S. President Donald Trump, as well as other insurgent leaders in states such as Italy, Brazil, and the United Kingdom has jeopardized the progress made by both activists in the gay liberation movement and their governmental counterparts. With this in mind, future scholarship should highlight the accessibility of marriage licenses and the benefits of these unions for queer communities, particularly those with intersecting identities on the basis of gender identity, class, race, religion and ability. Though the passage of nationally recognized marriage equality remains untouched by branches of the U.S. federal government, the political moment the United States and other Western powers, including Italy, have found themselves in will almost certainly shift the terms of engagement for this debate going forward. In saying this, a post-Trumpian review of these statutes of both national and international scopes will be warranted.

Final Thoughts

While on the outset the LGBTQ community has appeared to make great strides in rights claims and other policy areas, the subject of marriage equality remains one of the cornerstone civil rights issues for this new global century. As illustrated above, rights of any kind are not

obtained in a vacuum— they are intersectional, complicated and often the result of various intervening factors. Over time, the conversations surrounding same-sex marriage have greatly evolved, and I predict they will continue to do so, beyond the case studies explored in this thesis. It is my hope this study will have shone some light on the actors not often considered when confronting these policy questions and can help queer activists and their supporters to circumvent these roadblocks when possible in the decades to come.

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