

# Italian bill proposes rights for unwed couples

VATICAN CITY – An Italian legislative proposal that would grant some legal rights to unwed couples – including same-sex partners – has set the stage for a major church-state showdown.

On one side is a wide spectrum of Italian social and political forces, including many lay Catholics, who say the bill would end discrimination against unwed couples in areas of health care, pensions, housing and employment.

On the other side is the Italian bishops' conference, which has argued that the law would undermine marriage and the traditional family. Some bishops have warned Catholic legislators that they are duty-bound to vote against the proposal.

Supporters point out that the bill is a compromise proposal that recognizes the rights of cohabiting couples, but without legally recognizing the unions themselves. In other words, they say, this is not a "gay marriage" bill.

Opponents agree, but say the effect would be the same: creating a second-class form of marriage and deconstructing a society built on the traditional family.

The conflict was front-page news in early February and continued to escalate.

"We're facing a clash that is unprecedented in the history of church-state relations in Italy," said Italian church historian Alberto Melloni.

Pope Benedict XVI was drawn into the fray Feb. 12 when he addressed a conference on natural law. The pope said the institution of marriage was divinely ordered and not subject to political compromise.

"No human law can subvert the norm written by the Creator without dramatically wounding society in that which constitutes its basic foundation. To forget this would mean weakening the family, penalizing children and making the future of society precarious," the pope said.

Although the pope did not specifically mention the Italian legislation, his comments were interpreted as marching orders to the country's Catholic politicians. "The pope excommunicates cohabiting couples" and "Pope: No new laws on marriage" were typical Italian headlines the next day.

Whenever a pope weighs in - even indirectly - in Italian political affairs, a political backlash is sure to follow. In this case, some lawmakers said the church had so blatantly interfered in political affairs that it constituted a violation of the concordat that regulates church-state relations.

Caught in the middle of the dispute was Rosy Bindi, a leading Catholic politician who co-sponsored the compromise legislation. Ms. Bindi, who is unmarried and lives in a residence run by nuns, said the strong reaction by the church hierarchy surprised her and caused her "great suffering."

Ms. Bindi said she had helped write "a just law that protects the weakest, recognizes the rights of people facing discrimination, and does not create any legal entity that could undermine the family."

Ms. Bindi, who is family minister in the leftist coalition government of Italian Prime Minister Romano Prodi, said she was disappointed with the bishops' reaction. The church she loved, she said, was one which "concerns itself with the things of God."

That comment provoked a new wave of criticism from members of the hierarchy, who said it was an attempt to silence the church on political issues.

"The church that is concerned with the things of God cannot help but be concerned with the things of man," said the Vatican newspaper, L'Osservatore Romano. "One cannot understand why the church, the pope and the bishops cannot speak about a topic as central as the family."

The debate has exposed some serious fault lines within Italy's Catholic community. On Feb. 15, several leading Catholic intellectuals urged the bishops to back off their opposition, saying it had crossed the line into the legitimate lay sphere of politics.

A poll showed that Italians overwhelmingly supported the provisions of the bill, although practicing Catholics were divided over whether the legal rights should be

limited to heterosexuals or extended to gay couples, too.

At the same time, new sociological data showed that the number of cohabiting couples in Italy had reached 560,000, doubling in the last 10 years. The bishops see that as a sign that marriage is already eroding and believe the new law would accelerate the process.

Opposition to the legislation has been led by Cardinal Camillo Ruini, the papal vicar of Rome, who is expected to retire soon. During his long tenure as president of the Italian bishops' conference, he has raised the church's political profile, leading some critics to say he behaves more like a party boss than a pastor.

One of Cardinal Ruini's top auxiliaries, Bishop Rino Fisichella, has expressed the toughest line on the proposed law. He said the bishops would call Catholic politicians to "a full coherence with their faith, which in this case means a commitment not to approve a law that contrasts with the teaching of the church."

But some bishops and theologians have taken a more flexible position. Archbishop Ignazio Sanna, a member of the International Theological Commission, said he could accept the new law if the final language recognizes only the rights of those involved in nonmarriage unions, and not the unions themselves.

Dehonian Father Luigi Lorenzetti, director of the magazine "Moral Theology Review," made a similar argument, saying the legislation as proposed could be considered an "acceptable compromise" by Catholic politicians.

Vatican sources say the pope is unlikely to intervene explicitly on the matter. In a sense, the sources said, he has already given Italian bishops the tools they need: In 2003, guidelines for Catholic politicians were issued by the Congregation for the Doctrine of the Faith, headed at the time by Cardinal Joseph Ratzinger, the future pope.

The document said Catholic politicians cannot vote for a law that "contradicts the fundamental contents of faith and morals." It said that phrase refers not only to life-and-death questions like abortion and euthanasia, but also to the protection of the family based on marriage between a man and a woman.

“In no way can other forms of cohabitation be placed on the same level as marriage, nor can they receive legal recognition as such,” it said.

Italian bishops now face the tricky task of deciding whether the new legislation fits that description, or whether it leaves wiggle room for Catholic lawmakers.