

Winning in the Parliament, losing in the Courts – Catholic biopolitics in different venues: the case of Italy

Alberta Giorgi*

Abstract

The catholic bio-politics, in recent years, addressed a variety of issues. In this contribution I focus specifically on assisted reproduction and stem cell research in order to analyse the Catholic neo-feminist discourse, and the complex interplay of discursive arenas. Namely, I focus the attention on the reconfiguration of religious discourse in terms of attention to feminism and gender rights, on the one side, and discursive opportunity structures in terms of venues' opportunities and constraints on the other. The analysis underlined two main elements. First of all, in relation to the process of judicialization of politics, the analysis pointed out the different opportunities and constraints characterizing the different venues. Namely, judicialization of politics and venue shopping are not favourable the same way for all the actors. Second, a neo-conservative frame of revolutionary maternity gained large room in the Italian political sphere, and it is likely to gain even more resonance in light of the current debate on surrogacy, related to the never-ending discussion on the forms of regulation of same-sex couples in Italy.

Keywords: Catholic bio-politics; Feminism.

* PhD, Graduate School in Social, Economic and Political Sciences, University of Milan – FCT post-doc at the Centre for Social Studies (Coimbra); researcher for the ERC project GRASSROOTSMOBILISE – Directions in Religious Pluralism in Europe: Examining Grassroots Mobilisations in the Shadow of European Court of Human Rights Religious Freedom Jurisprudence; and co-convenor of the ISSR international series of workshops 'Is Secularism Bad for Women? Women and religious change in contemporary Europe'. Her research interests focus on religion and politics, and political participation. Among her recent publications: *European Culture Wars and the Italian Case. Which Side Are You On?*, with L. Ozzano (Routledge 2016); Special issue 'Gendering the Secular: Interventions in Politics, Philosophy and Movements', *Religion and Gender* 5(2), with T. Toldy (2015); 'Communion and liberation: a Catholic movement in a multilevel governance perspective', with E. Polizzi (*Religion, State and Society* 43(2), 2015). E-mail: albertagiorgi@ces.uc.pt

Vencendo no Parlamento, perdendo nos Tribunais - biopolítica católica em diferentes espaços: o caso da Itália

Resumo

A biopolítica católica, nos últimos anos, abordou uma variedade de questões. Nesta contribuição eu foco especificamente a reprodução assistida e investigação em células estaminais, a fim de analisar o discurso neofeminista católico, e a complexa interação nas arenas discursivas. Ou seja, eu concentro a atenção na reconfiguração do discurso religioso em termos de atenção ao feminismo e direitos de gênero, por um lado, e as estruturas de oportunidade discursivas em termos de oportunidades e restrições dos locais na outra.

A análise destacou dois elementos principais. Em primeiro lugar, em relação ao processo de judicialização da política, a análise apontou as diferentes oportunidades e constrangimentos que caracterizam os diferentes locais. Ou seja, a judicialização da política e comércio local não são favoráveis da mesma forma para todos os atores. Em segundo lugar, um quadro neoconservador da maternidade revolucionária ganhou um grande espaço na esfera política italiana, e é provável que ganhe ainda mais ressonância na luz do debate atual sobre a sub-rogação, relacionado com a discussão interminável sobre as formas de regulação dos casais do mesmo sexo na Itália.

Palavras-chave: biopolítica católica; Feminismo; Direitos de gênero.

Vainqueur dans le Parlement, en perte dans les tribunaux- la bio-politique catholique dans différents espaces: le cas de l'Italie

Résumé

Au cours des dernières années, la bio-politique catholique a soulevé une série de questions. Dans cette contribution, je me concentre spécifiquement sur la reproduction médicalement assistée et les cellules souches, pour analyser le discours catholique néo-féministe, et le complexe jeu des arènes discursives. D'un côté, j'analyse la reconfiguration du discours religieux en termes d'attention au féminisme et gender rights. De l'autre, j'analyse la structure des opportunités discursives en termes d'opportunités et de contraintes des différentes arènes.

L'analyse souligne deux éléments principaux. Premièrement, en ce qui concerne le processus de judiciarisation de la politique, l'analyse a souligné les différentes opportunités et les contraintes qui caractérisent les différentes arènes : la judiciarisation de la politique et le "venue shopping" ne sont pas favorables de la même façon pour tous les acteurs. Deuxièmement, un cadre néo-conservateur de maternité révolutionnaire a gagné un grand rôle dans la sphère politique italienne, et il est susceptible de gagner encore plus de résonance en relation avec le débat actuel sur la maternité de substitution, lié à la discussion sans fin sur les formes de régulation des couples de même sexe en Italie.

Mots-clés: Bio-politique catholique; Féminisme

1. Introduction: a complex issue

The catholic bio-politics, in recent years, addressed a variety of issues. In this contribution I focus specifically on assisted reproduction and stem cell research in order to analyse the Catholic neo-feminist discourse, and the complex interplay of discursive arenas.

As many scholars underlined, abortion is the ‘mother issue’ that re-activated the religious-secular conflicts in the twenty-first century Europe (ENGELI et al., 2012, COOK et al., 2014, and DOBBELAERE AND PÉREZ-AGOTE, 2015), and drove the politicization of the other issues related to the beginning of life, namely embryo stem cell research (hereinafter, ESCR) and assisted reproductive technologies (hereinafter, ART), giving rise to a number of controversies on policy-regulations (see, for example, BANCHOFF, 2011; CAMBRONERO-SAIZ et al., 2007; ENGELI, 2009a ; ENGELI AND ROTHMAYR, 2013; FRISINA et al., 2015; GREEN, 2001; MONPETTIT et al., 2007; MULKAY, 1997; OZZANO AND GIORGI, 2016).

The controversies around the beginning of life involved various actors, and especially organized religions played an important role in western European countries, as well as feminist movements and the interests of medical and scientific communities, while the influence of pro-life movements is decreasing, despite their relevant public voice (ENGELI, 2012, 2009a; STETSON, 2001; VARONE et al., 2006; WOODWARD et al., 2013). Broadly speaking, in Europe the role of religious-secular conflicts and the shape of party politics heavily affected the political debate and the policy outputs related to the regulation of abortion, embryo and stem cell research, and assisted reproductive technologies (BANCHOFF, 2005 and 2011; BLOFIELD, 2008; ENGELI et al., 2012; FEUILLET AND PORTIER, 2010). The arenas of debate and the institutions addressed ranged from international declarations and charters, international policies (like European Council research funds), and international courts and regulatory bodies, to national parliaments and courts, and local policy-making (COPELON et al., 2005; HESSINI, 2005; JOACHIM, 2003). Indeed, ART, the possibility of chemical abortion (RU486 pill), scientific developments in ESCR, and the proliferation of regulatory arenas deeply influenced the frames and arguments about reproduction in the public and political discourses as well as the feminist debate (BOLTANSKI, 2004; ENGELI, 2009b; GERBER, 2002; INHORN AND BIRENBAUM-CARMELI, 2008; LIE, 2002; MANN, 1994; SANNA, 2013). In this sense, the political and public debates around these issues also shed light on the redefinitions of the political debates, religious discourse and social imaginary on gender, gender roles, sexuality and women’s body (ROCHEFORT AND SANNA, 2013; TURINA, 2013; ENGELI, 2009b).

In this contribution, I address the Catholic bio-political discourse on reproduction, as it unfolded in the Italian public sphere, on the intertwined issues of abortion, ART, and ESCR¹ (par. 2). Namely, I focus the attention on the reconfiguration of religious discourse in terms of attention to feminism and gender rights, on the one side, and discursive opportunity structures in terms of venues' opportunities and constraints on the other (par.3). Then, I discuss the implications of the analysis for the public role of the religious discourse and its intertwining with gender (par.4). The focusing event of the debate was the enforcement of law 40, in 2004, regulating both embryo research and medically assisted procreation. The law was quite restrictive in terms of access and quite criticized. When the (partially) abrogative referendum organized against the law failed, the law promoters considered the time was come to actually intervene on the law on abortion. Nonetheless, a series of judgments of both national and international courts undermined the 2004 law, which in the end expired in 2012/3, and it is still to be replaced. The discussion reached peaks of extreme verbal violence, and was so pervasive that virtually all the political actors took a stance on the issue.

By focusing on the different phases of the debate (publicization, politicization, polarization), the analysis shows the Church's – and, more broadly, the Catholic world's – twofold discourse on reproduction and maternity: on the one side, the protection of the individual rights of the embryo and, on the other side, the protection of maternity as women's social role (within a neo-conservative perspective) and against the exploitation of women's body (within an anti-capitalist and feminist perspective). Especially this latter feminist-like frame, addressing a specific gendered audience, gained increasing relevance in the public sphere, due to its resonance with part of the discourse of the feminist movement on reproduction – and it is likely to gain even more resonance in the current debates around same-sex marriage and surrogacy. At the same time, by focusing on the constraints and opportunities of the different venues in which the debate unfolded, the analysis outlines how the specific circumstances of the Italian debate – and, namely, the law on ART *and* ESCR – resulted in a favourable discursive opportunity structure for the Catholic Church position in countries, such as Italy, in which the public discourse of the Church still maintains its relevance (see MINKERBERG, 2002 and 2003). However, the judicial venue proved to be extremely unfavourable for the Catholic Church – and local and international courts are more and more appealing for social actors aiming at overcoming

¹ This paper is based on a research on religion-related political debates in Italian public sphere (1998-2014), which reconstructed the frames as they emerged and developed in the public sphere – see OZZANO AND GIORGI 2016.

the Catholic Church's role as a veto player on a number of ethical (and bio-ethical) issues (see FINK, 2008 and 2009).

2. The debate about the "beginning of life" – polarization of an issue

Abortion was one of the most important issues in the 1970s, and the movement contributed to raise the political and public awareness of the importance of establishing and defending women's rights. The law on abortion was passed by a government led by Christian Democrats in 1978. Civil society Catholic actors organized an (unsuccessful) abrogative referendum in 1981, which polarized the issue and represented a major defeat for Italian religious conservatives. In the following years, the Catholic Church and pro-life movements often denounced the non-application of those measures of the law designed for informing women and supporting maternity. On the opposite side, feminist movements often denounced the difficulties of accessing abortion in Italy, due to the high number of anti-abortion health care workers. Even though conservative politicians and the Catholic Church periodically called into question the regulation of abortion, no serious attempt was made to actually revise the law – until the mid-2000s, in relation to ART and ESCR.

In the late 1990s – early 2000, the development of biotechnology and the scientific discoveries in fact contributed to raise the attention towards embryo research and its regulation. National Bioethics Committee has been established in 1990 with the specific purpose of dealing with bioethical issues raised by science and technology improvements: discussing the limits of the intervention on the human body, on the one side, and review the ethical regulation in light of the new possibilities, on the other. The Catholic Church (namely, the Pope and the Church hierarchies) and the broader Catholic world (the Pro-Life Movement, and Forum of Family Associations) were the most vocal actors in the public sphere denouncing the necessity of establishing strict and binding rules to the research on human embryos. The Church voice found interested listeners in right-wing parties that immediately included the 'defence of the embryo's rights' in their political agenda. Indeed, the timing was quite favourable for the Church to be heard on this claim. First of all, the political turmoil that affected the Italian political sphere in the early 1990s heavily impacted on the traditional political parties – those that did not collapse changed their names and reshaped their identities, while brand-new parties, such as Berlusconi's Forza Italia and the xenophobic Lega Nord, gained wide visibility. Second, it also impacted on the traditional cleavages that structured the Italian political sphere, such as the left-right dimension.

In this scenario of political competition for a dispersed electorate, new issues, yet to be polarized, such as those related to life, death, and marriage (morality issues, see ENGELI et al., 2012), offer an invaluable chance for political actors to attract potentially new votes. On the other hand, such controversial issues are less attractive to majority parties – and, as a matter of fact, both centre-left and centre-right warned against the risks of political polarization. The elected politicians who reacted against the Church's claim, by reaffirming the non-negotiability of the abortion, described their position as pivoting on their female, rather than political, identity. Nonetheless, with the approaching of the 2001 election, the issue clearly entered the political campaigns and manifestos of the opposite coalitions.

After a first phase of politicization, we then can identify 2001 as the turning point to a second phase of debate (2001-2005), during which the issue clearly entered the parliamentary agenda, its saliency increased, and the public debate polarized. The main focusing events of this second phase were related to the enactment of the restrictive law 40/2004, regulating ART and ESCR, and supported by a bipartisan coalition, and the unsuccessful abrogative referendum promoted by the Radical Party and some civil society associations, and supported by most of the centre-left coalition. As the debate unfolded, experts played an extremely important role: besides the ethical considerations, the scientific complexity of the issue led the media to publish several interviews with, and comment by, the most prominent scientists engaged with ART and ESCR. Moreover, media paid broad attention to foreign countries' regulation of stem cell research: namely, wide coverage was given to the US controversy on the issue, and the resolutions and recommendation of the European Council on stem cell research. At the same time, associations and networks aiming at allegedly correct scientific information flourished, both arguing in favour of and against the humanity of the embryo, and the scientific relevance of ESCR. This is the case, for example, of the Catholic-oriented *Comitato Scienza e Vita*, and *Associazione Loris Brunetta*, and the pro-choice and pro-scientific research *Associazione Luca Coscioni*. In addition to Catholic-oriented associations, the Catholic Church was very active in the debate, as in the previous phase: it repeatedly expressed its approval of the regulation of ART and the defence of the embryo's life and rights, and argued for the revision of the Italian abortion law. Media widely covered the issue of the beginning of life, by reporting complex and dramatic cases and events related to the enforcement of law 40/2004, which also acted as focusing events during the referendum campaign. Particularly controversial were the juridical recognition of the rights of the unborn, and the prohibition of embryo stem cell research, heterologous fertilization, pre-

-implantation diagnosis, and the withdrawal of women's consent. This latter point is of particular interest: according to the law, once the woman gave her consent to the treatment, she could not change her mind. Moreover, the fertilized embryos (established by law in the number of three) should be implanted all at once. The prohibition of the withdrawal of women's consent potentially clashed with the existing abortion law, and the implantation of three embryos was denounced by many as a dangerous provision².

The parliamentary discussion included insults and performances in favour of or against the law. After harsh discussions, the law was approved in February 2004, thanks to the votes of the centre-right majority and a large section of Margherita (centre-left) – and most of the Catholic world expressed its favour. The Radical party, together with some civil society associations, immediately started a campaign against the law – supported, after a while, by large sectors of the centre-left. The referendum campaign was harsh and highly emotional: opponents of the law mainly based their arguments on freedom of choice, reproductive rights, and the cruelty of denying the hope of healing because of the ban on ESCR; supporters of the law insisted on the impossibility of voting on life and the cruelty of denying the chance of living to the weakest. The referendum was indeed successful in gaining media and civil society attention; minority religions like the Union of the Jewish Communities took a stance against abstention, and the public initiatives, street-protests, sit-ins, and so on, in favour and against the referendum, were numerous. Nevertheless the referendum did not reach a quorum. The centre-right and the Catholic world welcomed the referendum results, and immediately invited further reflections on the abortion law: as a matter of fact, after the approval of law 40/2004 and the failure of the abrogative referendum, the cultural climate seemed to have changed. The revision of abortion entered the political manifesto of the centre-right for the political elections of 2006; while the centre-left decided not to, some Catholic centre-left MPs made a proposal to include in the 2005 budgetary law economic support for low-income pregnant women. Moreover, the coalitions accused each other of politically exploiting Catholic values for electoral reasons.

The crisis of Berlusconi government (2005) and the new elections, gained by the centre-left (2006), marked a change: the new government supported European embryo stem cell research, granted the possibility of stocking cordon stem cells at the national level, and approved the clinical trial for RU486 (chemical abortion). Meanwhile, the Italian feminist movement mobilized in support of law 194/78, and was able to re-frame the public

² The Constitutional Court indeed intervened, establishing that the number of embryos to implant has to be decided by the women and her doctor (151/2009).

discussion from embryo's to women's rights and reproduction. Indeed, 2006 marked a renewed visibility of women's movements in the public sphere: among the various initiatives, the organization in 2005 of the network *Usciamo dal Silenzio* (Break the Silence), was widely covered by the media. The network was specifically created to defend the law on abortion and, more broadly, women's rights, self-determination and secularism. In this sense, it was a direct reaction to the public debate and the government's choices – specifically, the law 40/2004. The underlying master frame of this mobilization, namely the defence of women's rights, including the right to choose whether to procreate, re-enacted some of the keywords of the abortion movement of the 1970s, such as the right to self-determination, against the attacks of the Church and the right. This movement also triggered reactions within the women's movement, such as the creation of a network of feminist groups that, under the label *Mai State Zitte* (Never Been Silent), reclaimed their long-term commitment.

In this changing political climate, only the Church and the Catholic organizations maintained their claims for a revision of the abortion law, while the public discourse on the beginning of life mostly focused on stem cell research. Interestingly, while in the previous phase the focusing events presented the beginning of life as a single issue, composed by intertwining topics, during this phase the debates remained quite separated. Therefore, in terms of abortion, some cases, mainly covered by the local media, and the clinical trials related to RU486 acted as focusing events for debating the revision of the abortion law – a debate in which almost only the Catholic world intervened, together with some institutional personalities, when directly addressed. Besides abortion, most of the media and political attention during the third phase of the debate was devoted to stem cell research and its developments, both in Italy and abroad. The discussion continued to focus on the possible balance between scientific and ethical reasons, fuelled by the interventions of scientists and politicians. Besides the Church, this phase showed an important presence of scientists, and women's and feminist groups, whose attention remained high during the entire development of the debate.

A fourth phase of the debate can be also identified (2008-2012), in relation to the change of the debate arenas, from the Parliament and the public sphere to the Courts. In 2008, the ruling government changed, and centre-right re-gained the electoral majority. In the public and the political debate some voice claimed for the government's interventions on abortion – such as *Famiglia Cristiana*, the widely diffused Catholic weekly magazine. Despite a law proposal on the defence of embryo's rights by centre-right MPs, nothing happened and the issue remained covered mainly by Catholic newspapers. Both

ESCR and ART debates instead changed arenas: while they were no longer on the parliamentary agenda, they became the topic of various controversial court judgements. Mass media paid wide attention to stem cell research and its successes all over the world, by interviewing experts on the topic, as they did in the previous phases. Meanwhile, a series of court decisions affected law 40/2004: already in 2007, local tribunals judged in favour of the pre-implantation diagnosis in two cases; in April 2009 the Constitutional Court nullified the article of the law concerning the numbers of embryos to be implanted, and re-established the possibility of embryos' cryopreservation; in the following months, the local courts of Bologna and Salerno granted access to pre-implantation diagnosis to two non-sterile couples affected by transmissible diseases; and in April 2012 the European Court of Human Rights opposed the condition of sterility as the exclusive requirement for accessing the procedure of medically assisted procreation on the grounds of its discriminatory character. These judgements, harshly contested by the centre-right, opened the door for a revision of the law – which is still to happen. The central role of the Courts in the issue of the beginning of life is similar to what occurs in other controversies, related to morality politics, namely, LGBTIQI rights and the regulation of death. Facing the impermeability of the political sphere – where the Catholic Church played a relevant role of veto player – grassroots actors and political movements address other venues, with different – and more favourable – rules (this strategy of choosing the most suitable venue has been defined as “venue shopping” by BAUMGARTNER AND JONES, 1993; see also GUIRAUDON, 2000; JACQUOT AND VITALE, 2014), in a perspective of judicialization of politics (CHICOWSKI, 2006 and 2007). In other words, the Catholic Church and the broader Catholic world, despite its internal differences, are extremely active in the Italian public sphere (GIORGI 2013) and play an important role, especially on ethical issues, such as those related to the beginning of life, in relation to which Catholic bio-politics is the starting point for any discussion (see also TURINA, 2013; SCALON, 2005).

3. Discursive frames, feminism, and the Catholic Church

Considering the 2000s as the starting date, then, the debate around the beginning of life unfolded in four phases, and had two main peaks: one in 2004–2005, related to legally binding decisions issued by the parliament; the other in 2008, when courts' decisions undermined the parliament's decisions.

The politicization of the beginning of life issues was mainly related to the opposite public campaigns of the Catholic Church and the Radical Party (a small Italian party/movement whose identity is built around the defence

of civil liberties). The dynamics of the debate are characterized by the increasing role of courts, which, in the end, had the power of establishing the main frames of the debate, despite the parliamentary discussion, and by the wide presence of science and experts' discourse.

Broadly speaking, four frames were adopted to discuss reproduction and the beginning of life. First, the frame of rights: the regulation of reproduction and interventions on bodies is described as a matter of right, activating the semantic universe of human rights' protection and non-discrimination. In this perspective, embryo's rights are opposed to women's rights. A second frame revolved around the role of society. This frame put into question the legitimacy of individual choices – such as conscientious objection *and* abortion – in front of something (reproduction) that matter to society as a whole. A third framing of the situation addressed the relationships between religion and society – on the one side, this frame was adopted by pro-choice activists to protest against the Catholic Church illicit interferences; on the other side, it was mobilized to reclaim a western identity choice of human life protection. Finally, many actors also frame the issues of the beginning of life as a scientific question, activating a whole different vocabulary of innovation, therapies and treatments. On the one side, the issue of the beginning of life was included in a narrative that often combined three different frames, which treated the beginning of life as a matter of defending the rights of the weakest, a matter of defining the boundaries of science, and a matter for society as a whole. On the other side, the opponents framed the beginning of life as a matter of women's rights, scientific progress, and secularism.

The discourse of the Catholic Church and the wider Catholic world and their political allies (namely, centrist parties, centre-right and part of the centre-left coalition) framed the topics as a matter of rights (of the embryo) and non-discrimination (of the embryo). The semantic universe connected the language of rights with the language of science, rather than religion, as this excerpt by right-wing MP Riccardo Migliori exemplifies: 'embryo is life – we start from here. And this is not a confessional statement, this is what science says'³ (FORNARI 2005). In this direction, any human intervention on procreation may overlap with eugenics, according to a slippery slope argument. Therefore, the topics of abortion, medically assisted procreation and research on embryo cells are part of the same issue, the beginning of life. In the words of Cardinal Trujillo, President of the Pontifical Academy for Life, for example, 'the destruction of the embryo is like abortion' and 'the

³ Original (Italian): "l'embrione è vita – partiamo da qui. E non lo dice la chiesa, lo dice la scienza" (my translation).

women, the physicians, and the researchers who destroy the embryo⁴ would be excommunicated (GALEAZZI 2006). Whilst the frame of right and the defence of the weakest were successful arguments in the Parliamentary venue, the judicial actions affirmed otherwise. In the Courts, the frame of right and non discrimination played in favour of pro-choice, pro-ART and pro-ESCR activists (on rights, ethics and religion see, particularly, FEUILLET-LIGER AND PORTIER, 2012).

On the other side, another interesting form of Catholic discourse slowly emerged, in the public sphere, re-framing neo-conservative positions within the semantics of feminism and anti-capitalist stances, especially during the referendum campaign (2004 and 2005) and onwards. In this direction, much space was gained by conservative feminism (which has a long history in Italy, see PICCIO, 2014): *Il Foglio*, the newspaper directed by Giuliano Ferrara, former leftist turned right-wing journalist, and the mainstream newspaper *Corriere della Sera* hosted an interesting debate focused on women's rights, feminism, and abortion. The discussion stemmed from a short essay authored by the historian Anna Bravo (2004) and commented on by Ferrara (2005a), in which the historian addressed the ambivalences of abortion. Conservative feminists intervened in this debate, inviting a rethinking of the relation between women's rights and abortion: the right-wing MP Flavia Perina, for example, connected maternity to a new form of feminism, by saying that "Today, the real conquest is maternity. [...] Twenty years ago, the 194 [*The law allowing abortion, 194/1978 N.d.A.*] could be the flag of women's liberation struggle, but, today, abortion is the symbol of their exploitation"⁵ (2001). Perina's discourse is particularly resonant with eco-feminist positions, focusing on the reasons behind the choices of abortion and assisted reproduction – both related to the pressures of contemporary capitalist society. On the one side, maternity represents the affirmation of a different life-rhythm from the one of production. In this sense, abortion is a defeat, in that it means the compliance with capitalist exploitation, while maternity can be a revolutionary choice. Also, it is a choice of sustainability, connected to nature. On the other side, assisted reproduction is mainly related to late maternity – again, in this perspective, due to capitalist pressures to postpone maternity leave. The frame of the defence of women's rights was applied here in order to argue against abortion. In the words of Eugenia Roccella, who co-authored a book on

⁴ Original (Italian): "distruggere l'embrione è come abortire", and "le donne, i medici e ricercatori che distruggono l'embrione" (my translations).

⁵ Original (Italian): "Oggi la vera conquista è la maternità. [...] Vent'anni fa, la 194 poteva essere la bandiera della battaglia per la liberazione delle donne, ma oggi l'aborto è il simbolo del loro sfruttamento" (my translation).

chemical abortion (MARRESI AND ROCCELLA, 2005), ‘female identity is grounded on maternity, and maternity is under attack’⁶ (AVVENIRE, 2006). On the other hand, the refuse of chemical abortion is a battle that should be fought by all society: with RU486 ‘the women’s conquest of free choice is turned into a sentence of unsociable responsibility, among doctors who have no responsibilities, males who have no responsibilities, society that has no responsibilities’⁷ (ROCCELLA, 2005). Journalist Giuliano Ferrara, in turn, explained that RU486 ‘makes the abortion a trivial matter’⁸ (2005b) and it ‘is the supreme sanction of the painful character of abortion, it marks its return to the private sphere’⁹ (2005b). The Catholic Church also elaborated on the topic: In the words of CEI general secretary, Giuseppe Betori, for example, ‘abortion is a defeat for the whole society’¹⁰ (MUOLO, 2008), and *Famiglia Cristiana* repeated that ‘abortion is a public and political concern’¹¹ (TORNIELLI, 2008). RU486, in this picture, is a ‘kind of privatization of abortion’, in the words of Cardinal Francesco Cacucci, president of the Apulia bishops’¹² conference (CAMPIONE, 2008). In other words, Catholic Church representatives used the traditional feminist argument according to which what occurs in the private sphere is indeed politics at work to counter what they defined as the privatization of abortion. In this perspective, chemical abortion is, once again, a victory of a patriarchal vision that let the women take all the burden related to the reproduction of society.

The frame of embryo’s rights was immediately countered by the frame of women’s rights. Despite their resonance and relevance in the public sphere, neither of these frames really changed previously organized positions. On the other hand, neo-conservative ‘revolutionary maternity’ frame gained a lot of success in the public sphere, even in some sectors of the feminist movement. One of the reasons for the success is to be related to the fact that it was able to include in a same coherent narrative all the three topics at stake – abortion, assisted reproduction, and embryo cells research – while the counter narrative addressed the topics singularly.

⁶ Original (Italian): “L’identità femminile è fondata sulla maternità, e la maternità è sotto attacco” (my translation).

⁷ Original (Italian): “la conquista della libertà di scelta per le donne si è trasformata in una sentenza di irresponsabilità sociale, tra dottori che non hanno responsabilità, uomini che non hanno responsabilità, una società che non ha responsabilità” (my translation).

⁸ Original (Italian): “rende l’aborto un problema triviale” (my translation).

⁹ Original (Italian): “è la suprema sanzione del carattere punitivo dell’aborto, segna il suo ritorno nella sfera privata” (my translation).

¹⁰ Original (Italian): “l’aborto è una sconfitta per l’intera società” (my translation).

¹¹ Original (Italian): “l’aborto è un problema pubblico e politico” (my translation).

¹² Original (Italian): “una sorta di privatizzazione dell’aborto, nelle parole del Cardinale Francesco Cacucci, presidente dei vescovi Pugliesi” (my translation).

Conclusions – what next?

The dynamic of the debate shows a first phase of publicization and politicization of abortion, ART and ESCR in the single issue of regulating the beginning of life, which led to the inclusion of the issues in the political parties' agenda (first phase) and, later, in the parliamentary agenda (second phase). Law 40/2004 and the failed referendum were a turning point for the discussion on ART and ESCR and for abortion as well: they set the debate, by providing the main frame to address, which was the defence of the rights of the embryo. In the third phase, feminist movements contributed to change the hegemonic frame and re-introduce women's rights as a point of reference for discussion of reproduction policies. In the fourth phase, the role of other venues, namely national and international courts, changed the arena of the debate. Coherent with what emerged in the international literature, the role of the Catholic Church as a societal veto player, and its interaction with the party system, is in Italy quite relevant to the issues related to the beginning of life, and especially to its polarization. The Catholic Church, together with the Catholic pro-life associations mobilized, were actively engaged in the topic and promoted the re-politicization of the abortion issue, favourably committed towards the regulation of ART and ESCR, and constantly maintained great attention to the issues related to the beginning of life.

The analysis underlined two main elements. First of all, in relation to the process of judicialization of politics, one may expect the success of the language of rights in the public sphere. Indeed, both the defence of embryo's rights and the affirmation of women's rights were successful and prominent frames in the debate over the regulation of reproduction. Nonetheless, the analysis also pointed out the different opportunities and constraints characterizing the different venues. Namely, judicialization of politics and venue shopping are not favourable the same way for all the actors.

Second, a neo-conservative frame of revolutionary maternity gained large room in the Italian political sphere. In particular, the Catholic Church was able to go beyond the sacralization of maternity, promoting a resonant and modern image of maternity as a right, in front of society's pressures, and as a revolutionary anti-capitalist gesture. Contemporary Catholic bio-politics mobilizes women's rights and feminist semantics to counter secular feminism, which, in this perspective, commodifies female body. This frame is likely to gain even more resonance in light of the current debate on surrogacy, related to the never-ending discussion on the forms of regulation of same-sex couples in Italy.

Références

- AVVENIRE, *Parla un'ex radicale: con la pillola RU486 è impossibile la prevenzione dell'aborto*. *Avvenire*, 3/8, 2006a.
- BANCHOFF, T. Path Dependence and Value-Driven Issues: The Comparative Politics of Stem Cell Research. *World Politics* 57, 2, pp. 200-230, 2005
- BANCHOFF, T. *Embryo Politics. Ethics and Policy in Atlantic Democracies*. Ithaca: Cornell University Press, 2011.
- BAUMGARTNER, F. R., and JONES, B.D. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press, 1993.
- BLOFIELD, M. Women's Choices in Comparative Perspective: Abortion Policies in Late-Developing Catholic Countries. *Comparative Politics* 40, 4, pp. 399-419, 2008.
- BOLTANSKI, L. *La condition foetale. Une sociologie de l'engendrement et de l'avortement*. Paris: Gallimard, 2004.
- BRAVO, A. Noi e la Violenza. Trent'anni per pensarci. *Genesis*, III, 1, pp. 17-56, 2004.
- CAMBRONERO-SAIZ, B., RUIZ CANTERO, M.T., VIVES-CASES, C., and CARRASCO PORTINO, M. Abortion in Democratic Spain: The Parliamentary Political Agenda 1979-2004. *Reproductive Health Matters*, 15, 29, pp. 85-96, 2007.
- CAMPIONE, G. In Puglia la sanità favorisce l'aborto. *Avvenire*, 12/9, 2008.
- CICHOWSKI, R.A. Introduction. Courts, Democracy, and Governance. *Comparative Political Studies*, 39, 3, pp. 3-21, 2006.
- CICHOWSKI, R.A. *The European Court and Civil Society. Litigation, Mobilization and Governance*. Cambridge: Cambridge University Press, 2007.
- COOK, R.J., ERDMAN, J.N., and DICKENS B.M. *Abortion law in transnational perspective: cases and controversies*. Philadelphia: University of Pennsylvania Press, 2014.
- COPELON R., ZAMPAS C., BRUSIE E., and DEVORE J. Human Rights Begin at Birth: International Law and the Claim of Fetal Rights. *Reproductive Health Matters*, 13, 26, pp. 120-129, 2005.
- DOBBELAERE, K. and PÉREZ-AGOTE, A. (eds.) *The Intimate. Polity and the Catholic Church. Laws about Life, Death and the Family in So-called Catholic Countries*. Leuven: Leuven University Press, 2015.
- ENGELI, I. La Problématisation de la Procréation Médicalement Assistée en France et en Suisse. Les aléas de la mobilisation féministe. *Revue Française de Sciences Politiques*, 59, pp. 203-219, 2009a.
- ENGELI, I. The Challenge of Abortion and ART Policies in Europe. *Comparative European Politics*, 7, 1, pp. 56-74, 2009b.
- ENGELI, I. Policy Struggle on Reproduction: Doctors, Women, and Christians. *Political Research Quarterly*, 65, 2, pp. 330-345, 2012.

- ENGELI, I. and ROTHMAYR, C. Diverging against all odds? Regulatory paths in embryonic stem cell research across Western Europe. *Journal of European Public Policy*, 20, 3, pp. 407-424, 2013.
- ENGELI, I., GREEN-PEDERSEN, C., and LARSEN, L.T. *Morality Politics in Western Europe. Parties, Agendas, and Policy Choices*. Basingstoke: Palgrave MacMillan, 2012.
- FERRARA, G. L'invito di Anna Bravo. *Il Foglio*, 3/2, 2005a.
- FERRARA, G. L'RU486, ovvero: l'infanticidio non sarà che un aborto a nove mesi. *Il Foglio*, 12/9, 2005b.
- FEUILLET-LIGER, B. and PORTIER, P. (eds.) *Droit, éthique et religion : de l'âge théologique à l'âge bioéthique*. Bruxelles: Bruylant, 2012.
- FEUILLET, B. and PORTIER, P. *Éthique et religion dans la décision de recourir à l'assistance médicale à la procréation. Une première approche de la situation française*. *Médecine et Droit*, pp. 142-149, 2010.
- FINK, S. Politics as Usual or Bringing Religion Back In? The Influence of Parties, Institutions, Economic Interests, and Religion on Embryo Research Laws. *Comparative Political Studies*, 41, 12, pp. 1631-1656, 2008.
- FINK, S. Churches and Societal Veto Players. *West European Politics*, 32, 1, pp. 77-96, 2009.
- FORNARI, P.L. L'informazione sulle staminali sia corretta. *Avvenire*, 5/2, 2005.
- FRISINA, A., GARELLI, F., PACE, E., and SCALON, R. (2015) The Italian Catholic Church and the Artificial Insemination Referendum. In DOBBELAERE, K. and PÉREZ-AGOTE The Intimate. *Polity and the Catholic Church. Laws about Life, Death and the Family in So-called Catholic Countries*. Leuven: Leuven University Press, 2015.
- GALEAZZI, G. Staminali, scomunica per gli scienziati. *La Stampa*, 29/6, 2006.
- GERBER, G.E. Deconstructing Pregnancy: RU486, Seeing "Eggs," and the Ambiguity of Very Early Conceptions. *Medical Anthropology Quarterly*, 16, 1, pp. 92-108, 2002.
- GIORGI, A. Ahab and the white whale: the contemporary debate around the forms of Catholic political commitment in Italy. *Democratization*, 20, 5, pp. 895-916, 2013.
- GREEN, R. M. *The Human Embryo Research Debates. Bioethics in the Vortex of Controversy*. Oxford: Oxford University Press, 2001.
- GUIRAUDON, V. European Courts and Foreigners' Rights: A Comparative Study of Norms Diffusion. *International Migration Review*, 34, 4, pp. 1088-1125, 2000.
- HESSINI, L. Global Progress in Abortion Advocacy and Policy: An Assessment of the Decade since ICPD. *Reproductive Health Matters* 13, 25, pp. 88-100, 2005.
- INHORN, M.C. and BIRENBAUM-CARMELI, D. Assisted Reproductive Technologies and Culture Change. *Annual Review of Anthropology*, 37, pp. 177-196, 2008.
- JACQUOT, S. and VITALE, T. Law as Weapon of the Weak? A Comparative Analysis of Legal Mobilization by Roma and Women's Groups at the European Level. *Journal of European Public Policy* 21, 4, pp. 587-604, 2014.

JOACHIM, J. Framing Issues and Seizing Opportunities: The UN, NGOs, and Women's Rights. *International Studies Quarterly*, 47, 2, pp. 247-274, 2003.

LIE, M. (2002) Science as father? Sex and gender in the age of reproductive technologies. *European Journal of Women's Studies*, 9, 4, pp. 381-399, 2002.

MANN, P. *Micro-Politics: Agency in a Post-Feminist Era*. Minneapolis: University of Minnesota Press, 1994.

MARRESI, A. and ROCCELLA, E. *La favola dell'aborto facile: miti e realtà della pillola RU486*. Milano: Franco Angeli, 2006.

MINKERBERG, M. Religion and Public Policy. Institutional, Cultural, and Political Impact of Shaping Abortion Policies in Western Democracies. *Comparative Political Studies*, 35, 2, pp. 221-247, 2002.

MINKERBERG, M. The Policy Impact of Church-State Relations: Family Policy and Abortion in Britain, France, and Germany. *West European Politics*, 26, 1, pp. 195-217, 2003.

MONPETT, E., ROTHMAYR, C., and VARONE, F. *The Politics of Biotechnology in North America and Europe*. Lanham: Lexington Books, 2007.

MULKAY, M. *The embryo research debate: science and the politics of reproduction*. Cambridge: Cambridge University Press, 1997.

MUOLO, M. Aborto una sconfitta per l'intera società. *Avvenire*, 30/01, 2008.

OZZANO, L. and GIORGI, A. *European Culture Wars and the Italian Case. Which Side Are You On?* Abingdon: Routledge, 2016.

PERINA, F. Aborto, ripartiamo dalle donne. *Secolo d'Italia*, 23/08, 2001.

PICCIO, D.R. (2014) Party feminisation from below: Christian Democracy women in feminist times. In: CELIS, K. and CHILDS, S. (eds.) *Gender, Conservatism and Women's Political Representation*, ECPR Press, 2014.

ROCCELLA, E. Il falso dilemma aborto "amichevole" e aborto colpevolizzante. *Il Foglio*, 18/11, 2005.

ROCHEFORT, F. and SANNA, M.E. (eds.) *Normes Religieuses et Genre. Mutations, résistances et reconfiguration XIX^e – XXI^e siècle*. Paris: Armand Colin, 2013.

SANNA, M.E. Le discours catholique contemporain sur le genre: un tournant néolibéral? In: ROCHEFORT F. and SANNA, M.E. (eds.), *Normes Religieuses et Genre. Mutations, résistances et reconfiguration XIX^e – XXI^e siècle*, Paris: Armand Colin, 2013.

SCALON, R. *Bioetica e sfera pubblica. Un'analisi sociologica del dibattito su fecondazione assistita ed eutanasia*. Milano: Franco Angeli, 2005.

STETSON, D. (ed.) *Abortion Politics, Women's Movements, and the Democratic State*. New York: Oxford University Press, 2001.

TORNIELLI, A. Famiglia Cristiana: "Ora si può cambiare la legge sull'aborto" . *Il Giornale*, 20/5, 2008.

TURINA, I. Chiesa e biopolitica. Il discorso cattolico su famiglia, sessualità e vita umana da Pio XI a Benedetto XVI. Milano: Mimesis, 2013.

VARONE, F., ROTHMAYR, C., and MONTPETIT, E. Regulating biomedicine in Europe and North America: A qualitative comparative analysis. *European Journal of Political Research*, 45, pp. 317-343, 2006.

WOODWARD, A.E., BONVIN, J., and RENOM, M. (eds.) *Transforming Gendered Well-Being in Europe. The impact of Social Movements*. Aldershot: Ashgate, 2013.