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Foreword

One step at a time: from PACS to same-sex marriage

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When in 1999 France approved the PACS (Civil Pact of Solidarity) the impression was that the French had found the way to avoid dealing with the serious social problem of same sex- marriage. The PACS seemed to put an end to the dilemmas tormenting modern society, where the concept of freedom has lost its traditional value but has not yet found another to replace it, except the notion of rendering legal everything that is considered possible (Tessarolo, 2000).

If we examine the theories that explain our age, we must meditate on some ‘paradoxes’ that strengthen the concept of late-modernity, that is, of a mature modernity that has relinquished some of the points deemed as fundamental at other historical times. Recognition is among the new elements that characterize our era: we don’t exist if we are not recognized, and only regulation renders rights recognizable. Happiness, toward which every individual strives, implies a constant passing to new desires, and thus the universe will never be able to reach a final degree of maturity. It is not only man but the whole world that continually improves, and ‘backward’ steps are needed in order to progress more quickly (Koselleck, 2009, p. 59). In addition, perfection, toward which man tended in the past, is today substituted with continuous perfecting. The word “progress” itself is

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understood as experience of the past and expectation of the future. Progress amounts to a collective singular that brings together several experiences into a single expression (ibidem, p. 62). Each and every event, new as it may seem to us, has been produced by conditions that lasted a long time and made such an event possible (Koselleck, 2009, p. 16). The institution of marriage, too, is a phenomenon that, notwithstanding its pre-linguistic and biological implications, has caused several cultural variations throughout the history of mankind. If the concept of “marriage” is considered, in it we can find linguistically condensed matrimonial experiences that have long exerted their weight and that have then rooted in the concept itself. Social history and conceptual history have different speeds of transformation and are based on different repetition structures. “Conceptual history refers to the outcomes of social history in order not to lose sight of the difference between disappearing reality and its linguistic testimony (...).” (Koselleck, 2009, p. 24).

A same-sex couple expresses homosexuality in a society which is still homophobic. In Italy, the first survey on homosexuality (ISTAT, 2012) has revealed that most Italians are in favor of recognizing same-sex couples, but only a minority finds public cuddles between homosexuals acceptable. As it is a formal bond between two or more individuals of the same or different sex, marriage is included among the historical issues. Social history can be studied by addressing actions in the form of written speeches or things done, and reference can also be made to diachronic presuppositions first of all, and then to their long-term change. At the end of the 1800s a completely new concept of marriage emerged: the theological foundation gave way to an anthropological self-foundation. The institution of marriage became detached from its judicial framework to allow the ethical self-realization of two people in love. Such autonomy produced a novel conceptual formulation: marriage for love. Thus, marriage lost what had been its main purpose: generating children. If until then a marriage without children had been immoral, from now on immoral will be a marriage without love.

Public family policies give more and more space to individuals’ preferences and subjective behaviors. Subjectivation of individual rights as the way to construct social institutions, and the family in particular, is the most striking indicator of a momentous change underway within the historical and anthropological order as well as in society institutions (Donati, 2003, p. 148; Luhmann, 1989). Donati maintains that pluralization can be the source of greater personalization of the family seen as civilization, or can cause the pathologization of the family. Individuals’ behaviors cannot be understood if systemic influences are not known, and

the opposite is also true: systemic tendencies are incomprehensible if inter-individual relationships are not taken into account. This is where the so-called “marriage-like partnerships” derive from, with all the ambiguity the term brings with it, in the sense that such families are not granted public recognition, which would imply the acknowledgment of another type of marriage.

It is not from today that society questions how to define the family. Every historical era gave the family a different valence. The locution “same-sex family” is totally generic and also excluding on the symbolic level. If that is true for a same-sex couple, it is not necessarily so for a family made up of same-sex partners and their children. Homosexuality is an individual, not a family attribute. Talking about “homosexuals who have a family” allows to see distinctions between individuals, but also among the diverse types of relationships than can exist in this “doing”. Although homosexual relationships are increasingly being accepted, the homosexual couple continues to have an uncertain social and cultural state and to need to carefully negotiate its presence on the social scene as well as on the family scene (Saraceno, 2012, pp. 101-102).

Starting from the 1980s the appreciation of the couple as a normal form of a love relationship has marked an important cultural breakthrough (Barbagli & Colombo, 2001). This has not only urged homosexuals to demand recognition for same-sex couples, but has also encouraged heterosexuals to increasingly recognize their legitimacy. In very recent years, access to same-sex marriage has been granted in a few countries. Such legal innovations and the debates surrounding them are evidence of the extent to which the definition of family and couple are based on a social construct grounded on a shared feeling about what is good and acceptable in interpersonal relationships that are at the same time intimate and socially relevant (Donati, 2012, p. 103). The right to a love life is recognized in the name of the principle of tolerance and recognition of the other. Marriage for both homosexuals and heterosexuals should remain an opportunity, a possible option, and not the only legitimate form of a love relationship (Nussbaum, 2011).

The most astonishing and meaningful changes concerning the family can be found in the new family law (1974) with which the legislator “has completely rebuilt the family structure from the foundations, pace the natural law (...); has ‘beheaded’ the father of the family and has established the power of both parents; has founded a non-hierarchical, equal community; has substituted the father’s and husband’s authority with the agreement of both parents on an equal footing; has opened the private

world of family choices and decisions to the public support of a judge (...)” (Casavola, 2007, pp. 19-20).

Every man and every woman have the right of getting married and form a family as established by art. 16 of the Universal Declaration of Human Rights (1948), art. 12 of the Convention for the Protection of Human Rights (1950), art. 23 of the International Covenant on Civil and Political Rights (1966), and art. II-9 of the European Constituent Treaty. No social set-up includes a person’s experience so wholly and totally, from birth to death, as the family does.

Being recognized is enough to define one’s own identity, but does not make people equal. To “be” what we are, each one of us must be recognized. It is not enough that a human being’s fundamental characteristics “exist”: to exist they must be recognized. It can then be stated that when the bond between identity and recognition is very strong the human condition “shows” its nature, which is fundamentally dialogic and far-removed from a utopian “natural right” (Taylor, 2003). If the “natural right” really existed, the bond between humans would be weak because everything would go in the right direction without effort, without the need for special connections between them. And a “social pact” that ties humans to one another would hardly be needed (Durkheim, 1971).

Although difficult to admit, the idea of reciprocal dependence cannot but lead to reciprocal responsibility. It is not the principles that are true for everyone that will prevail, but the responsibility toward one another. To conclude, society is possible if we accept both the strengths and the weaknesses of social ties. The need for recognition (and thus for assuring legitimacy) leads to claiming our right to difference and, in a world that has made difference its winning weapon, it is indeed difference that proves the existence of the individual and of his/her success.

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Note

The prof. Mario Cusinato, founder of the Interdisciplinary Journal of Family Studies, has retired. From all of us many thanks for the commitment, the passion and the time he spent supporting the magazine and promoting network of scientific research on family issues in national and international contexts.

In addition, from this issue, the board executive enters Prof. Stefania Mannarini.