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## THE STRUGGLE OF WOMEN FOR PROFESSIONAL AND SOCIAL RECOGNITION

### 1. Introduction

This study starts by taking a look at the current position of women in juridical terms, which necessarily implies the principle of juridical equality. The expression “juridical position” includes the notion of one’s “subjective legal situation”, understood as entitlement to subjective rights, legitimate interests and “status”, according to its traditional definition as a complex of rights and duties depending on one’s association with a particular group or community (family status, etc.).

In contemporary society, women have control over their own persons and enjoy legal equality and the same rights as men. They can enter all the professions and all offices (except the clergy of the Catholic church), but it was not always like this however.

### 2. Women from the Middle Ages to the 19<sup>th</sup> century

In the 11<sup>th</sup> century women did not occupy any specific place in the hierarchy. The social structure was composed of knights, clerics and serfs, arranged in a hierarchy in which those who prayed and those who fought or administered justice struggled for supremacy, excluding any role for women. Women at that time appeared to have no voice, remaining subject to their menfolk: first to their fathers and then to their husbands. Their main task seems to have been limited to bringing up children and helping their husbands with their work. In the early Middle Ages women were at all times excluded from social life, and political life even more so.

The situation changed gradually during the Middle Ages, when women began to be recognised as having a role in civil and religious contexts. Some women exercised power in place of their dead husbands or by inheriting the throne, such as Eleanor of Aquitaine and Bianca of Castile. Others were in charge of convents, at the centre of religious and civil life.

In the medieval communes, women took an important step forward when they were allowed to be called by their own surname (a privilege abolished by Napoleon in the 18<sup>th</sup> century, thereby proving how limited his conception of “rights” was). In the Italian Family Code of 1865 we read that women did not have the right to exercise parental control over their legitimate children, or to enter public office. Married women could not manage the money they earned by their own labour, this right being reserved to their husbands. A serious limitation on their freedom was the fact that they could not donate, put up as security, or sell their own property, obtain a mortgage, grant loans or redeem them, perform any transaction or initiate legal proceedings, without their “husband’s authorisation”. This authorisation was also necessary to obtain legal separation. Article 486 of the Penal Code prescribed a prison sentence of between three months and two years for a woman who committed adultery, while it punished the husband only if he kept a live-in lover.

In the period of the Italian Risorgimento, many of the “illustrious thinkers” of those years were outspoken in proclaiming the secondary role of women in society. According to Gioberti: *“In a sense, woman [...] is to man what vegetable is to animal, or a parasitic plant to its host, which stands on its own two feet”*. For Rosmini: *“It is the task of the husband, according to the disposition of nature, to be the lord and master; It is the task of the wife, and this is fitting, to be an accession, an accomplishment of the husband, entirely consecrated to him and called by his name”*. According to Filangieri, the woman should see to the running of the family and the children, while the civil functions are to be performed by

the man. Similar theories formed the basis of family law in Italy after unification, which was reformed only in 1975. In Italy, the debate over women's political rights was muted from the start. The few women who were active on the political scene were exceptions to the rule.

In terms of education, women were allowed to enter high schools and universities only in 1874, although in practice female enrolment continued to be rejected. Twenty-six years later however, in 1900, there were 250 women enrolled in universities in Italy, 287 in the elite "liceo" high schools, 267 in high schools for teachers, 1,178 in middle schools and nearly 10,000 in professional and commercial schools. Fourteen years later there were about 100,000 girls enrolled in middle schools of various kinds (including technical schools).

However, having a qualification did not guarantee women access to the professions: in 1881, a court ruling annulled the decision by the Order of Lawyers to admit Lidia Poët, a graduate in law and a state prosecutor.

### **3. The 20<sup>th</sup> century: the slow conquest of female independence**

The 20<sup>th</sup> century was a period of significant changes, including the recognition of the rights of women.

In 1903, the first National Council of Italian Women was set up, organised into sections responsible for social, economic, civil and political rights. In the meantime, in 1906, the educationalist Maria Montessori appealed to Italian women via the pages of "La Vita" to put their names on the electoral register. A group of women students posted the appeal on walls and many women tried to get their names on the electoral roll, as had been tried successfully in the USA. However, all the courts of appeal in Italy rejected these enrolments, with the exception of the court of Ancona, presided over by Ludovico Mortara, but even this ruling was annulled by the Supreme Court. Some women, however, managed to score some small victories in the social and economic context in which they lived. In 1907 Ernestina Prola was the first Italian woman to obtain a driver's licence, in 1908 Emma Strada graduated in engineering, in 1912 Teresa Labriola was admitted to the bar and Argentina Altobelli and Carlotta Chierici were elected to the Upper Council of Labour. The events of the First World War provided women with an opening in the world of labour: many women were obliged to replace the men who had been called to the front, and thus they found employment in the fields and the factories. Ministerial orders allowed the use of women labourers, who soon accounted for 80 percent of the personnel in the mechanical and armaments industries, from which an earlier law of 1902 had banned them. At the end of the war however, the women were accused of stealing work from the veterans and they lost their jobs.

It was only sixty years ago, in the elections to the Constituent Assembly (1946), that Italian women exercised the right to vote and the right to be elected to parliament for the first time (twenty one women were elected to the Assembly). They thus entered the national political community.

The 60 years of history since that date have been full of transformations. The second half of the 20<sup>th</sup> century saw changes in culture and lifestyles that affected society and the family profoundly; changes that have been called "the women's revolution", a development which affected the entire western world.

Thus began a process of independence and emancipation, which over the years has entailed significant modifications to legislation. This journey of emancipation has been facilitated by the principles of the Italian Constitution, which came into force in 1948. It is sufficient to cite article 3<sup>1</sup>, which establishes moral and juridical equality between men and women. In addition, this article makes reference to two aspects of equality: the form and the substance. If it confined itself to a merely formal equality, it would be difficult to argue the constitutional legitimacy of any form of positive action to correct imbalances;

<sup>1</sup> Article 3 of the Italian Constitution states "All citizens have equal social dignity and are equal before the law, without distinction of gender, race, language, religion, political opinion, or personal and social condition. It is the duty of the Republic to remove obstacles of an economic and social nature, which by, limiting in practice the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the Country".

however, by making affirming the principle of equality *in terms of substance*, such action becomes constitutionally legitimate, as long as it is limited to the removal of obstacles of an economic and social order.

This important step forward is contradicted, if only in part, by the formulations relating to the function of women in the family, where their priority role as mothers and wives re-emerges.

However the Constitution also stipulates parity in the workplace<sup>2</sup> and access to all public administrative posts and electoral offices<sup>3</sup>. The recognition of the rights of women and of their role in society follow from this. In 1951 the first woman was appointed to the cabinet (the Christian-democrat Angela Cingolani, undersecretary for Industry and Commerce). 1958 saw the approval of the Merlin law, which abolished the exploitation of prostitution (including by the state, to which brothels paid taxes at that time) and the limitation of the rights of prostitutes. 1959 saw the creation of women police officers, whose duties included protection of women and minors. In 1961 women were allowed to have careers in the diplomatic corps and the judiciary.

#### **4. The limited presence of women in European and Italian institutions**

The conquest of political rights for women is recent history in Europe. Even today women are still underrepresented in the elected parliaments and councils of European Union member states, both in countries where the principle of equal opportunities is relatively well-established, and in those that have adopted the principle of gender equality only recently. Only in the Scandinavian countries is there is a high presence of women in political institutions. In the upper houses of European parliaments, women account for an average of 25% of representatives. The percentage in the Italian Senate is only 8.19 percent, and in the French Senate 5.60%. Women account for an average of 19.3 percent of the members of the lower houses of parliament, but the distribution is more even and consistent. In only five European countries have women become Speakers of the lower house: Italy, Germany, the United Kingdom, Finland and Sweden. The lack of women in representative institutions is partly due to the crisis of representation itself but also to the survival of ancient prejudices and atavistic forms of discrimination.

In the last few decades, the inherent contradiction of a social reality in which women are present in large numbers nearly everywhere except in political institutions has received increasing attention. Since the 1990s there has been debate over the need to apply obligatory quotas for male and female candidates in elections. Constitutional law n° 1 of 2003 established that regional laws must promote parity of access among men and women to elected public office. Article 51 of the Constitution was reformed, introducing equal opportunities in order to guarantee the constitutionality of any attempt to enshrine this principle in an electoral law. The relevant legislative apparatus is backed up in Italy by various institutions, whose task is to support the implementation of the principle of equal opportunities.<sup>4</sup>

On February 27<sup>th</sup> 2008 the government approved the text of the legislative decree that implements EU Directive 2006/54/EC concerning the application of the principle of equal opportunities among men and women in terms of employment.

<sup>2</sup> Article 37 of the Italian Constitution states: The woman worker has the same rights and, for the same work, the same salary as a male worker. The working conditions must enable her to perform her essential family duties and must ensure that the mother and child have specific, adequate protection. The minimum age limit for salaried labour is established by law. The Republic regulates the work of minors with special norms and guarantees them equal wages for equal work.

<sup>3</sup> Article 51 of the Italian Constitution states: all citizens of both genders can occupy posts in the state administration and be elected to all public offices in conditions of equality, in accordance with the requirements established by law. To this end the Republic promotes, by means of appropriate measures, equal opportunities for women and men. The law can, for admission to posts in the state administration and elected public offices, extend such equality to those Italians who are not citizens of the Republic. Those who are elected to public office have the right to the time necessary for their public duties and to keep their job.

<sup>4</sup> These include: the Department for equal opportunities, which assists the Minister for equal opportunities within the Prime Minister's office; the National Commission for equal opportunities, set up in 1984 by the Prime Minister's office, made up of 30 women representing associations and pressure groups. the National Equality Committee within the Ministry of Labour and Public Safety, which has the task of removing discrimination and obstacles to equality; the National Equality Advisor, set up in accordance with Legislative Decree 23/5/2000, n° 196, which is a figure that already exists on the regional and local level; and the Equality Commissions, constituted at the regional and local level, which since the 1990s have formulated many proposals.

The decree, the result of the commitment of various institutions working in the field of equal opportunities and social policy, will now be put before the relevant parliamentary committees, before its definitive approval. The decree introduces new norms concerning the regulation of equal opportunities, such as the general principle of “gender mainstreaming”, which makes it obligatory to take account of the objective of parity between men and women when formulating and implementing laws, regulations, administrative measures, policies and activities; the broadening of the notion of discrimination and the reinforcement of safeguards<sup>5</sup>.

However, political participation by women should be studied and promoted in full awareness of the current context. It is no longer a question of claiming rights which were once denied, as happened in the 1970s. Rather there is a need to raise public awareness of the problem and to modify the political culture, which even today still sees the management of the State as being basically “man’s work”.

## 5. The experience of women in politics in the Salento: two cases compared

In the 19<sup>th</sup> century, doctors argued that working was bad for women in that it affected their bodies and their minds, compromising their capacity to have children. Since then women have carved out a space for themselves in the workplace, but they still have a long way to go in terms of political representation.

This situation is more evident in Italy and particularly in the South, according to a report drawn up by *Social Watch* on the political participation of women in regional councils. It emerges that of 154 countries, Italy is in 72<sup>nd</sup> place and Puglia is in last place among the Italian regions<sup>6</sup>. The participation of women in the political life of the South was the main topic of interviews given by two women of the Salento who are active in politics: Ada Fiore, currently mayor of the municipality of Corigliano d’Otranto, and Adriana Poli Bortone, ex government minister, ex member of parliament, ex-mayor of Lecce (two terms) and currently an MEP and deputy mayor and councillor with special responsibilities for Lecce city council.

Regarding the utility of minimum quotas for women candidates in the Italian electoral system, both interviewees believe that the measure cannot be seen as a definitive or satisfactory solution to the problem of the limited participation of women in politics, but rather as a starting point.

The mayor of Corigliano d’Otranto believes that such quotas may serve to encourage those women who are still reluctant to get involved in politics to participate, thus leading to a virtuous circle in the long term. For this reason the statute of the Municipality of Corigliano stipulates that a third of the members of the “giunta” (the committee of nominees with special responsibilities assisting the mayor) are women.

The disadvantages facing women in political practice are undeniable, however. Euro MP Poli Bortone says that: “It is not possible to reconcile politics with the family, it is an illusion that only creates a sense of guilt”. According to both interviewees, women are the victims of a culture that sees them as being closely tied to the home and the family. This leads to a form of “self-exclusion” in some women, as Mayor Fiore admits. She has tried to resolve the problem by modifying the “political timetable written by men” to adapt it to the needs of families.

In the view of both interviewees, the need to facilitate the participation of women in political life

<sup>5</sup> The decree also prohibits discrimination by means of selective hiring criteria and the differentiation of salaries (i.e., the same job, or a job of the same value, must always have the same pay whether it is performed by a man or a woman); it stipulates that after maternity leave, paternity leave or other family leave, the workers have to right to fully benefit from any improvements to their conditions of work that would have accrued to them, regardless of gender, during the period of absence.

<sup>6</sup> In the current Regional Council of Puglia there are only 4 women (Angela Barbanente, Elena Gentile, Silvia Godelli, Giuseppina Marmo) out of 75 councillors. The Provincial Council of Lecce is composed of 36 councillors, of whom only two are women (M. Antonietta Capone, M. Rosaria Ruberti), although there are three women in the 12-person *giunta* (Loredana Capone, M. Rosaria Manieri, Giovanna Capobianco).

Until a few months ago, the municipality of Lecce was led by a woman mayor, now deputy mayor (Euro MP Adriana Poli Bortone). The current Council has only 6 women (Loredana Capone, M. Rosaria Ferilli, Francesca Mariano, Rita Quarta, Angela M. Spagnolo, Paola R. Spoti) out of 41 councillors.

derives from the distinctive contribution to politics that women can make. As Euro MP Poli Bortone says, “women can give to politics something different from men, because they have a different sensitivity regarding certain issues, such as social ones for example”. According to Mayor Fiore, women have a different way of tackling things: “Politics run by women is different to politics run by men, in that we are profoundly different beings. We women are better at understanding the motivation of others, establishing an empathetic relationship with the citizens [...] precisely because of the profound physical and emotional differences between men and women, I do not believe that one can claim parity of gender. Women should rather seek to capitalise on their diversity”.

The limited presence of women in the institutions however, cannot be the metre by which we measure the freedom of women. It is rather proof of how impermeable to society institutional politics can be, running the risk of being poorly representative. Before being a question of gender, it is a problem of politics itself and democracy. We still have a long way to go, in the furrow ploughed by that revolution which began 60 years ago.

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