

2002	Modifica dell'art. 51 della Costituzione Italiana: al primo comma, è aggiunto, in fine, il seguente periodo: "A tale fine la Repubblica promuove con appositi provvedimenti le pari opportunità tra donne e uomini".	Legge costituzionale 8 marzo 2002	
2003	Trasformazione della Commissione nazionale per la parità in Commissione per le pari opportunità tra uomo e donna	Dlgs 226 del 31/7/03	
2004	Istituzione quota nelle liste per le elezioni al parlamento Eu	Legge 90/2004 art. 3	
2006	Anno europeo delle PO per tutti		Decisione 771/2006/CE
2006	Istituzione Istituto Europeo per l'uguaglianza di genere		Regolamento 1922/2006
2007	Modifica trattati istitutivi UE (Carta di Nizza)		Trattato di Lisbona del 13/12/2007
2007	Codice Unico per le Pari Opportunità	Decr. Legist. 11 aprile 2006, n. 198	
2013	Entrata in vigore della doppia preferenza nelle elezioni amministrative	Legge 215/2012	

## Women's citizenship and the problem of stereotypes: a brief introduction.

Lorenza Perini

This chapter is a brief introduction to the topics that will be addressed throughout the book. It is intended as an help and an encouragement especially for foreign students.

### 1. *The Concept of citizenship rights: why are women still excluded?*

About twenty years ago in a famous study entitled *The Sexual Contract*, Carol Pateman, feminist and political scientist, highlighted that the French Revolution was the moment when the modern concept of the so-called "universal citizenship" was founded, but it was also the moment when the estrangement of women from this "universe" was sanctioned. The citizen as a "free and individual subject of the new era" was not to be considered representative of all human beings, since his freedom and uniqueness was based on what Pateman calls "a sexual contract", which effectively excluded those who were identified as "dependents" – primarily women, and certain specific categories of people of low social class. The exclusion of women from political citizenship is therefore strongly linked to an actual denial of individuality, since they were considered lacking the two vital qualities that, after the Revolution, defined the modern concept of the "individual": the possession of one's own person and the control of one's own body.

In the nineteen-fifties, the redefinition of the concept of citizenship made by the English sociologist Thomas Humphrey Marshall in "Citizenship and Social Class" provided a quick and schematic view of the transformations of mod-

ern society by an increasing participation and integration of the lower classes. However, women's citizenship was still far from being conceived: in this lexicon the concept of citizenship implied the sense of belonging to a political community. According to Marshall, in the modern age this membership is inseparable from a comprehensive set of rights that can be grouped into three distinct categories: *civil rights*, including the basic conditions of human beings, i.e. the rights of freedom of the individual (personal freedom, freedom of speech, thought, conscience, right to have properties and sign contracts; right to seek justice before the law); then *political rights*, i.e. the right to participate in the exercise of political power (voting and being elected for example); finally *social rights*, a subset of rather indefinite tools ranging from the right to minimum economic subsistence to the right to effective access to corporate wealth in its various components: labor, health care, education and so on. It is therefore clear that the sequence identified by Marshall, not only has a different historical basis for women, but also sees a different timing and a lot of discrepancies between the two sexes. Indeed, as the political scientist Alisa Del Re highlights, if citizenship is a set of duties and rights, women seem not only to have a different chronology from men but also they always seem to have more duties than men – at least most of the duties of the reproductive sphere. This situation corresponds to a decreased intensity of citizenship's rights. Women are definitely "lower-level citizens" (Del Re 1996).

This "lower level citizenship" is an issue that even a political journalist like Rossana Rossanda questions: "women have always entered the wars, they were holy martyrs, writers, scientists, they got through periods of power, they were queens and they were always working as a real leading force of every economy; they had large estates and they administered them wisely", says Rossanda. In the course of History women have always been all this, but in the political sphere, from the outset the structures of the institutions were stubbornly founded without women, limiting their horizons by confining them to the private sphere in the name of their primary maternal function. The places of sociality and of the making of rules have always determined and regulated the self-exclusion of women, so it is the law itself that enshrines them as "unequal" (Rossanda 1987).

In the Western world men have been citizens since the eighteenth century, from the time of the Declaration of Human Rights, which followed the French Revolution (with adjustments in relation to political rights in our country until 1912, the year of universal male suffrage). Instead for women, the same story follows a very different path: when men became citizens, women were not yet considered and for a long time they remained without most political rights, like children, illiterates, criminals, the mentally ill and exiled.

In order to explain this "scientific" and obstinate exclusion, one must ask who really benefits from this situation (and it is not a mere economic issue). I is convenient to have one sex subject to the other: at any time in history someone has been declared "lower" and for this reason exploitable. Slaves are useful that's what History teaches us. Luckily, over the past sixty years, in all the European countries the path of women towards equality – though slow – has been undertaken throughout, so, even if infinitely few, they are now everywhere almost without preclusion and, at least on paper, they have a good availability of rights.

However, it remains implicit that, once they have achieved access to the "polis", what they have been compelled to do was (and still is) to learn how to move and act in the new space "as a man", given that the rules of the political playground are neither "made by" nor "made for" women. They are "male rules". The institutions responsible for the government of the society, for shaping the cities and for scheduling the daily life of citizens are not all ruled to permit decision making by both sexes, but rather by just one of them: everything is set on a division of the spaces that sees women in the private sector and men in the public one, and women are asked simply to adapt to manage an increasingly burdensome "double presence" without support, without sharing, without choices.

Asking why these rules didn't change in the past and are still not changing now, is an idle question. It seems normal to assume that a change should take place when the institutions receive – in their male chauvinist, archaic tissue – the "other" half of mankind. It sounds logical, but as we can see, sometimes the course of History is not logical. The situation we are facing now is that women in the "polis" are still few and even awkward, and when numbers are so low, you can be happy to have your rights "written on paper", but you still have no voice. Without the cooperation of men and without working together, loading the weight and the responsibilities of the building of our society on the shoulders of both sexes, as Simone de Beauvoir wrote, there won't be any sort of step forward.

From no other place have women been so tenaciously excluded as from the "polis", from the public space that governs the existence of a democratic society. In the globalized society of the twenty-first century it seems increasingly necessary not to lose sight of, or better yet, to make a point of, observing the local dimension since this is our very existence, our daily life in the cities we live in, made up of women and men in constant relations. This – the gender space of relationship – is the primary dimension of life and it must become the primary dimension of the polis, the space of decisions and the formulation of laws. Within this context, we must work to ensure that the discrimination that occurs on a sexual basis would be the first to be eliminated.

## 2. The position of the European Institutions

More than fifty years after the treaty of Rome (1957), European citizens today are still very far from enjoying a true equality between men and women. Women's citizenship in particular is still incomplete since they experience everyday the violation and the abuse of their rights almost everywhere throughout the European countries, not to mention the rest of the world. For a long time now, the EU has been developing strategies for promoting equal opportunities between men and women by trying to build a framework of coherent laws in all countries, by defining policies, by providing funding for projects in order to encourage equality.

This strategy has had many positive results, but has not proved sufficient to establish equality so far. Furthermore, new problems and issues are always arising, building up alongside the old open and unresolved questions. Taking into consideration the historical path of the "women's issue" in the European institutions, we can notice that the first concern of the institutions regarding the problem of equality between men and women was about "equal pay for equal work", i.e. specific attention to the economic aspect of the problem.

But this is only one of the various types of discrimination among sexes that the European society faced fifty years ago and is still facing nowadays. The persisting discrimination in wages and in access to job and career opportunities for the mere reason of sex is still affecting women over and over, increasing their risk of poverty. Sexual harassment and violence against women, both in the public sphere and in the private space of the family, is an everyday life scenario throughout the countries.

The difficulty of reconciling the private life of the family with the working life is still a problem left in the hands of women alone, given that the participation of men in reproduction and nurturing is rare and uncommon, in spite of EU recommendations and directives, local laws, incentives and positive examples. The problem of the low presence of women in politics and at the top levels of decision making is still vivid: nothing seems to be able to make a real scratch in that "glass ceiling" that protects men "up there" in the public sphere of "power".

Last, but definitely not least, is the problem of stereotypes and prejudices typical of the patriarchal concept of society and life that keep women and their bodies constantly under siege. All these aspects of the relationship among sexes means that few women are involved in the active construction of the society, of territory where they live, of which they are citizens, despite their representing 50% of the population, despite their having long since passed men in the number of graduates and in the quality of their studies; despite a gradual and steady growth over the last forty years of the presence of women in the labor market.

## 3. The principle of Gender Equality

Many are the statements, recommendations, notices and directives adopted by the European and World Institutions in order to stress with local governments that equality and non-discrimination are essential and indeed necessary to consider and implement in any policy that involves citizens.

These documents are all well articulated and definitely clear on this subject, starting with the Declaration of San Francisco (the milestone of the United Nations) that in 1945 stated in art.1 the principle of "prohibition of sex discrimination" (actually the text speaks about "respect for human rights without distinction of sex, race and religion" although "without discrimination" would have been better than "without distinction"). After that, the Member States of the EU resolved the question of the equality policies in art. 119 (now 141) of the 1957 Treaty of Rome (1957) that required equal pay for men and women.

Then came the Maastricht Treaty in 1992 and the development of social policies reached a state that tends to better regulate equal opportunities, at least for what concerns the labor market and the treatment of male and female workers. Europe established the minimum requirements, allowing States to adopt positive measures for women. Since the ratification of the Maastricht Treaty, several directives have been adopted in this area, and in 1997 the Amsterdam Treaty strengthened the legal basis for equality between men and women even more.

In particular, art. 2 and 3 state that the Community is committed to promoting gender mainstreaming, which means that the principle of equal opportunities must be integrated into all Community policies.

It is also worth remembering that the above international framework within which the activities throughout the European Union are placed cannot ignore the 1979 Convention adopted by the UN General Assembly in order to Eliminate all Forms of Discrimination Against Women (CEDAW) since it constitutes the most important international instrument for women's rights. In particular, it defines discrimination against women as: any distinction, exclusion, or restriction, made on the basis of sex, with the purpose or effect of impairing the enjoyment by women of political, economic, social, cultural, or civil human rights on equal footing with men.

Another important date for the rights of women is 1995 because the IV World Conference on Women took place in Beijing. If the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the main legally binding text on women's rights, the Action Platform adopted by the Beijing Conference is the most important political text and is even more interesting for women worldwide.

The Beijing Conference was the fourth in a series of world conferences on

women organized by the United Nations, and represented the culmination of a long preparatory process, at international and regional levels. It showed that in order to fight the existing structural inequalities, acting only through positive action does not seem to be enough, but requires a comprehensive approach in order to affect the roots of these discriminations.

In 1998 the IJLUA – *International Union of Local Authorities* – in order to push each single local government into adopting a gender point of view in the production and application of its policies, declared that the local government is in a privileged position to contribute to equality of the sexes. As the level of governance closest to citizens, service providers, employers, it may have a strong impact on the status of women and on the situation of gender equality in the world.

So, since Beijing 1995, the concept of mainstreaming has been theorized and systematized, the integration of gender perspective in all policies has become the subject of numerous debates in supra-national organizations as well as in local governments, and during the time that has led the European Union to include 27 countries, the concept of gender equality has been repeatedly reaffirmed, gradually consolidating the idea of integrating the goal of equal opportunity into all Community policies as stated by the 1996 communication of the EU.

In that year, the "Carta di Roma" was finally subscribed by the ministers of 13 of the European States in a conference called "Women for Renewal of Politics and Society". The "Carta" stated that the principle of mainstreaming should become the essence of European citizenship from that time on, in order to prompt the EU into making a declaration upon the topic of the under-representation of women at all levels of social and political life. However, the declaration formula was too weak an instrument to compel the States to make a move, so nothing really changed after that. Nothing really changed at high political nor at bottom levels of the lives of women in the cities.

In spite of all the EU and world Institutions' recommendations and directives we have already mentioned, in spite of framework programs, in spite of International conferences for women, all the worst aspects of discrimination among sexes are still everyday life for women. Gender inequality is a reality in almost all social dimensions. This is mostly due to the split between the public and the private spheres that is still under question and still the subject of many debates which has led many countries to take contradictory measures, sometimes inconsistent with each other.

Moreover, the way in which these measures were adopted and put into practice by the EU member States varied enormously from one country to another so today there is no homogeneity among States. Only in those countries

in which there were already strong policies oriented toward achieving gender equality have the mainstreaming policies – which means incorporating equal opportunities for men and women into all policies and activities of the European country – proved efficacious.

So it is indubitable that Europe has been somewhat tardy in declaring its position in recognizing the low level of participation of women in social and political life up to now and, when it has expressed an opinion, the manner has been rather weak. On some main points the EU has expressed only recommendations instead of a co-active directive. This was the case of the 1996 declaration mentioned above.

Before the episode of the "Carta di Roma" in 1992 the EU commission invited "women with experience in high political office" to a summit in Athens, entitled "Women in Power" where a declaration was signed expressing preoccupation for the under-representation of women in politics and they called for a series of interventions to be set up in order to achieve "balanced distribution of public and political power between men and women". However, this kind of initiative marked a lack of interest from the media. In Italy, for example, the episode passed under a deep silence and total disinterest.

Under the same disinterest came the resolution of the Council of Europe in 1995 regarding specific measures that the State should have to implement in order to "favor higher and more balanced levels of participation of men and women in decision making processes in political, social and cultural areas" (2: March 1995).

The same happened in Paris in 1999: the declaration reinforced the statements made in Athens and in Rome and the theme of equality was firmly incorporated into the solid principles of the European concept of democracy and into the system of representation. This statement was also reaffirmed in the Lisbon strategy in the year 2000, highlighting that the need for women to participate equally at all levels of decision making in view of the positive impact this would have had formulating economic and social policies which were "sensitive to and "aware of" gender equality, and fundamental for a global strategy of growth and competitiveness in the EU

Then, the EU Parliament in 2001 emitted an important resolution, taking into account the fact that even though women make up at least half of the electorate in almost all countries and even though they have obtained the right to vote and hold public offices they continue to be seriously under-represented among candidates for public appointments and offices.

The resolution also recognized that this under-representation constitutes a serious obstacle to the development of democracy within the EU. Therefore governments were encouraged to promote fair and balanced gender representation

and to ensure a 40% minimum participation of each sex.

The need to review the structures and the procedures adopted by parties when selecting candidates was highlighted as being a way of finding and removing barriers which directly or indirectly created discrimination or prevented women from participating in politics. Thus, equality between men and women has also become one of the fundamental principles that the EU Constitution aims to deal with.

In the draft of the European Constitution, which so far has been ratified by only a few countries, all discrimination on the grounds of gender and sexual orientation is banned and equality between men and women is guaranteed in all situations, including employment, work and wages. One can ask how they can be guaranteed and through what means.

In 2007 the EU parliament approved the "program for equality between men and women 2006-2010" containing important points concerning political representation of men and women, taking into consideration that women are 52% of the European population but are not proportionally represented in the seats of power as regards both access and participation; that the fair and equal representation of all members of society is an element of reinforcement of the governance; that there are various solutions offered at local levels in order to encourage and affirm women's participation in the places where decisions are taken.

But although some EU countries have adopted measures based on affirmative actions like "quotas" or laws on equality, what has happened in some of them is that these measures have been challenged on a constitutional ground: this is what happened in Italy for example, where quotas were charged to be anti constitutional and the only modification now adopted on these grounds is the formal adjustment made in art. 51 in which the words "equal opportunities" have been inserted without any improvements for the everyday life of Italian citizens.

Another (but not the last) document we take into consideration is the Road map 2006/2010 established in order to achieve equality between men and women. It reaffirms gender equality as a value, both through encouraging policies of gender mainstreaming and through the adoption of specific measures.

The roadmap identified five priorities where policies on gender should have been focused between 2006 and 2010:

*Achieving equality of economic independence between men and women*

*Improving conditions required for reconciling work and private life*

*Promoting equality of male and female participation in the processes and places of decision making*

*Eliminating gender stereotypes commonly found in society*

*Promoting gender equality outside the EU*

Even without the support of the statistical data, we can easily see in our daily lives that these statements are –now, in 2010 – still very far from being achieved in almost all the European countries.

#### *4. The importance of language*

In the range of *civil rights*, the self-determination of the woman's body remains a key point, challenged over time by male visions of the world and society, and never truly and ultimately achieved.

In the context of *political rights* a conflictual relationship between women and politics persists, beginning with the denial of the belief (which in the past was common – for different reasons – both among suffragists and anti-suffragists) that the granting of the vote would have created half – or more – of the parliaments formed by women. This has obviously not occurred anywhere in the known world. Why is it so difficult to consider women "human rights holders" as much as men?

Why has this ongoing and historically unjustified discrimination been perpetrated by one sex toward the other since the Stone Age until today without interruption?

Isn't it because politics, as it is practiced and intended by men, is actually unable to see half of mankind, full rights holders, resulting in an inevitable imbalance between sexes to the detriment of the latter?

The truth is that today we are faced with everyday concepts, statements by politicians and intellectuals that can be classified – to put it mildly – as misogynist, sometimes causing outrage in the listeners. And alongside all these reasons we can add some others, due to discriminatory practices and cultures, automatically put into action within organizations and political institutions.

Mechanisms of exclusion also pass through the simplifying and mystifying vehicle of linguistic stereotypes. As stated by the psychiatrist and sociologist Francesca Molino, stereotypes are now required to solve the "mystery" of sexual difference, to make people able to think and justify the diversity which we could not account for on any logical basis. They also represent one of the most change resistant areas, especially in Italy, because, "compared to other European countries it seems to be affected by a peculiar imperviousness of the institutions to gender issues" (Molino2006).

In the field of stereotypes, the structuralism oriented toward "language and

power" (Foucault) helps to reveal how, on the basis of what we believe to be "natural", there is actually a solid social and cultural construction. Everything is given in the language: all human activities are operations in the language and even what seems to be as immutable as the biological difference between the sexes, is made up of discourses, meanings, interpretations. The language thus becomes a constitutive value, holding the power to train, orient, decide and rule. It is an organizational element for society, not only on how to talk about a topic, but the language represents the same argument. It is what draws the boundaries that determine what "can be said" and what "is said": "the Limits of Acceptable Speech", as defined by Judith Butler. In this perspective, the relationship between women and men may not be simplistically interpreted as: "men have power, women will stay behind". In a context of this complexity, we must analyze the meaning of (the discourse on) categories of "men" and "women", wondering about their construction, understanding how the power of language can create true images of them

and how to organize their difference and their imbalance, presiding over their intelligibility.

In *Bodies That Matter* (1993) Judith Butler clearly emphasizes the importance of putting in place a discourse on the body of men which is necessarily different from the discourse on the body of women, thereby exceeding the guidance of Foucault and raising the issue of "differently sexed bodies that produce – necessarily – different languages". Therefore, the language is not a set of universally given rules, but there are as many speakers as languages, as many interpretations as the possible points of view of each single person.

In political action the question of language is certainly crucial. Ideas and world views take shape through language, as well as ideological differences that determine actions and laws, making language even more significant in a society that has given a lot of power to the media (Crespi 2005; Ciofalo 2006). Political discourse is no longer measured just by the contents. Rather, we take for granted a common interface that simplifies, summarizes, frames, refers to an imaginary, acquired knowledge through which we automatically build both our pre-formed opinions (useful for understanding the world in which we move without constantly asking why) as well as prejudices and stereotypes: sort of synthetic forms of unverified and simplistic coding (Mazzara, 1997). In this process, a specific kind of gender speech (seen as a relationship between – at least two – sexes) may be easily grasped in the words and in the images that are historically attributed to femininity or masculinity.

The main point is that none of the languages can be considered completely neutral, not only because each speaker leaves traces of his own personal statement in the discourse, revealing his subjective experience, but also because the

language – especially the Italian one – symbolizes, in its internal structure, the sexual difference, in an already hierarchical and oriented form. Therefore, the claim of the male sex to be universal, imposing itself as neutral, absorbing the feminine, has become, in all its forms and expressions – but above all in political language – totally unacceptable. In addition to sex discrimination, stereotypes sediment languages (in relation to other components such as belonging to a particular ethnic group, practicing certain religions and crafts), deeply affecting and transforming themselves in social and cultural representations, taken – sometimes at an unconscious level – as if they were natural.

In addition to this complex mechanism, the almost exclusive attention to the vicissitudes of the body and the everyday objects that are historically attributed to women produces knowledge and adaptations of language reflecting this sense. These adaptations, however, do not explain, do not fully speak, do not recognize women as well as men, and they do not submit to the entry into the public scene of the feminine body. Attention to the language's tools that represent and are represented by not only the standard grammars and vocabularies, but also by special languages by which women are described, their description changing over time, becomes, therefore, crucial to understand the tenacity of many – too many – common places that we still accept, suffer and help to create.

All discourses on "citizenship of rights" continue, in the twenty-first century, to be almost blind toward the biggest part of society. Language still considers women invisible, even when they are the main subject of political and social debate; it sees – and has always seen – neutral citizens even when it is clear that we are referring to sexually different persons. Numerically poor in decision-making politics, women do not affect the collective stereotype that governs the creation of a law, so that the stereotypes tend to conform to a "language of power" without going forward in a systematic point of view.

Inside and outside the institutions, the speeches on women's bodies are somehow still very male oriented, filled with an imaginary sometimes very far from real. It is still a taboo in most societies and – still – responsible for profound social fractures. Discussing this particular matter in a 90% male Parliament is uncomfortable and when the rights related to the female's body are "reproductive rights" (abortion for example), the use of stereotyped images and the question of how to construct the language in order to approach and describe these rights becomes even more difficult and awkward. It is the historical problem of the male patriarchal culture in which – today as thirty or fifty years ago – our socialization takes place that binds women to the figure of "eternal mothers" in order to fix their identity in a culture imbued with sexist language and "male produced" reference models.

Experience has clearly shown that only pressure from civil society, and in particular from movements organized and sustained by women, can be successful in triggering an evolution in the way in which gender is viewed and only continuous pressure is capable of keeping these proposals alive, preventing them from being constantly pushed to the bottom. Perhaps a lesson we can learn from the history of the politics that have been drawn up and adopted by the EU over the past 50 years is that if these good intentions are to be transformed into reality, EU member States must continue to focus attention on proposals concerning gender equality and must start taking strong, decisive and courageous measures. In spite of all these limitations, the actions of the EU have proved to be important in pushing gender equality.

The problem that now remains is to overcome the resistance to change within the States. We know that there is a black hole in the realization of women's political citizenship because their political rights are still enormously lacking in much of Europe, but if it is true that "in order to improve things you have to know them first", the EU has done something very important so far: it has made inequality become clear and evident, identifying some lines of policies that the States must undertake.

Now that we know that one of the hardest obstacles to overcome towards "equality of rights in the difference of sexes" is certainly stereotypes on women, since they lie in the deep conscience and in the oldest layer of the culture of our societies, a second concrete step must be taken.

Because rights must exist in substance, not only in theory or in formal laws.

### Gli organismi di Pari Opportunità

Alisa Del Re

"È da intendersi quale discriminazione contro le distinzioni, esclusione o limitazione basata su abbia l'effetto o lo scopo di compromettere o riconoscere il godimento o l'esercizio da parte indipendentemente dal loro stato matrimoniale e i di uguaglianza fra uomini e donne, dei diritti in libertà fondamentali in campo politico, economico culturale civile, o in qualsiasi altro campo" (de CEDAW).

#### 1. Organismi internazionali e fondamenti di pari opportunità

A partire dal secondo dopoguerra i fondamenti dell'uguaglianza da un punto di vista internazionale si trovano scritti nella Carta del Unite (S. Francisco, giugno 1945, ratificata dall'Italia con L. 17 ago. 848) e vengono ribaditi nella Dichiarazione universale dei diritti umani (dicembre 1948) sia nel preambolo che nell'art. 2.

L'articolo 2 della Dichiarazione universale dei diritti umani richiama la "distinzione... senza distinzione..." la stessa problematica di neutralità di espressa dall'art. 3 della Costituzione italiana (Gazzetta Ufficiale n. dicembre 1947 entrata in vigore il 1° gennaio 1948), per la quale il co lo non deve essere "distinto" nel godimento dei diritti. Forse sarebbe enunciare una volontà "non discriminatoria", visto che nella vita sc rapporti tra i sessi spesso è difficile evitare questa *differenza*. Infatti, le differenze, spesso si produce disuguaglianza.

Il concetto di eliminazione delle discriminazioni viene assunto come fondante nell'art. 2 del Patto Internazionale sui Diritti Economi