THE PINK DEMOCRACY. SOCIOLOGICAL ASPECTS OF WOMEN'S EMANCIPATION IN ITALY.

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Abstract

Thinking on the role of women in post modernity requires a historical excursus not too far. In Italy and in Europe, women in politics are the result of battles in defense of gender equality. A historical and jurisprudential of how tried to get out of the land of social discrimination in Italy since the 30s, to the present day to cd. "Reserve of pink quotas", undisputed symbol, of an unfinished democracy. Today gender inequality is a wish and not a right. "The fair sex has so much intelligence as the male, but is a beautiful intelligence, while ours must be a profound understanding", Immanuel Kant

Key words: *woman, democracy, constitution, law, equality*

1. INTRODUCTORY REFLECTIONS ON THE ROLE OF WOMEN IN THE PUBLIC SPHERE

In the article that I am presenting and on which I want to invite the reader to think, it shows future horizons and along, insurmountable barriers that see at the center of the argument the great excluded in human history, women, ontologically identified as "the latest", removed from the reflection and political participation. In this dispute of rights for the affirmation of the female gender have emerged evolutionarily tools can provide progressively, an additional operational and strategic support for the implementation of equal opportunities and equal dignity of economic and political feature. Female landscape is particularly large; it brings together many currents that have in common the commitment to improve the social, economic and political position of women. Being a woman is not in opposition to being male but it is a different thought that can help to build a heaven of safety in a world that has lost its foundations and which it can not be understood with the old rules of interpretation, through a thought that aims at the totality. Within each society you can find, anywhere in the world, a remarkable distinction between its members, creating social inequalities. Differences between sexes in the nature, the female body with its own characteristics and capabilities, other than male ones, have lent themselves, throughout history, for the construction of a system that sees inequality assigned to women a lower status, whereby, division of work, the daily tasks, access to intellectual sphere, distribution of power, organized over time, along a deep asymmetry to women's disadvantage (PICCONE-SARACENO 2000, 11). In the Gallino's dictionary of sociology, the scholar describes the woman as the one who was historically associated with liability, to emotionality, to submission, to which lack structurally virtues that are considered male as the rationality and the ability of abstraction (GALLINO 1993,22). A few years later, the philosopher Pieranna Garavaso argues that "in the popular imagination, women are often represented as being instinctive, passionate, sensual, irrational, emotional and even illogical" (GARAVASO 2007,6). There are many adjectives to support female imagination that form a single concept, that gender. On the gender difference has characterized the first season of the feminist movement of the twentieth century, that saw in the middle of the battles, the common contribution to not only see the woman for his physicality in contrast with the characteristic of the male body bringing reform projects that will eliminate discrimination between women and men. Women were asking to have access to the same rights and be treated like man rejecting those elements of discrimination and oppression that have traditionally been attributed to them. They have the objective to erase the differences between the sexes, which was consolidated as well as in culture and Western life, meant subordination and exclusion of women. By the end of the 70s began to take shape a change that is based on recognition of the female characters, not only biological but psychological, moral and cultural (FACCHI, 1999, 59).

All these difficulties, between inter and intralsex differences, between equality and difference, between identity and diversity, have influenced the debate in a large number of fields of "woman' studies", from questions of equality policies in debates on feminist epistemology. (TARAMUNDI, 2004,88)

Today we are witnessing the growth of services, globalization and market are the words that have dramatically changed the society making changes in the political, social and economic field. But how, in the years of pre and post-modern, it has changed in relation to the role of women in the struggle between the sexes? In the current society of in-training, women are presented as fundamental element to the realization of the most accomplished modernity, but the history of the recent past reflects us a feminine society of social exclusion but also of inclusion efforts. Today, in front of the obvious progress of the living condition of women, we tend to evaluate the question of equality between the sexes outdated. In reality, although the undoubted successes in the growth of woman's participation in education, in the work and in cultural life, if they only consider indicator such as the presence of women in economic and political decision, you realize that equality between women and men is far from being acquired. In modern democracy and in the Western rights States, women are emancipated, the old legal discrimination on grounds of sex came to fall and the formal equality is implemented while the substantial equality appears very far. With the words of Bobbio, "a transition from theory to practice, by law only thought about the law implementation" (BOBBIO 1992, p. 23).

The first of phase of feminism which sees the law as sexist, it is committed to fight what is called formal inequality. The formal inequality is an inequality in the law, is that it is an inequality established by a rule of law, which discriminates, that gives us a different discipline, by genre they belong to stakeholders (and it takes on membership of a given genre as relevant criterion for distinguishing between subjects). (GIANFORMAGGIO, 2005,202). The substantial gender inequality that occurs every time that, although the law does not discriminate by gender and then give the same claims, freedom, power and/or immunity to the men and women, despite what women and men are not really equal in their role both in politics and at work, men tend to occupy positions of greater power and status; in the organizations, top Management and managers are usually men; in the political institutions the number of women it is consistently lower than that of men.

2. SOCIAL AND LEGAL ASPECTS OF WOMEN IN ITALY IN THE FIRST HALF OF '900.

Until the last decades of the nineteenth the civil laws and political institutions have preserved almost intact the inequality between men and women: this has happened, despite the most educated women had faced, in their writings and proclamations, the problem of women's emancipation. The Catholic and bourgeois conception of family, deeply rooted in the common mentality of the nineteenth, has operated for maintaining a structure where women had fewer rights and less freedom than men. The spread of liberal and socialist ideologies and the new capitalistic and industrial economy, involving in work a growing number of women, contributed to strengthen their demands in emancipatory sense and to question the family and social relationships in which they were inserted. A real change of status of women has occurred in consequence of the statement, in the second half of the nineteenth, an organized movement of women, who fought together for the conquest of rights. The first organized fights are calls equality feminism, because they claim of which become spokespersons women concerned the opportunity to gain a status of equality with respect to the identity, the rights and prerogatives of the male subject.

June 2, 1946, universal suffrage and the exercise of the passive electorate brought women into Parliament for the first time. They voted for the institutional referendum between Monarchy or Republic and to elect the Constituent Assembly which convened its first session on 25 June 1946 in the Montecitorio Palace. Out of a total of 556 deputies, were elected 21 women, some of them became great characters, others remained in Parliament for a long time, others returned later to their original occupations. But all of them, with their commitment and their ability, marked the entry of women in the highest level of representative institutions. Fairs women to participate in political choices of the country at the time of the foundation of a new democratic society. For most of them was decisive

participation in the Resistance. With different degrees of engagement and bearing in mind the positions of the respective parties, often made common cause on issues of women's emancipation, which was dedicated their attention. Their intense political passion will lead women to overcome obstacles that made, at the time, hard to the participation of women in political life.

The Founding fathers lived in a social context in which the encoded woman (1930 and 1942), was punishable by imprisonment for desertion. Everything is part of the legal and moral man's prerogatives. We think about the issues in which adultery and responsibility for the children concerned the father mayor and not of both parents. So for labor regulations in private companies, where they not only foresaw different salaries based on hours of work performed or the rendered services, but also in relation to the sex of the worker as well as, on the other hand, the rules that prohibited to woman to hold the office of a lawyer or magistrate (PETRILLO, 2006, 539). Is singular recall the tone of some speeches in a Constituent Assembly. They discussed of "exclusive powers" of husband, founded on "urgent needs of nature", as "pillars of Hercules before which it must halt all claims of women's equality" (MOLE', 1947). It is called a harmonic law of the universe that "enshrines the supremacy of the husband than the wife" which "it can not be considered morally and legally equal to men whose function in society is profoundly different".

The Constitution is a perspective than a reversal system in which the legal position of women was absolute inferiority in political life, in civil life, in the family. Some women were accused of being "too motherly" as it was for Teresa Noce, one of the women who participated in the Constituent Assembly and has been called so for her book and for not easy events linked to her motherhood but, as Pietro Calamandrei said, "Constituent Assembly was a farsighted assembly" because worked with an eye to the future which had to look away and not be shortsighted. (BOBBIO 1966, 40). It is significant that in the narratives of those years, the appearance of woman in the public area is brought back to the mother image, subsidiary of the female or that of the rebel, eccentric women over the top, extremes that are both far from a cultural conception capable of assimilating the actual viability of the relationship between women and politics (NOCE 2004,97).

The era Italian public opinion was shocked and worried for the ideas promoted by women as Mozzoni which, together with the Montessori and other women, claimed that "all women as men have the right to vote", in fact, at the beginning of the twentieth century was recorded in Italy a flourishing of pronunciation of various Courts of Appealand the Supreme Court of Cassation given that many Provincial Commission had welcomed the entry of many women on electoral lists. The Albertine Statute and its Article 24supported the formal equality of citizens before the low that was usually played by excluding women from voting for both active and passive. But in an excerpt, reported by Brunelli, of contents of a judgment of the Court of Appeal of Florence of 1906 emerges a dangerous interpretation of Article 24, "It could happen that a majority of women were to be formed in Parliament thatcoalescing against male oblige the Head of state, scrupulous observer of good institutional rules, to choose the directors of the Crown and give way to the civilized world the new and bizarre spectacle of a Government of women with the prestige and usefulness in our country it is easy to imagine each of" (BRUNELLI, 2006,16)

February 1, 1945 decree is issued in favor of the right to vote to women. A few months after the law is changed and expanded. Women would also exercised the right of the active electorate. 2 June, 1946, women vote for the first time the referendum question on the choice of the form of the State and for the Constituent Assembly. Seventy years have passed, and that date marks a continuous path of progress and liberation, for others it is the culmination of something unrepeatable.

The major concern of the Italian legislature was to achieve equality between the sexes in the enjoyment of basic rights. There is no need to dwell on the fact that we know, that contrary to what is stated in the constitutional text – in the articles. 3, 29, 37, 51, Cost. - for a long time, women continued to face discrimination in a direct form both in the family and at work. First of all, it was necessary interventions to restore parity in its basic meaning. After some fundamental decisions of the Constitutional Court, which made a fundamental contribution, the Italian Parliament has thus gradually implemented the constitutional principle of equality eliminating the barriers that prevented women to make their entry into the public sphere, prohibiting discrimination in employment

relationships, bringing into balance the status of women in family relations. The Constitution has put an end to discrimination in terms of regulation, but has not yet made substantive equality.

3. THE SYSTEM OF PINK QUOTES OVER DEMOCRACY

The debate between formal and substantive democracy, historically reported to the proceedings or the elements of equality, today it is passed from the idea that rules and content of democracy must coexist and meaning as citizenship rights, equal opportunities, social inclusion, rights of freedom, equality, difference and participation must qualify so meaningful concept of the government of the people'. The current debate on the political representation of women is focused on two main positions: parity democracy and gender representation. The first tends to increase quantitatively the number of women in representative institutions and government through legislative interventions as so-called pink quotes, while the second assumes the difference as an element of cultural, political and programmatic unification and self-representation as the key to the best possible representation for women.

The lack of women in the institutions can be traced to internal structural elements: electoral system, organization party, centralization in the selection of candidates, and socio-cultural factors (discrimination, no sharing and self-ghettoized), but it sure that is a short circuit between political and sociological representation (that is on the basis of different interest groups, or better, in this case, of half human race) that perhaps explains the lack of expression and areas of so-called weal interest, or who have no possibility of self-promotion in the given system of rules. In this sense the presence of the quantitative aspect alone is not sufficient to make a difference; the gender aspect should be considered not only in terms of numbers but also in terms of different political projects. The presence of women does not exhaust the problem of representation nor the discussion on women's representation may coincide with the self-representation. As mentioned earlier, the parity democracy aims to achieve substantive equality between women and men. This need has emerged in the Treaty of Rome and reaffirmed by the third and fourth Community Action program for equal opportunities between the sexes. To ensure that this right is effective, on the one hand are needed already in political institutions in established democracies and the other the protection of human rights already covered bu the different cards and conventions such as Article 14 of the European Convention on Human Rights and freedoms. This in fact provides: «The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other beliefs, national or social origin, of belonging to a national minority, property, birth or other status». Other references are contained in the Platform for the action of the Cnference of Pechino (1995) incorporating the results of previous conferences including the Universal declaration of Human Rights, the Convention of the Elimination of All Forms of discrimination against women (1979) and the Declaration of Vienna (1993). At European level already in the sixties the Council of Europe published a report on the political, social and economic women breaching the equal opportunity later formulated and promoted. The European Charter of Fundamental Rights, approved in Nice, declare in the Article 23: «the principle of equality does not prevent the maintenance and adoption of measures providing for specific advantages in favor of under representation sex». It should be remembered that all acts concerning the implementation of women's presence in decision-making belong to a non-binding rules for member state, the so-called soft – legislation.

We must remember that the modern democracy starts from the exclusion of women from the public sphere, even than the formal rules ensure full equality, in fact, is the concept of a neutral citizen that collapses the woman when you have the social pact and rank the rights and freedoms. Our legislation is based on the subject and this has built over time situation of under representation' that puts Italy in place 59 in the world and that shows the amplitude of a real emergency of democracy'.

"I have always said that the absolute margins of the presence of women in Italian politics is not a women's issue, but of an Italian politics. A self-referential political system, everything projected towards its own internal dynamics and structurally incapable to communicate, except through advertisements worthy of the worst television marketing (BIN,2003,3). So the Constitutionalist

Roberto Bin begins his reflection on the exegesis of Article 51 of the Italian Constitution which declare «the Republic promotes equality between men and women with appropriate measures» and to paragraph 1, «All citizens, of both sexes, are eligible for public office and for elected positions on equal conditions», it can not be an obstacle to effective rules that allow equal access to elected offices for women and men need to be put in a position to access the applications by the same amount.

Implement in our country a favorable cultural change to the introduction of a substantial female participation in politics and gender equal representation is still a wish and not a right. Over the years, with the intervention of the Supreme Court and with a judicial point of view we have tried to solve this problem, the system of pink quotes, which theorizes that in all institutions and in particular in the exercise of the policy must be represented sexes present in society. There are questions on the one hand the effectiveness of the law and of rights with respect to expectations that some social actors, such as women, have in the regulatory changes, and on the other side of the power that the law and the rights would have to convert and translate these expectations in a language and in a procedure that end up failing (PITCH, 2010, 93). Pink quotes appear to have been, in the course of the century, one anti-democratic tool. A concession sexism that responds to the affirmation of many women "I don't want to be a pink quo'" where the PINK, becoming a symbol of feminism, clear as the hallmark of a well-defined category, then a stereotype.

Pink quotes deplete that position that is necessarily attributed to women, stripping of dignity and about the role that is must play. The duty of the State is purely and simply to remove regulatory hurdles that (as was the case until a short time ago) prevent women from freely carrying out its personality within the social, political, economic and cultural life of the country. The introduction of artificial reserve units, besides being humiliating for women themselves, it does not advance towards true gender e quality but it is a damage for the rights of freedom. The imposition of electoral lists of the sexes means introducing a privilege and not a norm, damaging the principle that includes both sexes. Show the negation of culture of merit and individual responsibility. Tolerable thing if referring to the functioning of the political institutions (example: formation of electoral lists) or of administrative organizations (example: reserve management posts), become inexplicable if referring to the operation of private enterprises in the management of which the State should not be there at all. In a constantly changing society such as ours, it is unusual that women have to make use of pink quotas to achieve their presence, legitimate, in the strategic roles of politics and economic. In the face of this, the question arises on the actual need to introduce quotas to ensure women's political career or if, instead, it is more appropriate to rely solely on meritocracy', as in many foreign countries. In the World the women present in Parliament are still the 21,4%. In Europe the average of women in Parliament is equal to 25,6%. Databases reveal that there are not many countries that have introduced gender quotas in National legislation. Instead there are many countries that have political parties that have adopted internal rules on gender equality. The quotas set by law are in France, Portugal, Belgium, Spain, Poland, Luxembourg, Greece, Ireland and Slovenia.

The percentage set varies across countries and depends on the electoral system. Instead in Sweden, Iceland, Norway, Netherlands, United Kingdom and Germany gender quotas are adopted by the parties and are not established by law. As in Denmark, Finland, Lithuania, Bulgaria, Estonia and Liechtenstein, there is no regulation that encourages the presence of women on electoral lists and in Parliament.

The idea of a protective measure, which places those who benefits from a position of weakness, is failure in a democratic state that is rooted on the principle of equality. It is a legislative force that promotes the election of someone for his kind. An approach that confuses equality of rights does not equal: it elects a woman because she is a woman and not because she is an instance, as if all women had the same problems and interests and would be effective that competition was between persons considered equal. Having said that, one should also practice and things change, in fact, there is no doubt that quotas in other countries have worked. There is no doubt, for example, that the largest number of women in American universities, is due in large part to the shares of politics and we do not perceive the cultural aspect of the matter. Remedies in order to function and supports and women can

realize their aspirations, whatever they may be, require a new awareness of the need to overcome gender stereotypes do.

If Italy wants to get closer to the reality of the Scandinavian welfare states, where equality in politics and government joins to the equality in family and in workplace, is necessary to acquire the underlying culture of the Scandinavian model that is a very different culture from ours. In those countries, in fact, universalism of rights is based in the concept that women and children are first of all citizens, rights holders, unlike in our country there are logical –welfare reducing them to healing items. Only in this way it builds social citizenship through which women have a realistic chance to participate in civil and political life with the same opportunities as men and only in this way it seems possible to increase the representation of women in institutions. Affirming this culture of social citizenship can reserve the current tendency to take refuge in the reserve shares (VITALI, 2009). By this conviction, the view that women's liberation requires a profound transformation of society and direct reforms that ensure that, in current terms, is called equality of opportunity" (FACCHI 2007, p. 87).

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