

# Luogo e Spazio, *Place and Space: Gender Quotas and Democracy in Italy*<sup>1</sup>

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Space is power. Having a place, a seat, an ability to occupy a particular space can empower one, in part by mere presence, but also by enabling a voice to be heard, to provide new perspectives, new ways of thinking and doing.<sup>3</sup> Certainly, the recent Arab Spring protests and the “Occupy” movement are based, at least in part, on the importance of physically occupying symbolically important spaces and places to promote political and social ideas and ideals.<sup>4</sup> Conversely, exclusion from a place, or what some call “negative presence”<sup>5</sup> often has the effect of silencing and of marginalizing those who are excluded.<sup>6</sup> What do space, place and power have to do with electoral quotas for women in Italy? As in other countries, Italian women have been affirmatively excluded from many public and political spaces,<sup>7</sup> until relatively recently. The law has enforced and

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<sup>3</sup> In a keynote address at Golden Gate University School of Law’s Diversity Graduation, Nancy O’Malley, District Attorney for Contra Costa County in California, emphasized the importance of having a seat at the table where decisions are being made. She stated, “[i]f you [women, people of color and LGBT people] are not at the table, there is a good chance you are on the menu.” May \_\_, 2011. Similarly, at the Third Annual Ron George Lectureship, the Chief Justice of the California Supreme Court, Tani Cantil-Sakauye, as well as participants on a panel of chief justices, repeatedly stated the importance of “having a seat at the table.” October \_\_, 2011.

<sup>4</sup> See Susana Torre, *Claiming the Public Space: The Mothers of Plaza de Mayo* in *Gender Space Architecture: An Interdisciplinary Introduction* 140 (Jane Rendell, Barbara Penner and Iain Borden, eds., 2000) (describing how women in Argentina appropriated a public space that was symbolically important to silently protest “disappearances” of thousands of people in the mid-1970s). Torre discusses the impact of this occupation in both gender and spatial terms.

<sup>5</sup> Shirley Ardener, *The Partition of Space* in *Gender Space Architecture: An Interdisciplinary Introduction* 112, 114 (Jane Rendell, Barbara Penner and Iain Borden, eds., 2000).

<sup>6</sup> See bell hooks, *Choosing the Margin as a Space of Radical Openness* in *Gender Space Architecture: An Interdisciplinary Introduction* 203 (Jane Rendell, Barbara Penner and Iain Borden, eds., 2000) (a poignant account of the pain of discussing issues of “space and location” when living in both the space at the margin, the space of the oppressed, as well as “at the center,” the space of the dominant).

<sup>7</sup> While the term “public space” includes “political space” I believe that it is helpful to consider “political space” more specifically, particularly in the context of electoral quotas. See Laura Palazzani, *La Cittadinanza tra Uguaglianza e Differenza: Le Istanze del Femminismo Giuridico*, 219 *Archivio Giuridico*

reinforced these exclusions, this negative presence and marginalization. This paper examines the use of law to exclude women from political space and place in Italy and the impact this has had on women's citizenship rights as well as the impact on democracy. This paper also details the more recent attempts to provide access to these important political spaces. The framework of space and place helps to dislodge the issue of quotas from the stigma with which they are associated in the United States, in particular. In addition, this perspective seeks to eschew the dichotomies of formal versus substantive equality, equality of opportunity versus equality of results. Instead, the structure of space, place and power may provide a richer lens through which to consider notions of citizenship, representation, gender and democracy.<sup>8</sup>

This article first outlines the traditional equality approaches to quotas, to illustrate that notions of equality are only partially useful for resolving the questions of electoral quotas for women. Next, this article examines the wide variety of electoral quotas and how this array of methods for increasing the presence of women in elected offices calls for a wider and richer lens through which to view them. This article then turns to the specific example of electoral quotas in Italy. Set against the background of gender quotas is the feminist movement in Italy, which began primarily in the streets and piazzas of Italy and women's groups that were distrustful of public and political society. The feminist movement's initial strategy was to work from outside the political system. Quotas are a way to move more women into positions of power, yet the continued use of

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Issue 3/4 321, 333 (1999) (asserting that the public/private dichotomy results in the "masculine public" that politically dominates the depoliticized "feminine").

<sup>8</sup> Anne Phillips has explored similar issues and she challenges arguments against the importance of presence. Thus, this article has overlapping ideas but considers the specific example of electoral quotas in Italy and the historic express exclusion of women from citizenship rights in that country. Anne Phillips, *The Politics of Presence* (1995).

protests and marches, as recently as last November to protest former Prime Minister Silvio Berlusconi's latest sex scandal, indicates that women are likely to continue to occupy public spaces until they have greater access to political space. This story includes express exclusion of women from both public and political citizenship and the efforts to undo this and establish what a number of Italian scholars describe as "equilibrium" of the sexes in political representation.<sup>9</sup> This account also involves a back-and-forth between the Italian Parliament and the Italian Constitutional Court about the legitimacy of gender electoral quotas, both of which are spaces that include very few women. Unfortunately, I cannot yet report a happy ending, since the Italian Parliament has yet to re-enact electoral quotas after the constitutional paradigm shifted to allow for certain forms of quotas.

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<sup>9</sup> See Marila Guadagnini, *Introduzione* in *Da Elettrici a elette: Riforme istituzionali e rappresentanza delle donne in Italia, in Europa e negli Stati Uniti 7* (Guadagnini, ed., 2003) (From Voters to Elected: Institutional Reforms and the Representation of Women in Italy, Europe and the United States).