

[Dangerous liaisons. Women, Lawyers and Judges since the 1980s]

Abstract: This paper analyses the evolution of gender roles among lawyers and magistrates in Italy from the 1980s to the present, with a special emphasis on the last 20 years. Within a brief analysis of the various stages of the progressive and very slow women's empowerment in this area, I discuss the question of the "quality" of female presence, which improved as a result of the new legislation on legal professions (2012), but was also hindered by the economic crisis. The legislation on equal opportunity, unevenly implemented since the early 1990s, reveals that the quantitative data – on female law graduates, on female applicants for judiciary positions, on their presence/absence in local bar associations, on their presence in senior positions in various associations such as the CSM, the CNF, and so on – need to be carefully investigated. The strong female presence among lawyers and judges, which in the future should lead to a female majority, and the very limited number of women at the top levels, suggest that the "glass ceiling" is still relevant in the law professions.

Keywords: Gender, Legal professions, Women, Equal opportunities

Distinguished Presidents and Dear Friends, among the changes introduced by Law no. 247/2012, Art. 25, last paragraph, the Equal Opportunity Committee (*Comitato per le Pari Opportunità*, hereafter CPO), with elective modes, is now a constitutional obligation for the Bar Councils (*Consigli dell'Ordine*). The regulation, as you know, enforces immediate application. Given the exclusive authority of the Bar Councils, and for the sole purpose of providing an adequate response to the requests of many of them, the Italian Bar Council (*Consiglio nazionale forense*, hereafter CNF) has set up as a work tool a regulation draft (see attachment) for the establishment of such a body. Local Bar Councils may of course adapt it to respond better to the needs of their respective areas. I have a duty to communicate that the draft is the result of the work of the CPO of the CNF, whose work, subject to collection and examination of the regulations adopted by the 60 CPO's already constituted, has sought to adopt a methodology that is both unified and already used in common by most of them. For any doubt or question about the document, you may contact Councillor Pisano, coordinator of our CPO. The President, Attorney and Professor Guido Alpa.

With this circular, sent to the 165 Bar Council presidents on February 27, 2013, the CNF has sought to coordinate in a unified fashion a process that has been under way for several years in some Italian areas, where Bar Councils had set up, independently, Equal Opportunity Committees (CPO), of which by mid-2006 there were already 36. The initiative is a direct consequence of the application of the long-awaited new legal professions legislation, which in its general outlines goes back to 1933, and which since the end of the Second World War has been characterized by a "fragmentary and at times random legislative flood". It institutionalizes what had been till then a voluntary initiative, which among other things had stimulated a new fruitful discussion among experts and historians on the question of women in the legal professions.

The new law comes in the aftermath of the decree of the President of the Republic in August 2012, which had set down the rules for the reform of professional organizations (August 7, 2012, no. 137: www.cnf.ipsoa.it), and marks the great changes in the practice of law which have taken place over the past decades. For example, the introduction of stricter admission rules, the approval of the obligation of ongoing professional upgrading,

the possibility of publicizing one's own activities (though not in a comparative way) and establishing teams of professionals, the reconfirmation of the centrality of public defense, and, lastly, the introduction of the concept of equal opportunity. I would like to dwell on this last aspect, providing some coordinates in an attempt to elaborate, as a historian specialized in studying the legal profession, on the theme of "social change" about which sociologists have made and continue to form important insights. It is therefore the persistence, even today, of certain conditions of inequality based on gender that call for reflection on the past, both recent and remote, especially regarding the different opportunities for access and success in practicing law.

The present situation offers a picture of rapid development, but not without, as we shall see, some contradictions: women's arduous climb up the ladder of the juridical professions – bar and bench, in my opinion difficult to separate – cannot be seen as a unanimously shared value, let alone a definitive conquest, especially in the aftermath of the economic crisis. But the current situation is also a child of a past that, ever since the "admission" (certainly not a neutral term) of women into the legal professions in 1919, has conditioned the pace and methods of their careers. A development that cannot be reconstructed here, but that has had and continues to have considerable weight, reflecting more generally the social, cultural and political development within which, even for women, a specific professional status has been painstakingly attained.

Laws and equal opportunity practices

In recent years, as is known, there has been a progressive regulatory compliance with the constitutional principle of gender equality. In particular, Statute 120/2011 has guaranteed to the under-represented sex (female, of course) at least one-third membership of the boards of directors of listed companies and those under public control, while Law 215/2012 has rebalanced gender representation in local government. These actions have introduced, in essence, a "positive discrimination" to make up for a previous disparity, and this "structural" rebalancing has also affected the practice of law and its representative body at the institutional level, the CNF.

The change of course, compared to a few years ago, is remarkable if we consider that in 2004, less than a year from the institution of CPO's within the CNF – with features which we shall see – many doubts were still entertained about the principle of "mathematical reserves": then the president defined this principle, for example, as "offensive for women, who should establish themselves solely by virtue of their "professionalism", "commitment", "determination" (Danovi 2004: 125). The turning point, if we may so call it, occurred in relation to the new chairmanship of Guido Alpa in 2007 – declared by the European Parliament "the European Year of Equal Opportunities for All" (Decision no. 771/2006/EC) – and especially with the election in 2010 within it of 2 women (out of 26 members): Carla Broccardo of Trent and the CPO coordinator herself, Susanna Pisano of Cagliari. In this, 5 other women were present as external components, among whom Ilaria Li Vigni, CPO President of the Milanese Bar Council and a member of the Network of CPO in the Legal Professions, also set up in 2010 within the Superior Council of the Magistracy (*Consiglio Superiore della Magistratura*, hereafter CSM). The preamble of the Network's Statute reiterates, significantly, the importance of making a "leap of cultural perspective by launching an 'institutional challenge'" that would help women "carve out spaces of engagement in senior positions". Among its concrete objectives it indicated the concept of "job flexibility" (in the first 3 years of life of children), the safeguard of the family unit, the establishment of on-site daycare centers in the courts; but also a "watchdog unit" for monitoring the persistence of "gender bias in the jurisprudence of merit" and the concept of "legitimacy in 'sensitive' matters": sexual and domestic violence, pecuniary responsibility in separation and divorce cases, the establishment of joint child custody. The input for these measures originated in Decree 5/2010 (itself inspired by Directive 2006/54/EC), which, in reunifying the various measures in the field of equal opportunity, had introduced the requirement of anti-discrimination measures applicable also to "less favorable treatment" sustained in the event of pregnancy, maternity or paternity, or the rejection of sexual harassment.

Behind these measures there was at least a twenty-year production of rules and regulations, starting with Law 125/1991 on *Positive actions for bringing about gender equality in the workplace*. In this, following the suggestions of the European Union to implement rules for the protection of gender difference, it laid the foundations for the

explicit implementation of the principle of substantive equality enshrined in Art. 3, subsection 2 of the Italian Constitution of 1948. Measures to eliminate “*de facto* inequalities” that exist in educational and vocational training and in access to employment (range of career choices, self-employment, entrepreneurship training, etc.) were functional in removing the obstacles which until then had prevented the attainment of a “substantive equality”.

Only in 2003, as noted, were these principles implemented with the reform of Article 51 of the Constitution, when a subsequent addition was made to the previous paragraph “all citizens of either sex are eligible for public offices and elected positions on equal terms, in accordance with the requirements established by law”; namely: “to this end, the Republic promotes, through specific measures, equal opportunities between women and men”.

While the CSM had already undertaken in 1993 to establish the CPO’s, the CNF postponed any change for another decade. This discrepancy in behavior between the two “bodies” originated, no doubt, in the already mentioned lesser sensitivity towards the issue demonstrated by lawyers at various levels. Not surprisingly, the presence of women in the CNF had always been little more than token: one woman elected in the period 1984-87 (Miranda Gentile of the Bar Council of L’Aquila) and another in the 1994-2001 period (Carla Guidi of Lucca, reconfirmed over the next three years), and two, as mentioned, in 2010; a year in which for the first time the leadership of the CPO was entrusted to a woman, after a seven-year male prerogative, with 5 women present only as external members (including Guidi herself, coordinator in 2007-10).

Equality, difference. Tortuous paths

More generally, the slowness in implementing measures inspired by the concept of equal opportunity was and is reflected in the behavior of the political world. As far as the CSM is concerned, Parliament had rarely chosen women to fill the quota of non-magistrate members. The first two women elected to the CSM date back to the 1981-86 councilship, and the first judge elected by the body was Elena Paciotti in 1986-90, along with a second woman chosen by Parliament. In a far from linear trajectory, in the 1994-1998 councilship one female non-magistrate was elected, in 1998-2002 2 (of which 1 non-specialist) and 2 more in 2002-2006 (1 non-magistrate), to form a “record” of 6 women in the 2006-2010 period, of whom 2 appointed by Parliament and 4 judges. Ephemeral conquests, since in the current (2010-2014) councilship women have again dropped down to 2, confirming the fears expressed on the eve of the elections by the “*Corriere della sera*”, which felt that the time for “female quotas”¹ was ripe. A change that was controversial and certainly not shared unanimously by the various sectors of the professional, cultural and political world (Mancina 2002), but now deemed “necessary” in order to overcome the aporias of a system that, in the criteria of candidacies to the CSM, continued to penalize women, given the persistence of a practice and an “organizational culture” that discouraged the efforts of those who were caught in the unsolved dilemma of women’s “double presence” in the workplace and in the family.

In other institutional bodies the process has not been very different. Not until 1996 was the first woman judge, Fernanda Contri, appointed to the Constitutional Court by President Scalfaro (the second was Maria Rita Saulle, appointed by President Ciampi in 2005). Contri herself, happening to preside as senior judge at a hearing due to a colleague’s illness in December 2004, pointed out with a mixture of pride and bitterness that “for the first time after almost half a century this honor falls to a woman”, since women were granted access to court appointments (the 1963 Law: the first competition open to women took place in 1965). Interviewed by “*Corriere della Sera*”, Contri recalled the words of a female French colleague: “Remember that the elevator must always be sent back”, or in other words, make sure that at the end of your term your job will go to another woman. An almost paradoxical remark, given the appointment parameters, but technically possible, since the obstacle that more than any other had slowed down women’s advancement to top positions of the judiciary was losing force: length of service. For example, when for the first time a woman was appointed to the position of Court president – Livia Pomodoro in Milan in 2007 – it seemed the natural culmination of a long career progression, which had begun in 1965 with her entry in the judiciary, continued in 1980 with her appointment as advisor to the Court of Appeals, then alternating

¹ Agnese 2010.

at the Ministry of Justice the function of deputy chief of staff (1986-87) and chief of staff (1991-93) with the job of public prosecutor at the Juvenile Court of Milan (1987-91, taking over its presidency from 1993 to 2007). On average, twenty years go by between one's entry into the judiciary and being appointed as judge on the Supreme Court, and in fact it was in 1988 that 24 women were assigned. Among these, Maria Gabriella Luccioli, in 2004 – the same day that the CSM entrusted Manuela Pasetti Romei, in service since 1969, with the Presidency of the Appeals Court of Venice – she was appointed, and was the first woman to reach the top, President of the Chamber of the Supreme Court. But a certain backsliding tendency was evident in the fact that in 2013 her candidacy for President of the Supreme Court failed to be approved by the CSM, despite the appeal of many women and associations through the voice of the President of the Republic. Beyond Luccioli's excellent career record and the political controversy that ensued about the different choices, the incident is food for thought.

Thus even in the judiciary, as in law practice, the concept of equality has often been a dead letter, enshrined in law but unaccompanied by any real “cultural revolution” of attitude necessary for interpreting it not so much as conforming to a single (male) professional model, but as an expression of “difference”. On these issues, jurists, and lawyers in particular, have been debating for at least fifty years (Tacchi, 2009: 139-64, 196-97) as part of the reflection on the status of women inside and outside of the home, enriched during the 1970's by the contributions of feminist thought apropos of the gender approach to (“sex-oriented”) law. Some definite progress in the status of women – the introduction of divorce, family law reform, the abolition in 1977 (law no. 903) of sexual discrimination in the workplace, the abortion law – has reaffirmed the usefulness of maintaining a gender approach, which postulates, as is known, a social and not a biological difference between the sexes. Twenty-five years ago one could still ask how much women had “transformed” the legal profession and whether and how much it had transformed them (Menkel-Meadow 1989: 196-210). A question that is specious only in appearance, and which in the past decades has gained new significance, given an unequivocal reality: the legal profession has become more and more feminine.

The feminization of the legal profession. Cause or effect of the crisis?

The feminization of the legal profession was already being discussed in the 1980s, when the effects of the mass university began to be felt: while women Law graduates went from 40% of the total (1983) to 48.6% (1990), bar membership had not increased accordingly: 10.5% of the total in 1989. During the following decade the growth trend was solid: of 59% of women Law graduates in 2000, in 2002 the operating lawyers were already 33.7% (31.4% in 1999). A significant increase, also found in other countries, which has become unstoppable in the last decade, approaching the substantial achievement of parity: in 2013, women represent 49.3% of the Italian legal profession.

However, in the absence of any real questioning of the division of roles and responsibilities of men and women in the legal professions and in society at large, the quantitative findings highlight even more the persistence of certain deep-rooted aporias. The feminization of the legal profession – of course in itself very important – has often been mentioned as a cause rather than an effect of its undeniable crisis of status and discredit, but the feminization of the legal professions appears *also* to be a consequence of the transformations of those professions: however, acknowledged by the 2012 Law, which recognizes the value of its specializations (art. 9). Calling into question the lawyer's traditional cognitive monopoly can be an opportunity for women more than a limit, if we think of their recognized capacity for mediating and listening (Li Vigni 2013), and the opportunities that have opened up with the emergence in such a traditionally “feminine” legal field, as family law, of other professional roles, for example that of family mediator (Ronfani 2006).

Compared to the not too distant past, when women lawyers tended to occupy the “professional spaces” left over, because less desirable, by their male colleagues – *foremost* family law, but also the juvenile justice system – many things have changed. Nevertheless, it still seems difficult to eliminate the stereotype according to which women, by their “natural” predisposition for caretaking functions, especially suited for people-related rather than business-related specializations: Mirella Giannini recalled in 2006 at the “European Day of Women Lawyers”,

in commenting on the ridiculous percentage of established professionals in the fields of criminal, corporate, administrative, tax law, etc. It was also indirectly confirmed by the 2010 report of the Study Center for Social Investments (*Centro Studi Investimenti Sociali*, hereafter CENSIS) entitled *Dopo le buone teorie, le proposte* (After the nice theories, the proposals) – the outcome of a project on which the CNF's CPOC and the Italian Association of Young Lawyers (AIGA) collaborated – which states that women should be encouraged from their undergraduate years to opt for specializations that are “not necessarily female”.

If we suppose that gender inclinations can be identified for some branches of law, a glance at the study choices over the last sixty years leaves a far from univocal impression. In the face of an undeniable fact and persistent propensity of female Law students for family law, this choice has taken on different meanings over time, going hand in hand – how voluntarily it is difficult to tell in the absence of specific analyses of the different curricula of different Law schools – with the evolution of society. Many undergraduate dissertations on Jurisprudence in the 1950s and 1960s dealt with marriage, but since the 1970s there has been more and more research on separation, divorce, child custody, and so on. Family law was undergoing transformation and so were the choices of the female students who later became lawyers. No wonder then that even today this specialization is marked by a gender diversification: the Italian Association of Family lawyers (for years presided over by women) has 7 women (out of 9 members) on the Executive Committee and in the National Executive, organized on a regional basis, a preponderantly feminine presence.

The figure, however, is not univocal. To an uncertain extent since the 1930s, but more and more decidedly since the early 1960s, many women have gotten their undergraduate degrees in labor, administrative, commercial, corporate and tax, and international law, and many women lawyers have specialized in these branches. Indeed, some of these have become predominantly feminine over time, if women made up almost 50% of the enrollees in the first year of the degree course in Law at Bocconi University in Milan in 1999, and the female enrollees in the master's degree in Business Law are still today rather numerous. And it is certainly a significant percentage of women who sit today in the council-general of the Italian Association of Business Lawyers (AIGI): 46%, with a significant increase in just a few years (27% in 2007).

The transition from university to profession is undoubtedly a complex process, influenced by many variables, even of a family nature: selection and competition may not infrequently lead women – but not only them – to take different paths than those for which they have been trained. This appears even more evident as we go back in time. When in 1919-20 women first entered the legal profession, they had behind them – unlike the graduates in medicine who had access to the health professions, even if among various difficulties (Vicarelli 2008) – decades of refusal to consider them capable of entering professions that corresponded to the degrees obtained. Refusals based on interpretations – legal, anthropological, sociological, political, cultural – of a law (the Professional rules of 1874) designed for an unquestionably male lawyer, and which led the women to divert their acquired skills to other fields: the women's emancipation movement at the turn of the twentieth century, private or “hidden” counseling, teaching in secondary schools (Tacchi 2009). The paths of social citizenship, acquired through work, and civil and political citizenship – the first partially recognized and the second totally denied by the Italian State – as is known, differed widely. After the legal recognition of women and their subsequent admission to the bar (but not the judiciary, considered a public office), many female graduates in Law continued during the Fascist era to choose other job opportunities, first in the scholastic field (from which, however, they were largely expelled), then in social work: and they did so especially in the 1930s, during the Economic crisis, when the market for professional services registered a supply surplus. Without wishing to make forced parallels with today's situation, it is clear that the crisis led to the expulsion (or to the barred entry) of the most vulnerable from the profession.

The prescribed areas of women's work continued into the first decades of the Italian Republic to be deeply penalized by restrictive interpretations of the Constitution at a formal and informal level, and it was only in 1963 that women were admitted to the judiciary, with the at last total enforcement of the constitutional provisions, though also with the failure to solve the problems that arose from deep-rooted gender discrimination (Tacchi 2009: 85-161).

A normal profession?

We have to wait until the end of the 1970s and especially the 1980s to reach the point of being able to consider the legal profession a “normal” choice for a woman. This was also due to a reaction – or rather a change in the cultural and political perspectives – of juridical feminism, which had sought to deconstruct “sexist” norms in order to found them anew on different conceptual parameters (Tacchi 2009: 167-176).

A normality, actually, more wished for than real: that the legal profession should remain “anything but normal” for women came forth in the 2010 CENSIS Report, which showed the incredible resistance power of certain stereotypes, from which women as well were unable to fully free themselves before the “attitudes and expectations” towards them “of society and the family”. The profession, it added, should be designed and structured in such a way as to allow women to satisfy their “needs”, but if these were identified with care of the family, clearly they should be considered the needs of the whole society and not just a part of it.

The answers to the persistence of the “double burden” problem are varied and intersect with the changes taking place in the professional world, subjected to a trend of “employeeism”, according to some studies. On the one hand, there is a long-term phenomenon, linked to the establishment – starting as far back as the 1930s – of legal offices in public and private institutions, which sought a different lawyer image (and reality), constantly less a “free” profession. A phenomenon, incidentally, also noted by historical research, which has expanded the range of examined professions to include some segments of the public sector, among which the judiciary.

The second phenomenon, of greater relevance here, is more recent and regards the organization of a lawyer’s work. The proliferation of large law firms specializing in corporate law (mergers, acquisitions, privatizations, etc.) has often relegated women to the role of spectators rather than that of protagonists: if twenty years ago in Turin, women accounted for 17% of lawyers working in associated firms, in 2006 already 60% of Italian women lawyers were heads of firms or participated in association with male or female colleagues. Nevertheless, today in Milan the percentage of women lawyers who are heads of law firms does not exceed the threshold of 30% (as compared to 70% men): a result of the difficulty of undertaking entrepreneurial initiatives, especially during an economic crisis.

The setback on this front also confirms the reluctance of women lawyers, and not just the younger ones, to take on roles of autonomy in the first person, which require a time-consuming commitment difficult to reconcile with the family workload. In fact, the process of “employeeism” of the legal profession, especially in law firms organized in general partnership - the prevalent corporate set-up nowadays also in Italy – does not offer women a great deal of opportunity: often the profession is perceived and experienced as a nine-to-five office job.

The weight of primary family caretaking continues to rest on the shoulders of women, regardless of the fact that the 2012 Law – whose positive effects will be appreciated only in the mid-and long-term – was a crucial step forward. Not surprisingly, in the late 1980s the percentage of *single* female lawyers was quite high: 30% compared with the 11% of their single male counterparts (Tacchi 2002: 498), but in twenty years, the percentage has decreased very little: 27, 7% (with 4.5% separated or divorced) of the respondents to the CENSIS Report (Li Vigni 2013: 67). In this case, the sample chosen – some “pivot” groups of professionals in the provinces of Bergamo, Reggio Emilia, Ancona and Trani (of which 78.6% were less than 44 years old) – whether or not it was representative of the female universe as a whole, reveals once again how gender discrimination is *also* based on the choices or renunciations of women themselves.

Analogous results were reached ten years ago by the Association of Italian Women Judges (ADMI), following a survey of 850 female district judges in Milan, Turin, Genoa and Venice: the women, especially the younger ones, tended to exclude themselves from positions of responsibility, expressing little availability (or interest) to take on outside judicial activity or accept positions of responsibility even at the leadership level, mainly in order to avoid increasing their already heavy workloads, consisting principally of their families. A choice that, significantly, was criticized by their older female colleagues, who complained of a certain indifference toward gender dynamics, with the risk of confusing “knowing how to act” with “being able to act”. An interesting aspect, upon which those same women lawyers launched a self-critical reflection, starting with the affirmation that rights gained in a not too distant past could not be taken for granted and needed to be obstinately defended.

Knowledge is not power

The gap between knowledge and power is evident if we observe the data on the presence of women lawyers in senior and leadership positions. Their by now almost equal presence in numerical terms, which becomes a majority in the lower age groups and especially among practitioners (59% of the total in 2012), does not mean an analogous percentage in representative bodies: the women present on AIGA's National Council, made up of 15 members, were only 2 in 2007, and are at present 6, as concerns a woman holding a year-long office as president².

The most striking fact is, without doubt, the one related to the presence of women on the Bar Councils, which between 2007 and 2009 rose from 20% to 23%; today there are about 500 women present in the 165 Bar Councils, but it is significant that in 2010 the CNF and the AIGA indicated as desirable and plausible a quota of 30% of female board candidates (CENSIS 2010). Obviously, running and then maybe being elected to a Bar Council is not in itself a conclusive index, if we think that many women board members serve as secretaries or treasurers, or preside over certain committees (in addition to the CPO's, in particular disciplinary and practitioner ones). At the top – or the presidency of the Bar Council – the power remains firmly in the hands of men: in 2005 there were only 4 women Bar Council presidents, 3 in 2007, 6 in 2009 (in “secondary” judicial centers: Voghera, Bolzano, Udine, Busto Arsizio, Pisa and Rieti), and those in office in 2012-13 were 16 out of 159 (for which we have reliable data), therefore 10%. An undoubtedly growing trend, but one that does not involve frontline judiciary situations – Lecco, Monza, Sondrio, Cremona, Belluno, Tolmezzo, Trent (where an CPO was set up in 2008), Piacenza, Rimini, Sanremo, Chiavari, Pisa (CPO since 2009), Fermo, Lagonegro, Oristano and Tempio Pausania³. The discrepancy between presence at the base and leadership at the top is still great, and this cannot be merely a reflection of the equation between career seniority and Bar Council presidency, even though this carries its weight: the percentage of women lawyers who defend in the third and definitive grade, the Court of Cassation (a rank reached by seniority), was 20% in 2012, equal to that of 2010 but much higher than that of 2005 (13%).

There are certain data, however, that should dampen the optimism of this growth trend and give us pause: in particular the fact that in some representative bodies the presence of women has actually dropped in past years: in the National Bar Association – founded in 1997 and to which more than 40 local associations adhere – the percentage of women in the national directorate has dropped by half from 2007 to today (50% and 22%), even if the general administration has been over the past years the prerogative of women.

The celebrated image of the “glass ceiling”, which twenty years ago was coined in regard to the glaring discrepancy between the quantity and the quality of women's presence in the legal professions and not only (Ronfani 1994), is still relevant, because it highlights the persistent difficulty of attaining positions of prestige, top-level and above all empowerment in the “juridical field”, as in all sectors of the professional and productive world, of politics, and the civil service. The findings are reflected obviously in the different income distribution: inasmuch as the past thirty years have witnessed undoubted progress even in these terms, the gap between men's and women's income has not narrowed and has actually widened. A 1987 CENSIS survey on the members of the Bar Association Bank (Cassa forense) found that 85% of women lawyers belonged to a lower income bracket (as opposed to 68.5% of men); 12 years later, in 1999, the women lawyers at 5 years from their undergraduate degree earned half of what their male colleagues did and – still more significant – their incomes had increased between 1993 and 2001 by 22%, as opposed to 43% of men's, which contributed to widening the gap. In the past few years the situation has become even worse, and if certainly the economic crisis has had its effects on the market of legal services, the horizontal segregation is macroscopic in terms of income: the average earnings of women lawyers in 2011 was slightly over 28,000 euros, as opposed to the almost 70,000 euros of their male colleagues.

The fact that all this occurs in a political and regulatory context that has absorbed the concept and practice of equal opportunity reinforces the sensation that gender discrimination is still, above all, a cultural factor, a mindset.

² My analysis of the data taken from www.aiga.it; for those on practitioners see Li Vigni 2013.

³ My analysis of data available on Bar Councils websites (2 of which are inactive: Siracusa and Caltanissetta).

The deficit of democracy so often signaled by the women jurists – the gap between a massive presence at the base and prevalently male leadership at the top – continues to produce, and actually exacerbates in times of crisis (as at present) the famous threesome of “role, income, leadership”. Women’s access to the places where the rules are made thus appears to be a necessary but not sufficient condition.

References

- Agnese M.L. (2010), *Anche al Csm le donne sono poche. È il momento delle quote rosa*, in «Corriere della sera», March 25th.
- Biancheri R. (2010), *Formazione e carriere femminili. La scelta di ingegneria*, Pisa: Ets.
- Chioni R. (2002), *Un sondaggio rivela le differenze tra avvocati uomini e donne a New York*, in «America oggi», 10 Agosto.
- Danovi R. (2004), *Tra fantasia e diritto. List of novels*, Milano: Giuffé.
- La donna nell'avvocatura. Il deficit delle 3 R: ruolo, reddito rappresentanza*, incontro di studio promosso dalla Fondazione per la formazione forense e dalla CPO dell'Ordine degli avvocati di Firenze, 18 Dicembre 2009, in www.consiglionazionaleforense.it.
- Dopo le buone teorie, le proposte. Programma di ricerca – Intervento per le donne avvocato. Rapporto finale*, Roma, 10 Marzo, 2010, in www.consiglionazionaleforense.it
- Ghezzi M.L., Quiroz Vitale M.A. (2006), *L'immagine pubblica della magistratura italiana*, Milano: Giuffré
- Gianformaggio L. (2005), *Eguaglianza, donne e diritto*, Bologna: Il Mulino.
- Giannini M. (2005, eds.), *The Feminization of the Professions/La féminisation des professions*, in «Knowledge, Work & Society/ Travail, Savoir et Société», 1.
- Li Vigni I. (2007), *Donna avvocato: discriminazione di genere nei diversi settori del diritto*, comunicazione al convegno “Il diritto alle Pari opportunità fra attuazione e negazione”, Roma, 22 Maggio 2007, in <http://www.csm.it/PariOpportunità/pages/interventi.html>.
- Li Vigni I. (2013), *Avvocate. Sviluppo e affermazione di una professione*, Milano: FrancoAngeli.
- Malatesta M. (2006), *Professionisti e gentiluomini. Storia delle professioni nell'Europa contemporanea*, Torino: Einaudi.
- Malatesta M. (2009, ed.), *Atlante delle professioni*, Bologna: Bononia University Press.
- Mancina C. (2002), *Oltre il femminismo. Le donne nella società pluralista*, Bologna: Il Mulino.
- Menkel-Meadow C. (1989), *Feminization of the Legal Profession. The Comparative Sociology of Women Lawyers*, in Abel R.L., Lewis P.C. (eds.), *Lawyers in Society, III, Comparative Theories*, Berkeley-Los Angeles-London: University of California Press: 196-210.
- Ronfani P. (1994), *Donne con la toga*, in P. David, G. Vicarelli (eds), *Donne nelle professioni degli uomini*, Milano: FrancoAngeli.
- Ronfani P. (2006, ed.), *Quale giustizia per le famiglie? Gli orientamenti della cultura giuridica nella società che cambia*, Milano: Giuffré
- Schultz U, Shaw G. (2003, eds), *Women in the World's Legal Professions*, Oxford: Hart.
- Tacchi F. (2002), *Gli avvocati italiani dall'Unità alla Repubblica*, Bologna: Il Mulino.
- Tacchi F. (2008), *Professioni giuridiche ed evoluzione di genere. Avvocate e magistrato in Italia dagli anni '70 a oggi*, in «economia&lavoro», 2: 31-35.
- Tacchi F. (2009), *Eva togata. Donne e professioni giuridiche in Italia dall'unità a oggi*, Torino: Utet.
- Tacchi F. (2012, ed.), *Professioni e potere a Firenze tra Otto e Novecento*, Milano: FrancoAngeli.
- Varni A. (2002, ed.), *Storia delle professioni in Italia tra Ottocento e Novecento*, Bologna: Il Mulino.

Vicarelli G. (2007, ed.), *Donne e professioni nell'Italia del Novecento*, Bologna: Il Mulino.

Vicarelli G. (2008), *Donne di medicina. Il percorso professionale delle donne medico in Italia*, Bologna: Il Mulino.

Zajczyk F. (2004), *Magistratura e differenza di genere. I risultati di un sondaggio*, in *L'altra metà della magistratura*, dossier di «md», 43.

Zajczyk F. (2007), *La resistibile ascesa delle donne in Italia. Stereotipi di genere e costruzione di nuove identità*, Milano: il Saggiatore.

