

## QUING WHY paper Intersectionality Call

### **Institutionalising intersectionality in Italy: gatekeepers and political dynamics<sup>1</sup>**

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#### **Abstract**

In this paper we analyse firstly how intersectionality has been institutionalized in Italian legislation and equality machinery focusing primarily on the analysis of race and sexual orientation, and, secondly, what are the main dynamics between civil society and institutional actors and among institutional actors themselves – underlying this process. We argue that while the EU has opened opportunities for the development of policies and machinery in Italy, the constellation of national gatekeepers, their interactions, and the colour of the party in government affect the specific type of institutionalisation that takes place. The Italian case gives us some insights to reflect on quality criteria for institutional and political arrangements that appear relevant for the institutionalisation of intersectionality.

#### **Introduction**

Italian gender equality policies have developed in the nineties due to a favourable juncture of European Union (EU) influence and national political factors. One decade later, through Article 13 of the Treaty of Amsterdam and two implementing Directives, the EU has launched a multiple anti-discrimination approach to cover other inequalities than gender (race or ethnicity, disability, sexual orientation, age, religion or belief) and has required the creation of specific equality bodies. How has the Italian political system reacted to the EU institutional shift towards the treatment of multiple inequalities? To what extent is Italy developing an intersectional political approach towards equality? Who are the gatekeepers in this process of institutionalisation?

The literature on institutionalising intersectionality has predominantly looked at the nature of existing political arrangements. Yet, it has paid less attention to dynamic analyses of interactions amongst the relevant actors involved in the institutionalisation process: government, agencies, political parties, and civil society. In this paper we would like to fill this gap by analysing not only the extent to which intersectionality has been institutionalized in Italian legislation and machinery, but also what are the main institutional and civil society dynamics - of resistance, in/exclusion, cooperation - underlying this process. These dynamics are context-related, thus making the study of intersectionality an ‘empirical question’ (Hancock 2007).

Our context of analysis is Italy, a country marked by strong ideological divides along the political spectrum and by an consolidated and vital associative tradition, both of which offer opportunities and constraints in the political articulation of intersectionality. We argue that while the EU has opened opportunities for the development of policies and machinery that were not previously available in Italy, the constellation of national gatekeepers, their interactions, and the

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colour of the party in government affect the specific type of institutionalisation that takes place. New inequalities have entered the Italian political agenda in this decade. Yet, the way in which they have been addressed and regulated bears little evidence of an effective implementation of anti-discrimination measures and of the development of a 'culture of intersectionality'. Rather, governmental action to transpose the EU anti-discrimination directives has sometimes highlighted a lack of political will to promote equality if not a resistance to the discourse of anti-discrimination. The ideological divide between left and right can partially help to understand the reasons for the difficult development of Italian legislation and machinery on inequalities. The other part of the story is the difficulty also within the leftist and in general more progressive political spectrum to articulate consistent equality policies in different areas. A widespread culture of familism and the - strong interference of the catholic ecclesiastic hierarchy in Italian political affairs, are relevant factors to understand the difficult implementation of anti-discrimination policies.

After discussing our theoretical and methodological framework in the next section, we mention the beginning of equality policies in the area of gender (section 2) and we focus in particular on developments in race/ethnicity (section 3), and sexual orientation (section 4), which are the areas where the European Union has been especially influential in Italy and around which most recent political activity and debates have emerged. Conclusions will discuss relevant explanatory factors and dynamics of Italian policy practice around intersectionality which can have theoretical impacts for the reflection on the quality of institutionalised intersectionality.

## **1. The institutionalization of intersectionality: the gap between theory and practice and the need of an empirical and dynamic perspective**

Policy practice on multiple inequalities in Europe seem to be developing in opposite direction to feminist political theory. Feminist literature has raised awareness about the mutually constitutive character of inequalities and has highlighted how strategies and policies developed to tackle one particular inequality can at the same time marginalise people at the point of intersection between different inequalities (Crenshaw 1991; Collins 1998; Walby 2007). While policies that, for instance, promote race equality can marginalise women, measures that promote gender equality can marginalise and stigmatise ethnic minority women and men. This has led scholars to criticise separate approaches to inequalities and to suggest the practice of an intersectional approach as a means to deal with the dilemmas of inequalities that 'operate and interact with each other at the same time in such a way that they are inseparable' (Skjeie and Langvasbråten forthcoming: 2-3).

Yet, policy practice in Europe shows little traces of intersectionality. The treatment of different inequalities, for many of the member states, has been stimulated by the obligation to transpose the EU anti-discrimination directives 2000/43/EC and 2000/78/EC. The anti-discrimination approach to inequalities promoted by the EU, however, is multiple and separate: it treats more than one inequality but mainly in a separate or at best additive way. In this, the EU follows existing judicial practice which seems more at ease with addressing each ground of discrimination as separate rather than intersecting, so that in cases that involve several inequalities simultaneously either only the most protected inequality ground is chosen, or the allegations (for instance for gender and race jointly) are considered separately, rather than as interrelated forms of discrimination (Skjeie and Langvasbråten forthcoming).

The literature on *institutionalising political intersectionality* in Europe is increasingly developing to catch up with a political context that, due to the EU pressure, is rapidly changing (see Kantola and Nouisainen forthcoming). Bell (2008) analyses how national institutional practices on equality have changed to transpose the EU anti-discrimination directives not only in member states that had little or no anti-discrimination legislation, but also in those countries that traditionally had their anti-discrimination legislation in place. While the EU law may open a window of opportunities for legislating on the issue, the domestic context greatly influences the laws and institutions created and the use that civil society will make of the provisions (Bell 2008). The UK has been a forerunner

in evolving from specific to single equality bodies for addressing multiple inequalities, with the creation of the Equality and Human Rights Commission. Squires (2008 forthcoming) analyses the pros and cons of the UK institution, in the context of market-driven considerations that tend to tilt the balance towards economic utility rather than social justice. Also North European countries such as Norway, that had traditionally developed strong gender equality policies, have recently created new institutions and legislation on multiple inequalities that challenge existing judicial practice towards intersectionality (Skjeie and Langvasbråten forthcoming). By contrast, South European countries like Spain show that a good performance in gender equality policies does not necessarily lead to an equally good attention to the intersection of several inequalities (Bustelo forthcoming).

The literature on institutionalising intersectionality is helpful to grasp the legal and policy developments that have occurred to institutionalise a multiple approach to inequalities, and some of the civil society and institutional dynamics that the new approach is triggering (Rolandsen Agustín 2008; Lombardo and Verloo forthcoming). However, the search for some kind of evidence of intersectionality might also run the risk of naming ‘intersectionality’ political practices that are at best simply developing separate institutionalisation of inequality axes to comply with EU directives, or at worst show biases against some particular inequality, for instance against homosexuality. While active biases against some inequality cannot be considered intersectionality but rather discrimination, and unitary approaches do not offer much openings for intersectional policies, the extent to which multiple approaches to inequality can offer such openings needs further discussion. Intersectionality theory could expand its conceptual vocabulary to be able to grasp some of the existing political realities. Hancock’s differentiation is helpful in distinguishing between unitary (addressing one inequality at a time as the main one), multiple (addressing more than one inequality as if they mattered equally) and intersectional approaches (addressing cross-cutting roles of multiple inequalities) (Hancock 2007). However, it does not fully help to grasp empirical realities, such as the Italian one, that have begun to develop some institutionalisation of multiple inequalities but which do not show consistent intersectional politics but rather incoherent and accidental policy measures, or temporary alliances between inequalities. In this sense, reality shows that there could be a wider range of possible configurations of the relations between different inequalities which lies between multiple inequalities and intersectionality. While the institutionalisation of multiple inequalities could be taken as a first opening towards intersectional policies (though not necessarily leading to it), there could also be ‘momentary’ cases of legal intersectionality or ‘alliances’ between different actors where two or more inequalities do not strictly intersect but still come together at one particular moment. We will come back to what the Italian case can contribute to intersectionality theory in the conclusions.

To more effectively capture empirical reality, intersectionality theory needs to link with other types of policy analyses which can support its research on the treatment of different inequalities in specific national contexts. In our case study, to better reflect the political developments of the Italian national context, we have developed a dynamic analysis of political processes and actors involved in them by relying on different theoretical and methodological approaches. *Policy process analysis* helped us to trace when and how a particular equality issue appeared on the political agenda, who has contributed to the debate, who has promoted or blocked developments towards intersectionality, and what documents were produced (Sutton 1999). This is helpful for a more dynamic intersectional analysis as it enables us to identify what Myra Marx Ferree (2009: 89) calls ‘frameworks’ for political debate as well as the ‘framing work’ of different actors. Institutionalised frameworks refer to ‘authoritative texts’ such as official policy documents adopted in a given context which construct opportunities for political actors to intervene in the debate by engaging in the ‘framing work’ through which they attribute different meanings to particular equality issues and use them for different purposes (Ferree 2009). Institutionalised frameworks produce at the same time factual opportunities/constraints, thus reducing or increasing the ways in which different actors dealing with the same issue can intervene. We argue that it is thus out of complex considerations based on the seizing of intertwining legal and material,

discursive and symbolic possibilities that institutional and non-institutional actors decide what political strategies they use. For this reason, besides the analysis of relevant policy documents, we also conducted ten semi-structured interviews with key Italian institutional and civil society actors. This has allowed us to uncover important and multi-faceted dynamics which led to the production of specific legal arrangements and to the development of certain discursive positions on inequalities.

In our analysis, we also paid attention to the way in which civil society actors intervene and affect policy processes and the institutionalisation of intersectionality. With this regard, developments in *social movement theory* challenging the ‘structural bias’ of analytical models predominantly built around the concept of *political opportunity* and the centrality of the state as sole ‘power holder’ offered us more complex insights for analysing the role different policy actors play in processes of institutional change (Goodwin and Jasper, 2004). This theoretical move proved particularly useful to account for the role that civil society actors play in the drafting and implementation of equality policies. The preliminary analysis of social movements’ preferences – conceived as open and problematic rather than exclusively oriented towards institutional reform – helped us in better grasping the reasons for and the dynamics guiding the emergence of specific organized collective identities. At the same time this analysis helped us to better understand civil society’s will/capacity of relying on an intersectional approach in developing their discourses, frame demands and predispose action (targeting institutions and/or other societal actors). The consideration of intertwining material and symbolic factors within contexts of “dispersed power” suggested by part of the literature on social movements (Armstrong and Bernstein 2008) led us to observe the presence/absence as well as the type of alliances between different movements such as the anti-racist movement, the women’s movement and the LGTB movement. Ultimately, such an analysis allowed us to highlight the impact of civil society in the adoption of a new equality body or law.

The European Union had a crucial role as promoter of a multiple approach to inequalities and exercised an exogenous pressure, for countries such as Italy, to develop the national equality machinery and legislation. Thus, issues of *Europeanisation* were considered in our analysis of the institutionalisation of intersectionality in Italy, both to understand the reasons for the creation of new equality bodies and legislation to comply with the EU law (Liebert 2003), and for grasping what ‘political usage’ (Jacquot and Woll 2003) do Italian policy actors in Italy make of the EU. Europeanisation studies on ‘how Europe hits home’ provide research on political intersectionality in European contexts with explanatory factors concerning developments in the institutionalisation of equality, not only in terms of member states’ adaptation to EU norms, but also in terms of the opportunity structures that the EU opens for domestic political actors (Börzel and Risse 2003). Recent developments in Europeanisation theory towards a more ‘pluralistic approach’ to the study of policy change in Europe beyond the analysis of member states’ convergence with EU law (Schmidt and Radaelli 2004) are particularly helpful for exploring intersectionality issues in a more dynamic way. This is because they promote an analysis of political conflict and use of EU norms and ideas at the domestic level which can give account of national dynamics over different equalities.

In sum, in our paper we suggest and rely on a conceptualization of the institutionalisation of intersectionality process as driven by *complex, multi-level* (European, national, local) and *multi-faceted* (structural, political, cultural, social) *dynamics and factors*. As Hancock (2007) points out, the relationship among inequalities must be considered as an ‘open empirical question’, because intersectional dilemmas emerge in specific locations and in particular configurations of individual circumstances and institutional contexts. Precisely because of its *context-related, empirical dimension*, intersectionality will be treated in this paper as a *methodological tool* that enables us to explore the extent to which intersectional equality practices have taken place in Italy. Intersectionality as a methodological tool helps us steer the focus of our analysis towards the search for intersectional dynamics between inequalities, but cognisant of the existence of a multiplicity of

ways in which inequalities relate in existing political realities. Intersectionality, in this sense is not considered per se as an achievement but as a lens through which we observe the ways in which the regulation and treatment of different inequalities is developed in specific contexts, in this case in the Italian one.

## **2. The birth of gender equality policy machinery and legislation in the Italian political context**

The origins of Italian equality legislation lie in the Italian Constitution of 1947 which in its Article 3 establishes the principle of equality irrespective of sex, race, language, religion, political opinion, and personal and social conditions. To implement this principle in Italian legislation, the input of the European Union has been crucial, particularly as concerns legislation on gender equality in the labour market. Compared to the other two areas that we consider in this paper, which are race and sexual orientation, gender equality was the field that received prior attention in Italian equality legislation. Gender Equality policy agencies, moreover, were the first equality institutions to be developed in Italy in the 1980s and especially in the 90s. A brief analysis of their creation appears thus necessary not only to define the legislative and institutional context within which the regulation of other grounds of inequality has occurred but also to better understand developments of intersectionality in Italy.

Law 903/1977 on equal pay and equal treatment for men and women, which transposed EU directives 76/207/EEC and 75/117/EEC, was the first important equality law in Italy. To this followed legislation on sexual harassment at work (Decree 145/2005 transposing EU directive 2002/73/EC), positive actions (law 125/1991; Decree 196/2000), and reconciliation of work and family (Law 53/2000, transposing EU directive 96/34/EC). The Europeanisation of Italian gender equality policies proved particularly important in a political, social and cultural context, like the Italian one, that was neither particularly women-friendly nor favourable to state feminism (Guadagnini and Donà 2007; Donà 2006).

The equality policy machinery that was developed from the 1980s onwards in Italy has been affected by the Italian political culture characterized by a unique ideological cleavage between a strong catholic culture and an equally strong socialist one. With regard to the first, the presence of the Vatican at the very heart of Rome and the leading role played by its ‘institutional ally’ – the Christian-Democratic party (DC) – during the so-called “First Republic” (1948-1994) has traditionally granted a strong influence of the catholic hierarchies in Italian politics and society (Ginsborg 2006). At the same time, the liberation from fascism and Nazi occupation and the over 40 years presence in the political system of one of the strongest Communist Parties (PCI) in Western Europe has also affected Italian socio-political developments (see Del Giorgio 2009).

This ideological divide has influenced the functioning of Italian equality policy machinery in different ways. On the one hand, left and right wing sectors have made of familism (the ideological attribution of a central role to the traditional family and the reliance on the family as provider of social protection) one of the strongholds on which they could reach a political consensus (Saraceno 2003; 1994). This consensual emphasis on familism has not been accompanied by an equally strong interest in the promotion of gender equality. Measures to promote families - in a context marked by the presence of what former left-wing Minister for Equal Opportunities Barbara Pollastrini defines “political elites suffering from familism”<sup>2</sup> – have tended to perpetuate traditional gender roles of male breadwinners and female caregivers. On the other hand, however, the ideological cleavage is reflected in how the colour of the party in government affected the development of Italian gender and other equality policy agencies, with greater progress coming from centre-left than from centre-right governments (Guadagnini and Donà 2007).

Gender Equality policy agencies developed in Italy due to the EU and UN pressure and the favourable context created by centre-leftist governments in the 80s and in the second half of the 90s (Guadagnini and Donà 2007). The late development and difficult consolidation of the machinery

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<sup>2</sup> Interview with MP Barbara Pollastrini (PD), Rome, 25/02/2009.

were also due to the resistance to the institutionalization of gender that has characterized the Italian feminist movement, in particular its strong ‘differentialist’ current (Donà 2006; Calabrò and Grasso 2004). Although a variety of different gender agencies were established in Italy, we will refer here only to the Ministry for Rights and Equal Opportunities (EO), due to its role in the promotion of other equalities too.

The Ministry for Rights and Equal Opportunities was created in 1996 under the centre-leftist Prodi government to follow both UN and EU guidelines to implement gender mainstreaming (Donà 2006). Its work was supported by the Department for Rights and Equal Opportunities that was established in 1997. Its broad mandate is to represent the Italian position on gender issues at the EU level, prepare governmental gender equality policy, and implement the EU equality directives and gender mainstreaming. The weakness of the Ministry is reflected in the lack of financial autonomy and resources (it is a Ministry without portfolio, in 2004, according to Guadagnini and Donà 2007, it was allocated 15,798,569 euros, and has 8-14 staff), the dependence of the Minister of equal opportunities on power relations with other members of Cabinet and the sexist culture that pervades Italian political institutions (Longo 2008).

The persistence of a strong male domination of political life in Italy is reflected in the low percentage (11%) of women’s representation in Parliament over the last decade, and in a political culture where the idea that women’s main role is in the private sphere of the family rather than in the public, political and professional areas, is rather well widespread (Guadagnini and Donà 2007). Nonetheless, the centre-left governments have shown greater attention for gender issues, and the compliance with the EU gender equality directives, than the right-wing governments. It is during the centre-leftist governments that the gender equality machinery was established and consolidated and some of the most important gender equality laws were approved. Moreover, Ministers of equal opportunities from center-leftist government such as Finocchiaro, Balbo, and Belillo, who had experience both in the leftist parties and in the feminist movement, maintained relations with the feminist movement and opened up opportunities for feminist activists to enter the institutional scene (Lombardo and Sangiuliano forthcoming). By contrast, the Minister for Equal Opportunitites of the second Berlusconi centre-right government, Prestigiacomo, created a distance between the national equality machinery and feminist activists while, at the same time, often found herself isolated within her own government allies when she tried to promote gender equality policies (Guadagnini and Donà 2007). Between 2006 and 2008, the Minister for Equal Opportunities of the Prodi government was Pollastrini who, despite not directly relying on experiences of activism in the feminist movement, proved receptive to the demands coming from both the women’s and the gay movement. Finally, the Minister for Equal Opportunities appointed in the 2008 Berlusconi government, Carfagna, is a former television show girl with personal ties to Berlusconi and no experience in gender equality policies. So far, her mandate is marked by a general closure to civil society demands, silence concerning racial discrimination and open resistance to policies concerning homosexual rights.

### **3. The difficult institutionalisation of race inequality in Italy between EU impulse and domestic political constraints**

Traditionally a country of emigrants, Italy has faced from the nineties regular immigration flows. This has introduced the need of new regulations on several issues. Discrimination on the grounds of race and religion, for instance, has been made illegal in 1998, with law 40/1998 on migration. However, in other cases the way in which emerging issues related with migration have been discussed shows a tension between the EU obligation towards anti-racism and the presence in government of restrictive, if not directly xenophobic, political positions towards migrants. This can help to explain gaps in the transposition of the EU anti-racist directive and difficulties in the operationalisation of the new race equality body when it comes to implementing policy measures.

Until 2003, the task of preventing and tackling discriminations on several grounds, among which race and ethnic origins, was assigned to the weak Department for Rights and Equal Opportunities within the homonym Ministry (Donà 2007). In 2003 the Italian National Office against Racial Discrimination UNAR was established within this same Department through Legislative Decree 215 of 9 July 2003 to transpose (only 10 days before the deadline set by the EU) the EU Directive 43/2000/EC that obliged member states to designate a body for promoting equal treatment irrespective of race and ethnicity. The main tasks of UNAR are to assist people who feel discriminated, to promote the adoption of positive actions by public and private actors, and to conduct research oriented at making policy recommendations.

The 215/2003 Decree explicitly mentions intersectionality of race with gender, religion, and culture. Article 1 of the Decree states that UNAR aims at achieving equal treatment among persons irrespective of race and ethnic origin by taking into account “*both* the differential impact that similar forms of discrimination can have on *women and men* and the existence of forms of *racism with a cultural and religious character*”. Even if it was not promoted by antiracist NGOs and it is clearly a governmental initiative based on EU directive 43/2000/EC, UNAR has been welcomed by civil society organizations that work against racism<sup>3</sup>. As the following subsections show, however, the equality body’s functioning reveals a poor implementation of European legislation, the absence of an applied intersectional approach and the difficulty of tackling what civil society actors have called ‘institutional racism’<sup>4</sup>.

#### *How does UNAR work? Institutional and structural constraints*

The Italian anti-racist agency is organised around two services: a study and research service to inform about racial discriminations and a service for the promotion of equal treatment<sup>5</sup>. Both services rely on the collaboration of a pool of legal experts appointed by the Director. The equal treatment service mainly works through a *contact centre* created in 2004 in collaboration with ACLI (Italian Associations of Christian Workers). ACLI’s operators pass cases to the ACLI experts who are in charge of opening the proceedings, gathering information, contacting the actors involved in the case and formulating a ‘protection proposal’ which is then considered and possibly handled by UNAR.

This ‘second level’ of intervention is treated directly by the UNAR, despite the few instruments at its disposal. Its financial (2,035,357 euros per year) and human resources (10-12 permanent staff and six experts) limit the possibility to provide effective legal assistance to victims of discrimination (Guadagnini and Donà 2007). Moreover, UNAR can “promote informal conciliatory meetings and propose solutions for the removal of discriminatory situations” (Art 2 215/2003 Decree), conduct an investigation and ask actors to provide case documentation, but it cannot oblige them to do so. UNAR’s interventions “can be classified among those that are usually considered as *soft law*, whose effectiveness depends on the capacity of provoking voluntary adhesive behaviours” (UNAR 2007). The instruments used more often in the second level of intervention are those of “*moral suasion* or *social mediation*”.<sup>6</sup> Thus not only resource but also investigative and procedural constraints limit UNAR’s capacity for solving situations of race discrimination.

#### *The lack of jurisprudence on race and ethnicity: a result of incorrect transposition of the EU 2000/43 Directive on the burden of proof?*

<sup>3</sup> Enar Italia (European Network Against Racism) leaflet: <http://digilander.libero.it/enarit/>

<sup>4</sup> Interview with Grazia Naletto, Immigration expert, Associazione Lunaria, Rome, 23/02/2009.

<sup>5</sup> <http://www.pariopportunita.gov.it/DefaultDesktop.aspx?page=203>

<sup>6</sup> Interview with Marianna Borroni, ACLI Expert and UNAR Junior Expert, Rome, 26/02/2009.

The lack of jurisprudence on the issue is an important obstacle to assess the implementation of UNAR's activities and the overall judicial protection UNAR exercises against race discrimination in Italy (UNAR Report 2007: 68). Since very few legal proceedings leading to sentences have been activated in the four years of UNAR's functioning, anti-discrimination norms on race and ethnicity have *de facto* barely entered Italian legal culture.<sup>7</sup> One of the main reasons for this lack of jurisprudence lies in the fact that, in civil procedures, the initiative to start the legal action is mainly left to the victim of discrimination. UNAR, on its part, is not entitled to sue as a juridical subject. All the agency can do is 'to accompany the victims in the trial path in the case they voluntarily opt for this solution' by offering support, advice and official documentation to the judge (UNAR Report 2007: 16).

To facilitate victims' recourse to legal means, however, Decree 215/2003 permits specific third-parties to start legal action 'in the name, on behalf, and in support of' the discriminated person. Associations that are included in the UNAR National Register of NGOs approved in 2005 by Decree have a right to initiate a legal action.<sup>8</sup> Nevertheless, NGOs have been reluctant to use this tool both because they often lack specific legal competences and because they cannot bear the legal costs (UNAR 2007). The result is that in most cases the initiative and costs of a possible legal action are left to the discriminated person alone.

Furthermore, until 2008 the possibility for victims of obtaining a positive legal outcome has been dramatically lowered by the incorrect Italian transposition of the burden of the proof within EU Directive 43/2000. Whilst Art. 8 of the Directive explicitly assigned to the respondent the task of demonstrating the absence of discrimination, the Italian legislator did not invert the burden of the proof thus leaving *de facto* the victim in charge of collecting proof about the existence of discrimination. As an UNAR expert explained, placing the burden of the proof on the demandant hinders the possibility to collect proof against a potential discriminating employer, as 'which colleague would testify against her or his employer?'.<sup>9</sup>

The breach of the EU Directive has led the European Commission and the European Court of Justice to initiate in 2005 an infringement procedure against Italy.<sup>10</sup> This has finally moved the Italian government to recently adapt domestic legislation to the European one through a revised Article 8 of Law Decree 59/2008 which now includes the reversal of the burden of the proof in cases of race discrimination. While the EU's intervention has been crucial to open opportunities for a more effective implementation of the anti-discrimination norm in Italy, it is too early to assess the consequences of this change for judicial activity. This assessment is also hindered by the fact that there was a gap of nine months between the last UNAR Director (who left the office in September 2008) and the new Director appointed by the Prime Minister in May 2009 (formally but not operationally). This means that for months judicial proceedings could not be activated since there was nobody in charge for signing official documents and coordinating institutional actions.<sup>11</sup> Thus, the extent to which sentences on racism show traces of intersectionality cannot be effectively assessed.

*(Failed) attempts towards intersectionality: from formal gender intersections to 'institutional racism'*

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<sup>7</sup> Among the few but important positive legal outcomes obtained with the help of UNAR/ACLI there is the ordinance of the 3<sup>rd</sup> of June 2008 by the Tribunal of Florence which recognized to a Tunisian citizen the right to obtain a taxi license even if he was not an Italian citizen. The text of call for 60 new taxi licences launched by the Municipality of Florence required the Italian citizenship. UNAR/ACLI's strategy to focus on significant cases and give them resonance in the public opinion was successful as the ordinance raised debates in the national media. Source: Interview with Pino Gulia ACLI Expert and UNAR Senior Expert, Telephone Interview, 20/06/2009.

<sup>8</sup> Ministerial Decree 16 December 2005. Currently the Register includes 320 NGOs.

<sup>9</sup> Interview with Marianna Borroni.

<sup>10</sup> European Commission, 2005, Infringement Procedure n.2358. See Bencini and Cerretelli, 2008.

<sup>11</sup> Interview with Pino Gulia ACLI Expert and UNAR Senior Expert, Telephone Interview, 20/06/2009; also Interview with Marianna Borroni.

Art. 1 of Decree 215/2003, as stated, mentions intersectionality between race, gender, religion and culture. Yet, in the 2007 UNAR Report that evaluates the body's activities, experts refer to multiple discriminations where *race and ethnicity* intersect with *religion and personal beliefs* whereas *gender* never appears along the Report as an important factor whose intersection with race and ethnicity was or should be taken into account in UNAR's activities. UNAR experts, in particular, denounce the lack of coordination between institutional actors dealing with racial discriminations and those dealing with discriminations on the ground of religion/personal beliefs, but no mention is made to specific gender equality legislation or machinery (UNAR 2007: 108). This is particularly interesting considering that the body has been included within a Department – that of Equal Opportunities – which was developed around policies of equal opportunities between men and women. However, when other inequalities entered the Department agenda, no procedures of interinstitutional coordination concerning multiple inequalities were introduced. The lack of coordination among agencies working on different inequalities within the same department can explain why gender has not been mainstreamed into UNAR's activities against race discrimination. Whilst the reference to the intersection of race/ethnicity with gender and religion thus, makes the Decree a first explicit case of legislated intersectionality, the competences assigned to the UNAR, its functioning and the absence of coordination with other bodies of the Department dealing with other inequalities speak for the concrete creation of a body dealing with just one ground of discrimination.

To promote a more 'transversal' institutional approach to the treatment of inequalities, UNAR experts and MPs have made proposals of institutional reform. UNAR experts have suggested the creation of a single equality body – the *National Office against Discrimination* (UNA) - with transversal competencies and an even level of protection for all inequalities (including race, religion, sexual orientation, disability and age) (UNAR Report 2007). In November 2008, Senators of the centre-left Democratic Party (in opposition) - including the former Head of the Department for Equal Opportunities Della Monica – drafted a law proposal for the creation of a Commission for the promotion and protection of Human Rights. As Senator Della Monica said, the proposed body should work impartially to protect Human Rights and should incorporate UNAR<sup>12</sup>. The space of manoeuvre for such a reform, however, appears limited in the current political context, due to the 'paralysis' of UNAR's activities under the 2008- right-wing government.

Proposals of institutional reform of UNAR have also been made to avoid the risks of 'closeness to politics'. ENAR (Shadow Report 2007) has suggested action to ensure UNAR's independence, such as appointing an independent director and removing the body from under the Department for Rights and Equal Opportunities within the Presidency of the Council of Ministers. Currently, the agency is dependent on the government's political preferences, its Director is nominated by the Prime Minister and its work is greatly affected by changes in government: the anti-racist body is thus not in the condition to work autonomously and to operate independently, as European Directive 43/2000/EC prescribes. After the April 2008 general elections, Senator Della Monica warned about UNAR's total lack of independence under the Berlusconi government and denounced the persistent inactivity of the antidiscrimination agency. Without a Director during nine months and with five out of six legal experts dismissed, 'UNAR has no possibility of action...' <sup>13</sup>.

This lack of independence and operational inactivity of the Italian anti-racist agency is particularly critical in a moment in which 'institutional racism' is present in the everyday right-wing government's policies – argues migration expert Naletto<sup>14</sup>. Current Berlusconi government has adopted controversial policies in terms of discrimination, such as norms on security and on health policy that discriminate migrant people (a provision that obliges doctors to denounce the police undocumented migrants who recur to the National Health Service and other norms included in the so-called "*security package*", Decree n.11 of 23 February 2009). Berlusconi has instrumentalised

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<sup>12</sup> Interview with Senator Silvia Della Monica (PD), Rome, 25/02/2009.

<sup>13</sup> Interview with Senator Silvia Della Monica.

<sup>14</sup> Interview with Grazia Naletto.

the issue of violence against women by linking it to migration and arguing that sexual assaults are predominantly performed by migrant, muslim, men, against Italian women. A strong campaign, facilitated by the Prime Minister's role as owner of most of the Italian media, has taken place in 2008 and 2009 to spread the fear of the violent migrant man. Gender and race are used by the government for discriminatory purposes to articulate a racist and ethnocentric discourse that opposes supposedly sexist muslim culture to an Italian culture where women are presented as emancipated. In this context, the lack of independence of UNAR hinders the possibility to impartially monitor and denounce existing governmental racism<sup>15</sup> Moreover, as Della Monica explained, 'UNAR is currently receiving guidelines from the government which go against the basic rules of UNAR of tackling unequal treatment especially against racial discriminations'<sup>16</sup>.

In conclusion, EU impulse through Directive 43/2000 was crucial to formally introduce anti-racist discrimination on the Italian agenda. However, domestic political dynamics and in particular the active resistance of the right-wing Berlusconi government to correctly transpose and effectively implement the EU anti-racist policy have severely limited the development and consolidation of Italian legislation and machinery against race and ethnicity discrimination. References to intersectionality of race with gender, religion, and culture occasionally appear, while gender is not mainstreamed in anti-racist activities. Finally, calls for institutional reform have been made to give UNAR an independent and autonomous status. This would be especially relevant for giving the body means to denouncing governmental racism.

#### **4. Sexual orientation in Italy between cultural and political constraints and new alliances**

*The Commission on sexual orientation: a formally established but operationally 'frozen' institution*

Italian legislation has never included norms explicitly banning homosexual behaviours or identities. What Sergio Lo Giudice, president of the Arcigay NGO, defines as a 'repressive tolerance' has always prevailed over the open recognition of the very existence of 'Italian homosexuals'.<sup>17</sup> This refusal of even 'naming' the issue has had consequences both on legislative regulations and on the social attitude towards homosexuality in the country. Terms such as sexual orientation, gender identity, homosexual or lesbian explicitly entered the institutional realm only in 1999 under the centre-left D'Alema government. The demands of LGTB associations from the 1980s met the 'political availability' of the, at that time, Minister for Equal Opportunities Balbo – a sociologist with linkages with the feminist movements. Thanks to the competence that, for the first time, was assigned to the Ministry of implementing policies for overcoming discriminations against homosexuals, Minister Balbo set up in October 1999 the *Commission for studying and consulting on equal rights and opportunities for homosexual persons*, and appoints as chair Grillini – a well known gay activist.

The left-wing Equal Opportunities Minister was working at two bills – one against discriminations on the ground of sexual orientation and the other on "partnership agreements" between same sex persons. In April 2000 a governmental crisis led to the fall of the D'Alema government and to the formation of a new government within the same legislature. The Minister for Equal Opportunities of this Government was the communist Belillo who not only supported the work of the Commission but also created a Subcommission called *Gender identity rights* aimed at addressing, for the first time, the specific condition of transsexual and transgender persons. Between 1999 and 2001, the Minister for Equal Opportunities was a crucial interface between civil society and institutions and promoted political action and a new cultural understanding of homosexual and transsexual people's rights in Italy. This political engagement, however, did not bring legislative

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<sup>15</sup> Interview with Grazia Naletto.

<sup>16</sup> Interview with Senator Silvia Della Monica.

<sup>17</sup> Interview with Sergio Lo Giudice, Arcigay Honorary President, President of the Commission for the Rights and Equal Opportunities of Lesbians, Gay, Bisexuals and Transgender, Bologna, 27/02/2009.

changes. The political instability of the centre-left majority in the Parliament which led to the formation of three different governments in five years and the persisting cultural and institutional ‘resistance’ to legislate on sexual orientation blocked any reform.<sup>18</sup>

The situation changed in 2001 when the right-wing Berlusconi coalition won the general elections with a strong majority. The new Minister for Equal Opportunities was Prestigiacomo, a young entrepreneur with no contacts with the feminist or gay movement. Whilst the old Commission stopped existing when the government changed, Minister Prestigiacomo created a new Group of Study called *Sexuality, discrimination and social integration*. The very name of the body – in which the term homosexual disappears – as well as its composition and specific tasks reveal a profound change in the institutional attitude towards sexual orientation. The Group of Study had the tasks of analyzing the institutional and normative aspects which can result discriminatory with regard to “sexual tendencies” and focused on research and interventions concerning AIDS. Chair of the group was Aiuti, a doctor specialised in infective diseases and HIV, and members of the group were experts who publicly released homophobic declarations. For these reasons, Arcigay, the biggest Italian gay association, declined the Minister’s offer of entering the Commission but indicated to the Minister three advisors close to Arcigay. The Commission’s experience, however, ended in 2003 due to a ‘diplomatic crisis’ between the experts and the government. The three advisors resigned in July 2003 when the Berlusconi government adopted Legislative Decree 216/2003 through which Italy transposed the European Directive 78/2000/EC on the establishment of a general framework for equal treatment in employment and occupation in the labour market that prohibits discrimination on grounds of sexual orientation (and belief, disability, and age), which the experts considered incompliant with the EU directive and discriminatory towards homosexuals.

The EU input to legislate in Italy on equal treatment on grounds of sexual orientation at work through Directive 2000/78/EC was on the one hand positive as discrimination on grounds of sexual orientation had not been legislated before 2003, so it made the issue visible on the agenda. Legislative decree 216/2003 includes one reference to gender/sexual orientation intersectionality as the law explicitly mentions intersections with gender with reference to the differential impact that the aforementioned discriminations can have on women and men. However, paradoxically, the first time that the issue of sexual orientation is made visible on the Italian political agenda, the right-wing government incorrectly transposes the directive by *discriminating* homosexual workers where previously the lack of legislation on the issue was de facto enabling access for homosexuals<sup>19</sup>. According to LGTB associations, experts, and, later on, the EU itself – the 216/2003 Decree only partially implements the Directive and, in some of its articles, it twists the contents of the directive to the disadvantage of homosexual workers. The main critiques that experts and LGTB associations raise to the decree concern three aspects: the attribution of the burden of the proof upon the discriminated person, and not, as stated in the Directive, upon the employer (DL 216/2003, art.4.4); the extension also to sexual orientation of the qualification criteria to consider in order to select personnel for the army, police, fire brigades, prison officers, and emergency services, which enables to discriminate homosexuals for this type of works (the directive only refers to age and disability as qualification criteria to consider that could allow reasonable discrimination in the selection of personnel for the mentioned positions), while previous Italian legislation did not preclude access for homosexuals (DL 216/2003, art.3, 2-3); and the restriction of the possibility of acting with regard to discriminations only to trade-unions whereas the Directive included also the possibility for civil society associations to intervene<sup>20</sup>.

Transposing the EU anti-discrimination directive to discriminate homosexuals seemed like the latest bad-taste Berlusconi’s joke. This caused a ‘divorce’ between institutions and gay movement until the end of the right-wing government legislature. As Lo Giudice explained: ‘we

<sup>18</sup> With the exception of a change in the legislation that enabled homosexuals to become blood donors, while they were previously considered a risk category.

<sup>19</sup> Interview with Sergio Lo Giudice.

<sup>20</sup> Interview with Sergio Lo Giudice. See Gottardi D. (2003), *La trasposizione nel nostro ordinamento di due direttive in materia di discriminazioni* [http://www.donatagottardi.net/archivio/scritti\\_main.htm](http://www.donatagottardi.net/archivio/scritti_main.htm)

attacked the Ministry [of Equal Opportunities] on this point, withdrew our delegation and asked our three advisors to abandon the Commission and stop any cooperation with this government. This was the end of the experience of the Commission and of any kind of government intervention on these issues<sup>21</sup>. The dialogue was re-opened in 2006 when the left-wing Prodi coalition won the general elections with a weak majority and appointed Pollastrini as the new Minister of Equal Opportunities. Minister Pollastrini had no particular ties neither with the feminist movement nor with gay associations. Yet, she proved to be open to civil society demands and soon after having been appointed started working on the re-introduction of a Commission dealing with homosexual rights.

The Commission for the Rights and Equal Opportunities of Lesbians, Gay, Bisexuals and Transgender was instituted by Decree on 3rd of May 2007 within the Ministry for Equal Opportunities. It would work on “sexual orientation” and “gender identity”, would be composed by seven experts nominated by the Minister and would have mainly consultative tasks. The Decree was designed to favour the dialogue with civil society: it stated that when the Commission gathers “four representatives of transgender associations participate as experts”, and it created the “Conference of Italian LGTB associations” (art. 8) as a “body for the participation and the encounter and dialogue between social and institutional actors” chaired by the Minister that should gather twice a year.

The Commission was never operational, though, because the Decree implementing the body was drafted while the centre-left government had already resigned. Following the victory of the right-wing Berlusconi coalition in the April 2008 general elections the New Minister for Equal Opportunities, Carfagna, proved to be not only irresponsible to civil society pressure for making the Commission operational but more generally resistant to treat the issue of sexual orientation and to support anti-discriminations initiatives. One of the first measures introduced by Minister Carfagna, indeed, was to withdraw the financial and symbolic support from the Ministry to the Gay Pride, because in her opinion homosexuals do not need a parade since gay rights in Italy are no longer a problem. Thus, although Italian machinery formally includes an anti-discriminations body on sexual orientation and gender identity, the Commission is de facto ‘frozen’: it has no budget, it never met, and was never operational. As its President explains, whilst clearly avoiding any intervention on sexual orientation, the right-wing EO Minister so far did not ‘dare’ to formally close the Commission, a decision which would probably cause open protests and raise a debate, rather ‘she decided to leave it there as an empty shell’.<sup>22</sup>

### *Cultural and political constraints to legislate on same sex partnership in Italy*

Whilst, at least formally, a body explicitly dealing with discriminations on the ground of sexual orientation and gender identity was created within the Department for Equal Opportunity, Italian legislation on the issue is conspicuously absent. Seeking to exploit the window of opportunity for discussing anti-discrimination against homosexuals opened by the EU directive, leftist MPs proposed a number of bills for legislating against homophobia and for the recognition and non discrimination of diverse sexual orientations and gender identities. The parliamentary debate that attracted most public opinion’s attention concerned a bill to recognise civil unions and same sex partnerships’ rights known as “Dico”, proposed in 2007 during the centre-left Prodi government<sup>23</sup>. Cultural and political factors, however, worked against the approval of the bill.

The catholic ecclesiastic hierarchy strongly influenced the political debate in defence of the traditional heterosexual married family. Parties influenced by the catholic church referred in parliamentary debates to articles published by Pope Ratzinger to argue against bills to recognize homosexual partnership. Within the same parliamentary majority – composed by a fragile coalition among very different parties ranging from the centre party *La Margherita* to the Communist Party

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<sup>21</sup>Interview with Sergio Lo Giudice.

<sup>22</sup> Interview with Sergio Lo Giudice.

<sup>23</sup> ‘DiCo’ Bill on “Rights and duties of people living together on stable basis”, 19/02/2007.

*Rifondazione Comunista* – the law proposal created profound tensions that eventually led to the prevalence of positions that favoured a traditional family culture. As MP De Biasi – who worked with EO Minister Pollastrini – argued: ‘why did the ‘Dico’ bill disappear from the agenda? We were ready but it was impossible with such a wide coalition...each time you took a decision somebody disagreed with it, either from the right or from the left...and the Italian church struggled against ‘Dico’’.<sup>24</sup> The ecclesiastic mobilisation, the fragile governing coalition, and a general culture in favour of safeguarding the ‘traditional family’ blocked the approval of the so called ‘Dico’ law.<sup>25</sup>

Structural political factors that also contributed to the failure of the ‘Dico’ bill relate to changes of the Italian political system following the “majoritarian shift” in the electoral law and the parties’ spectrum from the beginning of the so-called Second Republic (Giuliani, 2008). Both the 13th (1996-2001) and 14th (2001-2006) legislature completed their five years mandate while very heterogeneous parties started to create fragile governmental coalitions always on the verge of political crisis due to internal disagreements on specific bills. Both this institutional development and the particularly aggressive political attitude expressed by the Berlusconi governments have created a general ‘confrontational mood’ between majority and opposition. This has promoted the need to develop cohesive behaviours internally to the parliamentary coalitions in order for the government not to fall. Such an arrangement has particularly affected culturally ‘sensitive laws’ such as those concerning homosexuality. During the centre-left Prodi government that proposed the ‘Dico’ bill, the need of seeking consensus within the coalition holding a weak majority has generally lowered the capacity of the Ministers of proposing ‘courageous policies’. This was particularly difficult for policies that challenged the traditional family, the defence of which has often been critical to reach political consensus in an ideologically divided context. Thus, a complex mix of political and cultural elements have prevented the approval of proposals on civil unions and homosexual partnerships in Italy.

### *Framing new strategic alliances*

Considering both the substantial absence in Italian legislation of provisions dealing with sexual orientation and the *de facto* inactivity of the agency tackling the issue, it is hard in Italy to find traces of intersectionality of sexual orientation with other grounds of inequality in institutional settings. Yet, it is interesting to look at the way in which discourses on sexual orientation and intersectionality are articulated by those actors that most actively work on this matter and vehicle their demands towards institutions, that is civil society actors. In the case of sexual orientation, gay associations were created mainly starting from the second-half of the 80s. Lesbians’ situation, however, has been articulated later. Arcigay divided in 1996 into two autonomous but federated organisations – Arcigay and Arcilesbica – following lesbians’ requests for an internal restructuring aimed at singling out the different needs and demands of gay women (Dragone, Gramolini et al 2008). More radical lesbians groups, moreover, have started to gain visibility only in recent years.

The emergence of the lesbian issue represents one of the factors that have favoured the unprecedented alliance between the gay and the women’s movement. Lesbian activists have acted as ‘bridges’ between the two movements. In 2006, gay and feminist associations demonstrated together against measures on abortion and assisted reproduction (Law 40/2004) introduced by the

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<sup>24</sup> Interview with MP Emilia De Biasi (PD), Rome, 26/02/2009.

<sup>25</sup> If the situation, at the national level, appears blocked, the local level, especially in centre-north regions, seems more dynamic. LGTBQ associations are increasingly turning to local courts to obtain the legal recognition of their unions. In a context of legislative *vacuum*, some courts are producing sentences recognizing gay partnership and lately even marriage. For instance, on the 9<sup>th</sup> of April 2009 the Venice Court has positively sentenced on the case of a gay couple asking Venice Municipality the public registering of their marriage. The sentence - developed around the arguments that ‘new needs, linked also to the evolution of culture and culture, require protection’ and that marriage between same sex persons causes ‘no danger to public or private interests’, represents a watershed in the legal regulation of the issue in Italy.

Berlusconi Government in collaboration with the catholic hierarchy. The master-frames under which two traditionally different movements have gathered, to target left-wing parties in government in 2006, have been those of ‘secularism’ and ‘freedom for all in sexuality matters’.

In the context of the current Berlusconi Government, engaged in restrictive policies on migration and opposing homosexual rights, the gay movement is developing other alliances. The last Gay Pride which took place in Rome in June 2009 has been organised under the slogan ‘anti-racist pride’. Thus, it seems that the alliance with the women’s movement based on the promotion of specific sexuality rights is leaving room to a rather ‘defensive’ alliance aimed at granting minimum rights under the master-frame “no discrimination, no violence”. These alliances seem to be contextual, strategic and, above all, tend to tackle different grounds of inequalities under broader master-frames which ‘gather’ them without per se leading to intersectionality. Yet, mutual contamination among civil society might favour the emergence of intersectional approaches in the future.

### **Conclusions: why cannot we talk of an institutionalization of intersectionality in Italy?**

Italy has passed from a unitary gender-centred approach to a multiple one under the EU pressure and occasional governmental window of opportunities. However, gender has not been mainstreamed in other inequality policies, there are no procedures to coordinate action on multiple discriminations, and intersectionality of gender with other inequalities is formally present in the Decrees transposing EU anti-discriminatory directives on race and sexual orientation, but it is de facto absent in policy practice. What we find is rather discriminatory biases in the form of institutional racism and homophobia. In this respect, we conclude that applied intersectionality in Italy is not only embryonic but also volatile and dependant on governmental changes. Here, we wish to discuss the reasons for this failed institutionalisation of intersectionality and the contribution of the analysis of the Italian case for the theory.

The dynamics guiding the ‘non-institutionalization’ of intersectionality in Italy are complex and involve different institutional, political, and cultural factors. The most significant factors for understanding why intersectionality has not become institutionally embedded in the Italian political context, in spite of the EU influence, have to do with the institutional and political structure. Shirin Rai (2008) argues that five elements (ECOSOC 1999) have been identified as relevant for the effectiveness of equality machineries (it refers to gender bodies but could be applied to other equality agencies): first, location at a high level within the decision-making hierarchy and authority to influence government policy; second, clarity of mandate and functional responsibility; third, links with civil society groups that support the advancement of women’s rights; fourth, human and financial resources; and fifth, the accountability of the national machinery to the women’s movement (see also Squires 2007). What is the specific configuration of the Italian equality machinery?

The Italian Ministry for Rights and Equal Opportunities, which deals with equality policies on gender, race/ethnicity, and sexual orientation, is highly located as it depends directly on the Presidency. However, the not autonomous status of the body does not favour authority to influence government policy. The Italian Ministry of EO has a broad executive mandate. However, the lack of financial autonomy and the little financial and human resources are severe limitations to the possibility of implementing the mandate. In order to coordinate initiatives the Ministry of EO must rely on the availability of other Ministries, which varies with the government situation. As concerns clarity of functional responsibility, this is also limited by the fact that the EO Ministry’s activities highly depend on the type of governmental responsibilities which are assigned to the Minister by the different Cabinet Presidents. Such a weak structure makes the Ministry of EO particularly vulnerable to government changes, a factor that has greatly affected continuity and consistency of equality policy, considered the highly unstable Italian political system. Also interaction with civil society and accountability of machinery in Italy has proved to be highly dependant on government

change. Since there are no institutionalised channels for consultation, the relationship varies according to the political will of the Minister of EO and of the government, with centre-left governments being more inclusive than centre-right ones. With regard to gender equality, the characteristics of Italian feminist movement, more 'difference' oriented and sceptical about engaging in relations with state agencies, have limited the impact of the movement on the agencies. LGBT and, to a lesser extent, anti-racist associations have also been affected by governmental changes, with greater cooperation coming in times of centre-left governments, and distance arising in reaction to centre-right discriminatory policies.

The Italian case teaches us that institutional and political preconditions similar to those identified for women's policy agencies are necessary for an institutionalisation of intersectionality that could show minimum quality in its procedures and outcomes. In particular, the autonomous status of the equality body, both politically and financially, and the clarity of functional responsibility appear important aspects to make the agency less vulnerable to governmental changes. The institutionalisation of channels for the consultation of civil society also appears crucial to enable NGOs dealing with different equality issues to make their voices heard in political debates on equality independently of the particular orientation of the majority in government. This does not necessarily mean that different groups concerned about a specific inequality will automatically create alliances with other groups, but at least it creates some space for their participation in the political process. Human and financial resources of equality bodies are another important prerequisite for intersectionality to avoid the danger that little resources might trigger competition between different inequality groups to get attention and resources from the institution. However, in the analysis of the Italian case, dynamics of competition did not appear so relevant, as civil society groups were rather busy engaging in the protection of their basic equality rights vis-à-vis their government. The abovementioned preconditions for the institutionalisation of equality agencies are not necessarily leading to greater intersectionality. Nonetheless, the analysis of the Italian case showed that they can at least open some room for institutional capacity building in the area of equality and they can promote some conditions for the maintenance of a dialogue between institutions and civil society that could favour actors' cooperation on equality issues and, possibly, the creation of intersectional alliances and policies. Intersectionality would also rely on the coordination existing between different equality departments of the Ministry dealing with gender, race or sexual orientation, and the extent to which the specific equality departments consult a variety of NGOs dealing with different inequalities.

The European Union had a tremendous impact on placing equality issues on the Italian political agenda, for gender, race and sexual orientation, as the legislation transposing EU directives shows. It was influential in the establishment of the Ministry for Rights and Equal Opportunities in 1996 to deal with gender equality, and was again behind the creation in 2003 of the anti-racist UNAR body. It was less influential in the formal creation of a body on sexual orientation, which was mainly moved by domestic dynamics of civil society pressure and left-wing government's political will. Binding instruments like EU directives have been effective in obliging unwilling Italian institutional actors to transpose antidiscrimination legislation. Berlusconi's government had finally to introduce the reversal of the burden of the proof in its anti-racist Decree in 2008 after the Commission initiated an infringement procedure against it. Yet, the fact that there is no EU monitoring of implementation of directives makes it possible, in political contexts like the Italian, to formally maintain agencies such as UNAR but de facto 'emptying' them by not operationalising them. The scarce jurisprudence on anti-discrimination, further limited by an incorrect transposition that left the burden of the proof on the discriminated person, also shows a poor implementation of EU anti-discrimination legislation. These findings suggest that quality intersectionality in politics also requires monitoring of the implementation of equality bodies by actors external to the government. Monitoring would be necessary not only to ensure that equality policies are put into practice and equality bodies are actually working but, most importantly, to avoid that domestic

actors such as the current Italian Berlusconi government dare twist an EU anti-discrimination policy into one that discriminates the very subjects it should protect.

Indeed, despite the strong EU impact on the development of equality policies in Italy, domestic political actors have been key gatekeepers in the process, sometimes determining outcomes opposite to those expected from the EU anti-discrimination directives which paradoxically reinforced discrimination. We found two different cases of Jacquot and Woll (2003)'s 'usage' of the EU in Italian political interactions over sexual orientation, one in which the EU was used to introduce discriminatory policies, and the other to legitimise the introduction of anti-discriminatory measures. In the first case, Arcigay's President Lo Giudice argued that 'invisibility' through absence of Italian legislation on sexual orientation was better than the domestic 'political usage', or rather instrumentalisation, of EU anti-discrimination directives by the right-wing government to introduce active biases against homosexuals in the transposition of the 2000/78/EC directive. An example of the second case of EU political usage is that which has enabled left-wing governments equal opportunities Ministers to be more persuasive by employing the EU discourse to support progressive measures such as the creation of a Commission on sexual orientation discrimination.

Cultural elements also contribute to understand the reasons for the difficult institutionalisation of Italian equality policies. Cultural factors interact with the Italian political system with the result of hindering the articulation of consistent equality policies also in the left-oriented parties. A widespread culture of familism, often used to reach political consensus, and the strong interference of the catholic ecclesiastic hierarchy in Italian political affairs, have affected the development of equality policies in Italy. The difficulty for the centre-left majority to reach consensus within wide party coalitions that included both left and right-wing positions, in the context of a political system shifting towards majority, has blocked the adoption of progressive policy proposals especially on more sensitive issues, such as homosexual and partnership rights, which challenge the traditional family.

Looking at inequality policymaking through intersectional lenses, that is treating intersectionality as a methodological tool, helps us scholars to focus on previously neglected aspects, which opens interesting research and political horizons. The analysis of the Italian case through intersectional lenses has moved us to explore how multiple inequalities were politically treated and has given us some elements to discuss intersectionality theory. The beginning of an institutionalisation of multiple inequalities in Italy, as hindered as it was by the Berlusconi government, could be considered as a first opening towards intersectional policies in the future, also considering that the anti-racist body (UNAR) was created within the gender equality body (Department for EO). Moreover, the fact that, despite its lack of implementation, the Decrees transposing the EU directives refer to gender intersections with race, sexual orientation, and religion moves us to speak of a case of legislated 'accidental intersectionality'. In this sense, theory could be more specific in distinguishing between cases of accidental or routinised intersectionality, and consider both legislated and implemented intersectionality. Cases of alliance between the feminist and the homosexual movement in specific occasions are interesting for refining intersectionality theory too. The concept of 'alliance' used in the context of intersectional dynamics (Walby 2007) can help us to refine existing vocabulary of intersectionality theory and identify a situation in which inequalities are 'overlapping' or intersecting. That is the two inequalities are overlapping when they are still maintained as separate but happen to come together in particular occasions, for actors' specific strategic or ideological reasons (eg anti-racist and homosexual movements' alliance during the 2009 anti-racist pride). Or inequalities can be intersecting, as it was for gender and sexuality in the case of the alliance between the lesbian and feminist movements to defend sexual rights. In this sense, Hancock's theory of unitary, multiple, and intersectional approach could be revised through the introduction of more precise concepts able to describe the variety of existing empirical realities which are sometimes half way between multiple inequalities and intersectionality.

Finally, the analysis of the Italian case has shown that the process of institutionalising intersectionality is driven by complex, multi-level (EU, domestic), and multi-faceted (political, cultural) dynamics and factors. Thus, we suggest that theories on the institutionalisation of intersectionality could benefit not only from being more deeply grounded within specific national political and cultural contexts, but also from the use of a multiplicity of approaches and methods. These analytical approaches could provide helpful elements to uncover the complex dynamics of interaction among different inequalities that result from the ‘framing work’ of a multiplicity of actors intervening in processes of institutionalisation of equality, bringing their own agendas and moving within the ‘frameworks’ offered by the specific political, institutional, and cultural contexts of their time.

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