

ITALIAN INFLUENCE ON EUROPEAN LAW: WHERE ARE THE WOMEN?

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This article interrogates the conspicuous absence of women in European law through the lens of a recently published volume on the Italian influence on European law. The volume, which compiled biographies of eleven judges and advocates general serving at the European Court of Justice since its inception in 1952, reveals an unmistakable ‘Italian-ness’ that, until 2000, was exclusively male. Strikingly, the majority of these Italian jurists were also legal scholars, with careers rooted in Italian academia before their appointments. By juxtaposing this male-dominated narrative with the gradual increase of women in Italian legal academia, the article examines the systemic barriers that have historically precluded women from ascending to positions of substantive authority within the legal profession.

The article critically explores the entrenched, patronage-based academic recruitment system—including the notorious ‘concorso’—and the enduring gender hierarchies sustained by traditional institutions such as the informal maestro networks. Drawing on historical data, scholarly testimonies, and reflections from academic symposia, the study reveals how these practices have constrained the visibility and influence of pioneering Italian women jurists. Despite recent reforms aimed at fostering inclusivity, these measures have yet to dismantle the deep-rooted cultural and institutional barriers evident in the opaque selection processes by which the Italian government selects candidates for European judicial appointments.

If the link between the all-male biographies of Italian ECJ judges and the exclusion of women from Italian legal academia is not immediately evident, it becomes clearer when seen from the vantage point of a scholar who emigrated and pursued most of her career in the United States. Observing the persistent, personal, and systemic struggles faced by female colleagues who remained in Italy underscores how deeply gender inequities are embedded in the legal-academic environment. The article concludes by calling for a comprehensive research agenda—combining qualitative and quantitative methods—to recover the silenced histories of Italian women in law and to advocate for a more equitable framework in legal academia.

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I. THE ABSENCE OF WOMEN

In a recent volume on the *Italian influence on European law*,¹ I had the privilege of collaborating with some wonderful co-editors—scholars with stellar knowledge of EU law who were open to exploring sociological, historical, and doctrinal aspects of the jurisprudence of the Court of Justice of the European Union (CJEU) through a biographical lenses. In this volume, we asked several colleagues to compile the biographies of 11 judges and advocates general who served in Luxembourg from 1952 to 2000. Our goal was to identify an Italian influence, an ‘Italian-ness’ or ‘Italian way’ that resonated across their careers,² despite their varied professional backgrounds, affiliations, and political preferences. In the conclusion of the volume, I sought to trace the ‘Italian style’³ emerging from European law by looking into the contributions of those jurists who spent part of their careers as judges, civil servants, and, most notably, law professors and were later nominated to serve at the Court of Justice or the General Court in Luxembourg. What emerged from the biographies was that a majority of the Italian jurists, over time, especially those who came from legal academia, played prominent roles at the CJEU as important institutional players or in shaping the legal doctrines and the legal consciousness of European law.

Had our volume extended its scope to 2026, we might have been able to include two portraits of Italian women, both Professors of EU law, who became judges. First, Lucia Serena Rossi at the Court of Justice and then at the General Court, Ornella Porchia.⁴ However, the Italian influence portrayed in our volume, covering up to 2000, is marked by a conspicuous absence of women in the judiciary in Luxembourg. This unexplored research question—why such a glaring absence exists among the network of judges and advocates general, that are increasingly selected among legal scholars belonging to a variety of disciplinary fields including European, international, constitutional, private and labor law—warrants deeper investigation. While Italian law professors have undoubtedly propelled Italy’s influence in European law through innovative and impactful ideas, the historical inability of women to advance within Italian legal academia at the same pace as their male counterparts remains a critical issue. This essay examines how the absence of women in our edited volume is intrinsically linked to systemic factors, including the non-transparent selection processes for European judges, bottlenecks in Italian academic recruitment, and professional barriers that continue to hinder women’s advancement in the legal

¹ See D. Gallo, R. Mastroianni, F.G. Nicola and L. Cecchetti eds, *The Italian Influence on European Law. Judges and Advocates General (1952-2000)* (Oxford: Hart, 2024).

² See F.G. Nicola et al, ‘Conclusions: Four Traits of the Italian Influence on European Law’, in D. Gallo et al, n 1 above, 283.

³ See J.H. Merryman, ‘The Italian Style I: Doctrine’ 18 *Stanford Law Review*, 39-65, 39 (1965).

⁴ Professor Ornella Porchia was nominated at the General Court in 2019 and Professor Lucia Serena Rossi was nominated at the Court of Justice in 2018 and has written a chapter in our volume, L.S. Rossi, ‘Working at the Court of Justice of The European Union, in the Experience of a Judge’, in D. Gallo et al, n 1 above, 219; F.G. Nicola, n 2 above, 290.

profession.

II. ITALIAN STYLE IN EUROPEAN LAW

The challenge of our edited volume was to substantiate what we had promised in our title: the Italian influence in EU law. In our conclusion, I was tasked with shedding light on the ‘Italian style’ within European law. Our volume highlighted the Italian style that John Henry Merryman had defined as :

‘[...a] set of deeply rooted, historically conditioned attitudes about the nature of law, about the role of law in society and the polity, about the proper organization and operation of a legal system, and about the way law is or should be made, applied, studied, perfected, and taught’.⁵

Despite the overshadowing presence of French and German jurists in Luxembourg, our aim was to convince European readers that the Italian legal tradition offers significant, albeit often underappreciated, contributions to the development of European law—particularly through the jurisprudence of the CJEU.

Among the contributions we identified, four traits of the Italian style stood out as emblematic from the biographies of the jurists at the CJEU over time.⁶ First, there was the adeptness of the Italian style in navigating diverse continental legal traditions, particularly through the incorporation of Roman law principles by towering figures such as Alberto Trabucchi (1907-1998), Professor of Civil law in Padova who served in Luxembourg as judge (1962-1970) and advocate general (1970-1975). Second, we noted Italian jurists’ frequent reliance on scholarly writings to address legal lacunae, reflecting a deep engagement with academic discourse. Third, the Italian style often featured the strategic deployment of formal legal reasoning, expressed through elegant legal formulas. Finally, we observed a pragmatic approach to judicial interpretation, wherein judges, despite the formal separation of legislative and judicial powers, engaged in creative or ‘evolutive’ judge-made law.⁷ The biggest challenge in our edited volume was to trace what we promised in our title, and what another contributor declared it was a nearly impossible task,⁸ namely the Italian influence on EU law.

The Italian style, particularly in a transnational setting, served as an archetype to comprehend not only the ancient Roman origins of civil law, but also the adeptness of Italian jurists in navigating between distinct continental legal traditions.

⁵ See J.H. Merryman, n 3 above.

⁶ F.G. Nicola, n 2 above.

⁷ See J.H. Merryman, n 3 above; C. Crea, ‘What Is to Be Done? Tullio Ascarelli on the Theory of Legal Interpretation’ 1 *The Italian Law Journal*, 181-205, 181 (2015).

⁸ See M. Bobek, ‘Judicial Biographies and Judicial Decision-Making: A Fish Reflects on the Work of Marine Biologists’, in D. Gallo et al, n 1 above, 267.

Caught between the French positivist attitude and the German scholarly ambition, the Italian style has ingeniously walked a tightrope to reconcile the two.⁹ Much like the French language, the Italian language offers ritual and elegant legal formulas. However, akin to German, it also provides ample space for framing abstract legal concepts using metaphors and other legal fictions borrowed by judges from the highly esteemed legal scholarship, known as *la dottrina*.

One hallmark of the Italian legal style lies in its eclecticism: on the one hand, it adopts formal legal reasoning, expressed through refined legal formulations and Latin maxims, on the other, it moves through a '*stratum* above which school, method, codifications and legal orders flow in the course of time'.¹⁰ A good example of such eclecticism emerged from the biographical chapter by Ezio Perillo on Alberto Trabucchi. In his 1976 speech, President Robert Lecourt revealed that Trabucchi played a pivotal role in the landmark Van Gend en Loos judgment, crediting his success to his exceptional expertise as a civil lawyer:

'[...Your] thorough knowledge of Roman law, has been the basis [...] of the clarity and the precision of some of the most famous grounds for our judgments, which have become the classic 'selected passages' of Community law. [...] you have remained the vigilant guardian of civil law, the '*juris civilis custos*' as Cicero put it.'¹¹

This ability of the Italian jurists to use Roman law and precise juridical *formulae* to revolutionize European law for instance by shaping the doctrines of direct effect and primacy stems from the eclecticism of the Italian legal style.¹² Italian jurists navigate between the French, German, and the revival of the Roman legal tradition in Bologna during the XII century, demonstrating an insatiable curiosity for other legal experiences, for example the pragmatic Anglo-American or the politicized Soviet legal traditions in the aftermath of World War II.¹³

However, during the Fascist era, Italian scholars deployed legal formalism and positivism to resist political pressures of the regime in the adoption of the Italian Civil code of 1942. As Bianca Gardella Tedeschi explains, in the 1930s:

'Formalism became a trait of Italian scholarship, especially in private law, during the fascist era. The decision to detach law from society and shared values,

⁹ See L. Lacchè, 'On the Italian Style: The Eclectic Canon and the Relationship of Theory to Practice as key-elements of Italian Legal Culture (19th-20th Centuries)' 34 *Journal of Constitutional History*, 263-280 (2017).

¹⁰ *ibid* 269.

¹¹ See E. Perillo, 'Alberto Trabucchi: the Defender of the European Citizens' Rights and the Van Gend & Loos Ruling of the Court of Justice', in D. Gallo et al, n 1 above, 85.

¹² G. Marini, 'L'Italian Style fra centro e periferia, ovvero Gramsci, Gorla e la posta in gioco del diritto privato' 7(1) *Rivista Italiana per le Scienze Giuridiche*, 95-157, 96 (2016).

¹³ See F. Vassalli, 'Extratatalita' del Diritto civile', in G. Andreoli et al eds, *Studi in Onore di Antonio Cicu* (Milano: Giuffrè, 1951), II, 481-490, promoting a greater opportunities for continental jurists to study anglo-american law.

has been later read as a way for bourgeois and non-Fascist lawyers and judges to be able to be good jurists and at the same not embrace fascist values and projects.¹⁴

While Italian jurists adeptly employed formalism and deductive legal reasoning to resist politicization during the Mussolini regime, by the late 1950s, this formalist structure came under criticism by civil lawyers. Scholars like Rodolfo Sacco began employing comparative legal tools to challenge the rigidity and abstract nature of formulas employed by private lawyers.¹⁵

Another controversial aspect of the Italian style that emerges in Merryman's 1960s writings is the frustration with the legislative folklore that upholds a strict separation between legislative and judicial powers. The Italian style was characterized by the orthodoxy of its legal sources, above all legislation, while judge-made law was discarded. However, such proposition was continuously challenged by scholarship, the jurisprudence of the Italian Constitutional Court and the nascent law of the European Communities.¹⁶ Therefore, Italian judicial interpretation was in constant competition with doctrinal and authentic interpretations provided by scholars and legislators, respectively.

Tullio Ascarelli (1903-1959) and Piero Calamandrei (1889-1956) were among the most prominent Italian scholars challenging what Merryman would later call the folklore of judicial interpretations in Italy. Ascarelli was a commercial lawyer from Rome and the son of Jewish lawyers who had to leave Italy in 1939 due to the enforcement of Mussolini's racial laws.¹⁷ He was also a scholar of comparative law, open to the interplay between civil law and common law, and a fine scholar of legal hermeneutics. Hence his great 'openness':¹⁸ indeed, when he came back from Brazil in 1949, he became a towering figure through his publications advocating for 'the need to go 'beyond legal concepts', his ongoing 'quest of value judgments', and his awareness that interpreting law is 'a creative and not simply a declarative activity'.¹⁹

Calamandrei was the Florentine civil lawyer who participated in the drafting of the Italian Code of Civil Procedure of 1940²⁰ as a leading scholar despite being

¹⁴ See B. Gardella Tedeschi, 'Italian Comparative: A Trait of the Legal System' 18 *FIU Law Review*, 797 (2024).

¹⁵ See R. Sacco, 'Prospettive della scienza civilistica italiana all'inizio del nuovo secolo' *Rivista di Diritto Civile*, 417-452 (2005).

¹⁶ See M. Cartabia and N. Lupo, *The Constitution of Italy: A Contextual Analysis* (London: Bloomsbury Publishing, 2022).

¹⁷ See T. Amico di Meane, *Sulle Spalle dei Giganti. La questione metodologica del diritto comparato e il suo racconto* (Napoli: Editoriale Scientifica, 2022).

¹⁸ Its 'cultural manifesto' can be found in T. Ascarelli, 'Antigone and Portia' 1(2) *The Italian Law Journal*, 167-180 (2015) (translated with notes by C. Crea).

¹⁹ See C. Crea, n 7 above, 187, explaining that 'The evolution of Ascarelli's thinking – as far as the complexity and the unity of the legal experience is concerned – originate from his background in commercial law, with its attention to empirical data and from the perceived inadequacy of codified law'.

²⁰ See G. Alpa, S. Calamandrei and F. Marullo di Condojanni eds, *Piero Calamandrei e il*

an anti-Fascist. Later on, Calamandrei was elected to the Italian Constituent Assembly in 1946 as a member of a liberal socialist party. His position on judicial interpretation was that statutes could be interpreted creatively through an evolutive interpretation, general principles or analogy because these are ‘windows which open the world’. Therefore, by using them ‘the judge can, within the limits of the law, keep the law abreast of changing times’.²¹ Calamandrei’s view on the creative potential of judicial interpretation through an ‘evolutive interpretation’ was also embraced by many in our second generation of jurists—the innovators. This group began with Alberto Trabucchi and his Florentine *référéndaire*, Paolo Gori, who famously disclosed the differing positions of European judges in the *Van Gen en Loos* ruling.²²

Not surprisingly, Gori’s contribution to the 50th anniversary of *Van Gend en Loos* addresses the pragmatic conception of Calamandrei which does not imply judicial partiality but instead recognizes that judicial decision-making entails not only formal logic but also some meta-juridical elements such as ‘values’ that are part of the human experience.²³ Gori further elaborates that in light of Trabucchi’s emphasis on safeguarding individual rights, he also promoted an evolutionary interpretation of European Community law. This entailed expanding the direct application of some of the rights conferred to individuals by the Treaty through the preliminary reference procedure. Simultaneously, Trabucchi aimed to ensure equal and effective protection of these rights within the internal legal systems of the Member States by fostering cooperation among national judges.²⁴

A third element of the Italian legal style in the EU law context is the reliance on scholarly writings, *la dottrina*, to address legal *lacunae* in the codes and statutes. First, it is important to highlight that this reliance on scholarly writings is instrumental in understanding what Merryman refers to as ‘doctrinal folklore’— a dependence on legal science in which only scholars provide guidance to judges.²⁵ Yet, unlike the traditional Italian style, criticized by Merryman, where citing *la dottrina* in judicial decisions is severely prohibited by the Italian Civil code, Italian judges in Luxemburg, especially those with academic rather than judicial backgrounds, have made extensive use of this practice.

An example of this reliance on scholarly opinions, combined with the creative role of judicial interpretation, is evident in many of the opinions of the Italian

nuovo Codice di procedura civile (1940) (Bologna: il Mulino, 2018).

²¹ See J.H. Merryman, ‘The Italian Style III: Interpretation’ 18 *Stanford Law Review*, 583-611, 602 (1966).

²² See P. Gori, ‘Souvenirs d’un Survivant’, in A. Tizzano et al eds, *50th Anniversary of the Judgment in Van Gend en Loos, 1963-2013* (Luxembourg: Office des publications de l’Union européenne 2013), 29-35, available at <https://tinyurl.com/2kv8a8r4> (last visited 30 May 2025).

²³ *ibid* 32; L. Clément-Wilz, ‘The Human Factor in EU Law’ *VerfBlog*, 8 May 2025.

²⁴ *ibid* 33.

²⁵ See J.H. Merryman, n 21 above, 586, as Merryman critically puts it ‘[t]he scholar is the scientists, and the judge, at best, merely the engineer. The scholar provides systematic, scientific legal structure that the judge accepts and applies. The work of the scholar is creative and exalted; that of the judge is, although important, on a lower plane’.

advocates general at the CJEU from 1952 to 2000. This is particularly notable in the opinions of the advocates general such as Alberto Trabucchi, Antonio La Pergola, Federico Mancini, Antonio Saggio and Giuseppe Tesauero who were pioneers, innovators and constitutionalist,²⁶ in constant discussion with *la dottrina* that were predominantly Italian scholarly writings. However, tracing such reliance of the advocates general on *la dottrina*, is not always an easy task, due to the existence of influential scholarly writings beyond the Italian ones as well as the challenge of translations and their inherent ambiguities.²⁷

III. 'ITALIAN STYLE' IN EUROPE WITHOUT WOMEN

This book project stands as one of the most creative, enjoyable, and fulfilling endeavors of my career. However, amid countless emails, calls, and interactions, a deeper issue began to trouble me: the absence of Italian women in our biographical work on the CJEU, which starkly reflects the broader underrepresentation of women in Italy's judiciary and legal profession at the highest levels.²⁸ The absence of Italian women in our volume reflects the broader absence of women in Italy's legal institutions, which have traditionally been significant sites of power dominated by hetero-normative and patriarchal visions of society.

This dynamic is evident in the history of women in the Italian legal profession, the judiciary, and legal academia.²⁹ A few stories of 'trailblazing women lawyers'³⁰ and judges do exist, highlighting important and rather recent achievements among Italian jurists. For instance, Maria Pellegrina Amoretti from Liguria was the first woman to graduate with a law degree in Italy from the University of Pavia in 1777.³¹ Despite such early start, Lidia Poët, from Turin who graduated from law school in 1881, she was admitted to the Order of Barristers of Turin but a decision of the Court

²⁶ See 'Introduction: Tracing the Italian Influence on European Law Through Judicial Biographies', in volume cited in n 1 above, in which the authors divide the three generations of jurists in Luxembourg into: the first generation of 'pioneers' (1950s to 1960s), the second generation of 'innovators' (1960s to 1980s), and the third generation of the 'EU constitutionalists' (1980s to 2000).

²⁷ See K. McAuliffe, 'Translating Ambiguity' 9 *Journal of Comparative Law*, 65 (2014); and Id, 'Behind the Scenes at the Court of Justice', in B. Davies and F.G. Nicola eds, *EU Law Stories. Contextual and Critical Histories of European Jurisprudence* (Cambridge: Cambridge University Press, 2017), 35-57.

²⁸ See S. Cocchi and M. Guglielmi, 'Gender Equality in the Judiciary: Experiences and Perspectives from Italy' 2 *The Italian Law Journal*, 385-399 (2020).

²⁹ See V. Maisto and S. Ciervo, 'Le questioni di genere. L'influenza della questione di genere sulla organizzazione degli uffici, sulla tutela della maternità e sulla parità di prospettive di carriera: una panoramica storica e normativa e proposte per il prossimo futuro' 4 *Questione Giustizia*, 152-157 (2023), available at <https://tinyurl.com/32v3eus2> (last visited 30 May 2025).

³⁰ See J. Norgren, *Stories from Trailblazing Women Lawyers* (New York: New York University Press 2018).

³¹ See <https://tinyurl.com/yjn4nz4m> (last visited 30 May 2025).

of Appeals, confirmed by the Court of Cassation, overturned such decision. With a similar experience, Teresa Labriola, who graduated in law in 1912 and served as lecturer in law at the University of Rome was registered to the *albo* of lawyers in Rome but the courts overturned such decision. Women finally became lawyers in Italy by 1919 when a law was passed by the legislature and by 1929 only fifteen women were registered attorneys.³² Additionally, dott.ssa Oliva, a student of the constitutional giant Constantino Mortati, led the battle to open the judicial career to women in 1963.³³ The other ‘firsts’ have been much more recent in fact only in 2023 Margherita Cassano became the woman President of the Court of Cassation, in 2019 Marta Cartabia the first woman President of the Constitutional Court and Paola Severino the first woman to serve as Minister of Justice in 2011.

Due to the slow integration of women into the legal profession in Italy, it is unsurprising that gender disparity has persisted, particularly in Italian legal academia. Although important studies over the past 20 years have shown some progress in achieving gender balance within legal academia, these studies also reveal that parity is more prevalent at the lower levels of the academic hierarchy among assistant professors, while significant gender disparities remain at the top among full professors.³⁴

While some important descriptive work has been done to map the slow progression of women in the legal profession, sociological and theoretical work could trace the profile and social capital of the women who made it as ‘the first’ to achieve such positions. This approach could reveal, through an intersectional perspective, how certain women, rather than others have—often supported by powerful ‘*Maestri*,’ possibly benefiting from academic backgrounds within their families or greater economic means—managed to break the glass ceiling. These women frequently hailed from Northern rather than Southern Italy, suggesting that regional disparities played a role in accessing these positions and instruments of power historically reserved for male elites.

Most of my emails to my colleagues began with ‘*Carissimi*,’ as all three of my co-editors were men. Additionally, all 11 biographies of the Italian judges featured in the volume were also men. Throughout our discussions on selecting contributors who would write chapters for the volume, we were fortunate to recruit several prominent Italian and non-Italian women scholars, judges, and civil servants in the field of EU law. These brilliant women, who have made significant contributions to the field, readily accepted our invitation to collaborate or like former President of the European Court of Human Rights, Siofra O’Leary who not only commented

³² See J.C. Albisetti, ‘Portia Ante Portas: Women and the Legal Profession in Europe, ca. 1870–1925’ 33(4) *Journal of Social History*, 825–857, 829 (2000).

³³ See the publication of the proceedings of the conference marking the sixtieth anniversary of the Italian Constitutional Court’s ruling no 33 of 13 May 1960, collected in the special issue of *Nomos, Le attualità nel diritto*, available at <https://tinyurl.com/2dnrzyfa> (last visited 30 May 2025).

³⁴ See P. Piciacchia, ‘L’eguaglianza lontana: I dati degli ultimi venti anni’ 2 *Nomos. Le attualità nel diritto*, 1–25, 6 (2021), available at <https://tinyurl.com/323ysejp> (last visited 30 May 2025).

on the chapter on Advocate General Federico Mancini for whom she served as a *référéndaire*, but she also endorsed our volume.³⁵ Yet none of them, nor I, addressed the glaring issue of gender disparity since not a single woman was portrayed in the volume as Italy never nominated, up to the year 2000, that is when we decided to limit our historical recollection, a woman at the CJEU.

In light of this absence, we briefly mentioned in our conclusion that:

‘Our volume draws on a variety of data to offer a ‘collective biography’³⁶ of Italian male judges and advocates general, across a limited period of time between 1952-2000. In fact, no Italian women were nominated to the court until Lucia Serena Rossi was appointed as a judge at the Court of Justice in 2018, followed by Ornella Porchia appointed to the General Court in 2019. Nevertheless, it is notable that the Italian government has never nominated a woman to serve as an advocate general. This underscores the challenges inherent in the appointment and confirmation procedures in Italy.’³⁷

Clearly this was not only an ‘Italian problem’ because since the creation of the European Court of Justice in 1952, the first woman who became an advocate general at the Court was the French jurist Simone Rozès in 1981 and not until 1999 the first female Judge F. O’Kelly Macken was appointed by Ireland. Notably, neither the Court of Justice (CoJ) nor the General Court (GC) have ever had a woman President.

When in October 2024 during a partial renewal of the CJEU the new cohort of 11 Judges and AGs arrived in Luxembourg,³⁸ only one new woman was appointed to the CoJ. As a result, a French colleague, Laure Clément-Wilz and I wrote about the gender disparity at the CJEU.³⁹ For this project, we gathered quantitative and qualitative data to probe some path dependencies in the long absence of women in Luxembourg and their effects and then we delved into the lack of nominations by the French and Italian governments to the CJEU.

As we wrote, the case of Italy’s first female Judge at the Court of Justice, Lucia Serena Rossi, is particularly emblematic:

‘Despite her six-year mandate, she was not reappointed by the Italian government. At the same time, the government had the opportunity to restore gender balance by nominating a woman as Advocate-General, yet it failed to

³⁵ See endorsement online of our volume on Hart Website, available at <https://tinyurl.com/5n8e6j5z> (last visited 30 May 2025).

³⁶ For a definition of collective biographies see M. Bobek, ‘Judicial biographies and judicial decision-making: A fish reflects on the work of marine biologists’, in D. Gallo et al, n 1 above, 267-282.

³⁷ See F.G. Nicola, n. 2 above, 290.

³⁸ See <https://tinyurl.com/yc6623hm> (last visited 30 May 2025).

³⁹ See L. Clément-Wilz and F.G. Nicola, ‘Rising Gender Disparity at the CJEU’ *VerfBlog* (2014), available at <https://tinyurl.com/2u2jfa5a> (last visited 30 May 2025).

do so. In both instances, the government did not conduct an open selection process that could have encouraged female candidates to apply. This lack of transparency contrasts with Italy's previous nomination, when, following an open selection process, the government appointed a male Judge and its first female Judge at the General Court, Ornella Porchia in 2019.⁴⁰

Italian judges have also been prominent Italian academics, often but not exclusively Professors of European Law as some of them were civil, constitutional or labor law scholars. In Italy, many of the most influential judges in Luxembourg have traditionally come from Italian law schools in public Universities, with a significant proportion holding expertise in European Union Law. While not all judges shared this academic background, Antoine Vauchez also highlighted the Professor-Judge, as a notable trend of the Italian way, with few exceptions of judges or politicians.⁴¹

IV. REVEALING MOMENTS ON THE LACK OF WOMEN IN THE ITALIAN INFLUENCE

It was only after the volume was completed that I had some revealing moments about these entrenched gender disparities in the Italian legal profession. The first occurred during an online workshop organized by legal historians Will Phelan and Bill Davies. During this workshop, a male colleague highlighted that all eleven jurists featured in our volume were men, yet the volume did nothing to analyze this striking fact. While the volume noted that many of the jurists were married and not all traveled to Luxembourg with their wives, it failed to explore why no women were appointed to the CJEU until relatively recently. Furthermore, why, even after the 1980s, when many of these jurists transitioned into academia, were Italian women academics not similarly nominated to serve as judges or advocates general at the Court? My response to this historian was unsatisfactory; I was unable to provide a precise explanation for why I had not pursued this line of research.

The second revealing moment came when I asked my EU law scholar colleague, Daniela Caruso to write an endorsement for our volume. She made a similar observation, striking a chord that resonated deeply:

‘What does it mean to be at once Italian, male, and a member of the EU judiciary in the second half of the 20th century? Does the shared nationality of a subset of CJEU judges and AGs imply any one thing in particular? Is there a distinctly Italian style, to quote John Henry Merryman, or some other thread

⁴⁰ *ibid*

⁴¹ See A. Vauchez, ‘Italian Ways of EU Law: Rooting Italy in European Legal Integration’, in D. Gallo et al, n 1 above, 240. Chapter in our volume mentioning the Italian academic model as an alternative to the French judges at the CJEU mostly selected from the French *Conseil d’Etat*.

that connects, epistemically, the biographies collected in this Volume? [...]’⁴²

As someone who left Italian academia to pursue a career in the United States, I am often struck by the stark contrasts between the two academic environments when I return to visit colleagues who remained in Italy. In the US, we benefit from relatively greater resources, career opportunities, and a context where it is possible to speak openly about issues such as sexual harassment, microaggressions, and biases against women who are Asian, Latina, Black, or otherwise marginalized in legal academia.

Meanwhile, our colleagues who remain in Italian academia often contend with a significantly less privileged environment, where sexual harassment in legal academia persists—whether overtly or covertly—yet is rarely addressed. Structural patterns, entrenched by both men and women, reinforce the hierarchical nature of legal academia,⁴³ perpetuating a system where only a select few succeed. This dynamic disproportionately affects women, resulting in higher attrition rates among female academics and significant barriers to achieving full professorships, thereby perpetuating the glass ceiling within the academic field.

While our volume on the *Italian Influence on European Law* showcased the existence of an *Italian way* in European law, hopefully paving the way to a Spanish, Polish and Danish way as well, it also inadvertently highlighted the absence of women in prominent legal and academic roles within this tradition. This realization has underscored for me how much more work remains to be done to address gender disparities in Italian legal academia and more generally the legal culture that surrounds it.

From my privileged position, as someone who has had the opportunity to work with male and female colleagues in both Italy and the United States, I was fortunate to be part of a law school where a program called *Women and the Law*, founded by Professor Ann Shalleck in the 1970s, created a safe space for women entering legal academia.⁴⁴ Thanks to a network of feminist colleagues and mentors such as Professor Clare Dalton at Harvard Law School,⁴⁵ Shalleck describes the goals of such program:

‘Drawing on broader feminist efforts to transform academia, feminist law teachers, students, and activists began questioning not only the content of the material included in the curriculum that dominated legal education, but also the

⁴² See n 35 above.

⁴³ See D. Kennedy, ‘Legal Education and the Reproduction of Hierarchy’ 32(4) *Journal of Legal Education*, 591-615 (1982).

⁴⁴ See A. Shalleck, ‘The Feminist Academic’s Challenge to Legal Education’ 20 *Journal of Law and Policy*, 361-391 (2012), available at <https://tinyurl.com/522rhh5f> (last visited 30 May 2025).

⁴⁵ Clare Dalton was one of the most prominent feminists and CLS legal scholars at Harvard Law School who was denied tenure because of her ideological positions and received a settlement after suing HLS. See A.D. Wilde, ‘Law School Settles Case Of Sex Discrimination’ *The Harvard Crimson* (1993), available at <https://tinyurl.com/4wyvdkh4> (last visited 30 May 2025).

nature of scholarly inquiry and analysis, the assumptions underlying pedagogical methods, the gendered components of the culture that dominated legal education, and the daily practices that characterized law schools, both in and out of the classroom.⁴⁶

The Women and the law program at American University Washington College of law, made it its priority to include women, racial minorities, foreigners and first generation college students, staff and faculty in the life of our law school and in general the legal profession. The program began with a modest grant and aimed to enrich the curriculum with gender, sexuality, and feminist legal theory. It included a dedicated law journal and classes for students while fostering an inclusive environment for staff and faculty alike. This space allowed for open discussions and scholarship on these critical issues, building a foundation of awareness and inclusion.

Perhaps my professional experience in this program, designed to mainstream gender, sexuality, and feminist legal theory into the curriculum, has heightened my sensitivity to structural inequalities—inequalities I may have been perpetuating without even realizing it. This realization has been profound. Today, I recognize that my silence on the glaringly obvious inequities in Italian legal academia, which also surfaced tangentially in our collective volume, implicates me in sustaining these systemic problems. Silence, whether intentional or unintentional, contributes to the persistence of inequity.

Acknowledging this complicity is a necessary first step in addressing it. I hope our volume on the Italian Influence in European Law will serve not only to celebrate Italian contributions to European law but also to inspire a deeper critical reflection on the structural inequalities that endure in our shared academic fields. By fostering dialogue and bringing these issues to the forefront, we may begin to challenge and dismantle the entrenched barriers that hinder inclusivity and fairness, particularly in Italian legal academia.

V. RECRUITMENT: BARRIERS TO ENTRY FOR ITALIAN WOMEN IN LEGAL ACADEMIA

Italian legal academia is shaped by a distinctive recruitment process that is also the result of an academic system that, as in many other civil law countries in continental Europe, is predominantly public. Traditionally, advancing in a legal academic career required affiliation with a ‘scuola’ – a scholarly lineage led by a powerful maestro, typically a senior male professor from the same institution where the candidate completed their undergraduate studies.

As Ugo Mattei and P.G. Monateri noted in 1993, faculty recruitment in Italian legal academia has been shaped by entrenched traditions, bureaucratic complexities,

⁴⁶ See A. Shalleck, n 44 above, 361.

and significant social dynamics.⁴⁷ They offer a critical examination of the system's mechanisms, challenges, and cultural implications. Faculty appointments at Italian academic institutions follow a centralized, competitive process; however, it remains highly bureaucratic and slow-moving. The authors describe it as being overbureaucratized and plagued by 'delays, irrationality, and even political pressure.'⁴⁸ They also note: 'It never takes less than two years and sometimes it takes more than six or seven years'⁴⁹ for appointments to be finalized, or even worse some time appointments that seemed finalized are challenged before the Consiglio di Stato for some irregularities and are annulled.

Mattei and Monateri explain that recruitment is heavily influenced by '*maestri*' who guide their disciples through the academic process and can secure their academic post as a way to exercise their power in Italian legal academia. The authors describe the system of legal academia as a clan society, where 'new professors are coopted by '*maestri*' on the basis of gentleman's agreements.'⁵⁰ These alliances often determine scholarly focus, publications, and career trajectories. The authors highlight inefficiencies, including the transaction costs created by the system's complexity, and argue that the process: '[...] may last as long as the election of a medieval Pope.'⁵¹ The recruitment system, as both authors describe it, is deeply rooted in tradition, preserving the master-disciple relationship. While it is not without flaws, the authors concede that 'great '*maestri*' are normally outstanding scholars'⁵² and their choices often elevate the overall quality of academia. However, their article fails to address structural forms of gender disparity and harassment in Italian legal academia, instead taking for granted the prevailing patriarchal structure—a structure exemplified by their own comparative school under the towering figure of Rodolfo Sacco, who secured their positions of power in Italian legal academia in the 1980s when they were relatively young academics in their twenties.

While this quasi-medieval recruitment system underwent significant changes with the 2010 '*Riforma Gelmini*'⁵³ which introduced a national habilitation process for associate and full professors, many of its core features remain deeply entrenched in the institutional fabric of Italian academia. The reforms aimed to modernize and standardize the process, yet their implementation still mirrors long-standing traditions and power dynamics while also exacerbating another macro-economic issue: the privatization of public higher education based on a neoliberal model of public management.⁵⁴

⁴⁷ See U. Mattei and P.G. Monateri, 'Faculty Recruitment in Italy: Two Sides of the Moon' 41(3) *The American Journal of Comparative Law*, 427-440 (1993).

⁴⁸ *ibid* 428.

⁴⁹ *ibid* 428.

⁵⁰ *ibid* 435.

⁵¹ *ibid* 437.

⁵² *ibid* 439.

⁵³ Legge 30 December 2010 no 240.

⁵⁴ See M. Cannito et al, 'Investigating the Glass Ceiling in Italian Academia. Women's Strategies and Barriers to Career Advancement' 17(2) *Sociologica. International Journal for Sociological*

The Gelmini reform's multifaceted impact includes an effort to open up legal academia and improve access for women. However, this effort has been accompanied by cuts in public funding and the deregulation of university degrees in favor of privatized and online degrees, leaving the most vulnerable groups in legal academia with inadequate protection. Both the creation of private 'telematic universities' that offer online education in which students become consumers of undergraduate degrees and the progressive cut in public funding of universities, have revolutionized the Italian academic system now more dependent on private funding or public grants.

Additionally, further measures to promote gender parity have reshaped Italian legal academia within a neoliberal framework. These measures have involved recruiting more women scholars from abroad—who benefit from training outside the traditional Italian legal context—while requiring universities to adopt programmatic gender parity plans, rather than systematically funding a new model of training and recruitment for women or minorities. Nevertheless, women often face disproportionate exposure to precarious academic employment, as demonstrated by the case of female adjunct professors in Italy, who experience greater levels of unpaid work, lower wages, fragmented career paths, and reduced access to professional networks compared to their male colleagues.⁵⁵

Furthermore, public university staff and faculty lack union representation capable of mounting collective actions to address structural economic imbalances such as low salaries, corruption in competitive processes, gender disparities, mobbing, harassment, and local corruption. Although some cases have sparked scandal and led certain professors to seek judicial recourse, these issues are never treated as systemic policy challenges within legal academia.⁵⁶

Despite these complex efforts, progress in Italian academia has been slow. New generations of women legal scholars are emerging, but the resources and networks necessary for advancement to professorship remain rooted in traditional practices. These networks are often controlled by the *maestro* and their '*scuola*', who can recruit preferred candidates—male or female—at the local level. This dynamic poses significant barriers for those without a powerful '*maestro*', particularly individuals trained abroad who may be unfamiliar with the cultural nuances of belonging to a '*scuola*'. The expectation to demonstrate deference and maintain a certain '*esprit de corps*' toward senior colleagues further complicates integration into the tightly knit, hierarchical structure of Italian legal academia.

Debate, 93-114 (2023), available at <https://tinyurl.com/ybcfmwx2> (last visited 30 May 2025).

⁵⁵ G. De Angelis and B. Grüning, 'Gender Inequality in Precarious Academic Work: Female Adjunct Professors in Italy' 4 *Frontiers in Sociology*, 87 (2020), available at <https://doi.org/10.3389/fsoc.2019.00087> (last visited 30 May 2025).

⁵⁶ See E. Pritchard and D. Edwards eds, *Sexual Misconduct in Academia: Informing an Ethics of Care in the University* (London: Routledge, 2023).

VI. THE BOTTLENECK OF THE *CONCORSO*

Despite being an outsider to the Italian academic system, I have read about and spoke to many colleagues, both male and female, who have explained that after passing the national accreditation—based on their publication record and teaching experience—they can only become professors through a public competition, the so-called ‘*concorso*’.⁵⁷ This process involves a commission composed of internal and external professors who evaluate candidates within a specific field, categorized under IUS (eg, IUS 01 to IUS 21).⁵⁸ In Italy, the definition of these fields is incredibly rigid. For instance, if you teach comparative law, you might belong to either the private or public law sectors, which are entirely distinct epistemic communities. These communities are, in turn, separate from those of constitutional law or private/civil law.

Each IUS sector comprises a community of scholars, often organized into ‘*scuole*’ or academic schools. These ‘*scuole*’ are in a dialogue through shared journals and conferences, fostering ongoing conversations among their members. However, these ‘*scuole*’ also compete for resources, with power dynamics often reflecting the ability of the most successful schools to reproduce academic positions within their respective sectors. This system, therefore, intertwines collaboration and competition, shaping the academic landscape in each field.

One of the most famous articles on the intricacies of the Italian ‘*concorso*’ is David Nelken’s chapter entitled ‘Corruption as Governance? Law, Transparency and Appointment Procedures in Italian Universities’ that examines the Italian university appointment process, specifically the ‘*concorso*’ system.⁵⁹ This process, though designed to be transparent and merit-based, often functions as a mechanism for patronage and factionalism. On paper, the ‘*concorso*’ is described as ‘one of the most meritocratic and transparent’ systems imaginable, requiring candidates to compete through written work, published writings, or lectures evaluated by commissioners chosen via election and random selection. These evaluations, along with their reasoning, are publicly available, ostensibly to ensure accountability.⁶⁰

However, the reality is markedly different. Nelken describes how appointments are frequently ‘pre-determined’ by informal agreements among powerful professors, often referred to as ‘*baroni*’, and their factions. These ‘unwritten rules’ prioritize

⁵⁷ See D. Moss, ‘When Patronage Meets Meritocracy: Or, The Italian Academic “Concorso” As Cockfight’ 53(2) *European Journal of Sociology/Archives Européennes de Sociologie/Europäisches Archiv Für Soziologie*, 205–231(2012).

⁵⁸ With the Ministerial Decree of the Ministry of University and Research no 639 of 2/5/2024 the ‘*settori scientifico disciplinari*’ have been reformulated and categorized under GIUR (eg, GIUR-01/A to GIUR-17/A).

⁵⁹ See D. Nelken, ‘Corruption as Governance? Law, Transparency and Appointment Procedures in Italian Universities’, in F. and K. von Benda-Beckmann eds, *Rules of Law and Laws of Ruling. On the Governance of Law* (London: Routledge, 2009), 260, 257–278.

⁶⁰ *ibid* 262.

loyalty and reciprocal obligations over academic merit. As Nelken notes, 'Most academic positions in Italy are allocated through national competitions held at irregular intervals,' yet they operate on a system where powerful actors 'promote theirs' and expect reciprocal promotions in return.⁶¹ Academic achievement, while recognized, is often secondary to factional loyalty so that the outcome of a '*concorso*' can be predetermined years in advance as a result of a prior deal among '*baroni*' in which two competitive candidates might become professors at very different times because the agreement is that my candidate will pass before yours.

The media and academic commentators frequently highlight scandals within the system, portraying it as nepotistic and resistant to fairness. Nelken cites evidence suggesting that the '*concorso*' operates 'in a distorted and, often, mafia-like way,' where those who refuse to conform risk retaliation and exclusion.⁶² In this respect, he explains how even candidates with international reputations have little chance of succeeding without aligning themselves with the system and more generally to a '*scuola*.'⁶³

Efforts to reform the '*concorso*' have often failed to address its fundamental flaws. For instance, decentralizing the process to individual universities in 1998 aimed to enhance accountability but instead led to 'the rise of the local cretin,' as promotions overwhelmingly favored internal candidates.⁶⁴ The system has since reverted to a national model described before in the Legge Gelmini reform, yet some problems persist. Nelken highlights that 'law itself may be the secret of corruption,' as legal frameworks, while ostensibly promoting transparency, often serve to legitimize outcomes already decided by informal agreements.⁶⁵

Despite its flaws, the '*concorso*' persists because it manages factional tensions and ensures stability among academic networks. Commissioners, Nelken argues, view their role not as perpetuating corruption but as solving 'a difficult problem of micro-politics.'⁶⁶ Nelken concludes that transparency alone is unlikely to resolve these issues. While the '*concorso*' system masks its informal practices behind a legal facade, its repeated scandals and reliance on patronage, reflect deeper cultural and institutional dynamics. Reform efforts must address these underlying factors rather than focusing solely on procedural adjustments, as the '*concorso*' ultimately represents a 'simulacrum of legality' that legitimizes power for insiders at the expense of other factors including merit, diversity and creativity beyond the epistemic communities created by the traditional schools.⁶⁷

⁶¹ *ibid* 263.

⁶² *ibid* 263.

⁶³ *ibid* 263.

⁶⁴ *ibid* 273.

⁶⁵ *ibid* 275.

⁶⁶ *ibid* 271.

⁶⁷ *ibid* 276.

VII. GENDER DYNAMICS IN ACADEMIC RECRUITMENT

The gender dynamics of the ‘*concorso*’ are undoubtedly evolving, with more women gaining access to associate or full professor positions that were largely unavailable to them twenty years ago. Now nationally accredited, these women can participate in the ‘*concorso*’ at local universities. However, in order to advance their careers, women, much like their male counterparts, often continue traditions entrenched in the Italian system. For instance, in cases where a ‘*concorso*’ has a predetermined outcome, it is common—regardless of whether the favored candidate is a man or a woman—for others who are equally or even more qualified to be discouraged from participating. This occurs because the ‘*concorso*’ is viewed as ‘mine,’ tailored by the candidate’s ‘*maestro*’ to ensure their success and career advancement. Allowing others to compete would risk disturbing the delicate equilibrium of pre-negotiated agreements and deals that underpin the process.

During a conference in Italy last year, a colleague jokingly described three ‘*strade*’ or paths to achieving a professorship in Italian legal academia, which appear to encapsulate enduring systemic and cultural norms. This story was told by a criminology professor at the University of Naples who referred to the first path as *via Agnatizia* that is the scholar who relies on familial connections. In this route, a direct relative—often a parent—actively facilitates the academic career of their son or daughter, leveraging the family name to secure opportunities without hesitation.

The second path, known as *via Talamica*, involves romantic relationships between professors and their assistants. In the patriarchal context of Italian academia, this often results in unbalanced power dynamics, where young women may find themselves in relationships with older male law professors. While exceptions exist, the underlying structural issues perpetuating these dynamics remain prevalent.

Finally, the third path *via Greca* represents the most challenging and arduous path, reserved for those without familial connections or romantic entanglements. Scholars on this path—often brilliant individuals from lower socioeconomic backgrounds, women, Southerners, people of color, or members of religious minorities—must navigate significant systemic obstacles. These barriers often delay their advancement, with many achieving full professorship only after prolonged struggles and much later in their careers.

Although this anecdotal framework provides a humorous and imprecise lens through which to view the barriers within Italian legal academia, it underscores the systemic challenges that persist. It is not uncommon to encounter multiple professors sharing the same family name despite increasing measures and laws that Italian Universities have adopted to fight nepotism.

Even more common is to hear of young women academics involved in romantic relationships with their mentors who won a ‘*concorso*’ rather quickly. Notably, the *via Talamica* within Italian academia remains largely undiscussed in formal settings but rather known as a form of gossip so that once again such ‘silence’ does

not help empowering women in legal academia. Instead, it is often acknowledged informally and, disturbingly, accepted by some as an implicit 'path' to academic advancement.

In May 2024, a comparative law colleague Bianca Gardella Tedeschi organized a symposium at Novara University, Oriental Piedmont, on Comparative Legal Feminism, bringing together Italian, South American, and European scholars.⁶⁸ At the close of the event, participants held a '*killjoy*' session, following the feminist tradition articulated by Sara Ahmed,⁶⁹ to address shared experiences of harassment and other forms of oppression in academia where the personal is also institutional.⁷⁰ This session provided a safe and reflective space for participants to share their challenges and discuss concrete strategies for fostering a more inclusive academic environment. These discussions emphasized the importance of creating networks to foster solidarity and mentorship in ensuring that future generations of women scholars are better equipped to confront and break the culture of silence surrounding sexual harassment and recognize rather than reproduce other systemic barriers in their academic careers.⁷¹

In this context, where the reproduction of academic careers and hierarchies is gradually changing and more women are entering the academic profession as associate and full professors, the system itself remains largely intact. Women, while gaining entry, often perpetuate the existing structures of '*scuole*', '*concorso*,' and the influence of powerful '*maestri*' who become '*baroni*' without significant change in mentalities. Moreover, many of those who have advanced in their academic careers have either experienced, witnessed, or remained silent about the colleagues being harassed by male peers and this does not help creating support networks fighting a structural phenomenon. Compounding the issue, there is often little to no training in gender studies or feminist legal theory despite important and cutting edge work already published by Italian legal feminists,⁷² leaving a gap in awareness and capacity to address such systemic issues within the academic community.

Certainly some work has been done and more should be done on why women in the Italian legal profession still have a hard time fighting structural barriers that might take longer or shorter paths to breaking the glass ceilings not only in the judiciary but also in legal academia. The absence of women in our edited volume begs such questions and this essay offers a roadmap to undertake such work.

⁶⁸ The conference program is available at <https://tinyurl.com/5y96wk8b> (last visited 30 May 2025).

⁶⁹ See S. Ahmed, *Living a Feminist Life* (Durham and London: Duke University Press, 2017).

⁷⁰ See N.J. Mehra, 'Sara Ahmed: Notes from a Feminist Killjoy' *Guernica/21 years of global art & politics*, 17 July 2017, available at <https://tinyurl.com/bda9pk58> (last visited 30 May 2025).

⁷¹ See I. Merzagora et al, '#Wetoo? Sexual harassment in academia. Promoting a gender criminology' 16(2) *Rassegna Italiana di Criminologia*, 115-127 (2022), available at <https://tinyurl.com/yvbprac4> (last visited 30 May 2025).

⁷² See A. Simone et al eds, *Femminismo giuridico. Teorie e problemi* (Milano: Mondadori, 2019); C. Crea, 'Conscientious Objection and Abortion: The Italian Pseudo-Exceptionalism' 18(4) *FIU Law Review*, 755-794 (2024).

VIII. CONCLUSION: THE INFLUENCE OF ITALIAN WOMEN IN EUROPEAN LAW

The absence of women in our volume on the Italian influence on European law reflects a broader trend in the legal profession and legal academia that is slowly changing in Italy. More work is needed to revamp the work of those trailblazer lawyers; judges and scholars who have begun the path and actively carved the way to change a male dominated legal profession in Italy.

For instance, recently two scholars have written about the work of the Euro-lawyer Wilma Viscardini. As Tommaso Pavone describes her in his book, she is a ghostwriter beyond many preliminary questions referred by Italian judges to the European Court of Justice.⁷³ Alessandro Rosanò offers a rich reconstruction based on his interview of how Viscardini became the first woman at the Legal Service of the Commission in 1960.⁷⁴ The Director of the Legal Service, Michel Gaudet was one of the most prominent law entrepreneurs of European law beyond the construction of the International Federation of European Law (FIDE).⁷⁵ However, Rosanò explains, when Gaudet met Viscardini as early as 1958 he was very confused because of her gender:

“The first time he met Wilma Viscardini and found out that she wanted to work at the Legal Service, he did not completely understand what she meant and his answer was: “*Mademoiselle, nous n’avons plus besoin de secrétaires*”. When she replied that she wanted to work at the Legal Service not as a secretary, but as an adviser, he was shocked. [...] A few years later, after her transfer to Brussels in 1960, she passed the selection process at the Legal Service. This time, Michel Gaudet was more serious and told her: “*Madame, vous êtes la première femme: ça dépendra de vous s’il y en aura une deuxième*”.”⁷⁶

Drawing on the insights from our volume on Italian influence in European law, it is clear that while Italian legal academia has profoundly shaped European jurisprudence, a significant lacuna remains—the conspicuous absence of pioneering Italian women in the historical narrative. Our exploration of biographical records of judges and advocates general in Europe highlights an ‘Italian-ness’ that, until now, has been exclusively male. Untold stories of pioneering Italian women in the legal profession, when combined with a systematic collection of data on the barriers and pathways in Italian legal academia, are critical to addressing past

⁷³ See T. Pavone, *The Ghostwriters: Lawyers and the Politics behind the Judicial Construction of Europe* (Cambridge: Cambridge University Press, 2022).

⁷⁴ See A. Rosanò, ‘Première Dame: Wilma Viscardini Donà, Eurolawyer’ 10(2) *Italian Review of Legal History*, 307-325, 310 (2024), available at <https://tinyurl.com/mrxhnpty> (last visited 30 May 2025).

⁷⁵ See J. Bailleux, ‘Michel Gaudet, a law entrepreneur: The role of the legal service of the European executives in the invention of EC Law and the birth of the Common Market Law Review’ 50(2) *Common Market Law Review*, 359-367 (2013).

⁷⁶ *ibid* 311.

and present gender inequities as well as important changes and achievements.⁷⁷

Although female representation in Italian legal academia and the broader legal field is gradually increasing, access to positions of substantive authority continues to be disproportionately limited. The current lack of comprehensive documentation—and the absence of both quantitative and qualitative analyses of the gendered dynamics that have long perpetuated the marginalization of women—presents a critical gap in our understanding. This gap calls not only for the recovery and amplification of these hidden narratives but also for a deeper investigation into systemic factors, such as bottlenecks in academic recruitment, enduring professional barriers and non-transparent selection processes for European judges.

Future scholarship must bridge this divide by uncovering the untold stories of Italian women in legal academia and the legal profession, whose contributions remain largely unrecorded, thereby enriching our understanding of the Italian influence and style by advancing meaningful change toward the general principle of gender equity in European Union law.

⁷⁷ See RAI Documentary ‘Senza Distinzioni di Genere’. A television documentary in which Marta Cartabia narrates the journey of women’s rights through the rulings of the Italian Constitutional Court, available at <https://tinyurl.com/4f2en9fw> (last visited 30 May 2025).