

K O N F E R E N Z A

100 SENA

MILL-KOSTITUZZJONI
TAL-1921

Proceedings of the Conference marking
hundred years since the granting
of the 1921 Constitution

Saturday, 17th April 2021

SANT'ANTON PALACE, MALTA
AND ONLINE



Office of the President

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Contents

Introduction	02
Opening Speech by the President of Malta	06
Speakers	10
Speeches	12
Online Contributions	50
Closing Speech by the President of Malta	54

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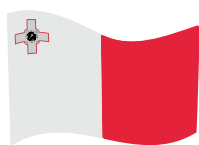
Introduction

Proceedings of the Conference marking hundred years since the granting of the 1921 Constitution
Sant' Anton Palace and online
Saturday 17th April 2021

The Conference on the occasion of 100 years since the 1921 Constitution was held on Saturday, 17th April 2021 on the initiative of H.E. George Vella, President of Malta. During the webinar, historical, social, political, religious, and other events that took place in that period were discussed.

Due to the COVID-19 restrictions and measures that were in place, only the keynote speakers were present at Sant'Anton Palace while the audience was able to follow and participate live online.

This publication is a collection of all the speeches and interventions made on the day.



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MILL-KOSTITUZZJONI
TAL-1921



Opening Speech by the President of Malta

H.E. George Vella, President of Malta

Ladies and gentlemen,

First, I would like to start by extending my greetings to you who have kindly accepted my invitation to join us, albeit virtually, in this commemoration and discussion on the granting of the 1921 Constitution.

I want to thank all speakers - Prof. Ray Mangion, Prof. Joe Pirotta, Prof. Frances Camilleri-Cassar, Prof. JosAnn Cutajar, and Rev. Dr Nicholas Doublet - who accepted my invitation to tell us more about this historic event this morning.

I am sure that the information they will share with us today will be useful to understand the significance of the events which happened in 1921.
Thank you again for promptly accepting to contribute.

As I already mentioned when we launched this initiative, Prof. Mangion and I, during a press conference on the 12th of April, today's topic will be the granting of the 1921 Constitution to the people of Malta.

This, as many already know, is still known as the 'Amery-Milner Constitution', due to the names of the Undersecretary, and the Secretary of State, respectively, who were in the Colonial Office at the time, and who were instrumental in us being granted this constitutional instrument.

We are commemorating hundred years since this event and so I felt that I should take the opportunity to not only commemorate this event, but also to explore in detail, what this meant to our country from different aspects.

My Office, today, wished to commemorate the granting of the letters patent by the British Government, and the enactment of this political development, which took place in April/May 1921.

This is being done a few months before the Office of the Speaker will commemorate this event later this year, when after elections were announced and held in 1921, as the Constitution allowed, members were elected to both the Assembly and the Senate, and on the first of November 1921, in the presence of the Prince of Wales, who later became King Edward VIII, the first meeting of the new Parliament was held.

One might ask: "Why did you feel the need to commemorate such event?"

There are many reasons.

The first was that this was a very important turning point in the constitutional history of our country.

It was not an event that took place in isolation or without context.

It resulted from the fact that the Maltese people had had enough of the so-called 'constitutions' that only ensured the colonial dominance of the British Government and that avoided, by all means, the transfer of any form of responsible leadership to the Maltese people.

The Maltese people's call and desire to be directly involved in running their country fell on deaf ears.

Since the early years of British rule, the Governor practically ruled everything on his own, without any representation of the Maltese people.

For the first time in 1921, and as a result of the insistence and strong will of the Maltese people and their leaders, we were granted the right to have a senate and a legislative assembly in order to form a Maltese government for local affairs, together with an Imperial government to run the so-called 'reserved matters'.

In this system, known as the 'diarchy', the Imperial Government still retained the right for the Crown to ultimately overrule decisions taken by members elected to the Legislative Assembly.

But at least, this development, no matter how small, was a step towards achieving the right of the Maltese people to participate in the running of their country. As the speakers we have with us this morning will explain.

There is a long history of how insistent and consistent the Maltese people were in their calls for respect.

This historical background will surely be addressed by our speakers this morning.

Moreover, the social background, workers' rights, the political, constitutional, and religious element in which these events took place, will also be discussed.

We must not forget that the world was still recovering at the end of the First World War; the devastation brought about by the Spanish flu. The cost of living and scarcity, redundancies, poverty and in our country there was also the language issue, the initial calls for women's rights, the problems within the police force, unrest among university students, and a heated debate about the position of the Catholic religion within the Constitution.

All this was happening in a context where the people were still angry towards the British, following the *Sette Giugno* riots of 1919.

According to Amery himself, it was clear that not only the financial situation of both the Maltese Government and the people in general was desperate, but that this was directly the fault of the Imperial Government. According to Amery, the British services started using land and buildings belonging to the Civil Government for which they were supposed to be paying about 45,000 British pounds a year as rents.

He added that dockyard workers during the war were paid outrageous wages. Amery was convinced that in order to fix the economic situation, there was the need for a new beginning in politics. The financial, economic, and political situation had to be dealt with simultaneously, argued Amery.

Here we must acknowledge the wisdom and ingenuity of the Maltese leaders who, in spite of everything, kept asking for what they always felt was theirs from the British Empire.

What are my hopes for this morning's event?

- first of all, I hope that it helps us continue to understand better who we are;
- I hope that our history gives us a sense of pride;
- I hope to convey, especially to our youth, how we became a nation. How our country and our democracy were built little by little over time;
- I hope to see how organisations emerged and got stronger in our country in the fabric of the political and social life;
- how political parties and trade unions emerged;
- I also hope that we understand the role that religion has played in the political history of our country;
- I hope to convey the message that unity has always been important to achieve our goals, despite the differences between us, as there were also differences in 1921. I also want to refer to the Conference I held in February, precisely on national unity. I feel that this knowledge of the foundations of our country's history is a fundamental step in appreciating more what brings us closer, and not what divides us. I am pleased to announce that the publication related to the February Conference has been completed and is therefore accessible to the public.
- I also hope, that through this Conference, today will be another occasion to learn how we have achieved the first rights for our country, and how democracy has developed.
- Finally, I also hope to convey the message that, as was the case many times, our country was a victim of the circumstances of colonialism and continued to bear the consequences until our Independence in 1964 and, later, when we became a Republic in 1974.

I have no doubt that we will hear much more about this from our guest speakers this morning.

Thank you.

Speakers

Raymond Mangion

Prof. Raymond Mangion is a Professor of Law and Legal History at the Faculty of Law of the University of Malta. He graduated in Law, History, Patristics, Linguistics, Literature, as well as Communication Studies. In 1981, Professor Mangion began collecting the collective memory of the Maltese nation, preserving hundreds of memories. He is also the author and editor of several books. He obtained a doctorate from Oxford University in History of Law, in addition to various degrees and a doctorate from the University of Malta.

Joseph M. Pirotta

Prof. Joseph M. Pirotta holds a PhD in Politics from the University of Reading. He was Head of the Department of International Relations in the Faculty of Arts of the University of Malta until his retirement. He has published a number of books and contributed to numerous papers concerning Maltese political history. Publications include: the four-volume study of the last twenty years of Malta as a colony, *Fortress Colony: The Final Act 1945-1964*; *L-Istorja Kostituzzjonali u l-Isfond Storiku*, Vol. I (1800-1942) and Vol. II (1942-2004); *Nation, Pride and Dignity. Borg Olivier and the National Anthem*; and *Enrico Mizzi's Political Integrity: Fact or Fiction?*. Professor Pirotta won the 2019 National Book Prize for Biographical and Historical Research.

Frances Camilleri-Cassar

Professor Frances Camilleri-Cassar is the first woman to attain Full Professorship in the Faculty of Laws. She is a Social Policy expert by training, with a PhD (awarded without corrections) from the School of Sociology and Social Policy at the University of Nottingham. Continuing interest in academic professional development has led her into the study of Law, and in 2020 she was awarded the Higher Diploma of Legal Procurator magna cum laude from the University of Malta. Throughout her thirty years in academia, she has researched and published widely, and routinely presents papers to scholars and more general audiences, both in Malta and abroad. Her research interests connect with European and International colleagues working within a range of disciplinary and interdisciplinary fields. Professor Camilleri-Cassar is the Chair of the Research Ethics Committee of the Faculty of Laws, and an active member on the Human Rights Law Platform.

Nicholas Joseph Doublet

Rev. Dr Nicholas Joseph Doublet obtained a Licentiate in Sacred Theology from the University of Malta, obtaining his Doctorate in Church History at the Pontifical Gregorian University, Rome, with a study on the Congregation of Extraordinary Ecclesiastical Affairs during the pontificate of Benedict XV (1914-1922). He also holds a Diploma in Archivistics from the Vatican School. He lectures in Church History at the Faculty of Theology, and in Palaeography and Diplomatics in the Department of Library information and Archive Sciences, at the University of Malta. He is also the Diocesan Archivist for the Archdiocese of Malta. His main research interest is in Vatican diplomacy in the contemporary period.

JosAnn Cutajar

University of Malta. She studies how social exclusion affects participation in public life. She has published three books including: *Bormla: A Struggling Community*. In 2016 she won the EPALE Award for outreach in the community when she was director of The University of Malta Cottonera Resource Centre. As an administrator with the Malta Trust Foundation, she is involved in community projects created to alleviate social exclusion in Malta and Gozo.

Speeches



Prof. Raymond Mangion

Please refer to the original speech, found in the Maltese language section of the publication.



Prof. Joseph Pirotta

Your Excellency, colleagues, followers on Facebook,

First of all, I would like to commend His Excellency the President of Malta, who came up with the idea of organising a conference on such an important topic in the history of Malta.

I am sorry to say that many of us are unaware of the crucial importance of this event. The 1921 and the Constitution granted that year, were in fact the closing of a first chapter which was 120 years long. The British came to Malta in 1800. They came to help with the blockade against the French. They liked the situation in Malta, recognising its strategic importance. For the British - especially in the context of their fight with revolutionary France - it was very important to dominate the Mediterranean. And they immediately realised that Malta's position could help them reach this goal. And therefore they were immediately set on not moving from Malta, although they made multiple attempts not to show their intentions. But that was their aim. And with that came another thought: if they were going to stay in Malta based on the fact that Malta was a fortress, then they had to rule Malta as a fortress. That was their only interest. And this meant that if the fortress had to be efficient, then they had to exclude any form of leadership by the Maltese people. The British military had to take control over everything.

This was unacceptable to the Maltese people. In fact, in 1802, we find the *Declaration of the Rights of the Inhabitants of Malta and Gozo* in which they try to reach some form of agreement with the British Crown. They stated: "We are ready to put our islands under the protection of the British Crown, but on condition", or "conditions ...", to be more precise, and at that point they mentioned what these conditions were. One of the important conditions they mention is that there should be a Maltese local government and that they run their own affairs, under the supervision of the British Crown. But insisted on running the country's internal affairs. The British wanted to find an excuse for not accepting this, and their answer to this was the Royal Commission of 1812. When they arrived - given that they had been warned in advance not to say anything in their report that might in any way hinder the military in Malta - they declared that there were no other people in the world who were as incapable of leading themselves as the Maltese people and so, in order to do the Maltese people a favour, they will not give them a chance to run their own affairs. So much for the respect which the British had for Maltese people. From then on, we find a series of petitions and protests by the Maltese leaders who try in some way to convince the British to grant the Maltese people their right to run their affairs. It was the 1887 Constitution that gave them some form of 'power', so to speak, (because it was not really and truly a form of 'power' as I shall explain later on). At that point and for the first time within the Government Council, the majority were Maltese representatives. And they also had the right - at least on paper - to decide about financial affairs, as long as they had nothing to do with British interests.

What did this Constitution actually mean? There were Maltese representatives running for election that could never be in government. At that stage if a party wins the election, it would have won the right to be the largest party in the opposition. The opposition to the British Government. However, final decisions always remained in the hands of the Governor. At first Maltese people tried to work within these parameters, but they soon realised that it would lead to nowhere and that their wishes would not materialise.

That Constitution was given shortly after the birth of the first Maltese political parties in 1880. These political parties were created as a reaction to another British action; an exercise which was set from 1880 onwards - to make Malta as British as possible, to 'anglicise' Malta. Until then, the language of administration, of education, of the courts and of the Church, was Italian, although English had already started being used in administration. From then on, the British wanted to get rid of the Italian language and introduce English. But the Maltese people also understood that there was a certain danger involved.

The word 'language' at that time had connotations, it had meanings, which are different from today. A language, at that time, would be accepted as a language, if that language had political prestige, if it had a history of literature and then it would be what they call an established language and represent a nation. The Maltese people had their own language, Maltese, but it was not an established language, it was not a written language, it did not have literary tradition, it did not have political prestige. It was so lacking political prestige that one of the things that the British

did to try to get rid of the Italian language was to start promoting the Maltese language. And they did not start promoting the Maltese language because of any particular fondness for the Maltese people, but to use it as a wedge to drive the Italian language out of the country.

What happened next? The Maltese people also sensed that since the British had always insisted that the Maltese language was an Arabic dialect, what they were actually trying to do with this focus on the language was to downgrade the Maltese to the level of an Arab nation. One may say: "So? Doesn't every nation have its own dignity?" Yes. But the Maltese people were following what was happening near our shores, namely in North Africa. And how the Arab nations were treated by both the British and the French. Treated like a nation of no importance - second-class citizens at best - and they did not want to be treated the same way in their country. They boasted that they had a long history - longer than that of the British - a richer culture than that of the British, and that culture was based on the Italian language and on Christianity. And this would give them the two foundations on which they could boast that they were a European nation and therefore should not be a ruled nation. Apart from the fact that Great Britain had never defeated Malta.

Therefore we had all these setbacks. One of these political parties, the *Partito Anti-Riformista*, which was against the removal of the Italian language from Malta, was also the party that strived for the 1887 Constitution. But when the party started to notice that the British would continue with their plan to anglicise Malta, when they started to notice that this Constitution was not what they thought it was, that is a step forward in gaining more power in their country, then they started to insist that it had to be removed if it not improved. And so we have a clash between the two sides leading to finally, in 1903, the removal of the Constitution by the British. The British were in a superior position and could easily reaffirm their position as rulers and threaten to remove the Constitution. And at that point they replaced that 1887 Constitution with another one which was essentially a copy of the 1849 Constitution: that was the extent of Malta's regression. Naturally, between 1903 and the Second World War, there was a period of complete underdevelopment in politics, complete stagnation. Protests that lead to nowhere.

The war came and stopped the political work in the country, the Maltese people played their part in the Great War, although they were not even treated as they should have been treated. Suffice to say that if you look at the documents of the British War Office, when the Governor of Malta offered, as one of the means to increase the livelihood of the people, to pave the way for the Maltese people to be able to join the army, the services, in war, they were told: "No, no, no. The Maltese people are not good at fighting". In the eyes of the British, the Maltese people were useless. Except for maybe three, four people who held a high position. The war led to something else. Not only did it show the importance of Malta, but it also showed that the Maltese people are capable in the worst situations, of doing their best as they did in that war.

War increased work, but it did not pay well. There was a lot of work, but not good wages. War

has brought shortages just as any war does. And that was felt even more in Malta. Why? Because the Maltese people mostly ate bread and pasta. Bread and pasta require flour and flour was controlled by a committee in London who decided to distribute it according to the size of the population and ignored the amounts which that population was actually consuming. Here in Malta the conditions continued to deteriorate. There was famine, there were diseases, the war ended, the Maltese people thought that things would get better. What happened when the war ended? There were mass discharges from the dockyard and conditions did not improve because one of the major problems was that the war had destroyed the merchant trade. Therefore resuming was very difficult. Everyone was angry at what was happening, and the British seemed to be doing nothing.

And then, amongst the many problems, there were the problems t mentioned by His Excellency the President in the introduction. These include the issue of stagnation, the need for a better constitution, the issue of trade unions, workers who wanted better conditions, unemployment and hunger. All these escalated into what we know as *Sette Giugno*. The reason behind the *Sette Giugno* was a number of issues adding up and escalating. *Sette Giugno* was not an extraordinary event for the British. Compared to what they had faced just after the war in India, Egypt, Ireland, it was a relatively small thing. But even though it was small, it was a shock because of one important element. The British policy in Malta has always been to make sure that the people, as much as possible, were not fed up. That they would not be fed enough for an outburst. Why? Because otherwise the security of the fortress is undermined. The *Sette Giugno* events imply that they were fed up to this extent.. And what was one of its effects? The British deemed that they had to change course.

Let me make it clear. One of the things we constantly hear, , year after year, especially in the news, when we celebrate *Sette Giugno*, is that the 1921 Constitution was granted as a result of *Sette Giugno*. This is not accurate. The British were already preparing for a constitutional improvement. What they did not know at that stage was how to solve the problem they deemed to be crucial: how could there be a better constitution, how could the Maltese people be given power in their country without disrupting the operation of the fortress? The *Sette Giugno* events accelerated this process but it did not automatically lead to the granting of the Constitution. The British opted for a diarchy. This was an experiment they had already successfully tried in some places in India, and they thought it could work here in Malta. Two governments: A Maltese government solely taking care of Maltese affairs; a British Imperial Government taking care of all those things that they deemed as essential to the Empire. And so, we were granted the 1921 Constitution. A constitution that established, as already mentioned, two chambers of Parliament: a Legislative Chamber, headed by a minister who is the head of the ministry - I will explain why I am using these terms - and which has no more than 6 other ministers. This was the executive. The Legislative Chamber would have 32 members, elected through an election from Malta and Gozo which were divided into eight districts, seven in Malta and then Gozo. And then there was the Senate Chamber which would have 17 members, seven of whom were elected by the general electorate, Malta and Gozo divided in this case into two districts, and the other ten were the so-called 'corporate members',

namely representing certain interests - two from the Chamber of Commerce, two graduates, two from the clergy, two from the nobility and two from that new element, the Trade Union Council who has already been mentioned by my colleague here. That was the idea.

Now we have to consider why we are not using the word 'Parliament' and 'Prime Minister'. Why don't we have these terms? Because they wanted to underline two things:

- 1) that this does not mean any form of independence, and
- 2) their idea was that this would be part of their concept of an imperial federation.

But through this Constitution, which has now paved a new way, for the first time the Maltese people had a form of power. They could start to consider that which interested them and try to improve the country. This was a first step, leading to a more important step. It was this 1921 Constitution that paved the way for Malta's Independence in 1964. From there things start to take a turn as Maltese politicians start to realise that even this self-government is not enough to solve the problems of the Maltese people. Because the British would always have more control. Leading to the point where the two political parties decide that Malta can no longer depend on England because England is not dependable.

Thank you.



Prof. Frances Camilleri-Cassar

His Excellency President of Malta,

Professor Raymond Mangion, colleague in the same department at the Faculty of Law,
Colleagues, Speakers,

I would like to begin by thanking you for this invitation.

Today I shall talk about the role of women in the political field, from the 1921 Constitution to the present day. And I conclude with a question: what has changed?

In the first part of this speech, I will look at the events that have taken place in the history of Malta over time, and the work done in the last hundred years for the emancipation of Maltese women, their right to vote, and the representation of women as elected members of the Maltese Parliament.

In the second part of the speech, I will then talk about the key findings that emerged from my research, which I conducted recently. This research was carried out to answer the question I asked myself in the title of this speech: what has changed?

Finally, I will conclude with a few reflections emerging from this research.

Until the nineteenth century, in Malta, there was little change in the situation of women. They always accepted this state of life, passively. It was at the beginning of the twentieth century, when the upheaval that broke old habits and sparked new views about the rights that every human being should enjoy in daily life, started. This upheaval began to take place, with the somewhat fierce and disturbing struggle, which finally paved the way for the self-government right of our country.

It was also during these times that two really strong movements, although opposed to each other, arose in our country. One movement fought to maintain the Roman Catholic Church as the traditional pillar of Maltese national identity and culture. While the other movement proposed a national agenda, which was perhaps more revolutionary, and progressive, with a call for universal human liberation, including the emancipation of women.

During that time, the Church in Malta considered the attempt to change the role of women as a hindrance and a violation of the traditional values of the family. It was a hard and long struggle until women were able to break the chains that were holding them back and prevent them from developing as a creation endowed with their own talents, just like men.

This was a time of great poverty, and Maltese families suffered from lack of food to the point that there were concerns about women's health, especially due to an increase in infant and even maternal mortality. The misery of the working class, together with the anger among those of the rich class, due to the stagnation in the constitutional development of Malta, led to the *Sette Giugno* riots of 1919.

At the time when Malta achieved self-government in 1921, most girls did not study beyond primary school, and rarely went to school. Education and schooling for women were not given importance, except perhaps to improve their chance to marry a professional or a rich man. Otherwise, the condition of working-class women, was very tough and poor.

Although elementary education, funded by the State, was introduced by the French in 1798, it became compulsory only two hundred years after, in 1946. This meant that throughout the years between the two world wars, many children were left without schooling. Others dropped out of primary school due to poverty, which forced them to look for work in order to contribute to their living expenses.

It was in 1918, a few years before self-government in our country, that Gerald Strickland said that women of a certain level of education should be given the right to vote in the general election. However, as I said before, there were very few educated women, and that were able to take the responsibility as leaders of other women like them. So much so, that while in the 1919 National Assembly, there was a wide range of people representing Maltese civil society, however, none of the delegates were women, or at least, aware of the needs of Maltese women.

The Amery-Milner Constitution of 1921 gave Malta autonomy and the possibility to govern the internal affairs of our country. Some voices and calls for the emancipation of women also started to be heard. And as soon as the Labour Party was founded in 1921, which at the time was known as the Camera del Lavoro, efforts were made to give women the voice they deserved, both as human beings and citizens. Just like anyone else.

Around 1931, Mabel Strickland, who at the time was Assistant Secretary of the Constitutional Party, began to raise the issue of women's rights in the political field in Malta. She was so keen in this regard that when she had to testify before the Royal Commission on Maltese Affairs, she called for amendments to the 1921 Constitution, in order to give women the right to vote, and also to make Maltese women's rights more similar to and more in line with those enjoyed by other women in the British Commonwealth. However, Mabel Strickland's request did not include all women, only those who owned a property.

Despite all this, Strickland's request was ignored on the grounds that the Royal Commission did not want to get involved in issues raised by the ecclesiastical authorities and their fight against the change in the traditional role of women in Maltese families. Moreover, the British Government felt that it was not yet time for Maltese women to be given the right to vote.

Until the Second World War, Maltese women paid little attention to what was happening outside the walls of their homes. They left everything in the hands of men. This attitude began to change somewhat, as Malta was assigned the role of 'Nurse of the Mediterranean'. Throughout this world battle, thousands of wounded soldiers, and prisoners of war were treated with the help of Maltese women. This was a new experience for Maltese women, which initiated the change of those social, and traditional, ties with which they were still shackled.

Another request for Maltese women to be given the right to vote, was made during a meeting of the National Assembly in July 1945. At the time, there was no Parliament as we know it today, and elections were only held when decided by the British Government. The National Assembly was made up of delegates representing political parties, trade unions, and several constituted organisations, including band clubs. The representatives of these organisations were all men, except for Mabel Strickland who represented The Times newspaper.

It was also the time when a women's association, called the Women of Malta Association, was set-up in Malta. After the first meetings and after a heated discussion, the National Assembly accepted to grant the Association the right to allow its delegates to take part in the Assembly. This Association worked hard in favour of women and not just to have the right to vote, but also to be elected to every assembly within the Government.

The Women of Malta Association was founded in 1944, and was registered as a women's trade union, in order to have the right to send two of its delegates to National Assembly meetings.

It was the only means that allowed women to take part in discussions about proposals that directly affected them.

In 1945, Dr Paul Boffa, Leader of the Malta Labour Party, presented a motion, divided into three parts, so that voting could take place on each part of the motion, separately.

The first part of the motion stated that no person could have the right to more than one vote, and there was almost unanimous agreement. There was a longer discussion about granting the right to vote to those aged eighteen. This part of the motion was not passed, and the National Assembly decided to give the vote to every man over twenty-one years of age. The third part of the motion tabled by Boffa was then discussed, proposing that the women should also be given the right to vote. There was a heated discussion, until finally, the motion in favour of giving women the right to vote was passed. This paved the way for the achievement of women's rights in Maltese politics.

The draft Constitution presented to Sir Harold MacMichael in 1946, closely reflected the 1921 Constitution of self-government, with the difference that the Senate was removed, and power was immediately given to the Legislative Assembly. Universal emancipation, and women's right to vote in particular, were among the most important reforms that came into force with the 1947 Constitution.

The campaign for the first government under the 1947 Constitution, was indeed fierce and revolutionary. For the first time, political parties joined forces and took a common position so that in the next election, men who never had a vote, as well as women who had turned twenty-one, would be eligible to vote.

Maltese women voted for the first time in 1947, in the first election after the Second World War, when Malta was given a new Constitution by the British Colonial Government. In this Constitution, the British Government had accepted the request of the National Assembly that all Maltese people over the age of twenty-one, will be given the right to vote. Until then, not all men had the right to vote. Only those with a certain level of education and who owned a property had this right.

Thus, 54 percent of voters were women, who for the first time had the right to elect 40 members in the Legislative Assembly. Among the five parties contesting the first elections under the new Constitution in the 1947 election, only two candidates were women.

That concludes the first part of my speech which provided an overview of the history of Maltese women, until they could exercise the right to vote for the first time, and to contest the general election.

I will now speak about the findings that emerged from my research. And I would like to answer the second part of the title of this presentation: what has changed?

Despite the struggle for women's rights in public life, there has been little change in terms of the trend related to women's representation in the Maltese Parliament since they were granted the right to vote in 1947. For example, in 1950 there were only three women out of forty Members of Parliament, while in 1951 the number of women was four out of forty members. Seventy years later, in 2017, the percentage remained static; in the range of eleven to twelve percent. The number is so low that in February 2021, Malta was ranked 150th out of 193 countries in the Inter-Parliamentary Union Index.

In our country where nothing should keep individuals from running as candidates for Parliament, it is still difficult for women to do so. This anomaly worried me significantly. I wanted to find out what explains the fact that despite the passing of decades, the number of women in the Maltese Parliament has always remained low.

According to studies conducted in the field of political science, we find that one way to explain the lack of female delegates is to explore or investigate how an individual gets elected and wins a seat in Parliament. From here, I prepared my study by adopting a so-called 'qualitative' academic research method, in which I collected my data through individual interviews with a number of Members of Parliament, both women and men. My interview with every member of Parliament started with this question: "Few women seem to reach the top in Maltese politics. What explains this phenomenon?"

While the women parliamentarians I spoke to complained about the obstacles they face, both in their office as members of Parliament and in their daily lives, from the answers given to me by men, I realised that they were barely aware of what was hindering their fellow women.

Men were convinced that, nowadays in Malta, there is equality and that there are equal opportunities, and so, according to these men who took part in my research, the discrepancy in the representation of women in Parliament is nothing but a lack of interest in politics, as women are born with a natural inclination to be mothers. Men emphasised that a candidate must always be of 'quality' in order to get a seat in Parliament. From my research I started to notice the subtle resistance in these answers, which I will quote *verbatim*:

"Women must be of quality!" (male MP)

"I don't believe in the corrective mechanism... I still think that quality counts..". (male MP)

"How do you expect women to enter politics when they don't even have enough time to enter the world of work?" (male MP)

Studies on how political parties choose their candidates for general elections, clearly show, that gender discrimination still exists, and is quite significant. Despite the fact that women have the same level of education and qualifications as men, as well as the motivation to stand as candidates in elections, few are chosen by their party to be listed on ballot papers.

This means that the dominance of men among the elected candidates, does not depend only on the number of votes in general elections, but is a result of the decisions made by political parties in terms of their choice of candidates. It is true that on election day, voters - us - choose who to elect, but their choice is made only after the political parties have already drawn up their list of candidates. There is no doubt that the ballot paper reflects the prejudices that still exist among party delegates.

In an ideal world, and based on the principle of democracy, the choice of candidates should be proportionate to the number of voters in the general election. However, the reality is such that this ideal has never been realised in Malta. We must remember that the choice of a candidate is likely to be based on a gift of gratitude for a favour done, or on loyalty shown to the party. We must also remember that the ballot paper is often drawn up by male delegates, who would have strived and struggled themselves to reach the top in their party hierarchy. Such discrimination and prejudice hinder the advancement of those women who are interested in running for elections and play their part in Parliament.

In such a situation, the corrective measures in the new law - which has just been passed by Parliament this week - are essential in order to overcome the gender imbalance and to increase women's representation in Parliament. And also to be in a position to boast of having a truly democratic Maltese Parliament.

I also asked participants in my study about the support given to women by their political party. Many have told me that the culture and style of Maltese politicians are likely to be confrontational, and that women feel threatened by negative attitudes and intimidating behaviour. Members of Parliament told me:

"Women do not have the same support as men, which is why we need corrective mechanisms..." (female MP)

"Perception about women has improved, but there is no support for women! It's just empty words!" (female MP)

"I think political parties use women in order to gain popularity and votes. Many words are said, but to date nothing has changed" (male MP)

Another finding that emerged from my research is related to the issue of money. Candidates will need to fund themselves when running for election, and often, women do not have access to extra money, to cover the costs of their own election campaign. The women parliamentarians also complained about the financial burden related to clothes and appearance. This in order to comply with expectations during political events as well as social and family gatherings.

In my research I found that women in Malta face strong pressure, which is at the same time subtle, on the traditional roles of gender, linked to the norms expected by society. I quote again:

“...when women try to take a step to enter politics, there is something holding them back... they face certain obstacles that come with their primary responsibility, that of wife and mother...” (male MP)

From this overview on what Maltese women have gone through in order to achieve their rights - from the 1921 Constitution to the present day - it is clear that the greatest obstacles that prevent them from exercising their right to stand for election, are prejudices, lack of finances, lack of support and resistance from political parties. Due to this hindrance, many Maltese women do not even think that they too can and have the right to contest the election.

These problems arose because, apart from the granting of rights over the last hundred years, the process of cultural change in favour of equality in public life has been non-existent. Although many men and women affirm the principles of equality, in practice, and they continued to address women in line with traditional beliefs, and made no changes in order to make women's paths easier and smoother. The antagonism and prejudice that women continue to face is harming not only them, but also Maltese society.

Therefore, hand in hand with the granting of rights, there must be a radical change in the way we look at women. Political parties in Malta need to ensure that women are chosen as candidates, and that they are elected to the Maltese Parliament. Political parties must overcome traditional culture, and get rid - once and for all - of the resistance to the presence of women among the political party's candidates. Only this can lead to the Maltese Parliament becoming synonymous with equality and democracy.

Thank you very much.



Rev. Dr Nicholas Doublet

Thank you, Your Excellency, for giving me this opportunity to reflect on, as some have already mentioned, the relationship between the Church and the State in the light of the 1921 Constitution and how it has developed in the following decades.

"The Religion of Malta is the Roman Catholic Apostolic Religion." This is what our Constitution says and reflects to this day and it must be said that it was the main declaration that the National Assembly had submitted whilst discussing the draft Constitution in 1919. When they started discussing the draft Constitution.

After much discussion, as described so well by His Excellency the Archbishop in a publication issued last year as well as by Professor Grima and even by Professor Mangion present here, who all wrote on this topic, the National Assembly accepted this declaration which still forms part of our Constitution. A declaration which had been suggested by an ecclesiastic, Mons. Panzavecchia, in the second draft of the Constitution. It is clear that this declaration - and this is the essence of my speech today - does not in any way exclude what is so dear to us: the principle of tolerance. This was clearly on their minds, together with the knowledge of the right to freedom of conscience and worship.

First of all, it is important to understand exactly the topics we are talking about; the Church as it considered itself vis-à-vis the State. Because this will also determine the way the Church and those involved, not just the Church, all those involved including the Maltese people, how they interpreted 'tolerance'. The ecclesiological model operated by the Church in its relationship with the State, a model that has developed throughout the history of the Church, and which had since the beginning characterised this relationship between Church and State, and in particular in the 19th century, was that of a 'perfect society'. The Church considers itself a 'perfect society'. It is actually a legal model. What does it mean? It means that the Church considers itself to have within it all that is essential to achieve its purposes. And therefore, it has to deal with another 'perfect society', the State, on an equal footing. This is a model that develops throughout the 19th century in midst of the troubles that the Church has had, including the persecution that it has faced from the State in other environments, in other countries, and therefore in a context of aggressive liberalism that tried to impose a hostile separation, inflicting suffering not only on the Church and its rights but also on the people making up the Church and the way they could practice their faith.

When talking about 1921, the Church, and even the local Church, was not only mindful of what the Church had gone through under this kind of aggressive liberalism on the continent, but also of what had started happening in other environments with the development of the consequences of practical Communism. A 'perfect society', as I said, is one that considers itself to have within it all that is necessary to achieve its purpose. In the context of our consideration today, it is important to understand that this model has served the Church well as a legal instrument to defend its rights in relation to the other 'perfect society', the State. As the debates in the National Assembly testify, in the case of Malta, the position of the Church in society has been strengthened. Its argument was also strengthened on another basis, the argument of tradition: the fact that the Maltese people were Catholics, they claim, since the time of Saint Paul, and so what is constant in our history is precisely this Catholic foundation, which together with language shape our identity. This was their argument based on tradition. In their reactions to the draft constitution, both laics and clergy, there is an insistence on this point, that the history of Malta is inseparable from the Catholic religion. The religious issue was therefore not another matter which they were debating, but a matter of principle which "every other matter depended on". The British ignored the National Assembly's provision on Religion. It was an exercise of their insensitivity to the socio-cultural reality of our people.

The question arises: But Malta, ultimately ruled by a colonial government, a government that does not embrace the Roman Catholic religion but a Protestant government, how did the Maltese people think that they should deal with those who do not embrace their faith? The Maltese people were aware of this, of the need for tolerance. As already mentioned, this issue had already been dealt with in 1802, when in the Declaration of Rights, the Maltese people were eager to show that the legal recognition of the Catholic religion could still exist alongside the concept of religious tolerance. In this case, the Maltese people were being very

open-minded; not even the Magisterium of the Church was as open-minded. They continued to insist on this point, both in 1906 during the Mission Service Case controversy, and during the discussions on the 1921 draft Constitution, which is the bill that we are examining here. But the question is, what did these people mean by tolerance? If the open-mindedness shown in 1802 can be regarded as an extraordinary example of open-mindedness in comparison to the Magisterium of the time, by the beginning of the twentieth century this view was already supported by a number of declarations by various Popes.

In the National Assembly debates, it is clear that by 'religious tolerance', the Maltese people certainly did not want to mean, religious indifference as espoused by philosophers such as John Locke. It is clear from the interventions of the Cathedral Chapter during the debate that tolerance did not mean a simple acceptance of the right to freedom of worship and conscience, so it was a qualified tolerance. What they meant by tolerance, was limited to 'social tolerance' as understood by Leo XIII in his Encyclical on the Christian Constitution of States, *Immortale Dei*, issued at the end of the 19th century. What does the Pope say? And this debate had to be set in line with the Magisterium:

Nor is there any reason why anyone should accuse the Church of being wanting in gentleness of action or largeness of view, or of being opposed to real and lawful liberty. The Church, indeed, deems it unlawful to place the various forms of divine worship on the same footing as the true religion, but does not, on that account, condemn those rulers who, for the sake of securing some great good or of hindering some great evil, allow patiently custom or usage to be a kind of sanction for each kind of religion having its place in the State. And, in fact, the Church is wont to take earnest heed that no one shall be forced to embrace the Catholic faith against his will, for, as St. Augustine wisely reminds us, "Man cannot believe otherwise than of his own will."

And thus, in this framework, the National Assembly wanted to include in a declaration in the Constitution stating that the Roman Catholic religion is the religion of Malta. This emerges, at least indirectly, when the Assembly met to submit its observations on the draft Constitution drawn up by the British. As originally presented by the British, there was only the following clause 56 dealing with religion, the article specifically on religious tolerance which:

- a) asserted that everyone had the right to full freedom of conscience and to the free exercise of their respective worship
- b) prohibited religious discrimination in respect of any public office.

In a few words, the intention of the Colonial Government remained governed only by what it had already asserted in 1906 after the Mission Service Case.

The National Assembly, after re-proposing to include, this time with a title in the section on religion, a declaratory clause asserting that the Roman Catholic is the religion of Malta, also

agreed to propose a reformulation of the clause on the rights to both freedom of conscience and worship and to equal treatment of all citizens with regard to religion.

Of course, such a proposal was made in the light of the Magisterium, as I have already explained. And so, it guaranteed that it was clear that the Roman Catholic religion was not being placed on the same level as other cults. Meanwhile, the right of Catholics to practice their religion, whether individually or collectively, in private and in public, was deemed evident or clearly resulting from the constitutional declaration that the Catholic religion is the religion of Malta. This leaves room for non-Catholics to naturally practice their religion freely. Again, the *mens* is that expressed by the Magisterium: Catholics enjoy complete religious freedom, and others would only enjoy tolerance. Naturally, we are setting this in history. Maybe today one would say: "What is he saying?" We cannot take an anachronistic position, we are setting it in the historical development of that time, we are saying what the situation was at that time.

As expected, the Colonial Government adhered to its position, did not accept any of this, rejected the proposal of the Maltese people to introduce a new clause recognising the special, historical, and social status (they were making a declaration on what was historically valid and socially true. The Maltese people, in the absolute majority, were Catholics) as well as to amend the clause put forward by the Colonial Government on freedom of conscience and worship and religious discrimination. The Secretary of State stressed that the Constitution was not the proper document in which to declare the religion of the country. The Constitution was only there to shape the essential framework of a self-government, so that it only imposes on the Maltese Parliament those limits that were really necessary in the particular circumstances. Parliament was of course free to pass any law it deems necessary to safeguard the rights of the Church in Maltese society.

The Maltese Bishops intervened a number of times in the debate, also through the ecclesiastics present in the Assembly, but in the end issued two pastoral letters in the context of everything I explained. In the first one, on the occasion of the granting of this Constitution, they complained that it is not marked with the cross of our Saviour Jesus Christ, meaning that the desire of the Maltese people to mention religion in an evident way, that the Catholic religion is the religion of Malta, had not been granted. Here Caruana takes the opportunity on a religious feast, Pentecost, to clearly express the worries of the Bishops that the British had ignored the wishes of the Maltese people. This also shows where his heart truly lied, although I shall not here go into the details of the story of Bishop Caruana. In this letter we get a taste of what would characterise the tormented relationship between Church and State in the following years. The conflict with Strickland was to mark forever the soul of Maltese Catholicism and even the birth of an independent nation.

In the second letter, on the occasion of the inauguration of Parliament, in October, Bishop Caruana, in patriotic and apologetic tones, reminds the Maltese people to recognise the

Catholic roots that shaped their identity, which makes them Maltese people. That in fact, what set them apart from other nations was their faith. This letter was intended to address the members of Parliament, now elected, and this led the two chambers of Parliament, as we know, to pass the first act, the Religion of Malta Act. Through it, as it were, they sought to 'baptise' the Constitution. Finally, the accepted wording was the one originally proposed by Mons. Panzavecchia. This wording, as the Archbishop rightly stated in his publication, has never changed despite the constitutional changes since then.

The declaration of religion remained the same in every constitution that the British granted us between 1921 and 1964. It was only in the context of Independence that following negotiations between the British Government and the Holy See, in Article 2 then we have that declaration which includes for the first time the wish that the Maltese people had in 1921, namely stating that:

1. The religion of Malta is the Roman Catholic Apostolic Religion.
2. The State guarantees the Catholic Apostolic Church the right to freely exercise its spiritual and ecclesiastical functions and duties and to run its own affairs.

Between these two constitutions, the position of the Church in Maltese society had changed. We had gone through, at least, two political-religious conflicts. Now the relationship and place of the Church with the State had also changed. The Catholic religion was no longer the unifying principle uniting all the elements of national identity. The question now was how to determine, in this changed context of an independent state, the relationship between Church and State. And a lot has been said about this.

In line with the change in the Magisterium, as defined precisely in those months at the Second Vatican Council in terms of how Church views itself, the insistence on the Independence Constitution guaranteed the full freedom for the Church to run itself and its affairs. This is the issue of *libertas ecclesiae*, which defines the whole history of the Church. This constitutional guarantee, desired by the clergy since the 1921 debates, but which at that time was considered by the lay parties to be superfluous, has now become necessary. The Church had a constitutional guarantee safeguarding its freedom to serve its purpose. The Independence Constitution recognised the Roman Catholic religion as the religion of Malta, guaranteed the necessary autonomy to the Roman Catholic Church to exercise its role in society as well as affirmed the right to full freedom of consciousness and worship and banned all religious discrimination. It thus guaranteed - particularly to the Church - the freedom to carry out its mission, without any fear of interference and obstruction by anyone, particularly the State.

Time has shown how much these guarantees are really needed.

Thank you.



Prof. JosAnn Cutajar

I shall link the past with the present.

I thank His Excellency for inviting me to make this intervention and greetings to my colleagues and the audience.

I am going to talk about the 1921 Constitution and democracy. And I will start with the relevance of a 'constitution'. A Constitution is important because it provides the legal framework to pave the way for some form of democratic exercise and the rule of law - what we are currently hearing so much about here in Malta. It also determines the role of democratic institutions and the inclusiveness of political systems. This constitutes the main theme of my speech: how inclusive are we as a democracy?

What does democracy mean? The word comes from the Greek word 'demos' (people) and 'kratos' (government), meaning leadership by the people, with the people and for the people, where people debate and work with each other. And this participation in democracy involves two things:

- 1) elections to elect the people's representatives; or else
- 2) direct participation of the people.

Schumpeter says that one way how politics works is on how decisions are taken. Each government discriminates against a section of the population. In our case, for example, we do not let children vote. And it also depends on how we define the word 'demos'. Rule by the people? And which people rule? Those who voted? The majority? Those who were elected? Those from certain social classes? Do the numerical majority have the right to govern? And what about the interests of other groups and individuals in society?

For example, in Switzerland, people are granted a better opportunity to intervene because they can propose up to five referenda, and therefore as a nation are in a position to decide on these issues that may arise from the people living in Switzerland. Our model of democracy is not as participatory as the one in Switzerland.

Participatory democracy requires that people have the right and ability to actively participate in the political process at all levels; to be able to communicate their priorities, preferences, and needs to the Government; to form groups, associations, clubs and political movements; to encourage their Government to respond with programmes and policies that address common needs, as sometimes it may not always include everyone. But this also depends on the Government's framework.

These are the fundamental rights associated with democracy. These are the personal freedoms – the freedom of religion, expression, association, freedom of movement, right to privacy; legal and judicial protections - fair proceedings, equality before the law, no torture or arbitrary arrest without due process; political freedom which includes limited government; freedom of speech and of the press; free, fair, and multi-party elections; right to assembly, and economic freedom, that is freedom from slavery, right to acquire and own property, the right to join trade unions and to establish a business / buy / sell goods).

I believe in proportional representation. This is something we have adopted in the electoral system here in Malta. In Malta, however, it means the political ideologies that people living in different districts embrace. Other interpretations consider proportional representation as including the various social groups that exist in the country, what we call identity politics. There are countries that adopt this format.

Now let us move on to the definition of the word "politics". Once again, we have to look at the Greek language - because most of the things related to politics come from Greek. 'Politikos' means of, for or things that have to do with citizens. The word 'politics' means the activities or things that involve the Government, a political representative or a political party.

So what is the difference between the two? Politics is the political struggle, competition, because there are several groups; and a compromise has to be reached. Democracy is popular sovereignty; the rule of law; and human rights.

The figure [in the PowerPoint] states that "Our Constitution is the most important - or supreme - law of the land. No other law may conflict with it; nor may the Government do anything that violates it". So the Constitution is the framework.

Has the definition of the word 'democracy' changed over time? Who were the ones representing the people in 1921? As has already been mentioned in the discussion, the 'elite' could take part – as politicians and as voters. That was the case back then, now we have to see if it has changed over time.

Who were the voters? Many of my colleagues said: men who were subjects of the British Empire, who were over 21 years old, who could read and write and had an annual income (and not just their own income but also their wife's income, because at that time whatever belonged to the wife, belonged to the husband) of five pounds coming from real estate or capital, or paid a rent of five pounds. They also had access to plural voting, meaning if they owned property in different areas of Malta, they could vote more than once. Hoffman said that "the business of government is the business of the rich" - that was the situation in 1921.

But who participates today? Who has the right to vote here in Malta or stand as a candidate? People who are 16 and over can now vote in Malta, as long as they are residents in Malta. And what about the Maltese citizens who do not live in Malta? I know that the Council for Maltese Living Abroad was working on something, we have not yet tackled it because only people living here in Malta can vote or if you live abroad you have to come here to Malta to vote.

Political participation. To participate, as my colleague Professor Francis Camilleri-Cassar said, you must have economic capital, political capital, or social capital, meaning, here in Malta it matters who you know. Not just in Malta.

Even when people have equal rights to participate politically, still not everyone can participate as a voter or as a candidate.

Being in a position to exercise your political rights depends on how wealthy you are, who you know, your level of education and which schools you have attended. Not just in Malta but everywhere. These emerged from political studies, to which here in Malta we do have not as yet dedicated a department at University. Different departments are contributing on the topic.

The form of democracy required minimal participation on the part of the people.. Why is it important to participate? Politicians decide the issues they will work on - what we call 'agenda setting'. These decisions will have an effect on our lives. The general public is not included in these decisions, its sole

role is to elect those who will be taking decisions for them. And democracy consists of a system of elites competing to be elected. That is how we started, is it still the case? That is my question. Let us see.

There are a lot of statistics on the University's website, initially gathered by Professor Lane who was an American lecturer who was interested about Maltese politics, and thanks to him a lot of information was gathered. Thankfully so. And he studied the most recurrent professions in Parliament from 1921 onwards: those in blue [in PowerPoint] were architects and engineers, lawyers are in purple and doctors are in yellow. Has this now changed? We see the same thing. Lawyers or notaries are highly represented in Parliament, as you can see, followed by doctors; architects and civil engineers; business. We are seeing a new class making it into parliament - broadcasters, people working in the media are entering Parliament. They do not need to have an established profession. Teachers have also made it into Parliament - it is interesting that all members of Parliament from the teaching profession were women. Economists are also a new profession that made it to Parliament. There is not a lot of representation from the rest of the nation. The people mostly representing us are professionals and business people.

Representative and direct democracy. Rousseau believes that the best democracy is to get involved and not leave it to the so called representatives 'of the people'. Representatives may act on behalf of a minority to the detriment of the majority. An issue we currently have. Edmund Burke says representatives push what they think is important. But this is not always the case.

Autonomous democracy involves a combination of direct democracy and indirect democracy, Participation and representation. This will limit representatives from acting in an elitist manner. So, we must teach people how democracy and politics work if we want more people to be involved.

And how can people get involved? We mentioned referenda such as in Switzerland. We have had referenda before, actually a few. For example divorce was one example of a referendum and people knew how to make a decision which the Government then had to take into consideration. Another example of direct participation involves juries made up of citizens. These are a group of people representing various social groups in society, who meet experts in the field, ask them questions and then they make decisions that they pass on to Parliament. Hon. Dr Helena Dalli introduced something similar in the form of the Consultative Council for Women's Rights and the LGBTIQ Consultative Council. Apart from this, we do not really have devolvement of power since Local Councils are dominated by the big political parties.

The issue is that we need to educate. Hence the importance of this webinar and perhaps having a department at the University that starts conducting studies related to these issues. We can also make use of information technology to teach and incorporate people's opinions when it comes to decision-making. So when there is something going on in Parliament - for example -I would

not need to go to the Social Committee, but I can stay at home and give my opinion or vote for the things that are being discussed.

Are we now giving more people a chance to participate? In Malta we have the issue of incumbency. If you manage to get a parliamentary seat, you will never leave. Only 20% of the people who have been involved in the legislature since 2003 have only spent one legislature there. The others have been elected for more than one legislature. On average, incumbents spend six legislatures in Parliament, according to my calculation based on data gathered from 2003 onwards. . The high rate of incumbency shows that it is more neophytes to make it to be elected.

If you take a look at the 2017 election photo, you will notice that there is very little variety. Information obtained via the Labour Force Survey was used to see whether different social groups are represented in Parliament. The information given in the slides shows that we are still being represented by the same group of professionals.

Education is a path which can lead to social mobility. When one looks at the socio-economic background of the students who make it to university, one notes that two-thirds of them come from the middle and upper classes. This means that our educational system is helping to replicate the social stratification system.

Newly-released information has shown that the top 1% earn over 3 million euros annually, whereas Malta's last 10% net wealth (this includes income as well as mobile and immoveable wealth) is only 10,000 euros a year. This data shows that the discrepancy between the very rich and the very poor is increasing.

The average net wealth of one percent of the population reached 3.34 million euros. Therefore, our politicians are pushing the agenda of a certain group, not everyone's. It is true that certain laws apply to everyone, but since there is a gap in average wealth, something is happening. And education. This emerged from the European Union's 2020 report, which states that "The share of low-qualified adults is decreasing but remains one of the highest in the EU", meaning that our education system has a long way to go. The PISA (Programme for International Student Assessment) results for Malta demonstrate that our children, from all social class derivation, did not manage to get particularly good results.

So, if we want democracy, we need educated people because otherwise they will not know how to take part in this democracy and thus they will not be able to challenge those who they supposedly elect to Parliament to represent them. They have to do this when Parliament is not pushing everyone's agenda.

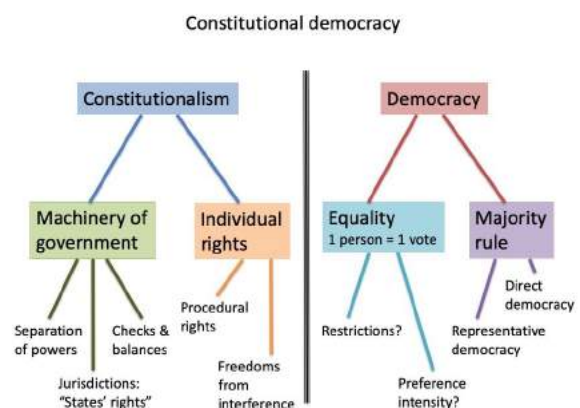
Thank you.

The 1921 Constitution and Democracy

Prof. JosAnn Cutajar
Department of Gender and Sexualities – Faculty for Social Wellbeing
University of Malta
Sant'Anton Palace
17th April 2021

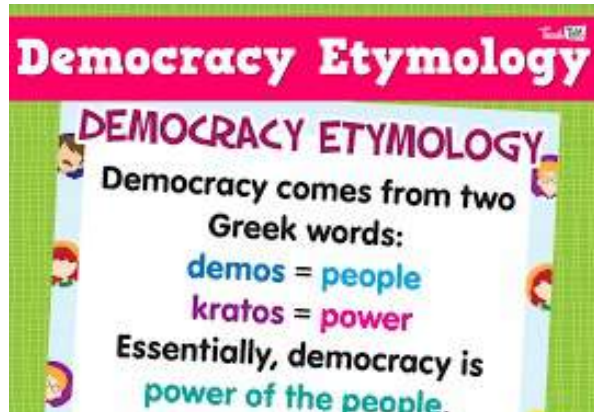
A constitution ...

- Provides the legal framework to pave the way for some kind of democratic exercise and the rule of law
- Determines the role of democratic institutions and the **inclusiveness of political systems**.



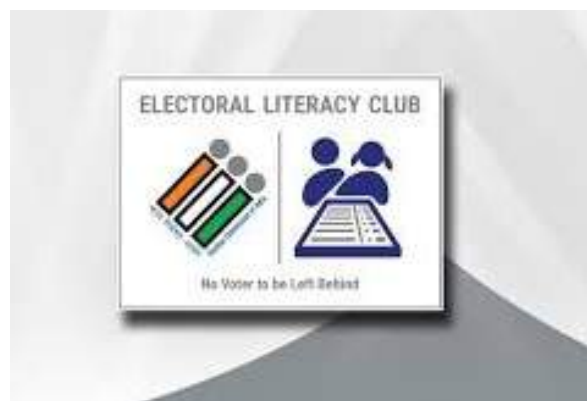
Democracy

- **Demos** (people) u **kratos** (government).
- Leadership by the people, with the people and for the people
- Where people debate and work with each other
- Participation in democracy involves:
 - Election to elect the people's representatives
 - Direct participation of the people



Schumpeter (1947) on democracy

- One way of doing politics
- One way as to how decisions are taken
- Each government discriminates against a section of the population – for example children cannot vote
- Depends on how 'demos' is **defined**



Rule by the people?

- Which people?
- Those who voted? Those who were elected? Those from certain social classes?
- The right of the numerical majority to govern?
- And the interests of other groups and individuals in society?

WE HAVE THE FINAL SAY

In Switzerland sovereignty resides with the people, who exercise supreme political power.

18
Swiss citizens are given the right to vote at the age of eighteen.

Swiss women did not gain the right to vote in federal elections until 1971.

In the *Landsgemeinde* of Appenzell Innerrhoden and Glarus citizens cast their votes in open-air assemblies.

On up to 4 occasions in any given year, the Swiss electorate votes on some 15 different issues.

The Swiss have many rights allowing them to participate in the political decision-taking process and can directly intervene in politics, for example by launching an initiative or a referendum.

There are three ways to cast your vote:

- at the ballot box
- by postal vote (most popular)
- e-voting (only in certain cantons)

The Swiss have many rights allowing them to participate in the political decision-taking process and can directly intervene in politics, for example by launching an initiative or a referendum.

On up to 4 occasions in any given year, the Swiss electorate votes on some 15 different issues.

© FSFA, PRS 2019 / Sources: The Swiss Confederation – a brief guide 2019, Federal Statistical Office (FSO), Swissvotes, Federal Chancellery (FCH), ch.ch / For more, visit aboutswitzerland.org

Participatory democracy requires that people

- Have the right and ability to actively participate in the political processes at all levels;
- Be able to communicate their priorities, preferences, and needs to the Government;
- Form groups, associations, clubs and political movements;
- Encourage their Government to respond with programmes and policies that address common needs.

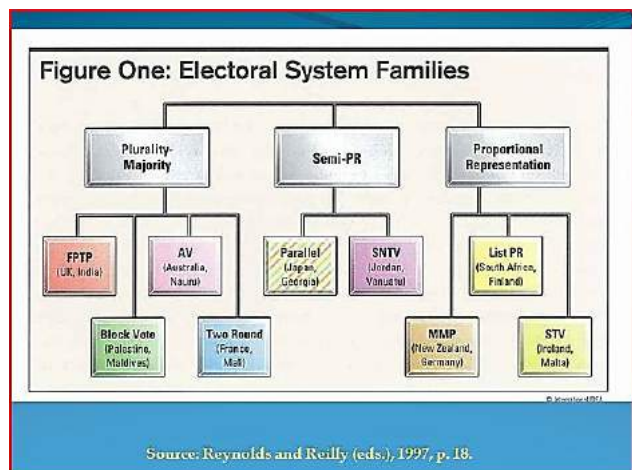


Fundamental rights associated with democracy

- **Personal freedoms:** freedom of religion, expression, association, freedom of movement, right to privacy
- **Legal and judicial protections:** fair proceedings, equality before the law, no torture or arbitrary arrest without due process
- **Political freedom:** limited government; freedom of speech and of the press; free, fair, and multi-party elections; right to assembly
- **Economic freedom:** freedom from slavery, the right to acquire and own property, the right to join trade unions and to establish a business / buy / sell goods.

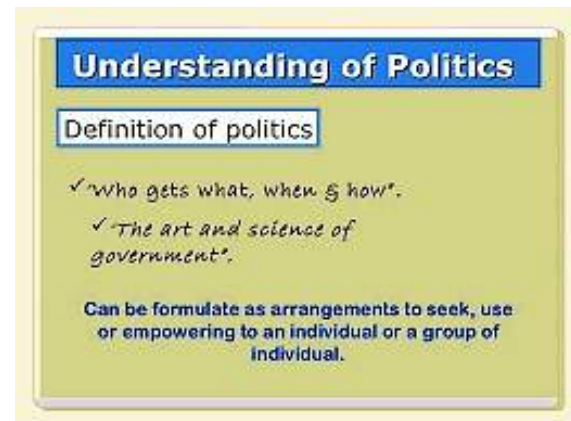
Proportional representation

- The electoral system we have adopted
- In Malta it means the political ideologies that people living in particular districts embrace
- Others deem it as the representation of various social groups in the country – identity politics



Definition of 'politics'

- 'Politikos' – of, for or things that have to do with citizens
- Politics: The activities or things that involve the government, a political representative or a political party



What is the difference?

• **Politics**

- Political struggle
- Competition
- Compromise

• **Democracy**

- Popular sovereignty
- Rule of law
- Human rights



Our Constitution is the most important - or supreme - law of the land.
No other law may conflict with it; nor may the Government do anything that violates it.

The definition of the word 'democracy' changed over time

Who were the ones representing the people in 1921?

- Legislative Assembly - 4 political parties
- Senate: clergy, nobility, graduates, those involved in commerce, Trade Union Council members.

Clergy	Nobility	Graduates	Commerce	Trade Union Council
Mons G Apap Bologna	Marquis P Apap Bologna	Prof C Mifsud MD	Luigi Apap	Col William Savona
Mons Paolo Galea	Count A Caruana Gatto	Dr F Caruana Gatto	John C Camilleri	Salvu Zammit Hammett

Who can participate in this form of democracy?

- Men who were subjects of the British Empire
- 21+ years old
- Could read and write
- Had an annual income, themselves or their wife, of five pounds coming from real estate or capital, or paid annual rent of five pounds
- Plural voting – if a voter earned income from property owned in different localities, he could vote more than once

Hoffman (1988: 167) ***“the business of government is the business of the rich”***

Who can participate today?

- 16+
- Residents of Malta
- Maltese citizens not living in Malta?



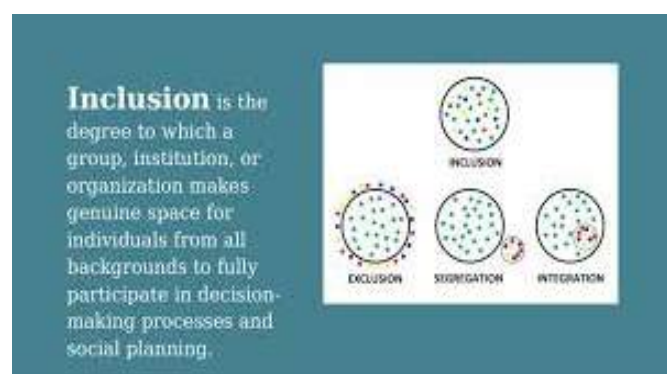
Political participation

Depends on having

1. **Economic capital**
2. **Political capital**
3. **Social capital**

Even when people have equal rights to participate politically

- Not everyone can participate
 - As a voter
 - As a candidate



Being in a position to exercise your political rights depends on

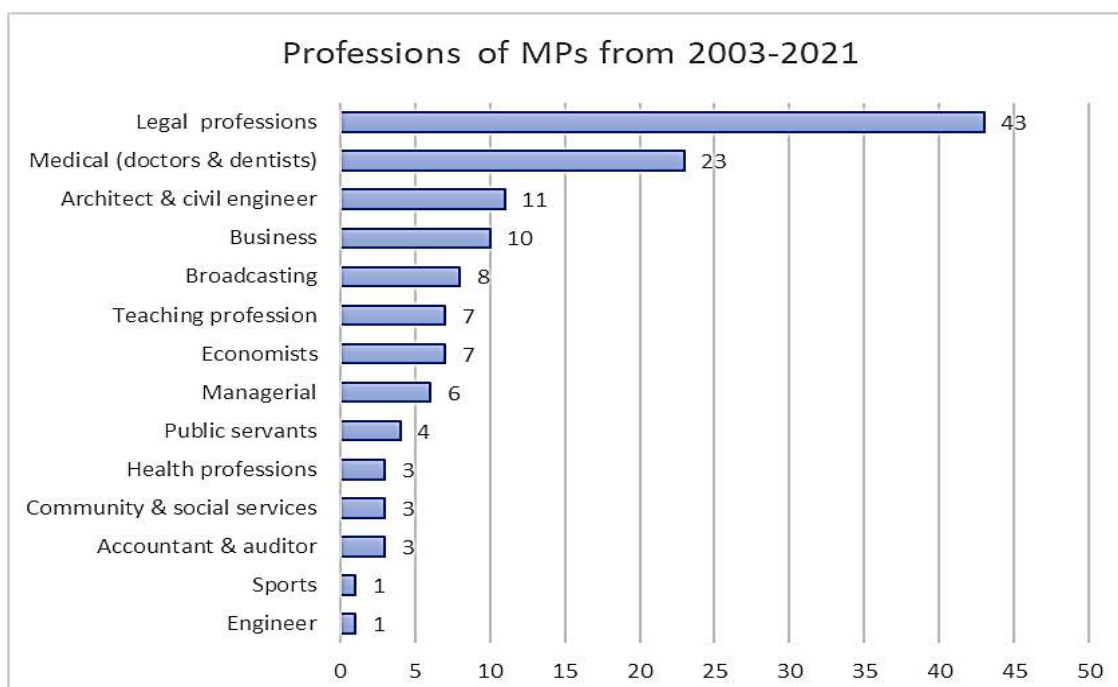
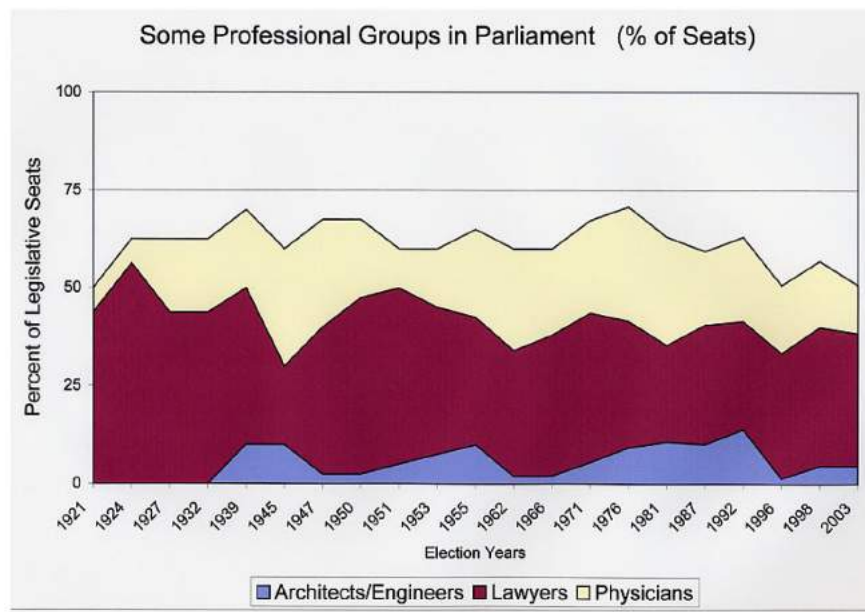
- How wealthy you are,
 - Who you know,
 - Level of education,
 - Which schools you attended
-
- The form that democracy was given after the war requires **minimal** participation from the people – they only need to vote



Why is it important to participate...

- Politicians decide on the issues they will work on – agenda setting
- These decisions will have an effect on our lives
- The general public is not included in these decisions
- Their sole role is to elect those who will be taking decisions for them
- Democracy consists of a system of elites competing to be elected – ***that is how we started, is it still the case?***

Who represented us in Parliament?



Representative and direct democracy

- Rousseau believes that the best democracy is to get involved and not leave it to the representatives 'of the people'
- Representatives may act on behalf of a minority to the detriment of the majority
- Edmund Burke – representatives, in the name of their constituents, push what they think is important
- But this is not always the case...



Autonomous democracy

- Involves a combination of direct and indirect democracy
- **Participation** and **representation**
- This way representatives will not be able to act in an elitist manner
- WE MUST TEACH PEOPLE HOW DEMOCRACY AND POLITICS WORK

And how can we get involved?

- **Referenda** on important issues - Switzerland
- **Juries made up of citizens** – a representative group from the population to discuss important issues, and make recommendations based on the information gathered after consultation with a range of experts
- **Devolution** of power from Parliament/political parties
- **Educating** people on how the system works
- **Using information technology** – to have direct democracy and to educate:
 - Email
 - Internet
 - Videoconference
 - Webinars
- The public can get involved from home
 - Voting on laws/policies they agree with

Are we giving more people a chance to participate?

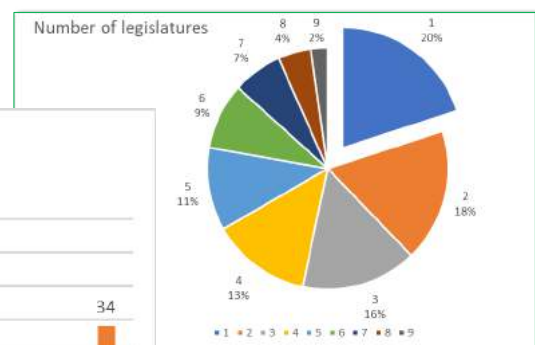
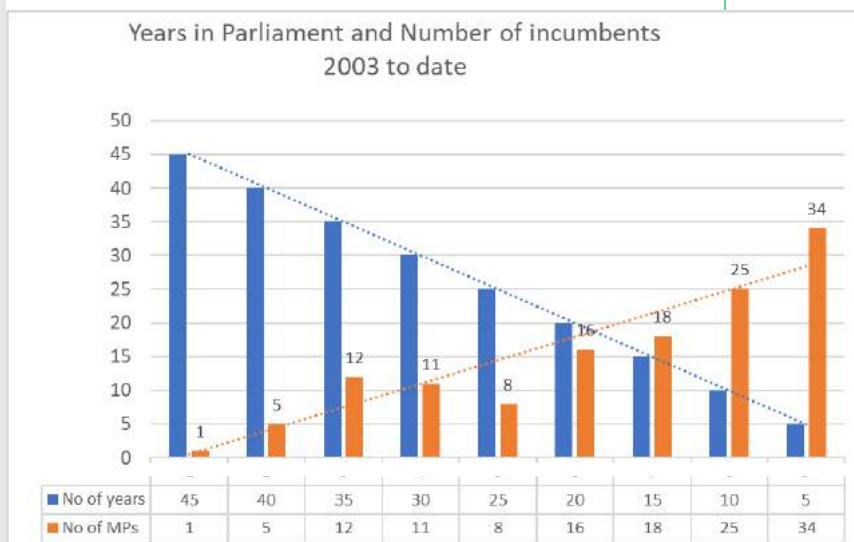




Photo : DOI- Omar Camilleri

	October-December 2019 (Revised)					
Employed	157,446	69.7	104,647	49.7	262,093	60.1
Unemployed	5,414 ^u	2.4 ^u	4,136 ^u	2.0 ^u	9,550	2.2
Inactive	63,016	27.9	101,649	48.3	164,665	37.7
Total	225,876	100.0	210,432	100.0	436,308	100.0

Table 13. Main occupation of total employed persons by sex: October-December 2019 (Revised)						
Occupational group	Males		Females		Total	
	No.	%	No.	%	No.	%
Armed Forces	2,257 ^u	1.4 ^u	:	:	2,392 ^u	0.9 ^u
Managers	20,141	12.8	8,571	8.2	28,712	11.0
Professionals	25,855	16.4	23,928	22.9	49,783	19.0
Technicians and associate professionals	23,704	15.1	13,573	13.0	37,277	14.2
Clerical support workers	11,658	7.4	16,390	15.7	28,048	10.7
Service and sales workers	21,933	13.9	29,505	28.2	51,438	19.6
Skilled agricultural, forestry and fishery workers	2,274 ^u	1.4 ^u	:	:	2,336 ^u	0.9 ^u
Craft and related trades workers	24,609	15.6	:	:	26,067	9.9
Plant and machine operators, and assemblers	11,075	7.0	3,073 ^u	2.9 ^u	14,148	5.4
Elementary occupations	13,940	8.9	7,952	7.6	21,892	8.4
Total	157,446	100.0	104,647	100.0	262,093	100.0

: Unreliable - less than 20 sample observations.

^u Under represented - between 20 and 49 sample observations.

The most common types of fathers' occupations were in fact administrative/managerial and professional/technical (20% and 18% respectively). (Debono *et al.*, 2005).

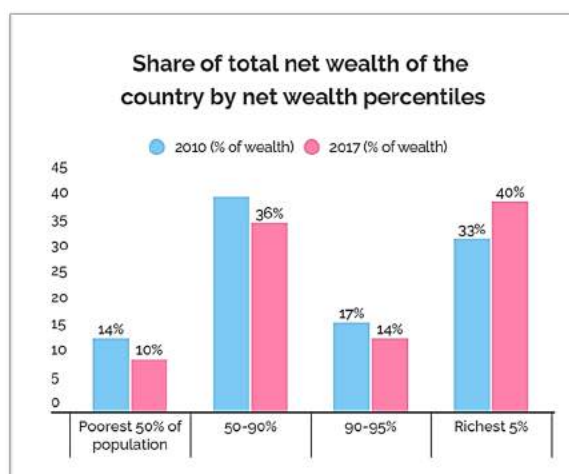
Table 6. Parents' occupation when respondents were 16 years old

	Father		Mother	
	Count	%	Count	%
Employer/own account worker	138	12.8	25	2.3
Professional/technical	195	18.1	128	11.8
Administrative/managerial	211	19.6	25	2.3
Executive/clerical	162	15.0	77	7.1
Skilled/semiskilled	187	17.3	15	1.4
Unskilled	128	11.9	42	3.9
Unemployed	4	0.4	2	0.2
Housewife/househusband	0	0	763	70.2
Deceased	18	1.7	2	0.2
Pensioner	28	2.6	2	0.2
Student	8	0.7	6	0.6
Total	1079	100	1087	100

Are our representatives considering everyone's needs?

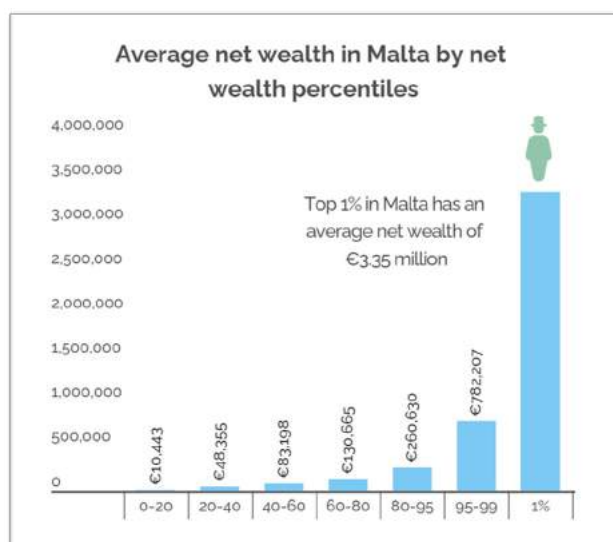
How is national wealth distributed in Malta?

- The wealth of 50% of the population decreased from 14% (2010) to 10% in 2017 - at a time when the country's economy was doing well



Average net wealth in Malta – in 2017

- The average net wealth of **one** percent of the population reached 3.34 million euros
- The average net wealth of the worst 20 percent of the population was 10 thousand euros



We mentioned the importance of education, but...

	2014	2015	2016	2017	2018	2019 ⁵
Equal opportunities and access to the labour market						
Early leavers from education and training (% of population aged 18-24)	20.9	20.2	19.2	17.7	17.4	:
Gender employment gap (pps)	26.8	26.8	25.5	24.1	21.9	19.5
Income inequality, measured as quintile share ratio (\$ 80/\$ 20)	4.0	4.1	4.2	4.2	4.3	:

- “The share of low-qualified adults is decreasing but remains one of the highest in the EU (46.7% in 2018 against 21.9% in the EU).” (page 29)
- “The OECD Programme for International Student Assessment (PISA) 2018 shows that, in all three subjects tested, Malta’s mean performance is below the EU average. ... **Underachievement is prevalent across the entire socioeconomic distribution**”. (page 31)

Online Contributions



Dr Miguel Balzan (first contribution)

Thank you. Good morning to everyone and, as said by previous speakers, I would like to thank in particular His Excellency the President, who created the opportunity for this conference to discuss one of the great achievements and milestones that our country has achieved from the constitutional aspect.

I would like to draw some points particularly on what Prof. Pirotta and, previously, Prof. Mangion have raised. One point on language, mentioned by Prof. Pirotta, was that then, eventually, in 1934, Maltese also became an official language of the courts – so that Malta then had three languages –together with English and Italian.

Regarding the bicameral system brought to attention by the two previous speakers, I wanted to mention, perhaps, some more constitutional-legal aspects on where one has a system, as they were saying, where one has the Legislative Assembly which was composed of about 30 members, the Senate which had just under 20 members and in the Senate, as they mentioned, they were divided between those representing some clerical entities, etc. They also mentioned trade unions, and there were also those miscellaneous ones having certain qualifications.

Interestingly, here we see that, even when compared to nowadays and, perhaps, to the times we are living through presently, at that time you needed certain qualifications. Interesting to note, especially in light of the very recent reforms of a more representative Parliament, where all members of the Senate had to be from 35 years old upwards and men, while those in the Legislature Assembly had to be from 21 years old upwards and men as well. It is worth highlighting here, as mentioned from the outset, in the introduction, how much progress we have made in terms of Parliamentary representation in this regard.

We are speaking of times when, to be in the Assembly, you had these criteria. You also had to have a certain direct or indirect income, such as a certain amount of rental income, in order to vote. Interestingly, Prof. Pirotta mentioned the 1887 Constitution; in the 1921 Constitution one also had the concept of voting, similar to the 1887 Constitution.

The Assembly at that time was appointed for a period of three years. I would like to refer to, inter alia, the famous “reserved matters”, which were defense, air, imperial property, immigration, postal and telegraphic censorship, and the issuance of visas and passports, among others.

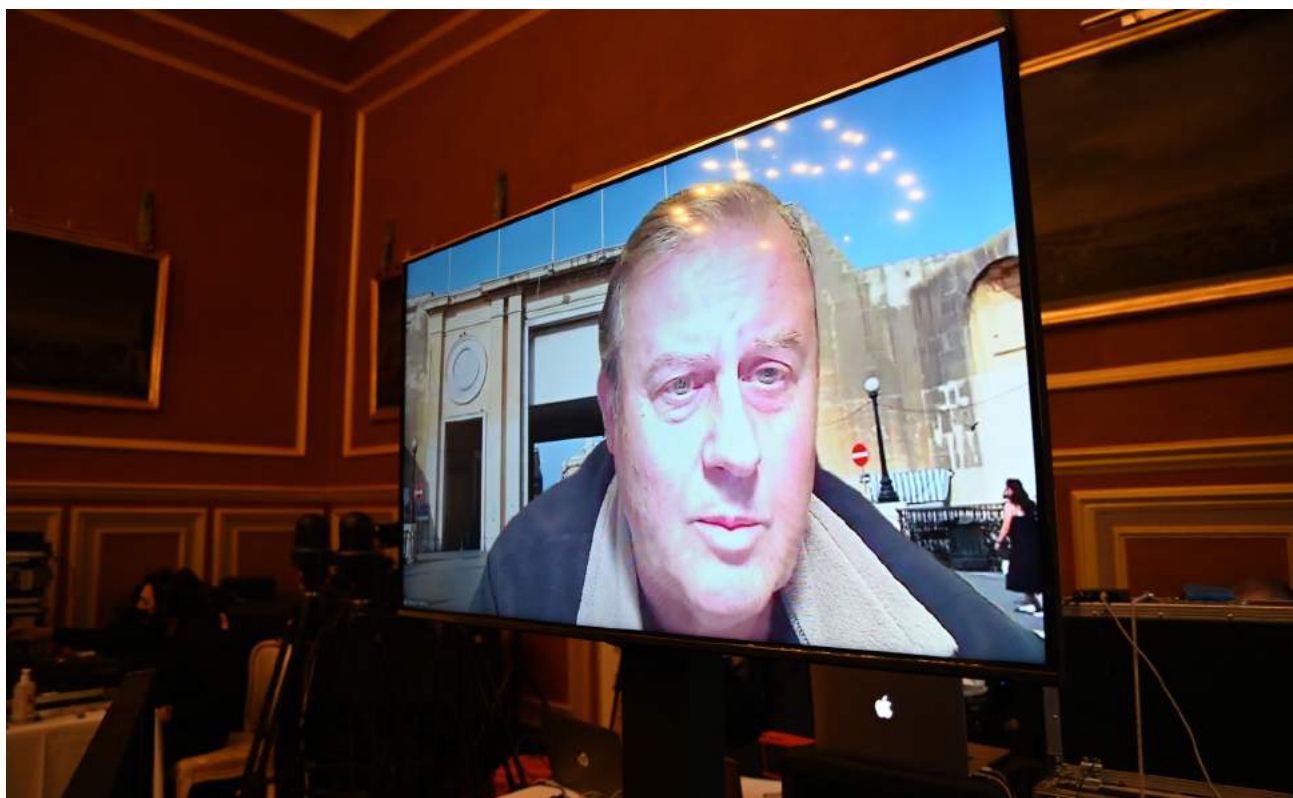
Thank you for giving me the opportunity to speak.

Thanks.

Dr Miguel Balzan (second contribution)

Thank you. I have a question for the Rev. Dr Nicholas Doublet. I would like to know his thoughts about the possibility of changing, or even removing, the provision on religion from our Constitution to reflect the realities of today’s religious diversity – in a situation where religion is, as we have mentioned, one of the main characteristics of this Maltese identity and, therefore, an important aspect, I think, of what constitutes Malta.

Thank you very much.



Louis J. Vella

Thank you. This question is for Prof. Mangion and Prof. Pirotta. First of all, thank you for the invitation and for the presentations, and I congratulate His Excellency the President, the speakers, and all those responsible for this Conference.

It has already been stated that many Maltese left Malta at the time of the introduction of the 1921 Constitution. What help, encouragement, or obstacles did these early Maltese emigrants find to leave the shores of Malta?

Secondly: these Maltese who left and lived abroad and experienced different political systems. Do we have any examples of Maltese who either came back to Malta and were active in trying to improve the situation of the people's life in Malta and of the Maltese or, perhaps, shared with their Maltese peers ideas or governmental systems that they learnt from other nations in which they had lived?

Closing Speech by the President of Malta

H.E. George Vella, President of Malta

First of all, I would like to thank all the participants from the bottom of my heart for their commitment in preparing their papers and also for being so prepared in sharing their thoughts and their invaluable experiences on these topics.

I will not take long. I just want to say that this was a very interesting session because the speakers took different aspects and we saw, for example, Prof. Mangion talking about details of the developments that took place at the time we talked about in 1921: the start of the first Responsible Government, the problems of bicameralism, the establishment of trade unions, the strengthening of benefit societies, political parties, etcetera. But then it was also very important that he put a huge emphasis on the first start of social services simply because, as I also said in my introduction, there was extreme poverty and then there was a need for these things.

Prof. Pirotta then made the very important point that, while we are speaking from the perspective of the Maltese people and almost, so to speak, we are proud and happy that we achieved these things, there has always been the mentality of the British, the colonialists, who saw our country as a fortress, as a place used for the security of the region and even to be sure to continue in their dominion. Then he also introduced – very well, in my opinion – the notion of language and why it was important, and how it was viewed not only by the Maltese people but also by the British. A very detailed overview, in my opinion, of what led to the political developments backdrop that then led to the 1921 Constitution and even the link, which perhaps one hardly sees, which continued almost until, after all these years, we achieved Independence in 1964. I also greatly appreciated the fact that we reflected on the role played by Manuel Dimech and others; but, in this case, Manuel Dimech who, despite speaking up about things that were eventually achieved by the Constitution, did not have the possibility of being here in Malta when these things were achieved. As Prof. Mangion said, today he is buried somewhere in Egypt and almost no one knows exactly where.

Prof. Camilleri-Cassar, in my opinion, made a very interesting analysis regarding the role of women in society. And this is a topic on which one can possibly hold a whole seminar because, as the Professor rightly mentioned, there are many reflections that can be made regarding this development. The famous Women of Malta Association was also mentioned, and I want to salute the memory of Ms Burns de Bono, who was the person who then represented women in the 1947 Assembly, in its last period.

Women achieving their right to vote was no mean feat but then, in terms of the role of society, here in Malta it has increased a lot at the moment and one ties this with what

Professor JosAnn Cutajar said regarding democracy and even the representation of women in Parliament. These are topics that anyone can expand on, do a huge analysis, bring in other experts in the field, and one can explain why and what we can do to change these things. So we are talking, for example, about democracy. We are talking about it as a concept but then one has to define it too, one has to explain what it means because, as Professor Cutajar said, there are many definitions and one describes it one way and another describes it another way – but there is no doubt that there are concepts within this concept, democracy, that one has to study and even talk about, including, the most important one, that is inclusiveness. Where there are groups, whatever they are, they must be included so that we have an inclusive system. Then there is the debate on what is a representative democracy, as we have in Parliament, or a direct democracy, which goes back to ancient Athenian ideas, which is nowadays reflected in the Swiss referenda system.

Fr. Doublet touched upon a very important subject relating to the issue of the Constitution and, apart from the fact that we are talking about a religion which, at least to this day, is proclaimed as the religion of the majority in our country, he made an interesting analysis of the view of the Maltese people on this topic, but also on the view of the British. The well-known concept of religious tolerance and of the freedom of expression of other cults, which was introduced in Article 56 of the Constitution, was very important because the British, who were interested not in adding a declaration to the Constitution but in the certainty that they, who were not Catholic, had the freedom of practising their religion and not being deprived of this right. We know of the episode when some preachers of another religion came to speak in the theatre, which was not yet demolished at the time, and created a huge fuss because of objections to the preaching of other religions in our country – but this is our history.

I would like to conclude on this point: as those who have commented said, we have a very rich history and we cannot elect our professionals – permit me be a bit direct and harsh – who have no background and who do not study and do not know what makes us a nation and what we have gone through to achieve the things and freedoms we have today. This is the purpose of these meetings. We want to make sure we appreciate having a history from which we can learn because, as we always say, the past teaches us for the future and we cannot turn a blind eye, assuming that what we have today came from nothing, without realising how many difficulties we had to face to achieve them, how many people suffered to achieve them, how many people were able to show the way forward to fellow Maltese people and, as I said at the beginning, this gives us a chance to be proud of what the Maltese people have managed to do despite the fact that they were always colonised and ruled by others. We have fought for the freedoms and rights we have today, they are ours and we must protect them, because if we do

not protect them there is a chance that things can go from bad to worse and then it will be difficult to get them back.

I wish to thank you all again. Thank you to the panellists for what, in my opinion, were excellent contributions. Thank you to all those who followed us online and I wish you a nice day.

Thank you very much.



