

CINECENSURA

ANICA AND CENSORSHIP: THE UNRESOLVED ISSUE OF SELF-REGULATION

by *Paolo Di Reda*

Seventy years ago – on 10 July 1944 to be precise – just over a month after Rome was liberated from Nazi occupation, the Associazione Nazionale Industrie Cinematografiche ed Affini (ANICA, National Association for Film and Audio-visual Industries) was founded. It was chaired by Alfredo Proia, a man deeply involved in politics as well as being a major player in the film industry. A month later, in August of the same year, the first ever board was established for the association; alongside Proia, was Franco Penotti, a film distributor since 1936 with his company EIA, in his role as vice-president, and the producer Renato Gualino, founder of Lux Film. The secretary general was named as Eitel Monaco, who had held the same role in the FNFI, the Federazione Nazionale Fascista degli Industriali dello Spettacolo, and who, since 1941, had been the secretary general for film at the Ministero per la Cultura Popolare (Popular Culture).

Initially, only ten film companies adhered to ANICA, the only ones that managed to salvage part of their slice of the film market after the devastation of the war. Indeed, the situation was not in the best of shapes: the Rome studios had been destroyed or turned into barracks; all the State facilities that dealt with film were moved to Venice, under the control of the Fascist Republic of Salò; in addition to this, films reels were scarce, as were cameras and other technical machinery. To make things worse, the Allies had banned the distribution of films previously produced in Italy.

So the aim of the newly-founded association was mainly to re-establish the basic conditions to re-launch the Italian film industry and to establish a relationship with the military government, with whom it reached an agreement to allow the distribution in Italy of a series of films that had got clearance from the Allies' censorship authority.

As a representative of the Italian industry, Alfredo Proia is also on the Film Board, the organism that the Allies set up to regulate Italian cinema. The other members of the Film Board are the American Admiral Stone, who chairs the commission, Pilade Levi, representing the US army, Stephen Pallos, representing the British troops as well as being an ex-assistant to the great director Alexander Korda, and the screenwriter and director Alfredo Guarini, as a representative of all entertainment workers, parties and clandestine movements who had taken part in the fight for liberation. Proia's position on the board was extraordinarily delicate, as one of Stone, Levi and Pallos' goals was to reduce to a minimum the potential of Italian cinema, already in a meagre state, as it was accused of having made too many compromises to Fascism. The meeting took place in the offices at 33 Via Veneto, Rome, and Stone's aim seemed to be pushing for the closure of Cinecittà, talking of the pointlessness of Italian cinema. "If it is true that Italy is a nation of farmers," said the Admiral, "why does it need a national film industry?"

The open clash within the Film Board was the toughest yet faced by Proia, and was fought till the very end. ANICA mainly dealt with the new national coalition government, led by Ferruccio Parri. In October 1945, the government issued a temporary law for a new system in the Italian film industry, which both liberated the production of homegrown films and the distribution of foreign ones. On the one side, it abolished all the norms in favour of cinema imposed by the Fascists, on the other it brought back those supporting the rebirth

of the Italian industry. And, above all, it did not repeal the royal charters on the issue of censorship. The same can be said for the law of May 1947, the first genuine organization of the post-war industry, approved by the Constituent Assembly, of which Proia himself was part, elected amongst the Christian Democrat (DC) party: censorship remained in place. Despite article 1 of the law stating that “the activity of film production is free”, a few pages later, in article 14, the legislator writes: “Authorisation for the screening of films in public and from exportation is given by the central office for films, following first and second degree revision of the films by the special commissions, in accordance with the norms of royal decree no. 3287 of 24 September 1923. The producer is obliged to obtain the relevant authorization from the central office for films.”

What drove Proia and ANICA to accept confirmation of State censorship, even if it was defined with another name – “film revision” – one that was not so associated with the old regime? Officially, the association proposed self-regulation, along the system used in the USA, where the film industry association, the MPAA, drew up a code of practice – the Hays Code – which dictated codes of conduct for film producers. ANICA probably realized that its position would weaken the industry and put it at odds with “moral standards”, dependent on the public’s Catholic leanings and on the new De Gasperi-led government, which took office in 1945. The acceptance of preventative censorship, basically, was almost certainly something that could be used to negotiate with the powers-that-be, increasingly influenced by the Catholic church, but at the same time, censorship could also be a way to defend homegrown productions, a kind of shield against the invasion of US films.

The choice made by the association seemed to be the right one: the following law on films in 1949, signed by the undersecretary of the Council of Ministers, with proxy to the Ministry of Entertainment, Giulio Andreotti, provided further financial backing for the Italian film industry and supported its rebirth. In this new context, ANICA became the main national and international reference point for film industry associations. Despite this undoubtedly being a positive force, ANICA’s self-regulation project, via the creation of its own code that avoided State controls, was not a success. Even if preventative revision was in direct contrast to the Constitution of Italy itself, which provides for freedom of expression in every form, the idea of imitating their colleagues from the USA remained an unresolved issue which would persist throughout the history of the association, being brought up many times over the years.

In 1954, Eitel Monaco, who in the meantime had become chairman of the association, called upon four important cultural figures (Silvio D’Amico, Vincenzo Cardarelli, Emilio Cecchi and Panfilo Gentile) to create a commission to which producers would present their screenplays before beginning production. The commission lasted for a little over a year, partly because the work of these men of letters did not seem to help producers avoid the somewhat harsher axe of the censors on the films made.

ANICA tried again in 1961 when the DC party presented a very restrictive law on censorship, on the trail of films considered to be morally scandalous, like *La dolce vita* (1960) by Federico Fellini. The idea was again for ANICA associated producers and distributors, along with writers and theatre owners of AGIS, to exercise self-regulation on films. But this internal proposal was met with a stone-cold refusal by the two Fanfani governments of those years. This time, the obstacle to the project was mainly the writers, frightened by the potential power producers and distributors would have over their work.

In 1964, ANICA published a magazine to celebrate its twentieth anniversary; it stated: “Our Association has repeatedly offered to replace the increasingly difficult forms of government censorship with a serious and organized voluntary system of self-regulation. Our proposals have not been accepted: after a series of extensions – with increased failings – of the old norms, in 1962 a new law was approved which radically reformed the censorship institution. [...] ANICA remains faithful, with absolute coherence, to the principles of

freedom of expression guaranteed with a voluntary system of self-censorship. Although we predicted the unsuccessful results of the political compromise at the root of the current law on film revision, our Association does not feel it would be opportune to hinder the application of a law which has been voted on democratically by Parliament. At the same time we feel it is our duty to protect the companies in our Association in the normal production and planning of films, which could be compromised by delays or contrasts in the everyday functioning of the new mechanisms of film revision. To those who criticize our Association for not having managed to avoid the production or release of films with no real artistic quality or ones which are offensive to morality, we are forced to reply: what means did we have to do so, if on the one side it was these very critics who rejected our proposals for serious self-censorship, and on the other, our calls for minimal professional requisites for productions to access government film funding fell on deaf ears? We shall, however, continue to aim our industry's attention on the vital need – one that is in our own interest, and necessary for a sense of dignity and decorum – to avoid ignoring the limits of decency and good taste that every citizen must always respect.”

In 1968, the new chairman of the MPAA (Motion Picture Association of America), Jack Valenti, decided to replace the old, puritanical Hays Code with a more modern MPAA film rating system, aimed mainly at safeguarding minors. The new system, still in place today, is also self-regulated and divided into five categories of films to be shown to the public, with parents' of minors playing a role in deciding what their children can see.

ANICA is in favour of such a system, but it would not be easy to apply it in Italy, because censorship remains a strongly political and social apparatus of control. In the 1976 ANICA periodical, *Cinema d'oggi*, they invite numerous law-makers to a convention debating reforms to censorship, on the wave of dismay over magistrates' recent seizure of films like *Salò o le 120 giornate di Sodoma* (*Salò or the 120 Days of Sodom*, 1975) by Pier Paolo Pasolini and *Toto modo* (1976) by Elio Petri. ANICA, then chaired by Carmine Cianfarani, put forward a suggestion for new regulations that would guarantee freedom of expression. Basically, the idea of the Association was to apply preventative censorship for minors and freedom of access to the adult public. The proposal did not lead to a modification of the law but, partly due to the radically changed view of what was decent or not, the major seizures came to a halt.

In the light of the 1998 seizure of the Cipri and Maresco film *Totò che visse due volte* (*Toto Who Lived Twice*), the chairman of the association, Fulvio Lucisano, responded with the request that the censorship system adopt the US self-regulation system for big-screen films, underlining that “access is distinctively voluntary, represented by the purchase of a ticket”. It was a different matter for films broadcast on TV, where, according to ANICA, State regulation should persist, as TV entered directly into people's homes regardless of the desires of the public, therefore minors had to be well-protected. The project was applauded by parents' associations, but the old censorship rules remained firmly in place, with the old 1962 laws, barely different from the 1923 royal charter, still in effect.

In 2007, the then chairman of the ANICA producers, Riccardo Tozzi, again suggested the adoption of the US system, “structured not on banning the films, but on advising against them, or banning them for unaccompanied minors”. Tozzi once again fired off in 2008, due to the film *Un gioco da ragazze* by Matteo Rovere being banned for the under-18s. In a press release, he expressed “the Italian film industry's terrible worry about the recent decision on ratings for films being released”. Tozzi sustained that the measure “did not seem to be exclusively based on the existence of individual scenes that the norms and procedures could pick out as possible cause for the ban. Rather, an overall generic ‘ethical’ evaluation seems to prevail. The State needs to apply specific norms to specific cases, not express an ethical vision. Uncertainties and deviations are

due to the fact that the law which regulates censorship dates back to 1962: vague and reactionary, it places the members of the commission themselves in a difficult situation. The Ministero per i Beni e le Attività Culturali (Ministry for Heritage and Culture) needs to summon all interested parties to contribute to a change in the law on film censorship which brings its criteria and management to a more technical and professional level”.

The law currently in place for censorship dates back more than fifty years, with no reforms in the pipeline. But perhaps the spending review which, amongst the numerous proposals, asks that funding to State commissions be axed, could change the situation.

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