

# CINECENSURA

## CENSORSHIP, THE GOVERNMENT AND PARLIAMENT

by *Guglielmo Parisani*

“It was the Minister of Lavori Pubblici (Public Works) who now, in the ministerial cinematography field, has returned as the Minister del Tesoro (Treasury).”

(parliamentarian Ciccotti, sitting of 1 July 1910).

The words cinematography and cinematograph were still used in 1910 in an incorrect fashion to scornfully denote falsity, actions that were unorthodox and fake. The minutes of sittings held in parliament are witness to how the word “cinematography” was used in the context of hospitals, courts and schools nationwide. The governing classes were far more careful with the use of words, and already by 1907 had begun to lay down the foundations of what, for the next century, would be film censorship.

In the first few years of the century, film screenings were regulated by laws on Pubblica Sicurezza (PS) which gave local authorities the right to ban shows which were “offensive to morality or which could cause fear or loathing” (law no. 6517 of 1889, art. 36). In 1907, following the screening of films which portrayed surgical operations, the Minister dell’Interno (Home Affairs) called upon local authorities to exercise a more “intense” application of their powers, sending other memorandums on the same subject.

During the same period, in both society at large and within the institutions, an important debate was taking place about censorship; for example, a parliamentary commission was set up on juvenile delinquency, which also dealt with cinema as a possible source of instigation to commit crime.<sup>1</sup>

Authorisation to screen was given by the local authorities, with inevitable differences over the territory, something that the film industry could not swallow. Some union representatives expressly asked the government to create a central office for revision and cutting, in exchange for an additional tax. In February 1913, and this is probably the true date of birth of censorship, the Minister Giolitti sent a memo to prefects about how they could avoid showing the film to the local authority official when “the film had already been screened elsewhere and has written authorization”. In April 1913, the Minister dell’Interno went even further, announcing the creation of a central office for film revision, advertising and posters. In this context, on 25 June 1913, law no. 785 was approved: censorship was born, dubbed “Madama Anastasia” by the press at the time.<sup>2</sup>

Law no. 785 of 1913, considered to be the first ever law in Italy on cinema, only formally repealed in 2008, established in a single article that the government had the right to supervise film productions, while the methods for doing this were drawn up in the regulations attached to the royal charter (R.D.) no.532 of 1914. According to these two laws, no Italian or foreign film could be screened in public without authorization from the Ministero dell’Interno, which would grant it only after having seen the film, with a tax paid for every metre of film examined for editing. Authorisation was conceded if the film did not contain scenes that were contrary to high moral standards and a series of other aspects listed in the law (cruelty, also towards animals, hypnotism, disturbing suicides, instigating crimes, offence to the institutions, etc.). The rules remained pretty much the same to this day, with a few modifications in 1919, mainly the addition of the right to censor scripts, while 1923 saw the ban on scenes portraying class hatred.

Law no.161 of 1962 decreed that only films contrary to high moral standards could be banned. Art. 6 of the law recalled art.21 of the Italian Constitution, thereby removing the right of the censor to intervene in films for political reasons. An important testimony to how the law of 1913 became put into practice is offered by a small archive held at the municipality of Appignano del Tronto, in the province of Ascoli Piceno<sup>3</sup>. It contains letters from the Ministero dell'Interno to the prefect, which annul both authorisations previously given by the local and central authorities. For two films like *Il mio diario di guerra* (1914) by Riccardo Tolentino and *Oberdan* (1915) by Emilio Ghione, the revoking of their authorisations was probably due to strong impact of the war themes.

The application of the law must have caused some confusion, if a 1914 Ministero dell'Interno memo recommended prefects to allow screenings based on the presentation of the censor's authorization and not on the official lists of approved films published. Authorisation to be screened gave no immunity to the other laws of the nation. The various commissions could, and still can today, cut, ban for minors or even reject a film, but once it is in circulation, it can be subject to a "recall" for further revision, banned by local authorities or even seized.

Some extremely famous films, as well as lesser-known ones, have been subjected to these measures, some having criminal consequences for directors and actors. The parliamentarian Greggi, in a speech to the House in 1982, referred to a "meritorious magistrate" who seized three hundred pornographic films in the space of a few weeks.

Despite the fact that censorship problems have always fired great debate between those in the industry and society, explicit legislation is limited; only in a few cases can the legislator actually specify what it would be unlawful to screen. The other laws involved more technical-bureaucratic aspects, just as important. One of the most fundamental points of the entire set of laws revolves around the revision institution. In theory, it comes under the jurisdiction of the Ministero dell'Interno, but in 1934 the Fascist regime delegated the task to the undersecretary for La Stampa e la Propaganda (press and propaganda), which later became a Ministry, and was then renamed the Ministero della Cultura Popolare (Popular Culture).

In the post-war years, with the formation of the new State, entertainment was entrusted to the Presidenza del Consiglio dei Ministri (Council of Ministers) and transferred to the Ministero del Turismo e dello Spettacolo (tourism and entertainment), set up in 1959 then repealed in 1993 following a referendum.

During the Tangentopoli kickbacks scandal, between two administrations, the executive powers had to put everything in order via the reiteration of twelve decrees, with some believing they had pushed the boundaries of what could be considered constitutional.<sup>4</sup> The first move was surprising: film revision was delegated to the guarantor for Radiodiffusione e l'Editoria (radio broadcasting and the press). But between decrees, this plan lost its way, and in the end it returned to the Presidenza del Consiglio dei Ministri-Dipartimento dello Spettacolo while awaiting the creation of the new Ministero per i Beni e le Attività Culturali (Heritage and Culture), which still remains responsible today.

This process of reiteration and being passed back and forth had a precedent: in the early post-war years, after a series of laws which regulated the film industry, only the royal charter no. 3287 of 1923 remained in force. Law no.897 of 1956, amongst others, somehow remedied this situation, establishing that, in expectation of new norms, the 3287 would remain in force until at the very latest 31 December 1957. This was followed by six extensions of the deadline, and the parliament even set up a special task-force to examine a proposed law for a further extension, although there is no trace of another one. The legislator then dealt with the commissions which gave clearance. In theory, the decision was to be made by an individual, only to be viewed by a commission in the case of appeals; in 1919, it was decided that a board would make the initial decision,

too. The makeup of the commission seems to mirror the expansion, and the restriction, of civil rights. While before it was made up of mothers, magistrates, various experts, in 1939, the commission included solely representatives of ministries and the Partito Nazionale Fascista. After the war, people from other walks of life were accepted again, including unionists, ordinary workers and animal rights defenders.

As for X-rated films, there are two laws to be cited. The first, no.2277 of 1925, on the protection of children, and the successive regulation delegate to the censorship commission the task of establishing a certification to ban films for the under-15s. But already in 1926, then confirmed in 1931, the public safety law established the certification for under-16s. The second is no. 161 of 1962, which introduces bans for the under-14 as well as the under-18s.

The commissions were once again given authority to revise scripts and screenplays, but in 1947, the revising of screenplays became optional. This type of censorship was often passed off as 'help' for the production so as to avoid problems when requesting the actual authorization. The same commission gave clearance for exportation. In his 1942 book, Ciliberti stated that censorship should also be applied to all material shot into Italy, not only by professional film troupes, but also simple tourists.<sup>5</sup>

They also dealt with publicity, presentations and posters; the norms for this are closely tied to those for the press and bill-posting under the public safety act. Posters have always been under the jurisdiction of local authorities and can be banned or censored, independently of the film they represent. The 1962 law states that posters must clear signal when the film is banned for minors.<sup>6</sup>

A document housed in the Archivio Storico del Comune is witness to a very curious case: in 1915, the prefect announces that the Minister revoked clearance for the film *La belva di Schelberg* due to the advertising copy and the posters being too risqué compared to the version of the film being shown, after the censor's cuts. This norm was written in a memo that recommended that local authorities to pay close attention that films did not contain scenes or situations that went beyond what was advertised, including wartime situations.

Finally, a few words must be dedicated to how censorship has been defined in this past century of its history. No law ever mentioned the actual word "censorship", only the royal charter no.1018 of 1921 contains the definition "film censorship office". In memos dating back to 1913 to the present day, the words "film supervision, film revision and authorization for screening" were used. Even in normal parliamentary debates, the word censorship was not avoided, it was only in the written legislation that there seemed to be a certain reluctance to use it. Legislation on so-called film censorship was limited to a few fundamental measures, although they had a great impact on everyday production and distribution. In some historical periods, censorship was used as a powerful tool of social control: from 1913 to the end of fascism, members of parliament explicitly talked of the "correction" of productions or of independent control of every artistic element. In the post-war period, the opposition accused the governments of political use of censorship and of subordination to the Church. Censorship has always had criminal, administrative and judicial consequences, but there we should add that there is also an economic aspect which we will discuss shortly. Getting clearance for a film, especially in the post-war period, was the first obligatory step towards getting state financing, getting the green light for distribution and exportation. Films which were not authorized were obviously cut off from any kind of reimbursement for monies invested. An even more complex issue was that of films that had been seized, thereby interrupting the earnings of the film already distributed. This box-office intake continued after legal wrangles were resolved, this aspect often actually revealing itself to be priceless publicity for the film. In more recent times, and still today, being deemed unsuitable for minors restricts television scheduling and thereby its economic value.

Norms which are made up almost solely of decrees and a few laws inevitably barely correspond to specific parliamentary acts on the matter. To find reasons, criticism and ideological proclamations on the issue would require rooting through the discussions developed by the various ministries, on budget reports, on the programmes of activities carried out by the various state organs, as well as an in-depth examination of the numerous proposed laws, based on reports, the opinions of commissions, debates in the House, etc. For example, the 1962 measure was the fruit of a fusion of three different proposals. Even the house member, Ilona Staller, a professional porn star, presented a proposed modification to the censorship laws on 1 February 1989. Ironically enough, in the same session, the House denied two motions to press charges against the same parliamentarian for crimes committed in her shows.

As far as parliamentary debates strictly concerning censorship are concerned, there are only two: in 1913 and in 1962. In the debate in the House for the approval of law no. 785 of 1913, two passages should be underlined: the first is the speech by the member Treves, who considers the law in question to be merely a fiscal matter, the second is Turati's speech; he also mentions the economic nature of the law, as "the Government is asking Parliament to assign it a power it already has" with the law on public safety. The rest of the debate revolves around the role of cinema and its organization. Turati's proposal is striking for his reference to "electoral films that teach how to vote", bearing in mind that in November of that same year, the first ever election with universal suffrage for males was held.

The other important debate was held on the occasion of the approval of law no. 161 of 1962. Over one hundred speeches were made in the House, in ten different sessions, regarding general principles, individual articles, the political situation of the time and even on individual films. Two future Presidents of the Republic made speeches - Leone and Scalfaro - as did various parliamentarians like Zaccagnini, Fanfani and Natta. Giorgio Almirante (who came from an acting family) spoke, as did Luciana Viviani (daughter of Raffaele), who alongside their political knowledge had a certain familiarity with the subject at hand. Finally, we should mention Giancarlo Paletta, who intervened in the speech about films that were unsuitable for minors, telling the House that when he was sixteen he was sentenced by a Fascist court.

Parliamentary sessions have always given members the right to put questions to the government, and the issue of censorship saw many questions asked. Examination of session minutes shows the evolution taking place in society and how morality was perceived, but at the same time, it shows how certain ways of thinking remained unchanged over time.

The proof of this lays in the oldest questions on record, which could even have been put to a Minister half a century later, about cinema as a 'school' instigating crime, the pornography in the film *L'abisso* (The Abyss, 1910), the shots of gallows in a Tripoli marketplace during the Italian-Turkish war of 1911-12. The variety of the questions makes it impossible to establish precise cases, but it is worth mentioning two categories of questions that were often repeated. The first concerns questions on current events. For example, in 1967, in the debate following questions on the film *Come imparai ad amare le donne* (How I Learnt To Love Women, 1966) by Luciano Salce, cinema is attributed with the gift of being able to subjugate the minds of the young, citing as an example the suicide of the "young singer" Luigi Tenco at the nation's favourite song competition, the "Festival di Sanremo".

The second category regards censorship in films that contain humiliating, untrue representations of the country (for example in the 1950s when there were protests about the films *In nome della legge*, 1949, by Pietro Germi about Sicily, *Patto col diavolo*, 1950, by Luigi Chiarini about Calabria and *Napoli milionaria*, 1950, by Eduardo De Filippo about Naples). In more recent years, questions about the film *Of Human Bondage*

(1964) by Ken Hughes spring to mind, guilty of having damaged the reputation of the wine Barbera d'Asti, with the line "Barbera, a dirty wine for drunks."

We have also come across minutes of questions which, despite obtaining no reply, opened very interesting debates, often tied to technological and cultural evolution. One from the 1980s concerned the liberty to display, at news-stands, pornographic videos; another was about copyright problems for seized films. The questions that more than any other launch the concept of censorship into another dimension are those on the protection of children with regards to videogames.

Film revision, in its seeming simplicity, hides a complex web of legal, cultural, economic and political aspects which have varied over the course of the last hundred years. Two passages from a 1918 book on film censorship by one of the first members of the Commission, offer an excellent synthesis of the issue: "Although much has been said and written, it doesn't seem to me that any practical, definitive or complete conclusions can be drawn. There is not yet, as far as I know, a generally accepted scientific verdict; but each director tends to project their own principles, be they ethical, educational, artistic, patriotic, medical or even libertarian anarchic." Surprisingly, he adds: "The illusion of the State's omnipotence, and that everything it does it does well, can be far more damaging to this fine freedom of the citizens and of the fathers than all the ills that the critical wish to free us of."<sup>7</sup>

1 Cfr. Ernesto G. Laura (edited by), *La censura cinematografica. Idee, esperienze, documenti*, Edizioni di Bianco e Nero, Rome, 1961, p. 4.

2 Cfr. Maria Adriana Prolo, *Storia del cinema muto italiano*, Poligono, Milan, 1951, p. 65.

3 The archive was consulted thanks to the help of prof. Giuliano de Angelis and the mayoress Maria Nazzarena Agostini. Major thanks to both.

4 For more about the event, see Andrea Simoncini, *Decreti leggi reiterati e sistema delle fonti. Il caso della censura cinematografica*, in Ugo De Siervo (edited by), *Osservatorio sulle fonti*, Giappichelli, Turin, 1996, pp. 107-144.

5 Cfr. Ferruccio Ciliberti, *Legislazione italiana per la cinematografia*, Edizioni Ex Combattenti, Siena, 1942.

6 Cfr. Guglielmo Parisani, *I manifesti di cinema nella legislazione italiana*, in Maurizio Graziosi, Pier Luigi Raffaelli (edited by), *Si disapprova*. Exhibition with unpublished material from the censorship of cinema and works of art archives, ANICA, Rome, 1999).

7 Giuseppe Guadagnini, *La censura degli spettacoli cinematografici*, Rome, 1918.

*Guglielmo Parisani obtained his degree in Economics and Commerce at the University of Ancona, with a thesis on the film industry; he had a diploma in Production from the Centro Sperimentale di Cinematografia. He is a film producer and archive image and material researcher, film rights, even for musicals, for film libraries and public and private institutions.*