

# CINECENSURA

## THE RECONQUEST OF CINEMA: FROM THE CENSOR TO THE SPECTATOR

by *Francesca Romana Massaro*

“Assassination is the extreme form of censorship. Too harsh, perhaps. But certainly true.” That is how George Bernard Shaw defined the habit of eliminating anything that was offensive to morality. Censorship in cinema is a long and terrible story, which dealt its first blows way back in 1913. In that same year, while Nino Oxilia was carrying out his first experiments on the big screen, and at the same time directing *Addio giovinezza!*, based on his famous play and *Cadavere vivente* (*The Living Corpse*), with its screenplay by Lev Tolstoj, Giovanni Giolitti decided to lay down some rules for this art, too, sending a letter to every Prefect in Italy. The document sustained that all films must be stopped which “hatefully represent the power of the people and which make royalty seem good; the ignoble incitement to sensuality and other films which incite class hate, that is to say, an offence to national decorum.” This intuition by the then Prime Minister was then turned into law in a short space of time. On June 25, 1913, law no. 785 was passed, giving the King’s government the right to begin controlling film production produced in Italy or exported from abroad.

And thus the path of censorship carried on in a glorious manner, a practice that in some historical periods reached unthinkable peaks. It even went through a preventative form based on the control of scripts, the faithful reproduction in the Italian language (when approved) of every foreign language film appearing on the screen. And simulated surgical operations and hypnotism was also banned.

The law reflects the era, or does the era reflect the law? The fact is that preventative control on films and their content was also imposed in the colonies. So preventative censorship became official, with authorisation being bestowed by “MinCulPop”. Over the years, clauses changed, but the substance remained pretty much the same. According to law no. 161 of 1962, authorisation was given by what was to become the Ministero del Turismo e dello Spettacolo (Tourism and Entertainment), which today has been replaced by a branch of “Mibact” (Ministero dei Beni e delle Attività Culturali e del Turismo), that is, the General Directorate for Cinema, in accordance with the film revision commission.

It was in the 1960s, the same decade in which the law was passed, that the bitter fight to defend mutilated films began, a battle that would last for over twenty years before reaching a precarious, yet still fictitious, balance. The law provided for the seizure of films and summary trials to conclude the procedure as quickly as possible, but it did not provide for the overlapping of charges from different public prosecution offices. According to the norm, when the censorship commission made a decision, the film would be released in a single city or town which, in case of controversy, would become the setting for legal proceedings. Once it was in the theatres, all it would take was a single complaint for a citizen to launch an investigation that often led to the film being seized. Following the complaint, the magistrate had to watch the film and decide if it could remain in circulation. If the decision was negative, the film would be seized immediately. Basically, according to the law, any public prosecutor could block a film in his territory, but was obliged to send a report and copy of the film to the magistrate in the city or town where it was first screened, so that they could begin legal proceedings against it, if they held it to be necessary. The tenacity of a particular magistrate, over the years, became grotesque; he became notorious for his battles not only against film productions but also against

other public prosecution offices. What began as “the duty to defend morality” soon turned into a fight for supremacy between the magistrates countrywide.

Fighting tirelessly to conserve the freedom of film during the 60s, 70s, 80s and beyond, was the lawyer Gianni Massaro, who became known as “the cinema lawyer”, thanks to the huge number of cases he won, thereby bestowing numerous films to the collective memory of our nation. The lawyer himself recalls the beginnings of the man was to become his mortal enemy, the magistrate Bartolomei: “With the advent of Bartolomei, seizures began left, right and centre in Italian cinemas. The public prosecutor, just a few hours after having taken up his post in Catanzaro, seized the film *Appassionata* (*Passionate*): indeed, the case bears the number 1, his first ever.”

And it was also the first in a long list of legal clashes between Massaro and Bartolomei over the following thirty years. The magistrate was at the centre of attention in that period, he gave interviews in which he rigorously announced that he would not stand by the relevant prosecuting office’s eventual decisions, and that he would nevertheless ban films again. Which he did on several occasions, the situation sliding down to grotesque levels with some magistrates. In 1971, Massaro defended a film that was later recognized as having content of great substance, *Il Decameron* (*The Decameron*) by Pier Paolo Pasolini. The film was the centrepiece for a confused battle between prosecutor’s offices. It caused a great deal of scandal due to the first ever full-frontal male nudity on the screen in Italy, and was screened for the first time in Trento on August 25, 1971 in the Modena cinema. The film was reported practically at the moment of its release, setting the Trento public prosecutions proceedings in motion. In his defence notes, Massaro underlines: “To better judge the film, it needs to be examined both in terms of how it can be defined as obscene and on its artistic merits. The former evaluation precedes the latter, but the second, if held to exist, would nullify the first.” It was an innovative defence strategy, complex and lengthy, but in the end the judge, after an in-depth examination, decide not to prosecute as the film was not obscene. *The Decameron* was therefore allowed to be screened in the whole of Italy. But the Ancona public prosecution decided, however, to seize the film within his territory, believing it to be riddled with obscenity. Despite his wishes, by law he was obliged to send his dossier to Trento where, having just recently judged it not obscene, the magistrates were obliged to confirm their first finding, thereby giving the film free rein once more. But that, clearly, was not the end of the story. A few months later in Bari, a man made a complaint, asking that *The Decameron* be banned as it was so obscene that he himself could not bring himself to watch it, his complaint was merely based on the film poster! The case was brought again to Trento, once again being thrown out of court. The producer who financed Pasolini’s film didn’t lose heart in the face of all the legal wrangles. On the contrary, in order to have greater box-office earnings, he arranged for the film to be distributed in the whole country, including the areas where it had been banned. But once it was back in the Ancona area, the copies of *The Decameron* were again seized by the magistrate who decided, instead of sending the dossier to Trento, to send it to the Cassation Court for a third-degree hearing, in the hope of a different outcome. In this case, too, in accordance with the law, the film was – for the last time – re-released. The atmosphere heated up, and the lawyer Massaro found himself having to defend films that had been banned all over Italy, under absurd pretexts. Once, there was even a complaint based on “rumours about...”: a war veteran had heard bad talk about a film and decided to complain about it officially to the police. Imaginations ran wild, and it wasn’t only private individuals: in 1973 a magistrate sent a plain-clothes officer to gauge the public reaction upon exiting the cinema after having seen *I racconti di Canterbury* (*The Canterbury Tales*)... poor Pasolini! For the same film, the Franciscan monks claimed to be an injured party, but their claim was thrown out of court.

In 1972, *Ultimo tango a Parigi* (*Last Tango in Paris*) by Bernardo Bertolucci with Marlon Brando was banned for the first time, while 1973 saw the banning of *La proprietà non è più un furto* (*Property Is No Longer a Theft*) by Elio Petri starring Ugo Tognazzi, and *La grande bouffe* (*The Big Feast*) by Marco Ferreri, with Marcello Mastroianni, Ugo Tognazzi, Michel Piccoli and Philippe Noiret. The list of films that underwent this tortuous process and were saved from irreparable cuts is endless, thanks to the talent of the cinema lawyer. In 1974, the films persecuted include *Life Size* (*Grandeur nature*) by Luis Garcia Berlanga with Michel Piccoli, *Lenny* by Bob Fosse with Dustin Hoffman and the much-contested *Il portiere di notte* (*The Night Porter*) by Liliana Cavani. The latter film even saw its adverts in the newspapers changed by the papers themselves, covering the chest of the star, Charlotte Rampling, with a drawn on shirt; the original had her wearing only a military cap with braces across her bare breasts. Massaro wrote: "The public prosecutor for Catanzaro (Bartolomei at the time) admitted he was lying in wait for the film *The Night Porter*, adding that, despite knowing about the legal wrangles the film was involved in, he will watch it as soon as it comes to Calabria so as to proceed, if he sees fit, to banning it, feeling that he is not bound by the rulings of the magistrate dealing with the matter. His statement sounds intimidating: 'It is in the interest of producers and distributors, therefore, not to expose it to certain risks.' That sounds like a threat..." It was once again a public official who made a complaint about obscenity with regards the same film: the chief of the Appio Nuovo police department in Rome. What is scandalous to the spectator in this case, is the fact that "[...] during these scenes, despite genital organs not being visible, it is obvious that intercourse in various positions is taking place [...]. Despite the fact that it is prohibited to minors under-18 and, despite the fact that times are changing, in the opinion of this writer there are scenes that go against morality and righteousness." Ipse dixit. The case was opened and the magistrate ordered the immediate seizure of every single copy of the film. The seizure was registered by a zealous report, highly amusing and full of grammatical errors. The first ever screening of the film was in Pioltello in the province of Milan, and so the axe-bearers immediately fell upon the Lombardy region police HQ. Massaro, in his defence report to the judge, stated: "Rarely, in a film, have cultural level, artistic commitment and tormented research of the truth – even if unpleasant – hidden in the innermost reality been quite as apparent as they are in the film *The Night Porter*, this account of death and destruction that, altering the classic poetic balance between beauty, love and death, has seen beauty serving death and death in a superior category to love." He went on: "The film which psychoanalyses the disturbing issue of concentration camps in the last world war, with the promiscuity, the desperation, their cruelty, concedes nothing to the viewing public, which is drawn into an intimate, painful and agonizing vision. Far from making concessions to the public, Liliana Cavani attacks them, injuring them with the truth, inviting them to reflect, with the power of her images, on their own weaknesses and the unexplored abyss of the self. [...] The film does not say 'look what they are like', but says 'look what we are like', omitting the presence of any positive character." There were three scenes in particular which were incriminating, the 'worst' being described thus by the lawyer: "[...] third scene incriminated, when the end is imminent, and Lucia and Max feel with fervour their extreme reaction to death, which they have decided to offer themselves up to in the search for their bodies, an extreme attempt to at human communication prior to total collapse; copulation without hope, lacking in eroticism, free of any concession made to speculation, an essential and existential solution of the survivors of a tragedy which was the result of the loss of a sense of self, in an unstoppable conditioning leading to total destruction. The crowning scene, therefore, in the film in which, as Moravia pointed out, "The two lovers renew the persecutor/victim relationship until self-destruction and death." In the newspaper *Il Tempo*, Gian Luigi Rondi writes about the "psycho-sexual tragedy which little by little turns them into diabolical lovers, into victims, into torturers. In a sinister atmosphere which at time takes on the appearance of an infernal game in which the evolutions and involutions of the psyche, its

disorders, its contrasts, manages to reveal their lucid agony and, at times, is entrusted to a structure of madness in which its dimming and its aberrations seem no longer to run on logical lines, becoming a mere representation of horror, of evil.”

The production company and the defence lawyer pressure the magistrate to set the date for the hearing ten days later. The case was closed with a clear-cut sentence, in which the prosecutor sustained that: “The issues tackled by the director could perhaps irritate some placid consciousness, which would perhaps have preferred a more clear-cut distinction between good and evil, but this is a positive moral upset, an occasion to meditate on the human condition in the recurrent explosions of collective violence. [...] The formal elegance of the film, the rigorous essentialness of the tale, and the self-control of the director prevent, even in these scenes, any lapse into bad taste or crudeness of images which could offend the dignity or decency of the spectator.”

So the ban was lifted from the film and it was put back on the market, even in the territory covered by the magistrate Bartolomei, who – as he had announced – would seize it again. But the route to follow was the same, so it was slim consolation, as he was forced to send the case back to the relevant prosecutor’s office, who once again proclaimed it to be authorized for distribution.

A never-ending battle, violent and contorted, at times fomented exclusively by what the film was imagined to contain but which was not actually present in it.

Another example is Petri’s film *La proprietà non è più un furto* (Property Is No Longer a Theft): there were official complaints about certain scenes which were offensive to moral standards but which, strangely enough, were inexistent. We repeat: they were inexistent. The sin is often in the eye of the censor, not the film. Watching the film, a woman complained about a specific scene involving a screwdriver, but the tool never appears in any scene of the film. The woman, obviously, was delusional and imagined what she was seeing on the screen. That’s the magic of cinema too!

Then it was the turn of *Al di là del bene e del male* (*Beyond Good and Evil*, 1977), again by Cavani. And then *Privatni poroci, vrline javne* (*Private Vices, Public Pleasures*, 1976) by Miklós Jancsó and *Mio Dio, come sono caduta in basso!* (*Till Marriage Do Us Part*, 1974) by Luigi Comencini with Laura Antonelli and Michele Placido. Not even Jean-Luc Godard escaped unscathed by the bloody battle of the Italian censor. *Tout va bien* (*Just Great*, 1972) was sent to trial, like the other films, being defended and absolved by Massaro. A saddening journey taken by some of the greatest films created for the big screen, by directors who have become symbols of our time. A forced journey which, however, changed our way of seeing and experiencing our customs, our religion, our sexuality and our everyday life. Pier Paolo Pasolini, Marco Ferreri, Sergio Leone, Federico Fellini, Paul Morrissey, Andy Warhol, Louis Malle, Alain Robbe-Grillet, Luigi Comencini, Elio Petri, Alberto Bevilacqua, Alberto Moravia, Ken Russell, Citto Maselli, Carlo Lizzani and Mike Nichols all had to explain, via the words of Massaro, that their intentions were not to show something that was superficial or obscene, but that they were using those images – some of which were of great impact – to transmit their message loud and clear. A concept which today is rarely used, thanks to the knock-down effect of the intellectual battle lasting over thirty years.

Those were years in which so-called morality was often put at risk by the sexual revolution which, imported from the USA, was beginning to take hold in Europe, too. And lest we forget the question of religion, both in an artistic context and in censorial repression. The generation gap was especially heartfelt in Italy, as were ideological differences, which brought about the fall of the last wall. John Paul II himself was a strong supporter of young people. The proof of this lies in one of the highest box-office earners of the year – 5 billion lire – the undefinable and memorable *Il Pap’occhio* (*In The Pope’s Eyes*, 1980), directed by Renzo Arbore and

starring folks of the caliber of Luciano De Crescenzo, Roberto Benigni, Mariangela Melato, Isabella Rossellini and even Martin Scorsese.

It was not the first to be accused of religious defamation, quite the contrary. It was preceded by illustrious films like *Viridiana* (1961) by Luis Buñuel and *La ricotta* (*Curd Cheese*) by Pier Paolo Pasolini, an episode of *Ro.Go.Pa.G.* (1963). The poet was persecuted by this accusation, even his films *Teorema* (*Theorem*, 1968) e *The Canterbury Tales* were added to this collection. The ridiculing of the then Pope in Arbore's film did not go down well, nor did the monologue in which Benigni invents a conversation between Marx and God, with the latter making him heaven's gatekeeper, forced – in the face of the request of men – to repeat ad infinitum "God does not exist". Needless to say, the man behind the legal action against the film was the magistrate Bartolomei.

The coup de grace, a stroke of pure genius, was the defensive stance taken by Massaro, based on an irrefutable fact: everyday reality. To prove that they were not making fun of the Pope, but that he was only being portrayed in a fictitious manner, the lawyer showed examples of some of the most recent acts carried out by the 'real' John Paul II. The Pope was in the frontline of breaking strict protocols, for example, coming out of the Vatican and, unplanned, playing bowls with some old folks. Such an occasion, the movements and actions of the Pope, in his white robes, could have provoked hilarity, but that was not the case. Quite the contrary. The press was wildly enthusiastic. The defence notes read: "And the Pope saw nothing wrong with doing this. Yet, according to the accusations against my clients, if this episode had been filmed by Arbore and included in

*In The Pope's Eyes*, it would have assumed criminal proportions!" The whole thing was so absurd that in 1982 the film was given an amnesty.

What we have so far written seems to be an account of a far-distant past, centuries past, unthinkable in today's world, a slave to the image and physicality. And yet it wasn't. The censors were in action in the 1900s, but also in the second millennium, and it seems we just can't get enough of them. They even have an impact on cartoons from the USA or Japan, especially when the main character is an animal. The accusation most frequently heard within the commissions authorizing distribution is the tendency of the animators, in the name of comedy, of sacrificing the dignity of animals. Unacceptable, even if it is only a drawing or used to underline the character: for example, a lama becomes a king, but a cray, sarcastic one in *The Emperor's New Groove* (2000) by Mark Dindal. The situation becomes even more fiery if we talk about Japanese anime cartoons, like *Cat's Eye* (1983-1985), *Lady Georgie* (1983-1984) or *Dragon Ball* (1986-1989), all ceremoniously cut and presented in Italy in an easy-to-swallow form. The situation take an even more absurd turn with *Lady Oscar* (1982-1984), in which the key scene for the entire series broadcast on Italian TV was cut, deemed unacceptable by the censors. But problems are not overcome without major battles. And we can say that, despite the censors – the problem posed a threat to our culture, as it risked depriving us of some of the milestones of film culture – it did have its use: to make artists reflect and persevere in their desire to communicate a message, even when it was a total break from the way of thinking at the time. An idea which still feeds the creative genius of the big names. One of them stands out: Martin Scorsese, with his *The Wolf of Wall Street*, which in 2014 received 5 Oscar nominations and, at the same time, was banned for the under-21s in Singapore. In the Arab Emirates, 45 minutes of the film were cut, and in Nepal and Malaysia it has never been publically screened, not even seen fit for an adult spectator. Fortunately, the norms have changed and so the original cuts of the rare films that are censored today are not lost; at least three copies are archived. A small cut for man, but a huge step for mankind!

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